

Union Calendar No. 518

114TH CONGRESS
2^D SESSION

H. R. 5634

[Report No. 114-668]

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

IN THE HOUSE OF REPRESENTATIVES

JULY 6, 2016

Mr. CARTER of Texas, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

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

1 RESEARCH AND DEVELOPMENT

2 For necessary expenses for Departmental Manage-
3 ment and Operations for research and development, and
4 Department-wide technology investments, \$2,500,000, to
5 remain available until September 30, 2018.

6 ANALYSIS AND OPERATIONS

7 OPERATIONS AND SUPPORT

8 For necessary expenses for intelligence analysis and
9 operations coordination activities, as authorized by title II
10 of the Homeland Security Act of 2002 (6 U.S.C. 121 et
11 seq.), \$265,719,000, of which \$110,091,000 shall remain
12 available until September 30, 2018: *Provided*, That not
13 to exceed \$3,825 shall be for official reception and rep-
14 resentation expenses.

15 OFFICE OF INSPECTOR GENERAL

16 OPERATIONS AND SUPPORT

17 For necessary expenses of the Office of Inspector
18 General in carrying out the provisions of the Inspector
19 General Act of 1978 (5 U.S.C. App.), \$157,144,000, of
20 which not to exceed \$300,000 may be used for certain con-
21 fidential operational expenses, including the payment of
22 informants, to be expended at the direction of the Inspec-
23 tor General.

1 ADMINISTRATIVE PROVISIONS

2 SEC. 101. Not later than 30 days after the last day
3 of each month, the Chief Financial Officer of the Depart-
4 ment of Homeland Security shall submit to the Commit-
5 tees on Appropriations of the House of Representatives
6 and the Senate a monthly budget and staffing report that
7 includes total obligations of the Department for that
8 month and for the fiscal year at the appropriation and
9 program, project, and activity levels, by the source year
10 of the appropriation: *Provided*, That total obligations for
11 staffing shall also be provided by subcategory of on-board
12 and funded full-time equivalent staffing levels, respec-
13 tively: *Provided further*, That the report shall specify the
14 number of, and total obligations for, contract employees
15 for each office of the Department.

16 SEC. 102. (a) The Secretary of Homeland Security
17 shall submit a report not later than October 15, 2017,
18 to the Inspector General of the Department of Homeland
19 Security listing all grants and contracts awarded by any
20 means other than full and open competition during fiscal
21 year 2017.

22 (b) The Inspector General shall review the report re-
23 quired by subsection (a) to assess Departmental compli-
24 ance with applicable laws and regulations and report the
25 results of that review to the Committees on Appropriations

1 of the House of Representatives and the Senate not later
2 than February 15, 2018.

3 SEC. 103. 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 shall be specified in terms
7 of cost, schedule, and performance.

8 SEC. 104. The Secretary of Homeland Security, in
9 consultation with the Secretary of the Treasury, shall no-
10 tify the Committees on Appropriations of the House of
11 Representatives and the Senate of any proposed transfers
12 of funds available under section 9703(g)(4)(B) of title 31,
13 United States Code (as added by Public Law 102–393)
14 from the Department of the Treasury Forfeiture Fund to
15 any agency within the Department of Homeland Security:
16 *Provided*, That none of the funds identified for such a
17 transfer may be obligated until the Committees on Appro-
18 priations of the House of Representatives and the Senate
19 are notified of the proposed transfers.

20 SEC. 105. The Under Secretary for Management
21 shall include in the President’s budget proposal for fiscal
22 year 2018, submitted pursuant to section 1105(a) of title
23 31, United States Code, a Comprehensive Acquisition Sta-
24 tus Report, which shall include the information required
25 under the heading “Office of the Under Secretary for

1 Management” under title I of division D of the Consoli-
2 dated Appropriations Act, 2012 (Public Law 112–74), and
3 shall submit quarterly updates to such report not later
4 than 45 days after the completion of each quarter.

5 TITLE II

6 SECURITY, ENFORCEMENT, AND

7 INVESTIGATIONS

8 U.S. CUSTOMS AND BORDER PROTECTION

9 OPERATIONS AND SUPPORT

10 For necessary expenses for U.S. Customs and Border
11 Protection for enforcement of laws relating to border secu-
12 rity, immigration, customs, agricultural inspections, and
13 regulatory activities related to plant and animal imports;
14 the provision of air and marine support to Federal, State,
15 and local agencies in the enforcement or administration
16 of laws enforced by the Department of Homeland Secu-
17 rity; other law enforcement and emergency humanitarian
18 efforts, at the discretion of the Secretary of Homeland Se-
19 curity; transportation of unaccompanied minor aliens; pur-
20 chase and lease of up to 7,500 (6,500 for replacement
21 only) police-type vehicles; the maintenance or operation of
22 aircraft and unmanned aircraft systems; and contracting
23 with individuals for personal services abroad;
24 \$10,945,357,000, of which \$3,274,000 shall be derived
25 from the Harbor Maintenance Trust Fund for administra-

1 tive expenses related to the collection of the Harbor Main-
2 tenance Fee pursuant to section 9505(c)(3) of the Internal
3 Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and not-
4 withstanding section 1511(e)(1) of the Homeland Security
5 Act of 2002 (6 U.S.C. 551(e)(1)); of which
6 \$1,362,683,000 shall be available until September 30,
7 2018; of which not to exceed \$34,425 shall be for official
8 reception and representation expenses; of which such sums
9 as become available in the Customs User Fee Account, ex-
10 cept sums subject to section 13031(f)(3) of the Consoli-
11 dated Omnibus Budget Reconciliation Act of 1985 (19
12 U.S.C. 58c(f)(3)), shall be derived from that account; of
13 which not to exceed \$150,000 shall be available for pay-
14 ment for rental space in connection with preclearance op-
15 erations; and of which not to exceed \$1,000,000 shall be
16 for awards of compensation to informants, to be accounted
17 for solely under the certificate of the Secretary of Home-
18 land Security.

19 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

20 For necessary expenses for U.S. Customs and Border
21 Protection for procurement, construction, and improve-
22 ments, including procurements to buy, maintain, or oper-
23 ate aircraft and unmanned aircraft systems,
24 \$260,883,000, of which \$104,392,000 shall remain avail-
25 able until September 30, 2019, and of which

1 \$156,491,000 shall remain available until September 30,
2 2021.

3 UNITED STATES IMMIGRATION AND CUSTOMS

4 ENFORCEMENT

5 OPERATIONS AND SUPPORT

6 For necessary expenses for United States Immigra-
7 tion and Customs Enforcement for enforcement of immi-
8 gration and customs laws, detention and removals, inves-
9 tigation, including intellectual property rights and over-
10 seas vetted units operations, and transportation of unac-
11 companied minor aliens; and purchase and lease of up to
12 3,790 (2,350 for replacement only) police-type vehicles;
13 \$5,871,580,000; of which not to exceed \$11,475 shall be
14 for official reception and representation expenses: *Pro-*
15 *vided*, That of the total amount provided, not to exceed
16 \$10,000,000 shall be available until expended for con-
17 ducting special operations under section 3131 of the Cus-
18 toms Enforcement Act of 1986 (19 U.S.C. 2081): *Pro-*
19 *vided further*, That of the total amount provided, not to
20 exceed \$2,000,000 shall be for awards of compensation to
21 informants, to be accounted for solely under the certificate
22 of the Secretary of Homeland Security: *Provided further*,
23 That funding made available under this heading shall
24 maintain a level of not less than 34,000 detention beds
25 through September 30, 2017: *Provided further*, That of

1 the total amount provided, \$6,000,000 shall remain avail-
2 able until expended for activities to enforce laws against
3 forced child labor: *Provided further*, That of the total
4 amount provided, \$13,700,000 shall remain available until
5 September 30, 2018, for the Visa Security Program and
6 investigations abroad: *Provided further*, That of the total
7 amount provided, not to exceed \$11,216,000 shall be
8 available to fund or reimburse other Federal agencies for
9 the costs associated with the care, maintenance, and repa-
10 triation of smuggled aliens unlawfully present in the
11 United States: *Provided further*, That of the total amount
12 provided, not less than \$5,400,000 shall be used to facili-
13 tate agreements consistent with section 287(g) of the Im-
14 migration and Nationality Act (8 U.S.C. 1357(g)).

15 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

16 For necessary expenses for United States Immigra-
17 tion and Customs Enforcement for procurement, construc-
18 tion, and improvements, as authorized by law,
19 \$32,800,000, to remain available until September 30,
20 2019.

21 TRANSPORTATION SECURITY ADMINISTRATION

22 OPERATIONS AND SUPPORT

23 For necessary expenses of the Transportation Secu-
24 rity Administration related to providing civil aviation secu-
25 rity services, surface transportation security, the develop-

1 ment and implementation of intelligence and vetting ac-
2 tivities, and transportation security support, pursuant to
3 the Aviation and Transportation Security Act (Public Law
4 107–71; 115 Stat. 597; 49 U.S.C. 40101 note),
5 \$6,936,776,000, to remain available until September 30,
6 2018, of which not to exceed \$7,650 shall be for official
7 reception and representation expenses: *Provided*, That se-
8 curity service fees authorized under section 44940 of title
9 49, United States Code, shall be credited to this appro-
10 priation as offsetting collections and shall be available only
11 for aviation security: *Provided further*, That the sum ap-
12 propriated under this heading from the general fund shall
13 be reduced on a dollar-for-dollar basis as such offsetting
14 collections are received during fiscal year 2017 so as to
15 result in a final fiscal year appropriation from the general
16 fund estimated at not more than \$4,806,776,000.

17 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

18 For necessary expenses of the Transportation Secu-
19 rity Administration for procurement, construction, and
20 improvements pursuant to the Aviation and Transpor-
21 tation Security Act (Public Law 107–71; 115 Stat. 597;
22 49 U.S.C. 40101 note), \$206,093,000, to remain available
23 until September 30, 2019.

1 RESEARCH AND DEVELOPMENT

2 For necessary expenses of the Transportation Secu-
3 rity Administration for research and development pursu-
4 ant to the Aviation and Transportation Security Act (Pub-
5 lic Law 107-71; 115 Stat. 597; 49 U.S.C. 40101 note),
6 \$5,000,000, to remain available until September 30, 2018.

7 COAST GUARD

8 OPERATING EXPENSES

9 For necessary expenses for the operations and main-
10 tenance of the Coast Guard, not otherwise provided for;
11 purchase or lease of not to exceed 25 passenger motor ve-
12 hicles, which shall be for replacement only; purchase or
13 lease of small boats for contingent and emergent require-
14 ments (at a unit cost of no more than \$700,000) and re-
15 pairs and service-life replacements, not to exceed a total
16 of \$31,000,000; purchase or lease of boats necessary for
17 overseas deployments and activities; purchase or lease of
18 other equipment (at a unit cost of no more than
19 \$250,000); minor shore construction projects not exceed-
20 ing \$1,000,000 in total cost on any location; payments
21 pursuant to section 156 of Public Law 97-377 (42 U.S.C.
22 402 note; 96 Stat. 1920); and recreation and welfare;
23 \$6,977,815,000; of which \$340,000,000 shall be for de-
24 fense-related activities; of which \$24,500,000 shall be de-
25 rived from the Oil Spill Liability Trust Fund to carry out

1 the purposes of section 1012(a)(5) of the Oil Pollution Act
2 of 1990 (33 U.S.C. 2712(a)(5)); and of which not to ex-
3 ceed \$23,000 shall be for official reception and representa-
4 tion expenses.

5 ENVIRONMENTAL COMPLIANCE AND RESTORATION

6 For necessary expenses to carry out the environ-
7 mental compliance and restoration functions of the Coast
8 Guard under chapter 19 of title 14, United States Code,
9 \$13,315,000, to remain available until September 30,
10 2021.

11 RESERVE TRAINING

12 For necessary expenses of the Coast Guard Reserve,
13 as authorized by law; operations and maintenance of the
14 Coast Guard reserve program; personnel and training
15 costs; and equipment and services; \$112,302,000.

16 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

17 For necessary expenses of acquisition, construction,
18 renovation, and improvement of aids to navigation, shore
19 facilities (including facilities at Department of Defense in-
20 stallations used by the Coast Guard), vessels, and aircraft,
21 including equipment related thereto; and maintenance, re-
22 habilitation, lease, and operation of facilities and equip-
23 ment; as authorized by law; \$1,257,155,000; of which
24 \$20,000,000 shall be derived from the Oil Spill Liability
25 Trust Fund to carry out the purposes of section

1 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.
2 2712(a)(5)); of which \$1,008,533,000 shall be available
3 until September 30, 2021; and of which \$157,000,000,
4 shall remain available until September 30, 2018, for Na-
5 tional Security Cutter post-delivery activities.

6 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

7 For necessary expenses as authorized by law for ap-
8 plied scientific research, development, test, and evaluation;
9 and for maintenance, rehabilitation, lease, and operation
10 of facilities and equipment; \$18,319,000, to remain avail-
11 able until September 30, 2019, of which \$500,000 shall
12 be derived from the Oil Spill Liability Trust Fund to carry
13 out the purposes of section 1012(a)(5) of the Oil Pollution
14 Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there
15 may be credited to and used for the purposes of this ap-
16 propriation funds received from State and local govern-
17 ments, other public authorities, private sources, and for-
18 eign countries for expenses incurred for research, develop-
19 ment, testing, and evaluation.

20 RETIRED PAY

21 For retired pay, including the payment of obligations
22 otherwise chargeable to lapsed appropriations for this pur-
23 pose, payments under the Retired Serviceman's Family
24 Protection and Survivor Benefits Plans, payment for ca-
25 reer status bonuses, concurrent receipts, and combat-re-

1 lated special compensation as authorized by law, and pay-
2 ments for medical care of retired personnel and their de-
3 pendants under chapter 55 of title 10, United States Code,
4 \$1,666,940,000, to remain available until expended.

5 UNITED STATES SECRET SERVICE

6 OPERATIONS AND SUPPORT

7 For necessary expenses of the United State Secret
8 Service, including purchase of not to exceed 652 vehicles
9 for police-type use for replacement only; hire of passenger
10 motor vehicles; purchase of motorcycles made in the
11 United States; hire of aircraft; rental of buildings in the
12 District of Columbia, and fencing, lighting, guard booths,
13 and other facilities on private or other property not in
14 Government ownership or control, as may be necessary to
15 perform protective functions; conduct of and participation
16 in firearms matches; presentation of awards; travel of
17 United States Secret Service employees on protective mis-
18 sions without regard to the limitations on such expendi-
19 tures in this or any other Act if notification is made in
20 advance to the Committees on Appropriations of the
21 House of Representatives and the Senate; grants to con-
22 duct behavioral research in support of protective intel-
23 ligence and operations; payment in advance for commer-
24 cial accommodations as may be necessary to perform pro-
25 tective functions; payment, without regard to section 5702

1 of title 5, United States Code, of subsistence expenses of
2 employees who are on protective missions, whether at or
3 away from their duty stations; \$1,839,722,000; of which
4 not to exceed \$19,125 shall be for official reception and
5 representation expenses; of which not to exceed \$100,000
6 shall be to provide technical assistance and equipment to
7 foreign law enforcement organizations in counterfeit inves-
8 tigation; of which \$2,366,000 shall be for forensic and
9 related support of investigations of missing and exploited
10 children; of which \$6,000,000 shall be for a grant for ac-
11 tivities related to investigations of missing and exploited
12 children; of which not less than \$12,000,000 shall be for
13 activities related to training in electronic crimes investiga-
14 tions and forensics; and of which \$36,966,000 shall re-
15 main available until September 30, 2018.

16 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

17 For necessary expenses of the United States Secret
18 Service for procurement, construction, and improvements,
19 \$90,127,000, to remain available until September 30,
20 2019.

21 RESEARCH AND DEVELOPMENT

22 For necessary expenses of the United States Secret
23 Service for research and development, \$2,500,000, to re-
24 main available until September 30, 2018.

1 ADMINISTRATIVE PROVISIONS

2 SEC. 201. For fiscal year 2017, the overtime limita-
3 tion prescribed in section 5(c)(1) of the Act of February
4 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$45,000; and not-
5 withstanding any other provision of law, none of the funds
6 appropriated by this Act shall be available to compensate
7 any employee of U.S. Customs and Border Protection,
8 United States Immigration and Customs Enforcement, or
9 the United States Secret Service for overtime, from what-
10 ever source, in an amount that exceeds such limitation,
11 except in individual cases determined by the Secretary of
12 Homeland Security, or the designee of the Secretary, to
13 be necessary for national security purposes, to prevent ex-
14 cessive costs, or in cases of immigration emergencies.

15 SEC. 202. The Border Patrol shall maintain an active
16 duty presence of not less than 21,370 full-time equivalent
17 agents protecting the borders of the United States in the
18 fiscal year.

19 SEC. 203. Funding made available under the heading
20 “U.S. Customs and Border Protection — Operations and
21 Support” shall be available for air and marine related cus-
22 toms expenses when necessary to maintain or temporarily
23 increase operations in Puerto Rico.

24 SEC. 204. No aircraft or other related equipment,
25 with the exception of aircraft that are one of a kind and

1 have been identified as excess to U.S. Customs and Border
2 Protection requirements and aircraft that have been dam-
3 aged beyond repair, shall be transferred to any other Fed-
4 eral agency, department, or office outside of the Depart-
5 ment of Homeland Security during fiscal year 2017 with-
6 out prior notice to the Committees on Appropriations of
7 the House of Representatives and the Senate.

8 SEC. 205. Section 559(e)(3) of division F of Public
9 Law 113–76 (6 U.S.C. 211 note) is amended by striking
10 subparagraph (D).

11 SEC. 206. The Secretary of Homeland Security shall
12 prioritize the identification and removal of aliens convicted
13 of a crime by the severity of that crime.

14 SEC. 207. Nothing in this Act shall prevent United
15 States Immigration and Customs Enforcement from exer-
16 cising the authorities provided under immigration laws (as
17 defined in section 101(a)(17) of the Immigration and Na-
18 tionality Act (8 U.S.C. 1101(a)(17))) during priority oper-
19 ations pertaining to aliens convicted of a crime.

20 SEC. 208. Without regard to the limitation as to time
21 and condition of section 503(d) of this Act, the Secretary
22 may reprogram and transfer funds within and into
23 “United States Immigration and Customs Enforcement —
24 Operations and Support” as necessary to ensure the de-
25 tention of aliens prioritized for removal.

1 SEC. 209. None of the funds made available in this
2 Act may be used to provide funding for the position of
3 Public Advocate, or a successor position, within United
4 States Immigration and Customs Enforcement.

5 SEC. 210. None of the funds provided under the
6 heading “United States Immigration and Customs En-
7 forcement — Operations and Support” may be used to
8 continue a delegation of law enforcement authority author-
9 ized under section 287(g) of the Immigration and Nation-
10 ality Act (8 U.S.C. 1357(g)) if the Department of Home-
11 land Security Inspector General determines that the terms
12 of the agreement governing the delegation of authority
13 have been materially violated.

14 SEC. 211. None of the funds provided under the
15 heading “United States Immigration and Customs En-
16 forcement — Operations and Support” may be used to
17 continue any contract for the provision of detention serv-
18 ices if the two most recent overall performance evaluations
19 received by the contracted facility are less than “ade-
20 quate” or the equivalent median score in any subsequent
21 performance evaluation system.

22 SEC. 212. Of the funds provided under the heading
23 “Transportation Security Administration — Procurement,
24 Construction, and Improvements”, \$49,199,000 shall not
25 be available for obligation unless the Under Secretary for

1 Management of the Department of Homeland Security
2 certifies to the Committees on Appropriations of the
3 House of Representatives and the Senate at least 15 days
4 in advance of any obligation of such funds that the funds
5 will be expended for transportation security equipment
6 that has an approved acquisition program baseline.

7 SEC. 213. Members of the United States House of
8 Representatives and the United States Senate, including
9 the leadership; the heads of Federal agencies and commis-
10 sions, including the Secretary, Deputy Secretary, Under
11 Secretaries, and Assistant Secretaries of the Department
12 of Homeland Security; the United States Attorney Gen-
13 eral, Deputy Attorney General, Assistant Attorneys Gen-
14 eral, and the United States Attorneys; and senior mem-
15 bers of the Executive Office of the President, including
16 the Director of the Office of Management and Budget,
17 shall not be exempt from Federal passenger and baggage
18 screening.

19 SEC. 214. (a) None of the funds made available in
20 this Act may be used for any recruiting or hiring of per-
21 sonnel into the Transportation Security Administration
22 that would cause the agency to exceed a staffing level of
23 45,000 full-time equivalent screeners.

24 (b) Subsection (a) shall not apply to personnel hired
25 as part-time employees.

1 SEC. 215. Any award by the Transportation Security
2 Administration to deploy explosives detection systems
3 shall be based on risk, the airport’s current reliance on
4 other screening solutions, lobby congestion resulting in in-
5 creased security concerns, high injury rates, airport readi-
6 ness, and increased cost effectiveness.

7 SEC. 216. Notwithstanding section 44923 of title 49,
8 United States Code, for fiscal year 2017, any funds in
9 the Aviation Security Capital Fund established by section
10 44923(h) of title 49, United States Code, may be used
11 for the procurement and installation of explosives detec-
12 tion systems or for the issuance of other transaction agree-
13 ments for the purpose of funding projects described in sec-
14 tion 44923(a) of such title.

15 SEC. 217. The reporting requirement in the ninth
16 proviso under the heading “Transportation Security Ad-
17 ministration — Aviation Security” in the Department of
18 Homeland Security Appropriations Act, 2016 (Public Law
19 114-113), shall apply in fiscal year 2017, except that the
20 reference to “this Act” shall be treated as referring to this
21 Act.

22 SEC. 218. None of the funds made available by this
23 or any other Act may be used by the Administrator of
24 the Transportation Security Administration to implement,
25 administer, or enforce, in abrogation of the responsibility

1 described in section 44903(n)(1) of title 49, United States
2 Code, any requirement that airport operators provide air-
3 port-financed staffing to monitor exit points from the ster-
4 ile area of any airport at which the Transportation Secu-
5 rity Administration provided such monitoring as of De-
6 cember 1, 2013.

7 SEC. 219. None of the funds made available by this
8 Act under the heading “Coast Guard — Operating Ex-
9 penses” shall be for expenses incurred for recreational ves-
10 sels under section 12114 of title 46, United States Code,
11 except to the extent fees are collected from owners of
12 yachts and credited to the appropriation made available
13 by this Act under the heading “Coast Guard — Operating
14 Expenses”: *Provided*, To the extent such fees are insuffi-
15 cient to pay expenses of recreational vessel documentation
16 under such section 12114, and there is a backlog of rec-
17 reational vessel applications, then personnel performing
18 non-recreational vessel documentation functions under
19 subchapter II of chapter 121 of title 46, United States
20 Code, may perform documentation under section 12114.

21 SEC. 220. Of the funds provided under the heading
22 “Coast Guard — Operating Expenses”, \$85,000,000 shall
23 be withheld from obligation for Coast Guard Headquarters
24 Directorates until a future-years capital investment plan
25 for fiscal years 2018 through 2022 is submitted to the

1 Committees on Appropriations of the House of Represent-
2 atives and the Senate.

3 SEC. 221. Without regard to the limitation as to time
4 and condition of section 503(d) of this Act, after June
5 30, up to \$10,000,000 may be reprogrammed to or from
6 the Military Pay and Allowances funding category within
7 “Coast Guard — Operating Expenses” in accordance with
8 subsection (a) of section 503.

9 SEC. 222. Any funds appropriated to “Coast Guard
10 — Acquisition, Construction, and Improvements” for fis-
11 cal years 2002, 2003, 2004, 2005, and 2006 for the 110–
12 123 foot patrol boat conversion that are recovered, col-
13 lected, or otherwise received as the result of negotiation,
14 mediation, or litigation, shall be available until expended
15 for the Fast Response Cutter program.

16 SEC. 223. The United States Secret Service is au-
17 thorized to obligate funds in anticipation of reimburse-
18 ments from Federal agencies and entities, as defined in
19 section 105 of title 5, United States Code, for personnel
20 receiving training sponsored by the James J. Rowley
21 Training Center, except that total obligations at the end
22 of the fiscal year shall not exceed total budgetary re-
23 sources available under the heading “United States Secret
24 Service — Operations and Support” at the end of the fis-
25 cal year.

1 Homeland Security Act of 2002 (6 U.S.C. 121 et seq.),
2 \$1,356,289,000, of which \$12,993,000 shall remain avail-
3 able until September 30, 2018: *Provided*, That not to ex-
4 ceed \$3,825 shall be for official reception and representa-
5 tion expenses.

6 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

7 For necessary expenses for the National Protection
8 and Programs Directorate for procurement, construction,
9 and improvements, as authorized by title II of the Home-
10 land Security Act of 2002 (6 U.S.C. 121 et seq.),
11 \$393,304,000, to remain available until September 30,
12 2019.

13 RESEARCH AND DEVELOPMENT

14 For necessary expenses for the National Protection
15 and Programs Directorate for research and development,
16 as authorized by the Homeland Security Act of 2002 (6
17 U.S.C. 121 et seq.), \$6,469,000, to remain available until
18 September 30, 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.

1 FEDERAL EMERGENCY MANAGEMENT AGENCY
2 OPERATIONS AND SUPPORT

3 For necessary expenses of the Federal Emergency
4 Management Agency, as authorized by law, \$936,291,000:
5 *Provided*, That not to exceed \$2,250 shall be for official
6 reception and representation expenses.

7 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

8 For necessary expenses of the Federal Emergency
9 Management Agency for procurement, construction, and
10 improvements, \$35,273,000, to remain available until Sep-
11 tember 30, 2019.

12 FEDERAL ASSISTANCE

13 (INCLUDING TRANSFER OF FUNDS)

14 For activities of the Federal Emergency Management
15 Agency for the provision of Federal assistance,
16 \$10,442,987,000, as follows:

17 (1) For necessary expenses in carrying out the Robert
18 T. Stafford Disaster Relief and Emergency Assistance Act
19 (42 U.S.C. 5121 et seq.), \$7,348,515,000, to remain avail-
20 able until expended, of which \$24,000,000 shall be trans-
21 ferred to the Department of Homeland Security Office of
22 Inspector General for audits and investigations related to
23 disasters: *Provided*, That of this amount, \$6,709,000,000
24 shall be for major disasters declared pursuant to the Rob-
25 ert T. Stafford Disaster Relief and Emergency Assistance

1 Act (42 U.S.C. 5121 et seq.): *Provided further*, That the
2 amount in the preceding proviso is designated by the Con-
3 gress as being for disaster relief pursuant to section
4 251(b)(2)(D) of the Balanced Budget and Emergency
5 Deficit Control Act of 1985.

6 (2) For necessary expenses for management and ad-
7 ministration, \$110,956,000, of which \$14,274,000 shall
8 be for mitigation activities, including activities authorized
9 by the Earthquake Hazards Reduction Act of 1977 (42
10 U.S.C. 7701 et seq.) and the National Dam Safety Pro-
11 gram Act (33 U.S.C. 467 et seq.); and of which
12 \$96,682,000 shall be for preparedness and protection ac-
13 tivities, including activities authorized by the Homeland
14 Security Act of 2002 (6 U.S.C. 101 et seq.), the Post-
15 Katrina Emergency Management Reform Act of 2006
16 (Public Law 109–295; 120 Stat. 1394), and Title VI of
17 the Robert T. Stafford Disaster Relief and Emergency As-
18 sistance Act (42 U.S.C. 5133).

19 (3) For the predisaster mitigation grant program
20 under section 203 of the Robert T. Stafford Disaster Re-
21 lief and Emergency Assistance Act (42 U.S.C. 5133),
22 \$54,485,000, to remain available until expended.

23 (4) For necessary expenses, including administrative
24 costs, under section 1360 of the National Flood Insurance
25 Act of 1968 (42 U.S.C. 4101), under sections 100215,

1 100216, 100226, 100230, and 100246 of the Biggert-
2 Waters Flood Insurance Reform Act of 2012, (Public Law
3 112–141, 126 Stat. 916), and under section 17 of the
4 Homeowner Flood Insurance Affordability Act of 2014
5 (Public Law 113–89, 128 Stat. 1020), \$177,531,000, and
6 such additional sums as may be provided by State and
7 local governments or other political subdivisions for cost-
8 shared mapping activities under section 1360(f)(2) of such
9 Act (42 U.S.C. 4101(f)(2)), to remain available until ex-
10 pended.

11 (5) For activities under the National Flood Insurance
12 Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster
13 Protection Act of 1973 (42 U.S.C. 4001 et seq.), the
14 Biggert-Waters Flood Insurance Reform Act of 2012
15 (Public Law 112–141, 126 Stat. 916), and the Home-
16 owner Flood Insurance Affordability Act of 2014 (Public
17 Law 113–89; 128 Stat. 1020), \$181,799,000, to remain
18 available until September 30, 2018, which shall be derived
19 from offsetting amounts collected under section 1308(d)
20 of the National Flood Insurance Act of 1968 (42 U.S.C.
21 4015(d)); of which \$13,436,000 shall be available for sala-
22 ries and expenses associated with flood management and
23 \$168,363,000 shall be available for flood plain manage-
24 ment and flood mapping: *Provided*, That any additional
25 fees collected pursuant to section 1308(d) of the National

1 Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall
2 be credited as offsetting collections to this account, to be
3 available for flood plain management and flood mapping:
4 *Provided further*, That total administrative costs shall not
5 exceed 4 percent of the appropriation under this para-
6 graph.

7 (6) For grants, contracts, cooperative agreements,
8 and other activities, \$2,589,000,000, which shall be allo-
9 cated as follows:

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

21 (B) \$600,000,000 shall be for the Urban Area
22 Security Initiative under section 2003 of the Home-
23 land Security Act of 2002 (6 U.S.C. 604), of which
24 \$20,000,000 shall be for organizations (as described
25 under section 501(c)(3) of the Internal Revenue

1 Code of 1986 and exempt from tax under section
2 501(a) of such code) determined by the Secretary of
3 Homeland Security to be at high risk of a terrorist
4 attack.

5 (C) \$100,000,000 shall be for Public Transpor-
6 tation Security Assistance and Railroad Security As-
7 sistance under sections 1406 and 1513 of the Imple-
8 menting Recommendations of the 9/11 Commission
9 Act of 2007 (6 U.S.C. 1135 and 1163), of which
10 \$10,000,000 shall be for Amtrak security: *Provided*,
11 That such public transportation security assistance
12 shall be provided directly to public transportation
13 agencies.

14 (D) \$100,000,000 shall be for Port Security
15 Grants in accordance with 46 U.S.C. 70107.

16 (E) \$49,000,000, to remain available until Sep-
17 tember 30, 2018, shall be for emergent threats from
18 violent extremism and from complex, coordinated
19 terrorist attacks.

20 (F) \$690,000,000, to remain available until
21 September 30, 2018, shall be for necessary expenses
22 for programs authorized by the Federal Fire Preven-
23 tion and Control Act of 1974 (15 U.S.C. 2201 et
24 seq.), of which \$345,000,000 shall be available to
25 carry out section 33 of that Act (15 U.S.C. 2229),

1 and \$345,000,000 shall be available to carry out
2 section 34 of that Act (15 U.S.C. 2229a).

3 (G) \$350,000,000 shall be for necessary ex-
4 penses for emergency management performance
5 grants, as authorized by the Robert T. Stafford Dis-
6 aster Relief and Emergency Assistance Act (42
7 U.S.C. 5121 et seq.), the Earthquake Hazards Re-
8 duction Act of 1977 (42 U.S.C. 7701 et seq.), 6
9 U.S.C. 762, and Reorganization Plan No. 3 of 1978
10 (5 U.S.C. App.).

11 (H) \$233,000,000 shall be for training, exer-
12 cises, technical assistance, and other programs.

13 (7) For necessary expenses of the United States Fire
14 Administration and for other purposes, as authorized by
15 the Federal Fire Prevention and Control Act of 1974 (15
16 U.S.C. 2201 et seq.) and the Homeland Security Act of
17 2002 (6 U.S.C. 101 et seq.), \$42,500,000.

18 (8) To carry out the emergency food and shelter pro-
19 gram pursuant to title III of the McKinney-Vento Home-
20 less Assistance Act (42 U.S.C. 11331 et seq.),
21 \$120,000,000, to remain available until expended: *Pro-*
22 *vided*, That total administrative costs shall not exceed 3.5
23 percent of the total amount made available by this sub-
24 section.

1 ADMINISTRATIVE PROVISIONS

2 SEC. 301. None of the funds under the heading “Na-
3 tional Protection and Programs Directorate — Procure-
4 ment, Construction, and Improvements” for biometric
5 identity management shall be obligated until the Secretary
6 submits a report to the Committees on Appropriation of
7 the House of Representatives and the Senate on plans
8 to—

9 (1) Implement a facial recognition matching capa-
10 bility for IDENT holdings, including the ability to search,
11 store, and match, that is independent of other biometric
12 modalities but scalable for future needs;

13 (2) Accelerate the development of multi-modal bio-
14 metric capability (HART Increment 2) to ensure that full
15 multi-modal capability is available for stakeholders by the
16 end of fiscal year 2018;

17 (3) Establish a new, equitable governance structure
18 in fiscal year 2017 that ensures stakeholder mission re-
19 quirements are prioritized for implementation, to in-
20 clude—

21 (A) a project plan and capability execution
22 schedule for each stakeholder mission;

23 (B) stakeholder management of all requests for
24 services;

1 (C) a weighted on-boarding process for new re-
2 quirements and priorities; and

3 (D) an executive stakeholder review process;
4 and

5 (4) Demonstrate new agile projects focused on the
6 ability to fuse biographic intelligence information with bio-
7 metric data.

8 SEC. 302. Under the heading “Federal Emergency
9 Management Agency — Federal Assistance”, for para-
10 graphs (6)(A) through (6)(D), notwithstanding section
11 2008(a)(11) of the Homeland Security Act of 2002 (6
12 U.S.C. 609(a)(11)) or any other provision of law, a recipi-
13 ent or subrecipient of a grant may use not more than 5
14 percent of the amount of the grant or subgrant made
15 available to them under this heading for expenses directly
16 related to administration of the grant.

17 SEC. 303. Applications for grants under the heading
18 “Federal Emergency Management Agency — Federal As-
19 sistance” shall be made available to eligible applicants not
20 later than 60 days after the date of enactment of this Act,
21 eligible applicants shall submit applications not later than
22 80 days after the grant announcement, and the Adminis-
23 trator of the Federal Emergency Management Agency
24 shall act within 65 days after the receipt of an application.

1 SEC. 304. Under the heading “Federal Emergency
2 Management Agency — Federal Assistance”, for grants
3 under paragraphs (6)(A) and (6)(B), the installation of
4 communications towers is not considered construction of
5 a building or other physical facility.

6 SEC. 305. Under the heading “Federal Emergency
7 Management Agency — Federal Assistance”, for grants
8 under paragraphs (6)(A) through (6)(G), grantees shall
9 provide reports on their use of funds, as determined nec-
10 essary by the Secretary of Homeland Security.

11 SEC. 306. Notwithstanding section 509 of this Act,
12 the Administrator of the Federal Emergency Management
13 Agency may use the funds provided under the heading
14 “Federal Emergency Management Agency — Federal As-
15 sistance” in paragraph (6)(G) to acquire real property for
16 the purpose of establishing or appropriately extending the
17 security buffer zones around Federal Emergency Manage-
18 ment Agency training facilities.

19 SEC. 307. The reporting requirements in paragraphs
20 (1) and (2) under the heading “Federal Emergency Man-
21 agement Agency — Disaster Relief Fund” in the Depart-
22 ment of Homeland Security Appropriations Act, 2015
23 (Public Law 114–4) shall be applied in fiscal year 2017
24 with respect to budget year 2018 and current fiscal year

1 2017, respectively, by substituting “fiscal year 2018” for
2 “fiscal year 2017” in paragraph (1).

3 SEC. 308. In fiscal year 2017, no funds shall be avail-
4 able from the National Flood Insurance Fund under sec-
5 tion 1310 of the National Flood Insurance Act of 1968
6 (42 U.S.C. 4017) in excess of:

7 (1) \$147,042,000 for operating expenses and
8 salaries and expenses associated with flood insurance
9 operations;

10 (2) \$1,123,000,000 for commissions and taxes
11 of agents;

12 (3) such sums as are necessary for interest on
13 Treasury borrowings; and

14 (4) \$175,061,000, to remain available until ex-
15 pended, for flood mitigation actions and for flood
16 mitigation assistance under section 1366 of the Na-
17 tional Flood Insurance Act of 1968 (42 U.S.C.
18 4104e), notwithstanding sections 1366(e) and
19 1310(a)(7) of such Act (42 U.S.C. 4104e(e), 4017):

20 *Provided*, That the amounts collected under section 102
21 of the Flood Disaster Protection Act of 1973 (42 U.S.C.
22 4012a) and section 1366(e) of the National Flood Insur-
23 ance Act of 1968 shall be deposited in the National Flood
24 Insurance Fund to supplement other amounts specified as
25 available for section 1366 of the National Flood Insurance

1 Act of 1968, notwithstanding section 102(f)(8), section
2 1366(e), and paragraphs (1) through (3) of section
3 1367(b) of such Act (42 U.S.C. 4012a(f)(8), 4104c(e),
4 4104d(b)(1)–(3)): *Provided further*, That up to
5 \$5,000,000 is available to carry out section 24 of the
6 Homeowner Flood Insurance Affordability Act of 2014
7 (42 U.S.C. 4033).

8 SEC. 309. Under the heading “Federal Emergency
9 Management Agency — Federal Assistance”, for grants
10 under paragraphs (6)(A) through (6)(G), the Adminis-
11 trator of the Federal Emergency Management Agency
12 shall brief the Committees on Appropriations of the House
13 of Representatives and the Senate 5 full business days in
14 advance of announcing publicly the intention of making
15 an award.

16 SEC. 310. None of the funds provided in this or any
17 other Act may be obligated to implement the National Pre-
18 paredness Grant Program or any other successor grant
19 programs unless explicitly authorized by Congress.

20 SEC. 311. Notwithstanding any other provision of
21 law, grants awarded to States along the Southwest Border
22 of the United States under sections 2003 or 2004 of the
23 Homeland Security Act of 2002 (6 U.S.C. 604 and 605)
24 using funds provided under the heading “Federal Emer-
25 gency Management Agency — Federal Assistance” for

1 grants under paragraph (6)(A) in this Act, or under the
2 heading “Federal Emergency Management Agency —
3 State and Local Programs” in Public Law 114–4, division
4 F of Public Law 113–76, or division D of Public Law
5 113–6 may be used by recipients or sub-recipients for
6 costs, or reimbursement of costs, related to providing hu-
7 manitarian relief to unaccompanied alien children and
8 alien adults accompanied by an alien minor where they
9 are encountered after entering the United States, provided
10 that such costs were incurred between January 1, 2014,
11 and December 31, 2014, or during the award period of
12 performance.

13 TITLE IV

14 RESEARCH, DEVELOPMENT, TRAINING, AND

15 SERVICES

16 CITIZENSHIP AND IMMIGRATION SERVICES

17 OPERATIONS AND SUPPORT

18 For necessary expenses for operations and support of
19 the E-Verify Program, as described in section 403(a) of
20 the Illegal Immigration Reform and Immigrant Responsi-
21 bility Act of 1996 (8 U.S.C. 1324a note), to assist United
22 States employers with maintaining a legal workforce,
23 \$103,912,000.

1 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

2 For necessary expenses of the E-Verify Program for
3 procurement of and improvements to physical and techno-
4 logical infrastructure to assist United States employers
5 with maintaining a legal workforce, \$15,227,000.

6 FEDERAL LAW ENFORCEMENT TRAINING CENTER

7 OPERATIONS AND SUPPORT

8 For necessary expenses of the Federal Law Enforce-
9 ment Training Center, including materials and support
10 costs of Federal law enforcement basic training; the pur-
11 chase of not to exceed 117 vehicles for police-type use and
12 hire of passenger motor vehicles; expenses for student ath-
13 letic and related activities; the conduct of and participa-
14 tion in firearms matches and presentation of awards; pub-
15 lic awareness and enhancement of community support of
16 law enforcement training; room and board for student in-
17 terns; a flat monthly reimbursement to employees author-
18 ized to use personal mobile phones for official duties; and
19 services as authorized by section 3109 of title 5, United
20 States Code; \$242,518,000; of which up to \$50,748,000
21 shall remain available until September 30, 2018, for mate-
22 rials and support costs of Federal law enforcement basic
23 training; of which \$27,553,000 shall remain available until
24 September 30, 2019; and of which not to exceed \$7,180
25 shall be for official reception and representation expenses.

1 SCIENCE AND TECHNOLOGY

2 OPERATIONS AND SUPPORT

3 For necessary expenses for operations and support
4 for science and technology research and development, ac-
5 quisition, and laboratory operations as authorized by title
6 III of the Homeland Security Act of 2002 (6 U.S.C. 181
7 et seq.), and the purchase or lease of not to exceed 5 vehi-
8 cles, \$278,733,000; of which \$189,690,000 shall remain
9 available until September 30, 2019; and of which not to
10 exceed \$7,650 shall be for official reception and represen-
11 tation expenses.

12 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

13 For necessary expenses for science and technology
14 test and evaluation, acquisition, and construction of lab-
15 oratory facilities as authorized by title III of the Home-
16 land Security Act of 2002 (6 U.S.C. 181 et seq.),
17 \$10,141,000, to remain available until September 30,
18 2019.

19 RESEARCH AND DEVELOPMENT

20 For necessary expenses for science and technology re-
21 search and development, including advanced research
22 projects as authorized by title III of the Homeland Secu-
23 rity Act of 2002 (6 U.S.C. 181 et seq.), \$478,508,000,
24 to remain available until September 30, 2018.

1 CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR, AND
2 EXPLOSIVES OFFICE
3 OPERATIONS AND SUPPORT

4 For necessary expenses of the Chemical, Biological,
5 Radiological, Nuclear, and Explosives Office,
6 \$182,533,000; of which \$20,552,000, to remain available
7 until September 30, 2019, shall be for programs and oper-
8 ations in support of the detection, forensics, and preven-
9 tion of radiological and nuclear threats; of which
10 \$120,420,000, to remain available until September 30,
11 2018, shall be for programs and operations in support of
12 the surveillance, detection, and response to chemical, bio-
13 logical, and emerging infectious disease threats; and of
14 which not to exceed \$2,250 shall be for official reception
15 and representation expenses.

16 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

17 For necessary expenses of the Chemical, Biological,
18 Radiological, Nuclear, and Explosives Office for procure-
19 ment, construction, and improvements, \$103,860,000, to
20 remain available until September 30, 2019.

21 RESEARCH AND DEVELOPMENT

22 For necessary expenses of the Chemical, Biological,
23 Radiological, Nuclear, and Explosives Office for research
24 and development, \$151,605,000, to remain available until
25 September 30, 2018.

1 FEDERAL ASSISTANCE

2 For necessary expenses of the Chemical, Biological,
3 Radiological, Nuclear, and Explosives Office,
4 \$65,947,000; of which \$51,684,000, to remain available
5 until September 30, 2019, shall be for programs and oper-
6 ations in support of the detection, forensics, and preven-
7 tion of radiological and nuclear threats; and of which
8 \$14,263,000 shall be for programs and operations to pre-
9 vent, protect against, respond to, and mitigate bombing
10 incidents.

11 ADMINISTRATIVE PROVISIONS

12 SEC. 401. Notwithstanding any other provision of
13 law, funds otherwise made available to United States Citi-
14 zenship and Immigration Services may be used to acquire,
15 operate, equip, and dispose of up to 5 vehicles, for replace-
16 ment only, for areas where the Administrator of General
17 Services does not provide vehicles for lease: *Provided*, That
18 the Director of United States Citizenship and Immigration
19 Services may authorize employees who are assigned to
20 those areas to use such vehicles to travel between the em-
21 ployees' residences and places of employment.

22 SEC. 402. None of the funds made available in this
23 Act may be used by United States Citizenship and Immi-
24 gration Services to grant an immigration benefit unless
25 the results of background checks required by law to be

1 completed prior to the granting of the benefit have been
2 received by United States Citizenship and Immigration
3 Services, and the results do not preclude the granting of
4 the benefit.

5 SEC. 403. No funds, resources, or fees made available
6 to the Secretary of Homeland Security, or to any other
7 official of a Federal agency, by this Act or any other Act
8 for any fiscal year, including any deposits into the “Immi-
9 gration Examinations Fee Account” established under
10 section 286(m) of the Immigration and Nationality Act
11 (8 U.S.C. 1356(m)), may be obligated to expand the exist-
12 ing Deferred Action for Childhood Arrivals or newly pro-
13 posed Deferred Action for Parents of Americans and Law-
14 ful Permanent Residents as outlined in memoranda signed
15 November 20, 2014, by the Secretary of the Department
16 of Homeland Security while the preliminary injunctive
17 order of the district court for the Southern District of
18 Texas entered February 16, 2015, in the matter of *Texas*
19 *v. United States*, Civ. No. B-14-254, 2015 WL 648579
20 (S.D. Tex. Feb. 16, 2015), remains in effect.

21 SEC. 404. None of the funds appropriated by this Act
22 may be used to process or approve a competition under
23 Office of Management and Budget Circular A-76 for serv-
24 ices provided by employees (including employees serving
25 on a temporary or term basis) of United States Citizen-

1 ship and Immigration Services of the Department of
2 Homeland Security who are known as Immigration Infor-
3 mation Officers, Immigration Service Analysts, Contact
4 Representatives, Investigative Assistants, or Immigration
5 Services Officers.

6 SEC. 405. (a) Notwithstanding section 1356(n) of
7 title 8, United States Code, of the funds deposited into
8 the Immigration Examinations Fee Account, up to
9 \$10,000,000 may be allocated by United States Citizen-
10 ship and Immigration Services in fiscal year 2017 for the
11 purpose of providing an immigrant integration grants pro-
12 gram.

13 (b) None of the funds made available to United
14 States Citizenship and Immigration Services for grants for
15 immigrant integration under subsection (a) or (c) may be
16 used to provide services to aliens who have not been law-
17 fully admitted for permanent residence.

18 (c) The Director of United States Citizenship and
19 Immigration Services is authorized in fiscal year 2017,
20 and in each fiscal year thereafter, to solicit, accept, admin-
21 ister and utilize gifts, including donations of property, for
22 the purpose of providing an immigrant integration grants
23 program and related activities to promote citizenship and
24 immigrant integration: *Provided*, That all sums received
25 under this subsection shall be deposited in a separate ac-

1 count in the general fund of the Treasury to be known
2 as the “Citizenship Gift and Bequest Account”: *Provided*
3 *further*, That all funds deposited into the Citizenship Gift
4 and Bequest Account shall remain available until ex-
5 pended, and shall be available in addition to any funds
6 appropriated or otherwise made available for an immi-
7 grant integration grants program or other activities to
8 promote citizenship and immigrant integration.

9 (d) Nothing in this section shall be construed to limit
10 the authority of the Secretary of Homeland Security under
11 section 507 of the Department of Homeland Security Ap-
12 propriations Act, 2004 (Public Law 108–90) or any other
13 law with respect to the solicitation and acceptance of gifts.

14 SEC. 406. The Federal Law Enforcement Training
15 Center is authorized to distribute funds to Federal law
16 enforcement agencies for expenses incurred participating
17 in training accreditation.

18 SEC. 407. The Federal Law Enforcement Training
19 Center is authorized to obligate funds in anticipation of
20 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.

24 SEC. 408. The Federal Law Enforcement Training
25 Center is authorized to accept transfers and reimburse-

1 ments to “Federal Law Enforcement Training Center —
2 Operations and Support” from agencies receiving training
3 sponsored by the Federal Law Enforcement Training Cen-
4 ter for ongoing maintenance, minor facility improvements,
5 and related expenses as necessary of the Federal Law En-
6 forcement Training Center.

7 SEC. 409. Section 1202(a) of Public Law 107–206
8 (42 U.S.C. 3771 note), as amended under the heading
9 “Federal Law Enforcement Training Center — Salaries
10 and Expenses” in title IV of Public Law 114–4, is further
11 amended by striking “December 31, 2018” and inserting
12 “December 31, 2019”.

13 SEC. 410. The Director of the Federal Law Enforce-
14 ment Training Center shall schedule basic or advanced law
15 enforcement training, or both, at all four training facilities
16 under the control of the Federal Law Enforcement Train-
17 ing Center to ensure that such training facilities are oper-
18 ated at the highest capacity throughout the fiscal year.

19 SEC. 411. The Federal Law Enforcement Training
20 Accreditation Board, including representatives from the
21 Federal law enforcement community and non-Federal ac-
22 creditation experts involved in law enforcement training,
23 shall lead the Federal law enforcement training accredita-
24 tion process to continue the implementation of measuring

1 and assessing the quality and effectiveness of Federal law
2 enforcement training programs, facilities, and instructors.

3 SEC. 412. (a) There is to be established a “Federal
4 Law Enforcement Training Center — Procurement, Con-
5 struction, and Improvements” appropriations account for
6 planning, operational development, engineering, and pur-
7 chases prior to sustainment and for information tech-
8 nology-related procurement, construction, and improve-
9 ments, including non-tangible assets of the Federal Law
10 Enforcement Training Center.

11 (b) The Federal Law Enforcement Training Center
12 may accept transfers and reimbursements to the account
13 established by subsection (a) from Government agencies
14 requesting the construction of special use facilities, as au-
15 thorized by the Economy Act (31 U.S.C. 1535(b)).

16 SEC. 413. The functions of the Federal Law Enforce-
17 ment Training Center instructor staff shall be classified
18 as inherently governmental for the purpose of the Federal
19 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
20 note).

TITLE V

GENERAL PROVISIONS

(INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

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

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

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

(1) creates or eliminates a program, project, or activity, or increases funds for any program, project,

1 or activity for which funds have been denied or re-
2 stricted by the Congress;

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

9 (3) augments funding for existing programs,
10 projects, or activities in excess of \$5,000,000;

11 (4) reduces funding for any program, project,
12 or activity, or numbers of personnel, by 10 percent
13 or more;

14 (5) reorganizes offices; or

15 (6) 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 House of Representatives and
20 the Senate are notified 15 days in advance of such
21 reprogramming of funds.

22 (b) Not to exceed 5 percent or \$25,000,000, which-
23 ever is less, of any appropriation made available for the
24 current fiscal year for the Department of Homeland Secu-
25 rity by this Act or provided by previous appropriations

1 Acts may be transferred between such appropriations un-
2 less the Secretary of Homeland Security determines such
3 transfer is necessary in the national interest.

4 (c) Any transfer under this section shall be treated
5 as a reprogramming of funds under subsection (a) and
6 shall not be available for obligation unless the Committees
7 on Appropriations of the House of Representatives and the
8 Senate are notified 30 days in advance of such transfer.

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 subsections (a), (b), (c), and (d) shall apply to
17 any use of deobligated balances of funds provided in pre-
18 vious Department of Homeland Security Appropriations
19 Acts.

20 (f) The Secretary of Homeland Security may transfer
21 to the fund established by 8 U.S.C. 1101 note, up to
22 \$20,000,000 from appropriations available to the Depart-
23 ment of Homeland Security: *Provided*, That the Secretary
24 shall notify the Committees on Appropriations of the

1 House of Representatives and the Senate 5 days in ad-
2 vance of such transfer.

3 SEC. 504. The Department of Homeland Security
4 Working Capital Fund, established pursuant to section
5 403 of Public Law 103–356 (31 U.S.C. 501 note), shall
6 continue operations as a permanent working capital fund
7 for fiscal year 2017: *Provided*, That none of the funds ap-
8 propriated or otherwise made available to the Department
9 of Homeland Security may be used to make payments to
10 the Working Capital Fund, except for the activities and
11 amounts allowed in the President’s fiscal year 2017 budg-
12 et: *Provided further*, That funds provided to the Working
13 Capital Fund shall be available for obligation until ex-
14 pended to carry out the purposes of the Working Capital
15 Fund: *Provided further*, That all Departmental compo-
16 nents shall be charged only for direct usage of each Work-
17 ing Capital Fund service: *Provided further*, That funds
18 provided to the Working Capital Fund shall be used only
19 for purposes consistent with the contributing component:
20 *Provided further*, That the Working Capital Fund shall be
21 paid in advance or reimbursed at rates which will return
22 the full cost of each service: *Provided further*, That the
23 Committees on Appropriations of the House of Represent-
24 atives and the Senate shall be notified of any activity
25 added to or removed from the fund: *Provided further*, That

1 for any activity added to the fund, the notification shall
2 identify sources of funds by program, project, and activity:
3 *Provided further*, That the Chief Financial Officer of the
4 Department of Homeland Security shall submit a quar-
5 terly execution report with activity level detail, not later
6 than 30 days after the end of each quarter.

7 SEC. 505. Except as otherwise specifically provided
8 by law, not to exceed 50 percent of unobligated balances
9 remaining available at the end of fiscal year 2017, as re-
10 corded in the financial records at the time of a reprogram-
11 ming request, but not later than June 30, 2018, from ap-
12 propriations for “Operations and Support” and for “Coast
13 Guard — Operating Expenses” for fiscal year 2017 in this
14 Act shall remain available through September 30, 2018,
15 in the account and for the purposes for which the appro-
16 priations were provided: *Provided*, That prior to the obli-
17 gation of such funds, a notification shall be submitted to
18 the Committees on Appropriations of the House of Rep-
19 resentatives and the Senate in accordance with section 503
20 of this Act.

21 SEC. 506. Funds made available by this Act for intel-
22 ligence activities are deemed to be specifically authorized
23 by the Congress for purposes of section 504 of the Na-
24 tional Security Act of 1947 (50 U.S.C. 414) during fiscal

1 year 2017 until the enactment of an Act authorizing intel-
2 ligence activities for fiscal year 2017.

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

6 (1) make or award a grant allocation, grant,
7 contract, other transaction agreement, or task or de-
8 livery order on a Department of Homeland Security
9 multiple award contract, or to issue a letter of intent
10 totaling in excess of \$1,000,000;

11 (2) award a task or delivery order requiring an
12 obligation of funds in an amount greater than
13 \$10,000,000 from multi-year Department of Home-
14 land Security funds;

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

16 (4) announce publicly the intention to make or
17 award items under paragraph (1), (2), or (3), in-
18 cluding a contract covered by the Federal Acquisi-
19 tion Regulation.

20 (b) The Secretary of Homeland Security may waive
21 the prohibition under subsection (a) if the Secretary noti-
22 fies the Committees on Appropriations of the House of
23 Representatives and the Senate at least 3 full business
24 days in advance of making an award or issuing a letter
25 as described in that subsection.

1 (c) If the Secretary of Homeland Security determines
2 that compliance with this section would pose a substantial
3 risk to human life, health, or safety, an award may be
4 made without notification, and the Secretary shall notify
5 the Committees on Appropriations of the House of Rep-
6 resentatives and the Senate not later than 5 full business
7 days after such an award is made or letter issued.

8 (d) A notification under this section—

9 (1) may not involve funds that are not available
10 for obligation; and

11 (2) shall include the amount of the award; the
12 fiscal year for which the funds for the award were
13 appropriated; the type of contract; and the account
14 from which the funds are being drawn.

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

1 SEC. 509. None of the funds appropriated or other-
2 wise made available by this Act may be used for expenses
3 for any construction, repair, alteration, or acquisition
4 project for which a prospectus otherwise required under
5 chapter 33 of title 40, United States Code, has not been
6 approved, except that necessary funds may be expended
7 for each project for required expenses for the development
8 of a proposed prospectus.

9 SEC. 510. Sections 520, 522, and 530 of the Depart-
10 ment of Homeland Security Appropriations Act, 2008 (di-
11 vision E of Public Law 110–161; 121 Stat. 2073 and
12 2074) shall apply with respect to funds made available in
13 this Act in the same manner as such sections applied to
14 funds made available in that Act.

15 SEC. 511. None of the funds made available in this
16 Act may be used in contravention of the applicable provi-
17 sions of the Buy American Act: *Provided*, That for pur-
18 poses of the preceding sentence, the term “Buy American
19 Act” means chapter 83 of title 41, United States Code.

20 SEC. 512. None of the funds made available in this
21 Act may be used to amend the oath of allegiance required
22 by section 337 of the Immigration and Nationality Act
23 (8 U.S.C. 1448).

24 SEC. 513. Section 519 of division F of Public Law
25 114–113, regarding a prohibition on funding for any posi-

1 tion designated as a Principal Federal Official, shall apply
2 with respect to funds made available in this Act in the
3 same manner as such section applied to funds made avail-
4 able in that Act.

5 SEC. 514. Section 831 of the Homeland Security Act
6 of 2002 (6 U.S.C. 391) is amended—

7 (1) in subsection (a), by striking “Until Sep-
8 tember 30, 2016,” and inserting “Until September
9 30, 2017,”; and

10 (2) in subsection (c)(1), by striking “September
11 30, 2016,” and inserting “September 30, 2017,”.

12 SEC. 515. Notwithstanding any other provision of
13 law, none of the funds provided in this or any other Act
14 shall be used to approve a waiver of the navigation and
15 vessel-inspection laws pursuant to 46 U.S.C. 501(b) for
16 the transportation of crude oil distributed from and to the
17 Strategic Petroleum Reserve until the Secretary of Home-
18 land Security, after consultation with the Secretaries of
19 the Departments of Energy and Transportation and rep-
20 resentatives from the United States flag maritime indus-
21 try, takes adequate measures to ensure the use of United
22 States flag vessels: *Provided*, That the Secretary shall no-
23 tify the Committees on Appropriations of the House of
24 Representatives and the Senate, the Committee on Trans-
25 portation and Infrastructure of the House of Representa-

1 tives, and the Committee on Commerce, Science, and
2 Transportation of the Senate within 2 business days of
3 any request for waivers of navigation and vessel-inspection
4 laws pursuant to 46 U.S.C. 501(b).

5 SEC. 516. None of the funds made available in this
6 Act for U.S. Customs and Border Protection may be used
7 to prevent an individual not in the business of importing
8 a prescription drug (within the meaning of section 801(g)
9 of the Federal Food, Drug, and Cosmetic Act) from im-
10 porting a prescription drug from Canada that complies
11 with the Federal Food, Drug, and Cosmetic Act: *Provided*,
12 That this section shall apply only to individuals trans-
13 porting on their person a personal-use quantity of the pre-
14 scription drug, not to exceed a 90-day supply: *Provided*
15 *further*, That the prescription drug may not be—

16 (1) a controlled substance, as defined in section
17 102 of the Controlled Substances Act (21 U.S.C.
18 802); or

19 (2) a biological product, as defined in section
20 351 of the Public Health Service Act (42 U.S.C.
21 262).

22 SEC. 517. None of the funds made available in this
23 Act may be used for planning, testing, piloting, or devel-
24 oping a national identification card.

1 SEC. 518. Any official that is required by this Act
2 to report or to certify to the Committees on Appropria-
3 tions of the House of Representatives and the Senate may
4 not delegate such authority to perform that act unless spe-
5 cifically authorized herein.

6 SEC. 519. None of the funds appropriated or other-
7 wise made available in this or any other Act may be used
8 to transfer, release, or assist in the transfer or release to
9 or within the United States, its territories, or possessions
10 Khalid Sheikh Mohammed or any other detainee who—

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

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

16 SEC. 520. None of the funds made available in this
17 Act may be used for first-class travel by the employees
18 of agencies funded by this Act in contravention of sections
19 301–10.122 through 301–10.124 of title 41, Code of Fed-
20 eral Regulations.

21 SEC. 521. None of the funds made available in this
22 Act may be used to employ workers described in section
23 274A(h)(3) of the Immigration and Nationality Act (8
24 U.S.C. 1324a(h)(3)).

1 SEC. 522. Notwithstanding any other provision of
2 this Act, none of the funds appropriated or otherwise
3 made available by this Act may be used to pay award or
4 incentive fees for contractor performance that has been
5 judged to be below satisfactory performance or perform-
6 ance that does not meet the basic requirements of a con-
7 tract.

8 SEC. 523. In developing any process to screen avia-
9 tion passengers and crews for transportation or national
10 security purposes, the Secretary of Homeland Security
11 shall ensure that all such processes take into consideration
12 such passengers' and crews' privacy and civil liberties con-
13 sistent with applicable laws, regulations, and guidance.

14 SEC. 524. None of the funds appropriated or other-
15 wise made available by this Act may be used by the De-
16 partment of Homeland Security to enter into any Federal
17 contract unless such contract is entered into in accordance
18 with the requirements of subtitle I of title 41, United
19 States Code, or chapter 137 of title 10, United States
20 Code, and the Federal Acquisition Regulation, unless such
21 contract is otherwise authorized by statute to be entered
22 into without regard to the above referenced statutes.

23 SEC. 525. (a) For an additional amount for financial
24 systems modernization, \$41,215,000, to remain available
25 until September 30, 2018.

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

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

9 SEC. 526. The Secretary of Homeland Security shall
10 ensure enforcement of immigration laws (as defined in sec-
11 tion 101(a)(17) of the Immigration and Nationality Act
12 (8 U.S.C. 1101(a)(17))).

13 SEC. 527. (a) None of the funds made available in
14 this Act may be used to maintain or establish a computer
15 network unless such network blocks the viewing,
16 downloading, and exchanging of pornography.

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

21 SEC. 528. None of the funds made available in this
22 Act may be used by a Federal law enforcement officer to
23 facilitate the transfer of an operable firearm to an indi-
24 vidual if the Federal law enforcement officer knows or sus-
25 pects that the individual is an agent of a drug cartel unless

1 law enforcement personnel of the United States continu-
2 ously monitor or control the firearm at all times.

3 SEC. 529. 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
11 House of Representatives and the Senate within at least
12 10 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. 530. 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. 531. As authorized by section 601(b) of the
2 United States-Colombia Trade Promotion Agreement Im-
3 plementation Act (Public Law 112–42), not to exceed
4 \$220,000,000 in fees collected from passengers arriving
5 from Canada, Mexico, or an adjacent island pursuant to
6 section 13031(a)(5) of the Consolidated Omnibus Budget
7 Reconciliation Act of 1985 (19 U.S.C. 58c(a)(5)) shall be
8 available until expended.

9 SEC. 532. None of the funds made available to the
10 Department of Homeland Security by this or any other
11 Act may be obligated for any structural pay reform that
12 affects more than 100 full-time equivalent employee posi-
13 tions or costs more than \$5,000,000 in a single year be-
14 fore the end of the 30-day period beginning on the date
15 on which the Secretary of Homeland Security submits to
16 Congress a notification that includes—

17 (1) the number of full-time equivalent employee
18 positions affected by such change;

19 (2) funding required for such change for the
20 current year and through the Future Years Home-
21 land Security Program;

22 (3) justification for such change; and

23 (4) an analysis of compensation alternatives to
24 such change that were considered by the Depart-
25 ment.

1 SEC. 533. (a) Any agency receiving funds made avail-
2 able in this Act shall, subject to subsections (b) and (c),
3 post on the public website of that agency any report re-
4 quired to be submitted by the Committees on Appropria-
5 tions of the House of Representatives and the Senate in
6 this Act, upon the determination by the head of the agency
7 that it shall serve the national interest.

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

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

11 (2) the report contains proprietary information.

12 (c) The head of the agency posting such report shall
13 do so only after such report has been made available to
14 the Committees for no less than 45 days except as other-
15 wise specified in law.

16 SEC. 534. (a) Beginning on the date of enactment
17 of this Act, the Secretary of Homeland Security shall
18 not—

19 (1) establish, collect, or otherwise impose any
20 new border crossing fee on individuals crossing the
21 Southern border or the Northern border at a land
22 port of entry; or

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

1 (b) In this section, the term “border crossing fee”
2 means a fee that every pedestrian, cyclist, and driver and
3 passenger of a private motor vehicle is required to pay
4 for the privilege of crossing the Southern border or the
5 Northern border at a land port of entry.

6 SEC. 535. (a) The Secretary of Homeland Security
7 may include in the President’s budget proposal for fiscal
8 year 2018, submitted pursuant to section 1105(a) of title
9 31, United States Code, and accompanying justification
10 materials, an account structure under which each appro-
11 priation under each agency heading either remains the
12 same as fiscal year 2017 or falls within the following cat-
13 egories of appropriations:

14 (1) Operations and Support.

15 (2) Procurements, Construction, and Improve-
16 ments.

17 (3) Research and Development.

18 (4) Federal Assistance.

19 (b) The Under Secretary for Management, acting
20 through the Chief Financial Officer, shall determine and
21 provide centralized guidance to each agency on how to
22 structure appropriations for purposes of subsection (a).

23 (c) Not earlier than October 1, 2017, the accounts
24 designated under subsection (a) may be established, and
25 the Secretary of Homeland Security may execute appro-

1 priations of the Department as provided pursuant to such
2 subsection, including any continuing appropriations made
3 available for fiscal year 2018 before enactment of a reg-
4 ular appropriations Act.

5 (d) Notwithstanding any other provision of law, the
6 Secretary of Homeland Security may transfer any appro-
7 priation made available to the Department of Homeland
8 Security by any appropriations Acts to the accounts cre-
9 ated pursuant to subsection (c) to carry out the require-
10 ments of such subsection, and shall notify the Committees
11 on Appropriations of the House of Representatives and the
12 Senate at least 5 days prior to each transfer.

13 SEC. 536. None of the funds made available by this
14 Act may be obligated or expended to implement the Arms
15 Trade Treaty until the Senate approves a resolution of
16 ratification for the Treaty.

17 SEC. 537. For an additional amount for “U.S. Cus-
18 toms and Border Protection — Operations and Support”,
19 \$31,000,000, to remain available until expended, to be re-
20 duced by amounts collected and credited to this appropria-
21 tion from amounts authorized to be collected by section
22 286(i) of the Immigration and Nationality Act (8 U.S.C.
23 1356(i)), section 10412 of the Farm Security and Rural
24 Investment Act of 2002 (7 U.S.C. 8311), and section 817
25 of the Trade Facilitation and Trade Enforcement Act of

1 2015, or other such authorizing language: *Provided*, That
2 to the extent that amounts realized from such collections
3 exceed \$31,000,000, those amounts in excess of
4 \$31,000,000 shall be credited to this appropriation, to re-
5 main available until expended.

6 SEC. 538. Funds appropriated by this Act for the De-
7 partment of Homeland Security may be obligated in the
8 account and the budget structure established pursuant to
9 section 563 of division F of the Consolidated Appropria-
10 tions Act, 2016 (Public Law 114–113).

11 SEC. 539. All official costs associated with the use
12 of Government aircraft by Department of Homeland Secu-
13 rity personnel to support official travel of the Secretary
14 and the Deputy Secretary shall be paid from amounts
15 made available for the Immediate Office of the Secretary
16 and the Immediate Office of the Deputy Secretary.

17 SEC. 540. (a) None of the funds made available by
18 this Act may be used to approve, license, facilitate, author-
19 ize, or otherwise allow the trafficking or import of prop-
20 erty confiscated by the Cuban Government.

21 (b) In this section, the terms “confiscated”, “Cuban
22 Government”, “property”, and “traffic” have the mean-
23 ings given such terms in paragraphs (4), (5), (12)(A), and
24 (13), respectively, of section 4 of the Cuban Liberty and

1 Democratic Solidarity (LIBERTAD) Act of 1996 (2216
2 U.S.C. 6023).

3 SEC. 541. (a) For funds provided in this Act for each
4 “Operations and Support” appropriation and for “Coast
5 Guard — Operating Expenses”, 20 percent shall be with-
6 held from obligation until the fiscal year 2018 budget jus-
7 tification materials for the Department of Homeland Se-
8 curity are provided to the Committees on Appropriations
9 of the House of Representatives and the Senate in accord-
10 ance with the requirements on page 17 of House Report
11 114–215, which were incorporated by reference into Public
12 Law 114–113 in the explanatory statement accompanying
13 that Act.

14 (b) Subsection (a) shall not apply to the Office of In-
15 spector General.

16 SEC. 542. (a) Funding provided in this Act for “Op-
17 erations and Support” may be used for minor procure-
18 ment, construction, and improvements.

19 (b) For purposes of subsection (a), “minor procure-
20 ment, construction, and improvements” is defined as per-
21 sonal property with a unit cost of \$250,000 or less or real
22 property with a unit cost of \$2,000,000 or less.

23 SEC. 543. The aggregate charges assessed during fis-
24 cal year 2017, as authorized in title III of the Depart-
25 ments of Veterans Affairs and Housing and Urban Devel-

1 opment, and Independent Agencies Appropriations Act,
2 1999 (42 U.S.C. 5196e), shall not be less than 100 per-
3 cent of the amounts anticipated by the Department of
4 Homeland Security to be necessary for its Radiological
5 Emergency Preparedness Program for the next fiscal year:
6 *Provided*, That the methodology for assessment and collec-
7 tion of fees shall be fair and equitable and shall reflect
8 costs of providing such services, including administrative
9 costs of collecting such fees: *Provided further*, That such
10 fees shall be deposited in a Radiological Emergency Pre-
11 paredness Program account as offsetting collections and
12 will become available for authorized purposes on October
13 1, 2017, and remain available until expended.

14 SEC. 544. Section 118 of the Treasury and General
15 Government Appropriations Act, 2001 (as enacted into
16 law by section 1(3) of Public Law 106–554; 114 Stat.
17 2763A–134) is amended, in the first sentence, by striking
18 “for the year would” and inserting “for calendar years
19 2016, would exceed the rate of basic pay payable for level
20 III of the Executive Schedule, and for any other year,
21 would”.

22 SEC. 545. Not later than 90 days after the date of
23 the enactment of this Act, the Secretary of Homeland Se-
24 curity shall submit the report on ICE detention costs de-
25 scribed in the report accompanying this Act.

1 SEC. 546. The Secretary of Homeland Security shall
2 submit to the Committees on Appropriations of the House
3 of Representatives and the Senate, the Committee on
4 Homeland Security of the House of Representatives, and
5 the Committee on Homeland Security and Governmental
6 Affairs of the Senate, at the time the President's budget
7 proposal for fiscal year 2018 is submitted pursuant to sec-
8 tion 1105(a) of title 31, United States Code, a classified
9 report on the assessment of the relative threat, vulner-
10 ability, and consequences from acts of terrorism faced by
11 each eligible metropolitan area, required by section 2003
12 of Public Law 110-53 (6 U.S.C. 604).

13 SEC. 547. None of the funds appropriated by this Act
14 for U.S. Immigration and Customs Enforcement shall be
15 available to pay for an abortion, except where the life of
16 the mother would be endangered if the fetus were carried
17 to term, or in the case of rape or incest: *Provided*, That
18 should this prohibition be declared unconstitutional by a
19 court of competent jurisdiction, this section shall be null
20 and void.

21 SEC. 548. None of the funds appropriated by this Act
22 for U.S. Immigration and Customs Enforcement shall be
23 used to require any person to perform, or facilitate in any
24 way the performance of, any abortion.

1 SEC. 549. Nothing in the preceding section shall re-
2 move the obligation of the Assistant Secretary of Home-
3 land Security for U.S. Immigration and Customs Enforce-
4 ment to provide escort services necessary for a female de-
5 tainee to receive such service outside the detention facility:
6 *Provided*, That nothing in this section in any way dimin-
7 ishes the effect of section _____ [preceding section]
8 intended to address the philosophical beliefs of individual
9 employees of U.S. Immigration and Customs Enforce-
10 ment.

11 SEC. 550. Notwithstanding subsection (e)(3)(B) of
12 section 559 of division F of Public Law 113–76 and sub-
13 section (g) of section 560 of division D of Public Law
14 113–6, U.S. Customs and Border Protection may receive
15 reimbursement for the cost of up to five full-time equiva-
16 lent officers under the programs established in such sec-
17 tions at no more than five ports of entry.

18 SEC. 551. No funds or fees made available to the Sec-
19 retary of Homeland Security, or to the head of any other
20 Federal agency, by this or any other Act may be used to
21 release from custody, other than for removal from the
22 United States, or as required by law or pursuant to a
23 court order, any lawfully detained alien described in the
24 Priority 1 or Priority 2 category in the memorandum from
25 the Secretary of Homeland Security entitled “Policies for

1 the Apprehension, Detention and Removal of Undocu-
2 mented Immigrants” dated November 20, 2014.

3 SEC. 552. (a) Section 214(g)(9)(A) of the Immigra-
4 tion and Nationality Act (8 U.S.C. 1184(g)(9)(A)) is
5 amended by striking “2013, 2014, or 2015 shall not again
6 be counted toward such limitation during fiscal year
7 2016.” and inserting “2014, 2015, or 2016 shall not
8 again be counted toward such limitation during fiscal year
9 2017.”.

10 (b) The amendment made by subsection (a) shall take
11 effect on October 1, 2016.

12 (RESCISSIONS)

13 SEC. 553. Of the funds appropriated to the Depart-
14 ment of Homeland Security, the following funds are here-
15 by rescinded from the following accounts and programs
16 in the specified amounts: *Provided*, That no amounts may
17 be rescinded from amounts that were designated by the
18 Congress as an emergency requirement pursuant to a con-
19 current resolution on the budget or the Balanced Budget
20 and Emergency Deficit Control Act of 1985 (Public Law
21 99–177):

22 (1) \$95,000,000 from Public Law 109–88;

23 (2) \$55,000,000 from unobligated prior year
24 balances from “U.S. Customs and Border Protection

1 — Border Security, Fencing, Infrastructure, and
2 Technology”;

3 (3) \$45,000,000 from Public Law 114–4 under
4 the heading “U. S. Immigration and Customs En-
5 forcement — Salaries and Expenses”;

6 (4) \$12,200,000 from Public Law 114–113
7 under the heading “Transportation Security Admin-
8 istration — Aviation Security”;

9 (5) \$4,200,000 from Public Law 113–6 under
10 the heading “Coast Guard — Acquisition, Construc-
11 tion, and Improvements”;

12 (6) \$19,300,000 from Public Law 113–76
13 under the heading “Coast Guard — Acquisition,
14 Construction, and Improvements”; and

15 (7) \$16,500,000 from Public Law 114–4 under
16 the heading “Coast Guard — Acquisition, Construc-
17 tion, and Improvements”.

18 (RESCISSION)

19 SEC. 554. From the unobligated balances available
20 in the Department of the Treasury Forfeiture Fund estab-
21 lished by section 9703 of title 31, United States Code
22 (added by section 638 of Public Law 102–393),
23 \$187,000,000 shall be rescinded.

(RESCISSION)

1
2 SEC. 555. Of the unobligated balances made available
3 to “Federal Emergency Management Agency — Disaster
4 Relief Fund”, \$770,700,000 shall be rescinded: *Provided*,
5 That no amounts may be rescinded from amounts that
6 were designated by the Congress as an emergency require-
7 ment pursuant to a concurrent resolution on the budget
8 or the Balanced Budget and Emergency Deficit Control
9 Act of 1985, as amended: *Provided further*, That no
10 amounts may be rescinded from the amounts that were
11 designated by the Congress as being for disaster relief pur-
12 suant to section 251(b)(2)(D) of the Balanced Budget and
13 Emergency Deficit Control Act of 1985.

SPENDING REDUCTION ACCOUNT

14
15 SEC. 556. The amount by which the applicable alloca-
16 tion of new budget authority made by the Committee on
17 Appropriations of the House of Representatives under sec-
18 tion 302(b) of the Congressional Budget Act of 1974 ex-
19 ceeds the amount of proposed new budget authority is
20 \$5,000,000.

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

Union Calendar No. 518

114TH CONGRESS
2^D SESSION

H. R. 5634

[Report No. 114-668]

A BILL

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

JULY 6, 2016

Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed