

**[FULL COMMITTEE PRINT]**

**Union Calendar No.** \_\_\_\_\_

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R.** \_\_\_\_\_

**[Report No. 114-\_\_\_]**

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

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\_\_\_\_ --, 2016

Mr. CARTER 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

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**A BILL**

Making appropriations for the Department of Homeland Se-  
curity 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  
6 TITLE II  
7 SECURITY, ENFORCEMENT, AND  
8 INVESTIGATIONS  
9 U.S. CUSTOMS AND BORDER PROTECTION  
10 OPERATIONS AND SUPPORT

11 For necessary expenses for U.S. Customs and Border  
12 Protection for enforcement of laws relating to border secu-  
13 rity, immigration, customs, agricultural inspections, and  
14 regulatory activities related to plant and animal imports;  
15 the provision of air and marine support to Federal, State,  
16 and local agencies in the enforcement or administration  
17 of laws enforced by the Department of Homeland Secu-  
18 rity; other law enforcement and emergency humanitarian  
19 efforts, at the discretion of the Secretary of Homeland Se-  
20 curity; transportation of unaccompanied minor aliens; pur-  
21 chase and lease of up to 7,500 (6,500 for replacement  
22 only) police-type vehicles; the maintenance or operation of  
23 aircraft and unmanned aircraft systems; and contracting  
24 with individuals for personal services abroad;  
25 \$10,945,357,000, of which \$3,274,000 shall be derived  
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 tigations, 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 \$6,987,815,000; 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; \$1,277,155,000; 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 tigations; 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       SEC. 224. None of the funds made available to the  
2 United States Secret Service by this Act or by previous  
3 appropriations Acts may be made available for the protec-  
4 tion of the head of a Federal agency other than the Sec-  
5 retary of Homeland Security: *Provided*, That the Director  
6 of the Secret Service may enter into agreements to provide  
7 such protection on a fully reimbursable basis.

8       SEC. 225. None of the funds made available to the  
9 United States Secret Service by this Act or by previous  
10 appropriations Acts may be obligated for the purpose of  
11 opening a new permanent domestic or overseas office or  
12 location unless the Committees on Appropriations of the  
13 House of Representatives and the Senate are notified 15  
14 days in advance of such obligation.

15       SEC. 226. For purposes of section 503(a)(3) of this  
16 Act, up to \$15,000,000 may be reprogrammed within  
17 “United States Secret Service — Operations and Sup-  
18 port”.

### 19                                   TITLE III

## 20 PROTECTION, PREPAREDNESS, RESPONSE, AND

### 21 RECOVERY

#### 22 NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

#### 23 OPERATIONS AND SUPPORT

24       For necessary expenses for the National Protection  
25 and Programs Directorate, as authorized by title II of the

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 \$10,393,987,000, 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 total appropriation.

6 (6) For grants, contracts, cooperative agreements,  
7 and other activities, \$2,540,000,000, which shall be allo-  
8 cated as follows:

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

20 (B) \$600,000,000 shall be for the Urban Area  
21 Security Initiative under section 2003 of the Home-  
22 land Security Act of 2002 (6 U.S.C. 604), of which  
23 \$20,000,000 shall be for organizations (as described  
24 under section 501(c)(3) of the Internal Revenue  
25 Code of 1986 and exempt from tax under section

1       501(a) of such code) determined by the Secretary of  
2       Homeland Security to be at high risk of a terrorist  
3       attack.

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

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

15          (E) \$690,000,000, to remain available until  
16      September 30, 2018, shall be for necessary expenses  
17      for programs authorized by the Federal Fire Preven-  
18      tion and Control Act of 1974 (15 U.S.C. 2201 et  
19      seq.), of which \$345,000,000 shall be available to  
20      carry out section 33 of that Act (15 U.S.C. 2229),  
21      and \$345,000,000 shall be available to carry out  
22      section 34 of that Act (15 U.S.C. 2229a).

23          (F) \$350,000,000 shall be for necessary ex-  
24      penses for emergency management performance  
25      grants, as authorized by the Robert T. Stafford Dis-



1 the House of Representatives and the Senate on plans  
2 to—

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

7 (2) Accelerate the development of multi-modal bio-  
8 metric capability (HART Increment 2) to ensure that full  
9 multi-modal capability is available for stakeholders by the  
10 end of fiscal year 2018;

11 (3) Establish a new, equitable governance structure  
12 in fiscal year 2017 that ensures stakeholder mission re-  
13 quirements are prioritized for implementation, to in-  
14 clude—

15 (A) a project plan and capability execution  
16 schedule for each stakeholder mission;

17 (B) stakeholder management of all requests for  
18 services;

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

21 (D) an executive stakeholder review process;

22 and

23 (4) Demonstrate new agile projects focused on the  
24 ability to fuse biographic intelligence information with bio-  
25 metric data.

1           SEC. 302. Under the heading “Federal Emergency  
2 Management Agency — Federal Assistance”, for para-  
3 graphs (6)(A) through (6)(D), notwithstanding section  
4 2008(a)(11) of the Homeland Security Act of 2002 (6  
5 U.S.C. 609(a)(11)) or any other provision of law, a recipi-  
6 ent or subrecipient of a grant may use not more than 5  
7 percent of the amount of the grant or subgrant made  
8 available to them under this heading for expenses directly  
9 related to administration of the grant.

10           SEC. 303. Applications for grants under the heading  
11 “Federal Emergency Management Agency — Federal As-  
12 sistance” shall be made available to eligible applicants not  
13 later than 60 days after the date of enactment of this Act,  
14 eligible applicants shall submit applications not later than  
15 80 days after the grant announcement, and the Adminis-  
16 trator of the Federal Emergency Management Agency  
17 shall act within 65 days after the receipt of an application.

18           SEC. 304. Under the heading “Federal Emergency  
19 Management Agency — Federal Assistance”, for grants  
20 under paragraphs (6)(A) and (6)(B), the installation of  
21 communications towers is not considered construction of  
22 a building or other physical facility.

23           SEC. 305. Under the heading “Federal Emergency  
24 Management Agency — Federal Assistance”, for grants  
25 under paragraphs (6)(A) through (6)(G), grantees shall



1 provide reports on their use of funds, as determined nec-  
2 essary by the Secretary of Homeland Security.

3 SEC. 306. Notwithstanding section 509 of this Act,  
4 the Administrator of the Federal Emergency Management  
5 Agency may use the funds provided under the heading  
6 “Federal Emergency Management Agency — Federal As-  
7 sistance” in paragraph (6)(G) to acquire real property for  
8 the purpose of establishing or appropriately extending the  
9 security buffer zones around Federal Emergency Manage-  
10 ment Agency training facilities.

11 SEC. 307. The reporting requirements in paragraphs  
12 (1) and (2) under the heading “Federal Emergency Man-  
13 agement Agency — Disaster Relief Fund” in the Depart-  
14 ment of Homeland Security Appropriations Act, 2015  
15 (Public Law 114–4) shall be applied in fiscal year 2017  
16 with respect to budget year 2018 and current fiscal year  
17 2017, respectively, by substituting “fiscal year 2018” for  
18 “fiscal year 2017” in paragraph (1).

19 SEC. 308. In fiscal year 2017, no funds shall be avail-  
20 able from the National Flood Insurance Fund under sec-  
21 tion 1310 of the National Flood Insurance Act of 1968  
22 (42 U.S.C. 4017) in excess of:

23 (1) \$147,042,000 for operating expenses and  
24 salaries and expenses associated with flood insurance  
25 operations;

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

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

5           (4) \$175,061,000, to remain available until ex-  
6           pended, for flood mitigation actions and for flood  
7           mitigation assistance under section 1366 of the Na-  
8           tional Flood Insurance Act of 1968 (42 U.S.C.  
9           4104c), notwithstanding sections 1366(e) and  
10          1310(a)(7) of such Act (42 U.S.C. 4104c(e), 4017):

11       *Provided*, That the amounts collected under section 102  
12       of the Flood Disaster Protection Act of 1973 (42 U.S.C.  
13       4012a) and section 1366(e) of the National Flood Insur-  
14       ance Act of 1968 shall be deposited in the National Flood  
15       Insurance Fund to supplement other amounts specified as  
16       available for section 1366 of the National Flood Insurance  
17       Act of 1968, notwithstanding section 102(f)(8), section  
18       1366(e), and paragraphs (1) through (3) of section  
19       1367(b) of such Act (42 U.S.C. 4012a(f)(8), 4104c(e),  
20       4104d(b)(1)–(3)): *Provided further*, That up to  
21       \$5,000,000 is available to carry out section 24 of the  
22       Homeowner Flood Insurance Affordability Act of 2014  
23       (42 U.S.C. 4033).

24       SEC. 309. Under the heading “Federal Emergency  
25       Management Agency — Federal Assistance”, for grants

1 under paragraphs (6)(A) through (6)(G), the Adminis-  
2 trator of the Federal Emergency Management Agency  
3 shall brief the Committees on Appropriations of the House  
4 of Representatives and the Senate 5 full business days in  
5 advance of announcing publicly the intention of making  
6 an award.

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

11       SEC. 311. Notwithstanding any other provision of  
12 law, grants awarded to States along the Southwest Border  
13 of the United States under sections 2003 or 2004 of the  
14 Homeland Security Act of 2002 (6 U.S.C. 604 and 605)  
15 using funds provided under the heading “Federal Emer-  
16 gency Management Agency — Federal Assistance” for  
17 grants under paragraph (6)(A) in this Act, or under the  
18 heading “Federal Emergency Management Agency —  
19 State and Local Programs” in Public Law 114–4, division  
20 F of Public Law 113–76, or division D of Public Law  
21 113–6 may be used by recipients or sub-recipients for  
22 costs, or reimbursement of costs, related to providing hu-  
23 manitarian relief to unaccompanied alien children and  
24 alien adults accompanied by an alien minor where they  
25 are encountered after entering the United States, provided

1 that such costs were incurred between January 1, 2014,  
2 and December 31, 2014, or during the award period of  
3 performance.

4 TITLE IV  
5 RESEARCH, DEVELOPMENT, TRAINING, AND  
6 SERVICES

7 CITIZENSHIP AND IMMIGRATION SERVICES

8 OPERATIONS AND SUPPORT

9 For necessary expenses for operations and support of  
10 the E-Verify Program, as described in section 403(a) of  
11 the Illegal Immigration Reform and Immigrant Responsi-  
12 bility Act of 1996 (8 U.S.C. 1324a note), to assist United  
13 States employers with maintaining a legal workforce,  
14 \$103,912,000.

15 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

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

20 FEDERAL LAW ENFORCEMENT TRAINING CENTER

21 OPERATIONS AND SUPPORT

22 For necessary expenses of the Federal Law Enforce-  
23 ment Training Center, including materials and support  
24 costs of Federal law enforcement basic training; the pur-  
25 chase of not to exceed 117 vehicles for police-type use and

1 hire of passenger motor vehicles; expenses for student ath-  
2 letic and related activities; the conduct of and participa-  
3 tion in firearms matches and presentation of awards; pub-  
4 lic awareness and enhancement of community support of  
5 law enforcement training; room and board for student in-  
6 terns; a flat monthly reimbursement to employees author-  
7 ized to use personal mobile phones for official duties; and  
8 services as authorized by section 3109 of title 5, United  
9 States Code; \$242,518,000; of which up to \$50,748,000  
10 shall remain available until September 30, 2018, for mate-  
11 rials and support costs of Federal law enforcement basic  
12 training; of which \$27,553,000 shall remain available until  
13 September 30, 2019; and of which not to exceed \$7,180  
14 shall be for official reception and representation expenses.

15 SCIENCE AND TECHNOLOGY

16 OPERATIONS AND SUPPORT

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

## 1       PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

2           For necessary expenses for science and technology  
3 test and evaluation, acquisition, and construction of lab-  
4 oratory facilities as authorized by title III of the Home-  
5 land Security Act of 2002 (6 U.S.C. 181 et seq.),  
6 \$10,141,000, to remain available until September 30,  
7 2019.

## 8                               RESEARCH AND DEVELOPMENT

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

14   CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR, AND  
15                               EXPLOSIVES OFFICE

## 16                               OPERATIONS AND SUPPORT

17           For necessary expenses of the Chemical, Biological,  
18 Radiological, Nuclear, and Explosives Office,  
19 \$182,533,000; of which \$20,552,000, to remain available  
20 until September 30, 2019, shall be for programs and oper-  
21 ations in support of the detection, forensics, and preven-  
22 tion of radiological and nuclear threats; of which  
23 \$120,420,000, to remain available until September 30,  
24 2018, shall be for programs and operations in support of  
25 the surveillance, detection, and response to chemical, bio-

1 logical, and emerging infectious disease threats; and of  
2 which not to exceed \$2,250 shall be for official reception  
3 and representation expenses.

4       PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

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

9                       RESEARCH AND DEVELOPMENT

10       For necessary expenses of the Chemical, Biological,  
11 Radiological, Nuclear, and Explosives Office,  
12 \$151,605,000, to remain available until September 30,  
13 2018.

14                       FEDERAL ASSISTANCE

15       For necessary expenses of the Chemical, Biological,  
16 Radiological, Nuclear, and Explosives Office,  
17 \$65,947,000; of which \$51,684,000, to remain available  
18 until September 30, 2019, shall be for programs and oper-  
19 ations in support of the detection, forensics, and preven-  
20 tion of radiological and nuclear threats; and of which  
21 \$14,263,000 shall be for programs and operations to pre-  
22 vent, protect against, respond to, and mitigate bombing  
23 incidents.

## 1 ADMINISTRATIVE PROVISIONS

2 SEC. 401. Notwithstanding any other provision of  
3 law, funds otherwise made available to United States Citi-  
4 zenship and Immigration Services may be used to acquire,  
5 operate, equip, and dispose of up to 5 vehicles, for replace-  
6 ment only, for areas where the Administrator of General  
7 Services does not provide vehicles for lease: *Provided*, That  
8 the Director of United States Citizenship and Immigration  
9 Services may authorize employees who are assigned to  
10 those areas to use such vehicles to travel between the em-  
11 ployees' residences and places of employment.

12 SEC. 402. 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. 403. No funds, resources, or fees made available  
21 to the Secretary of Homeland Security, or to any other  
22 official of a Federal agency, by this Act or any other Act  
23 for any fiscal year, including any deposits into the "Immi-  
24 gration Examinations Fee Account" established under  
25 section 286(m) of the Immigration and Nationality Act



1 (8 U.S.C. 1356(m)), may be obligated to expand the exist-  
2 ing Deferred Action for Childhood Arrivals or newly pro-  
3 posed Deferred Action for Parents of Americans and Law-  
4 ful Permanent Residents as outlined in memoranda signed  
5 November 20, 2014, by the Secretary of the Department  
6 of Homeland Security while the preliminary injunctive  
7 order of the district court for the Southern District of  
8 Texas entered February 16, 2015, in the matter of *Texas*  
9 *v. United States*, Civ. No. B-14-254, 2015 WL 648579  
10 (S.D. Tex. Feb. 16, 2015), remains in effect.

11 SEC. 404. None of the funds appropriated by this Act  
12 may be used to process or approve a competition under  
13 Office of Management and Budget Circular A-76 for serv-  
14 ices provided by employees (including employees serving  
15 on a temporary or term basis) of United States Citizen-  
16 ship and Immigration Services of the Department of  
17 Homeland Security who are known as Immigration Infor-  
18 mation Officers, Immigration Service Analysts, Contact  
19 Representatives, Investigative Assistants, or Immigration  
20 Services Officers.

21 SEC. 405. (a) Notwithstanding section 1356(n) of  
22 title 8, United States Code, of the funds deposited into  
23 the Immigration Examinations Fee Account, up to  
24 \$10,000,000 may be allocated by United States Citizen-  
25 ship and Immigration Services in fiscal year 2017 for the

1 purpose of providing an immigrant integration grants pro-  
2 gram.

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

8 (c) The Director of United States Citizenship and  
9 Immigration Services is authorized in fiscal year 2017,  
10 and in each fiscal year thereafter, to solicit, accept, admin-  
11 ister and utilize gifts, including donations of property, for  
12 the purpose of providing an immigrant integration grants  
13 program and related activities to promote citizenship and  
14 immigrant integration: *Provided*, That all sums received  
15 under this subsection shall be deposited in a separate ac-  
16 count in the general fund of the Treasury to be known  
17 as the “Citizenship Gift and Bequest Account”: *Provided*  
18 *further*, That all funds deposited into the Citizenship Gift  
19 and Bequest Account shall remain available until ex-  
20 pended, and shall be available in addition to any funds  
21 appropriated or otherwise made available for an immi-  
22 grant integration grants program or other activities to  
23 promote citizenship and immigrant integration.

24 (d) Nothing in this section shall be construed to limit  
25 the authority of the Secretary of Homeland Security under

1 section 507 of the Department of Homeland Security Ap-  
2 propriations Act, 2004 (Public Law 108–90) or any other  
3 law with respect to the solicitation and acceptance of gifts.

4       SEC. 406. The Federal Law Enforcement Training  
5 Center is authorized to distribute funds to Federal law  
6 enforcement agencies for expenses incurred participating  
7 in training accreditation.

8       SEC. 407. The Federal Law Enforcement Training  
9 Center is authorized to obligate funds in anticipation of  
10 reimbursements from agencies receiving training spon-  
11 sored by the Center, except that total obligations at the  
12 end of the fiscal year shall not exceed total budgetary re-  
13 sources available at the end of the fiscal year.

14       SEC. 408. The Federal Law Enforcement Training  
15 Center is authorized to accept transfers and reimburse-  
16 ments to “Federal Law Enforcement Training Center —  
17 Operations and Support” from agencies receiving training  
18 sponsored by the Federal Law Enforcement Training Cen-  
19 ter for ongoing maintenance, minor facility improvements,  
20 and related expenses as necessary of the Federal Law En-  
21 forcement Training Center.

22       SEC. 409. Section 1202(a) of Public Law 107–206  
23 (42 U.S.C. 3771 note), as amended under the heading  
24 “Federal Law Enforcement Training Center — Salaries  
25 and Expenses” in title IV of Public Law 114–4, is further

1 amended by striking “December 31, 2018” and inserting  
2 “December 31, 2019”.

3       SEC. 410. 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       SEC. 411. The Federal Law Enforcement Training  
10 Accreditation Board, including representatives from the  
11 Federal law enforcement community and non-Federal ac-  
12 creditation experts involved in law enforcement training,  
13 shall lead the Federal law enforcement training accredita-  
14 tion process to continue the implementation of measuring  
15 and assessing the quality and effectiveness of Federal law  
16 enforcement training programs, facilities, and instructors.

17       SEC. 412. (a) There is to be established a “Federal  
18 Law Enforcement Training Center — Procurement, Con-  
19 struction, and Improvements” appropriations account for  
20 planning, operational development, engineering, and pur-  
21 chases prior to sustainment and for information tech-  
22 nology-related procurement, construction, and improve-  
23 ments, including non-tangible assets of the Federal Law  
24 Enforcement Training Center.

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

6 SEC. 413. The functions of the Federal Law Enforce-  
7 ment Training Center instructor staff shall be classified  
8 as inherently governmental for the purpose of the Federal  
9 Activities Inventory Reform Act of 1998 (31 U.S.C. 501  
10 note).

## 11 TITLE V

### 12 GENERAL PROVISIONS

13 (INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

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

17 SEC. 502. Subject to the requirements of section 503  
18 of this Act, the unexpended balances of prior appropria-  
19 tions provided for activities in this Act may be transferred  
20 to appropriation accounts for such activities established  
21 pursuant to this Act, may be merged with funds in the  
22 applicable established accounts, and thereafter may be ac-  
23 counted for as one fund for the same time period as origi-  
24 nally enacted.

1           SEC. 503. (a) None of the funds provided by this Act,  
2 provided by previous appropriations Acts to the compo-  
3 nents in or transferred to the Department of Homeland  
4 Security that remain available for obligation or expendi-  
5 ture in fiscal year 2017, or provided from any accounts  
6 in the Treasury of the United States derived by the collec-  
7 tion of fees available to the components funded by this  
8 Act, shall be available for obligation or expenditure  
9 through a reprogramming of funds that—

10           (1) creates or eliminates a program, project, or  
11 activity, or increases funds for any program, project,  
12 or activity for which funds have been denied or re-  
13 stricted by the Congress;

14           (2) contracts out any function or activity pres-  
15 ently performed by Federal employees or any new  
16 function or activity proposed to be performed by  
17 Federal employees in the President's budget pro-  
18 posal for fiscal year 2017 for the Department of  
19 Homeland Security;

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

22           (4) reduces funding for any program, project,  
23 or activity, or numbers of personnel, by 10 percent  
24 or more;

25           (5) reorganizes offices; or

1           (6) results from any general savings from a re-  
2           duction in personnel that would result in a change  
3           in existing programs, projects, or activities as ap-  
4           proved by the Congress, unless the Committees on  
5           Appropriations of the House of Representatives and  
6           the Senate are notified 15 days in advance of such  
7           reprogramming of funds.

8           (b) Not to exceed 5 percent or \$25,000,000, which-  
9           ever is less, of any appropriation made available for the  
10          current fiscal year for the Department of Homeland Secu-  
11          rity by this Act or provided by previous appropriations  
12          Acts may be transferred between such appropriations un-  
13          less the Secretary of Homeland Security determines such  
14          transfer is necessary in the national interest.

15          (c) Any transfer under this section shall be treated  
16          as a reprogramming of funds under subsection (a) and  
17          shall not be available for obligation unless the Committees  
18          on Appropriations of the House of Representatives and the  
19          Senate are notified 30 days in advance of such transfer.

20          (d) Notwithstanding subsections (a), (b), and (c), no  
21          funds shall be reprogrammed within or transferred be-  
22          tween appropriations based upon an initial notification  
23          provided after June 30, except in extraordinary cir-  
24          cumstances that imminently threaten the safety of human  
25          life or the protection of property.

1 (e) The notification thresholds and procedures set  
2 forth in subsections (a), (b), (c), and (d) shall apply to  
3 any use of deobligated balances of funds provided in pre-  
4 vious Department of Homeland Security Appropriations  
5 Acts.

6 (f) The Secretary of Homeland Security may transfer  
7 to the fund established by 8 U.S.C. 1101 note, up to  
8 \$20,000,000 from appropriations available to the Depart-  
9 ment of Homeland Security: *Provided*, That the Secretary  
10 shall notify the Committees on Appropriations of the  
11 House of Representatives and the Senate 5 days in ad-  
12 vance of such transfer.

13 SEC. 504. The Department of Homeland Security  
14 Working Capital Fund, established pursuant to section  
15 403 of Public Law 103–356 (31 U.S.C. 501 note), shall  
16 continue operations as a permanent working capital fund  
17 for fiscal year 2017: *Provided*, That none of the funds ap-  
18 propriated or otherwise made available to the Department  
19 of Homeland Security may be used to make payments to  
20 the Working Capital Fund, except for the activities and  
21 amounts allowed in the President’s fiscal year 2017 budg-  
22 et: *Provided further*, That funds provided to the Working  
23 Capital Fund shall be available for obligation until ex-  
24 pended to carry out the purposes of the Working Capital  
25 Fund: *Provided further*, That all Departmental compo-



1 nents shall be charged only for direct usage of each Work-  
2 ing Capital Fund service: *Provided further*, That funds  
3 provided to the Working Capital Fund shall be used only  
4 for purposes consistent with the contributing component:  
5 *Provided further*, That the Working Capital Fund shall be  
6 paid in advance or reimbursed at rates which will return  
7 the full cost of each service: *Provided further*, That the  
8 Committees on Appropriations of the House of Represent-  
9 atives and the Senate shall be notified of any activity  
10 added to or removed from the fund: *Provided further*, That  
11 for any activity added to the fund, the notification shall  
12 identify sources of funds by program, project, and activity:  
13 *Provided further*, That the Chief Financial Officer of the  
14 Department of Homeland Security shall submit a quar-  
15 terly execution report with activity level detail, not later  
16 than 30 days after the end of each quarter.

17 SEC. 505. Except as otherwise specifically provided  
18 by law, not to exceed 50 percent of unobligated balances  
19 remaining available at the end of fiscal year 2017, as re-  
20 corded in the financial records at the time of a reprogram-  
21 ming request, but not later than June 30, 2018, from ap-  
22 propriations for “Operations and Support” and for “Coast  
23 Guard — Operating Expenses” for fiscal year 2017 in this  
24 Act shall remain available through September 30, 2018,  
25 in the account and for the purposes for which the appro-

1 priations were provided: *Provided*, That prior to the obli-  
2 gation of such funds, a notification shall be submitted to  
3 the Committees on Appropriations of the House of Rep-  
4 resentatives and the Senate in accordance with section 503  
5 of this Act.

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

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

15           (1) make or award a grant allocation, grant,  
16 contract, other transaction agreement, or task or de-  
17 livery order on a Department of Homeland Security  
18 multiple award contract, or to issue a letter of intent  
19 totaling in excess of \$1,000,000;

20           (2) award a task or delivery order requiring an  
21 obligation of funds in an amount greater than  
22 \$10,000,000 from multi-year Department of Home-  
23 land Security funds;

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

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

5           (b) The Secretary of Homeland Security may waive  
6           the prohibition under subsection (a) if the Secretary noti-  
7           fies the Committees on Appropriations of the House of  
8           Representatives and the Senate at least 3 full business  
9           days in advance of making an award or issuing a letter  
10          as described in that subsection.

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

18          (d) A notification under this section—

19                (1) may not involve funds that are not available  
20                for obligation; and

21                (2) shall include the amount of the award; the  
22                fiscal year for which the funds for the award were  
23                appropriated; the type of contract; and the account  
24                from which the funds are being drawn.

1       SEC. 508. Notwithstanding any other provision of  
2 law, no agency shall purchase, construct, or lease any ad-  
3 ditional facilities, except within or contiguous to existing  
4 locations, to be used for the purpose of conducting Federal  
5 law enforcement training without advance notification to  
6 the Committees on Appropriations of the House of Rep-  
7 resentatives and the Senate, except that the Federal Law  
8 Enforcement Training Center is authorized to obtain the  
9 temporary use of additional facilities by lease, contract,  
10 or other agreement for training that cannot be accommo-  
11 dated in existing Center facilities.

12       SEC. 509. None of the funds appropriated or other-  
13 wise made available by this Act may be used for expenses  
14 for any construction, repair, alteration, or acquisition  
15 project for which a prospectus otherwise required under  
16 chapter 33 of title 40, United States Code, has not been  
17 approved, except that necessary funds may be expended  
18 for each project for required expenses for the development  
19 of a proposed prospectus.

20       SEC. 510. Sections 520, 522, and 530 of the Depart-  
21 ment of Homeland Security Appropriations Act, 2008 (di-  
22 vision E of Public Law 110–161; 121 Stat. 2073 and  
23 2074) shall apply with respect to funds made available in  
24 this Act in the same manner as such sections applied to  
25 funds made available in that Act.

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

6       SEC. 512. None of the funds made available in this  
7 Act may be used to amend the oath of allegiance required  
8 by section 337 of the Immigration and Nationality Act  
9 (8 U.S.C. 1448).

10       SEC. 513. Section 519 of division F of Public Law  
11 114–113, regarding a prohibition on funding for any posi-  
12 tion designated as a Principal Federal Official, shall apply  
13 with respect to funds made available in this Act in the  
14 same manner as such section applied to funds made avail-  
15 able in that Act.

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

18             (1) in subsection (a), by striking “Until Sep-  
19 tember 30, 2016,” and inserting “Until September  
20 30, 2017,”; and

21             (2) in subsection (c)(1), by striking “September  
22 30, 2016,” and inserting “September 30, 2017,”.

23       SEC. 515. Notwithstanding any other provision of  
24 law, none of the funds provided in this or any other Act  
25 shall be used to approve a waiver of the navigation and

1 vessel-inspection laws pursuant to 46 U.S.C. 501(b) for  
2 the transportation of crude oil distributed from and to the  
3 Strategic Petroleum Reserve until the Secretary of Home-  
4 land Security, after consultation with the Secretaries of  
5 the Departments of Energy and Transportation and rep-  
6 resentatives from the United States flag maritime indus-  
7 try, takes adequate measures to ensure the use of United  
8 States flag vessels: *Provided*, That the Secretary shall no-  
9 tify the Committees on Appropriations of the House of  
10 Representatives and the Senate, the Committee on Trans-  
11 portation and Infrastructure of the House of Representa-  
12 tives, and the Committee on Commerce, Science, and  
13 Transportation of the Senate within 2 business days of  
14 any request for waivers of navigation and vessel-inspection  
15 laws pursuant to 46 U.S.C. 501(b).

16       SEC. 516. None of the funds made available in this  
17 Act for U.S. Customs and Border Protection may be used  
18 to prevent an individual not in the business of importing  
19 a prescription drug (within the meaning of section 801(g)  
20 of the Federal Food, Drug, and Cosmetic Act) from im-  
21 porting a prescription drug from Canada that complies  
22 with the Federal Food, Drug, and Cosmetic Act: *Provided*,  
23 That this section shall apply only to individuals trans-  
24 porting on their person a personal-use quantity of the pre-

1 prescription drug, not to exceed a 90-day supply: *Provided*  
2 *further*, That the prescription drug may not be—

3 (1) a controlled substance, as defined in section  
4 102 of the Controlled Substances Act (21 U.S.C.  
5 802); or

6 (2) a biological product, as defined in section  
7 351 of the Public Health Service Act (42 U.S.C.  
8 262).

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

12 SEC. 518. Any official that is required by this Act  
13 to report or to certify to the Committees on Appropria-  
14 tions of the House of Representatives and the Senate may  
15 not delegate such authority to perform that act unless spe-  
16 cifically authorized herein.

17 SEC. 519. None of the funds appropriated or other-  
18 wise made available in this or any other Act may be used  
19 to transfer, release, or assist in the transfer or release to  
20 or within the United States, its territories, or possessions  
21 Khalid Sheikh Mohammed or any other detainee who—

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

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

4           SEC. 520. None of the funds made available in this  
5 Act may be used for first-class travel by the employees  
6 of agencies funded by this Act in contravention of sections  
7 301–10.122 through 301–10.124 of title 41, Code of Fed-  
8 eral Regulations.

9           SEC. 521. None of the funds made available in this  
10 Act may be used to employ workers described in section  
11 274A(h)(3) of the Immigration and Nationality Act (8  
12 U.S.C. 1324a(h)(3)).

13          SEC. 522. Notwithstanding any other provision of  
14 this Act, none of the funds appropriated or otherwise  
15 made available by this Act may be used to pay award or  
16 incentive fees for contractor performance that has been  
17 judged to be below satisfactory performance or perform-  
18 ance that does not meet the basic requirements of a con-  
19 tract.

20          SEC. 523. In developing any process to screen avia-  
21 tion passengers and crews for transportation or national  
22 security purposes, the Secretary of Homeland Security  
23 shall ensure that all such processes take into consideration  
24 such passengers' and crews' privacy and civil liberties con-  
25 sistent with applicable laws, regulations, and guidance.



1           SEC. 524. None of the funds appropriated or other-  
2 wise made available by this Act may be used by the De-  
3 partment of Homeland Security to enter into any Federal  
4 contract unless such contract is entered into in accordance  
5 with the requirements of subtitle I of title 41, United  
6 States Code, or chapter 137 of title 10, United States  
7 Code, and the Federal Acquisition Regulation, unless such  
8 contract is otherwise authorized by statute to be entered  
9 into without regard to the above referenced statutes.

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

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

17           (c) No transfer described in subsection (b) shall occur  
18 until 15 days after the Committees on Appropriations of  
19 the House of Representatives and the Senate are notified  
20 of such transfer.

21           SEC. 526. The Secretary of Homeland Security shall  
22 ensure enforcement of immigration laws (as defined in sec-  
23 tion 101(a)(17) of the Immigration and Nationality Act  
24 (8 U.S.C. 1101(a)(17))).

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

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

9       SEC. 528. None of the funds made available in this  
10 Act may be used by a Federal law enforcement officer to  
11 facilitate the transfer of an operable firearm to an indi-  
12 vidual if the Federal law enforcement officer knows or sus-  
13 pects that the individual is an agent of a drug cartel unless  
14 law enforcement personnel of the United States continu-  
15 ously monitor or control the firearm at all times.

16       SEC. 529. None of the funds made available in this  
17 Act may be used to pay for the travel to or attendance  
18 of more than 50 employees of a single component of the  
19 Department of Homeland Security, who are stationed in  
20 the United States, at a single international conference un-  
21 less the Secretary of Homeland Security, or a designee,  
22 determines that such attendance is in the national interest  
23 and notifies the Committees on Appropriations of the  
24 House of Representatives and the Senate within at least  
25 10 days of that determination and the basis for that deter-

1 mination: *Provided*, That for purposes of this section the  
2 term “international conference” shall mean a conference  
3 occurring outside of the United States attended by rep-  
4 resentatives of the United States Government and of for-  
5 eign governments, international organizations, or non-  
6 governmental organizations: *Provided further*, That the  
7 total cost to the Department of Homeland Security of any  
8 such conference shall not exceed \$500,000.

9       SEC. 530. None of the funds made available in this  
10 Act may be used to reimburse any Federal department  
11 or agency for its participation in a National Special Secu-  
12 rity Event.

13       SEC. 531. As authorized by section 601(b) of the  
14 United States-Colombia Trade Promotion Agreement Im-  
15 plementation Act (Public Law 112–42), not to exceed  
16 \$220,000,000 in fees collected from passengers arriving  
17 from Canada, Mexico, or an adjacent island pursuant to  
18 section 13031(a)(5) of the Consolidated Omnibus Budget  
19 Reconciliation Act of 1985 (19 U.S.C. 58c(a)(5)) shall be  
20 available until expended.

21       SEC. 532. None of the funds made available to the  
22 Department of Homeland Security by this or any other  
23 Act may be obligated for any structural pay reform that  
24 affects more than 100 full-time equivalent employee posi-  
25 tions or costs more than \$5,000,000 in a single year be-

1 fore the end of the 30-day period beginning on the date  
2 on which the Secretary of Homeland Security submits to  
3 Congress a notification that includes—

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

6 (2) funding required for such change for the  
7 current year and through the Future Years Home-  
8 land Security Program;

9 (3) justification for such change; and

10 (4) an analysis of compensation alternatives to  
11 such change that were considered by the Depart-  
12 ment.

13 SEC. 533. (a) Any agency receiving funds made avail-  
14 able in this Act shall, subject to subsections (b) and (c),  
15 post on the public website of that agency any report re-  
16 quired to be submitted by the Committees on Appropria-  
17 tions of the House of Representatives and the Senate in  
18 this Act, upon the determination by the head of the agency  
19 that it shall serve the national interest.

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

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

23 (2) the report contains proprietary information.

24 (c) The head of the agency posting such report shall  
25 do so only after such report has been made available to

1 the Committees for no less than 45 days except as other-  
2 wise specified in law.

3 SEC. 534. (a) Beginning on the date of enactment  
4 of this Act, the Secretary of Homeland Security shall  
5 not—

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

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

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

17 SEC. 535. (a) The Secretary of Homeland Security  
18 may include in the President’s budget proposal for fiscal  
19 year 2018, submitted pursuant to section 1105(a) of title  
20 31, United States Code, and accompanying justification  
21 materials, an account structure under which each appro-  
22 priation under each agency heading either remains the  
23 same as fiscal year 2017 or falls within the following cat-  
24 egories of appropriations:

25 (1) Operations and Support.

1           (2) Procurements, Construction, and Improve-  
2           ments.

3           (3) Research and Development.

4           (4) Federal Assistance.

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

9           (c) Not earlier than October 1, 2017, the accounts  
10 designated under subsection (a) may be established, and  
11 the Secretary of Homeland Security may execute appro-  
12 priations of the Department as provided pursuant to such  
13 subsection, including any continuing appropriations made  
14 available for fiscal year 2018 before enactment of a reg-  
15 ular appropriations Act.

16          (d) Notwithstanding any other provision of law, the  
17 Secretary of Homeland Security may transfer any appro-  
18 priation made available to the Department of Homeland  
19 Security by any appropriations Acts to the accounts cre-  
20 ated pursuant to subsection (c) to carry out the require-  
21 ments of such subsection, and shall notify the Committees  
22 on Appropriations of the House of Representatives and the  
23 Senate at least 5 days prior to each transfer.

24          SEC. 536. None of the funds made available by this  
25 Act may be obligated or expended to implement the Arms

1 Trade Treaty until the Senate approves a resolution of  
2 ratification for the Treaty.

3       SEC. 537. For an additional amount for “U.S. Cus-  
4 toms and Border Protection — Operations and Support”,  
5 \$31,000,000, to remain available until expended, to be re-  
6 duced by amounts collected and credited to this appropria-  
7 tion from amounts authorized to be collected by section  
8 286(i) of the Immigration and Nationality Act (8 U.S.C.  
9 1356(i)), section 10412 of the Farm Security and Rural  
10 Investment Act of 2002 (7 U.S.C. 8311), and section 817  
11 of the Trade Facilitation and Trade Enforcement Act of  
12 2015, or other such authorizing language: *Provided*, That  
13 to the extent that amounts realized from such collections  
14 exceed \$31,000,000, those amounts in excess of  
15 \$31,000,000 shall be credited to this appropriation, to re-  
16 main available until expended.

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

22       SEC. 539. All official costs associated with the use  
23 of Government aircraft by Department of Homeland Secu-  
24 rity personnel to support official travel of the Secretary  
25 and the Deputy Secretary shall be paid from amounts

1 made available for the Immediate Office of the Secretary  
2 and the Immediate Office of the Deputy Secretary.

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

7 (b) In this section, the terms “confiscated”, “Cuban  
8 Government”, “property”, and “traffic” have the mean-  
9 ings given such terms in paragraphs (4), (5), (12)(A), and  
10 (13), respectively, of section 4 of the Cuban Liberty and  
11 Democratic Solidarity (LIBERTAD) Act of 1996 (2216  
12 U.S.C. 6023).

13 SEC. 541. (a) For funds provided in this Act for each  
14 “Operations and Support” appropriation and for “Coast  
15 Guard — Operating Expenses”, 20 percent shall be with-  
16 held from obligation until the fiscal year 2018 budget jus-  
17 tification materials for the Department of Homeland Se-  
18 curity are provided to the Committees on Appropriations  
19 of the House of Representatives and the Senate in accord-  
20 ance with the requirements on page 17 of House Report  
21 114–215, which were incorporated by reference into Public  
22 Law 114–113 in the explanatory statement accompanying  
23 that Act.

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



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

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

8           SEC. 543. The aggregate charges assessed during fis-  
9 cal year 2017, as authorized in title III of the Depart-  
10 ments of Veterans Affairs and Housing and Urban Devel-  
11 opment, and Independent Agencies Appropriations Act,  
12 1999 (42 U.S.C. 5196e), shall not be less than 100 per-  
13 cent of the amounts anticipated by the Department of  
14 Homeland Security to be necessary for its Radiological  
15 Emergency Preparedness Program for the next fiscal year:  
16 *Provided*, That the methodology for assessment and collec-  
17 tion of fees shall be fair and equitable and shall reflect  
18 costs of providing such services, including administrative  
19 costs of collecting such fees: *Provided further*, That such  
20 fees shall be deposited in a Radiological Emergency Pre-  
21 paredness Program account as offsetting collections and  
22 will become available for authorized purposes on October  
23 1, 2017, and remain available until expended.

1 (RESCISSIONS)

2 SEC. 544. Of the funds appropriated to the Depart-  
3 ment of Homeland Security, the following funds are here-  
4 by rescinded from the following accounts and programs  
5 in the specified amounts: *Provided*, That no amounts may  
6 be rescinded from amounts that were designated by the  
7 Congress as an emergency requirement pursuant to a con-  
8 current resolution on the budget or the Balanced Budget  
9 and Emergency Deficit Control Act of 1985 (Public Law  
10 99–177):

11 (1) \$95,000,000 from Public Law 109–88;

12 (2) \$55,000,000 from unobligated prior year  
13 balances from “U.S. Customs and Border Protection  
14 — Border Security, Fencing, Infrastructure, and  
15 Technology”;

16 (3) \$45,000,000 from Public Law 114–4 under  
17 the heading “U. S. Immigration and Customs En-  
18 forcement — Salaries and Expenses”;

19 (4) \$12,200,000 from Public Law 114–113  
20 under the heading “Transportation Security Admin-  
21 istration — Aviation Security”;

22 (5) \$4,200,000 from Public Law 113–6 under  
23 the heading “Coast Guard — Acquisition, Construc-  
24 tion, and Improvements”;



1                                   SPENDING REDUCTION ACCOUNT

2           SEC. 547. The amount by which the applicable alloca-  
3 tion of new budget authority made by the Committee on  
4 Appropriations of the House of Representatives under sec-  
5 tion 302(b) of the Congressional Budget Act of 1974 ex-  
6 ceeds the amount of proposed new budget authority is \$0.

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