

[COMMITTEE PRINT]

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

Calendar No. 000

115TH CONGRESS
1ST SESSION

S. 0000

[Report No. 115-000]

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2018, and for other purposes.

IN THE SENATE OF THE UNITED STATES

_____, 2017

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

A BILL

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2018, and for other purposes.

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

1 money in the Treasury not otherwise appropriated, for the
2 Department of Homeland Security for the fiscal year end-
3 ing September 30, 2018, and for other purposes, namely:

4 TITLE I

5 DEPARTMENTAL MANAGEMENT, OPERATIONS,
6 INTELLIGENCE, AND OVERSIGHT

7 OFFICE OF THE SECRETARY AND EXECUTIVE

8 MANAGEMENT

9 OPERATIONS AND SUPPORT

10 For necessary expenses of the Office of the Secretary
11 and for executive management for operations and support,
12 \$132,426,000: *Provided*, That not to exceed \$40,000 shall
13 be for official reception and representation expenses: *Pro-*
14 *vided further*, That of the funds provided under this head-
15 ing, \$2,000,000 shall be withheld from obligation until the
16 Secretary complies with section 107 of this Act.

17 MANAGEMENT DIRECTORATE

18 OPERATIONS AND SUPPORT

19 For necessary expenses of the Management Direc-
20 torate for operations and support, \$639,366,000, of which
21 \$227,504,000 shall remain available until September 30,
22 2019: *Provided*, That not to exceed \$2,000 shall be for
23 official reception and representation expenses.

1 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

2 For necessary expenses of the Management Direc-
3 torate for procurement, construction, and improvements,
4 \$23,055,000, to remain available until September 30,
5 2018.

6 RESEARCH AND DEVELOPMENT

7 For necessary expenses of the Management Direc-
8 torate for research and development, \$2,545,000, to re-
9 main available until September 30, 2019.

10 INTELLIGENCE, ANALYSIS, AND OPERATIONS

11 COORDINATION

12 OPERATIONS AND SUPPORT

13 For necessary expenses of the Office of Intelligence
14 and Analysis and the Office of Operations Coordination
15 for operations and support, \$250,005,000, of which
16 \$77,915,795 shall remain available until September 30,
17 2019: *Provided*, That not to exceed \$3,825 shall be for
18 official reception and representation expenses and not to
19 exceed \$2,000,000 is available for facility needs associated
20 with secure space at fusion centers, including improve-
21 ments to buildings.

22 OFFICE OF INSPECTOR GENERAL

23 OPERATIONS AND SUPPORT

24 For necessary expenses of the Office of Inspector
25 General for operations and support, \$127,000,000: *Pro-*

1 *vided*, That not to exceed \$300,000 may be used for cer-
2 tain confidential operational expenses, including the pay-
3 ment of informants, to be expended at the direction of the
4 Inspector General.

5 ADMINISTRATIVE PROVISIONS

6 SEC. 101. The Secretary of Homeland Security shall
7 submit to the Committees on Appropriations of the Senate
8 and the House of Representatives, at the time the Presi-
9 dent's budget proposal for fiscal year 2019 is submitted
10 pursuant to section 1105(a) of title 31, United States
11 Code, the Future Years Homeland Security Program, as
12 authorized by section 874 of Public Law 107–296 (6
13 U.S.C. 454).

14 SEC. 102. Not later than 30 days after the last day
15 of each month, the Chief Financial Officer of the Depart-
16 ment of Homeland Security shall submit to the Commit-
17 tees on Appropriations of the Senate and the House of
18 Representatives a monthly budget and staffing report that
19 includes total obligations of the Department for that
20 month and for the fiscal year at the appropriation and
21 program, project, and activity levels, by the source year
22 of the appropriation.

23 SEC. 103. (a) Notwithstanding section 518 of Public
24 Law 114–113, the Secretary of Homeland Security shall
25 submit a report not later than October 15, 2018, to the

1 Inspector General of the Department of Homeland Secu-
2 rity listing all grants and contracts awarded by any means
3 other than full and open competition during fiscal years
4 2017 and 2018.

5 (b) The Inspector General shall review the report re-
6 quired by subsection (a) to assess departmental compli-
7 ance with applicable laws and regulations and report the
8 results of that review to the Committees on Appropriations
9 of the Senate and the House of Representatives not later
10 than February 15, 2019.

11 SEC. 104. The Secretary of Homeland Security shall
12 require that all contracts of the Department of Homeland
13 Security that provide award fees link such fees to success-
14 ful acquisition outcomes, which shall be specified in terms
15 of cost, schedule, and performance.

16 SEC. 105. The Secretary of Homeland Security, in
17 consultation with the Secretary of the Treasury, shall no-
18 tify the Committees on Appropriations of the Senate and
19 the House of Representatives of any proposed transfers
20 of funds available under section 9703(g)(4)(B) of title 31,
21 United States Code (as added by Public Law 102-393)
22 from the Department of the Treasury Forfeiture Fund to
23 any agency within the Department of Homeland Security:
24 *Provided*, That none of the funds identified for such a
25 transfer may be obligated until the Committees on Appro-

1 priations of the Senate and the House of Representatives
2 are notified of the proposed transfers.

3 SEC. 106. All official costs associated with the use
4 of Government aircraft by Department of Homeland Secu-
5 rity personnel to support official travel of the Secretary
6 and the Deputy Secretary shall be paid from amounts
7 made available for the Office of the Secretary.

8 SEC. 107. (a) Not later than 30 days after the date
9 of enactment of this Act, the Secretary of Homeland Secu-
10 rity shall submit to the Committees on Appropriations of
11 the Senate and the House of Representatives, the Commit-
12 tees on the Judiciary of the Senate and the House of Rep-
13 resentatives, the Committee on Homeland Security and
14 Governmental Affairs of the Senate, and the Committee
15 on Homeland Security of the House of Representatives,
16 a report for fiscal year 2017 on visa overstay data by
17 country as required by section 1376 of title 8, United
18 States Code: *Provided*, That the report on visa overstay
19 data shall also include—

20 (1) overstays from all nonimmigrant visa cat-
21 egories under the immigration laws, delineated by
22 each of the classes and sub-classes of such cat-
23 egories; and

1 (2) numbers as well as rates of overstays for
2 each class and sub-class of such nonimmigrant cat-
3 egories on a per-country basis.

4 (b) The Secretary of Homeland Security shall publish
5 on the Department's Web site the metrics developed to
6 measure the effectiveness of security between the ports of
7 entry, including the methodology and data supporting the
8 resulting measures.

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

6 For necessary expenses of U.S. Customs and Border
7 Protection for operations and support, including the trans-
8 portation of unaccompanied minor aliens; the provision of
9 air and marine support to Federal, State, and local agen-
10 cies in the enforcement or administration of laws enforced
11 by the Department of Homeland Security; at the discre-
12 tion of the Secretary of Homeland Security, the provision
13 of such support to Federal, State, and local agencies in
14 other law enforcement and emergency humanitarian ef-
15 forts; the purchase and lease of up to 7,500 (6,500 for
16 replacement only) police-type vehicles; the purchase, main-
17 tenance, or operation of marine vessels, aircraft, and un-
18 manned aerial systems; and contracting with individuals
19 for personal services abroad; \$11,403,621,000; of which
20 \$3,274,000 shall be derived from the Harbor Maintenance
21 Trust Fund for administrative expenses related to the col-
22 lection of the Harbor Maintenance Fee pursuant to section
23 9505(c)(3) of the Internal Revenue Code of 1986 (26
24 U.S.C. 9505(c)(3)) and notwithstanding section
25 1511(e)(1) of the Homeland Security Act of 2002 (6

1 U.S.C. 551(e)(1)); of which \$681,441,500 shall be avail-
2 able until September 30, 2019; and of which such sums
3 as become available in the Customs User Fee Account, ex-
4 cept sums subject to section 13031(f)(3) of the Consoli-
5 dated Omnibus Budget Reconciliation Act of 1985 (19
6 U.S.C. 58c(f)(3)), shall be derived from that account: *Pro-*
7 *vided*, That not to exceed \$34,425 shall be for official re-
8 ception and representation expenses: *Provided further*,
9 That not to exceed \$150,000 shall be available for pay-
10 ment for rental space in connection with preclearance op-
11 erations: *Provided further*, That not to exceed \$1,000,000
12 shall be for awards of compensation to informants, to be
13 accounted for solely under the certificate of the Secretary
14 of Homeland Security.

15 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

16 For necessary expenses for U.S. Customs and Border
17 Protection for procurement, construction, and improve-
18 ments, including procurements to buy marine vessels, air-
19 craft, and unmanned aerial systems, \$1,888,399,000,
20 which shall remain available until September 30, 2020:
21 *Provided*, That \$822,236,000 shall not be made available
22 at least 30 days after the submission by the Secretary of
23 Homeland Security to the Committees on Appropriations
24 of the Senate and House of Representatives of the risk-
25 based plan for improving security along the borders of the

1 United States as required under this heading in title VI
2 of division F of Public Law 115–31: *Provided further*,
3 That the Secretary shall provide the plan to the Comp-
4 troller General of the United States who shall evaluate the
5 plan and report to the Committees on Appropriations of
6 the Senate and the House of Representatives on the
7 strengths and weaknesses of the plan: *Provided further*,
8 That the Comptroller General shall report to the Commit-
9 tees not later than 90 days after the plan has been sub-
10 mitted to the Committees and to the Government Account-
11 ability Office.

12 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

13 OPERATIONS AND SUPPORT

14 For necessary expenses of U.S. Immigration and
15 Customs Enforcement for operations and support, includ-
16 ing the purchase and lease of up to 3,790 (2,350 for re-
17 placement only) police-type vehicles; overseas vetted units;
18 and maintenance, minor construction, and minor leasehold
19 improvements at owned and leased facilities,
20 \$6,637,079,000; of which \$6,000,000 shall remain avail-
21 able until expended for efforts to enforce laws against
22 forced child labor; of which not less than \$15,000,000
23 shall be available for investigation of intellectual property
24 rights violations, including operation of the National Intel-
25 lectual Property Rights Coordination Center; of which

1 \$18,700,000 shall remain available until September 30,
2 2019, for the Visa Security Program and investigations
3 abroad; of which not less than \$3,921,759,000 shall be
4 for enforcement, detention, and removal operations, in-
5 cluding transportation of unaccompanied minor aliens:
6 *Provided*, That not to exceed \$11,475 shall be for official
7 reception and representation expenses: *Provided further*,
8 That not to exceed \$10,000,000 shall be available until
9 expended for conducting special operations under section
10 3131 of the Customs Enforcement Act of 1986 (19 U.S.C.
11 2081): *Provided further*, That not to exceed \$2,000,000
12 shall be for awards of compensation to informants, to be
13 accounted for solely under the certificate of the Secretary
14 of Homeland Security: *Provided further*, That not to ex-
15 ceed \$11,216,000 shall be available to fund or reimburse
16 other Federal agencies for the costs associated with the
17 care, maintenance, and repatriation of smuggled aliens un-
18 lawfully present in the United States.

19 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

20 For necessary expenses of U.S. Immigration and
21 Customs Enforcement for procurement, construction, and
22 improvements, \$27,899,000, to remain available until Sep-
23 tember 30, 2020.

1 TRANSPORTATION SECURITY ADMINISTRATION

2 OPERATIONS AND SUPPORT

3 For necessary expenses of the Transportation Secu-
4 rity Administration for operations and support,
5 \$7,068,047,000, to remain available until September 30,
6 2019: *Provided*, That not to exceed \$7,650 shall be for
7 official reception and representation expenses: *Provided*
8 *further*, That security service fees authorized under section
9 44940 of title 49, United States Code, shall be credited
10 to this appropriation as offsetting collections and shall be
11 available only for aviation security: *Provided further*, That
12 the sum appropriated under this heading from the general
13 fund shall be reduced on a dollar-for-dollar basis as such
14 offsetting collections are received during fiscal year 2018
15 so as to result in a final fiscal year appropriation from
16 the general fund estimated at not more than
17 \$4,598,047,000.

18 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

19 For necessary expenses of the Transportation Secu-
20 rity Administration for procurement, construction, and
21 improvements, \$53,314,000, to remain available until Sep-
22 tember 30, 2019.

23 RESEARCH AND DEVELOPMENT

24 For necessary expenses of the Transportation Secu-
25 rity Administration for research and development,

1 \$20,190,000, to remain available until September 30,
2 2019.

3 COAST GUARD

4 OPERATING EXPENSES

5 For necessary expenses for the operations and main-
6 tenance of the Coast Guard, not otherwise provided for;
7 purchase or lease of not to exceed 25 passenger motor ve-
8 hicles, which shall be for replacement only; purchase or
9 lease of small boats for contingent and emergent require-
10 ments (at a unit cost of not more than \$700,000) and
11 repairs and service-life replacements, not to exceed a total
12 of \$31,000,000; purchase or lease of boats necessary for
13 overseas deployments and activities; purchase, lease, or
14 improvement of other equipment (at a unit cost of not
15 more than \$250,000); minor shore construction projects
16 not exceeding \$1,000,000 in total cost on any location;
17 payments pursuant to section 156 of Public Law 97-377
18 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and
19 welfare; \$7,352,164,000; of which \$503,000,000 shall be
20 for defense-related activities, of which \$163,000,000 is
21 designated by the Congress for Overseas Contingency Op-
22 erations/Global War on Terrorism pursuant to section
23 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985 and shall be available only
25 if the President subsequently so designates all such

1 amounts and transmits such designations to the Congress;
2 of which \$24,500,000 shall be derived from the Oil Spill
3 Liability Trust Fund to carry out the purposes of section
4 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.
5 2712(a)(5)): *Provided*, That not to exceed \$23,000 shall
6 be for official reception and representation expenses: *Pro-*
7 *vided further*, That \$100,000,000 shall be withheld from
8 obligation for Coast Guard Headquarters Directorates
9 until a future-years capital investment plan for fiscal years
10 2019 through 2023 is submitted to the Committees on Ap-
11 propriations of the Senate and the House of Representa-
12 tives pursuant to section 218 of this Act.

13 ENVIRONMENTAL COMPLIANCE AND RESTORATION

14 For necessary expenses to carry out the environ-
15 mental compliance and restoration functions of the Coast
16 Guard under chapter 19 of title 14, United States Code,
17 \$13,397,000, to remain available until September 30,
18 2022.

19 RESERVE TRAINING

20 For necessary expenses of the Coast Guard Reserve;
21 operations and maintenance of the Coast Guard Reserve
22 Program; personnel and training costs; and equipment
23 and services; \$114,875,000.

1 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

2 For necessary expenses of the Coast Guard for acqui-
3 sition, construction, renovation, and improvement of aids
4 to navigation, shore facilities (including facilities at De-
5 partment of Defense installations used by the Coast
6 Guard), vessels, and aircraft, including equipment related
7 thereto, \$1,797,745,000; of which \$20,000,000 shall be
8 derived from the Oil Spill Liability Trust Fund to carry
9 out the purposes of section 1012(a)(5) of the Oil Pollution
10 Act of 1990 (33 U.S.C. 2712(a)(5)); and of which
11 \$1,679,500,000 shall be available until September 30,
12 2022, of which \$95,000,000 shall be immediately available
13 and allotted to contract for long lead time materials for
14 the eleventh National Security Cutter notwithstanding the
15 availability of funds for production or post-production
16 costs.

17 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

18 For necessary expenses of the Coast Guard for re-
19 search, development, test, and evaluation; and for mainte-
20 nance, rehabilitation, lease, and operation of facilities and
21 equipment; \$19,141,000, to remain available until Sep-
22 tember 30, 2020, of which \$500,000 shall be derived from
23 the Oil Spill Liability Trust Fund to carry out the pur-
24 poses of section 1012(a)(5) of the Oil Pollution Act of
25 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may

1 as may be necessary to perform protective functions; con-
2 duct of and participation in firearms matches; presen-
3 tation of awards; conduct of behavioral research in sup-
4 port of protective intelligence and operations; payment in
5 advance for commercial accommodations as may be nee-
6 cessary to perform protective functions; payment, without
7 regard to section 5702 of title 5, of subsistence expenses
8 of employees who are on protective missions, whether at
9 or away from their duty stations; \$1,892,033,000; of
10 which not to exceed \$19,125 shall be for official reception
11 and representation expenses; of which not to exceed
12 \$100,000 shall be to provide technical assistance and
13 equipment to foreign law enforcement organizations in
14 counterfeit investigations; of which \$6,000,000 for grant
15 activities related to investigations of missing and exploited
16 children; of which not less than \$2,366,000 for related
17 United States Secret Service forensic support costs; of
18 which \$5,482,000 to remain available until September 30,
19 2019, shall be for minor procurements, construction, and
20 improvements of the James J. Rowley Training Center;
21 of which \$46,861,933 shall be for specialized protective
22 countermeasures, of which \$5,710,000 to remain available
23 until September 30, 2019: *Provided*, That \$18,000,000 for
24 protective travel shall remain available until September
25 30, 2019: *Provided further*, That \$4,500,000 for National

1 Special Security Events shall remain available until ex-
2 pended.

3 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

4 For necessary expenses of the United States Secret
5 Service for procurement, construction, and improvements,
6 \$64,030,000, to remain available until September 30,
7 2019.

8 RESEARCH AND DEVELOPMENT

9 For necessary expenses of the United States Secret
10 Service for research and development, \$250,000, to re-
11 main available until September 30, 2019.

12 ADMINISTRATIVE PROVISIONS

13 SEC. 201. (a) For fiscal year 2018, the overtime limi-
14 tation prescribed in section 5(c)(1) of the Act of February
15 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$45,000; and not-
16 withstanding any other provision of law, none of the funds
17 appropriated by this Act shall be available to compensate
18 any employee of U.S. Customs and Border Protection for
19 overtime, from whatever source, in an amount that ex-
20 ceeds such limitation, except in individual cases deter-
21 mined by the Secretary of Homeland Security, or the des-
22 ignee of the Secretary, to be necessary for national secu-
23 rity purposes, to prevent excessive costs, or in cases of
24 immigration emergencies.

1 (b) None of the funds made available by this Act for
2 the following accounts shall be available to compensate
3 any employee for overtime in an annual amount in excess
4 of \$45,000:

5 (1) “U.S. Immigration and Customs Enforce-
6 ment—Operations and Support”, except that the
7 Secretary of Homeland Security, or the designee of
8 the Secretary, may waive such amount as necessary
9 for national security purposes and in cases of immi-
10 gration emergencies.

11 (2) “United States Secret Service—Operations
12 and Support”, except that the Secretary of Home-
13 land Security, or the designee of the Secretary, may
14 waive such amount as necessary for national security
15 purposes.

16 SEC. 202. Funding made available under the heading
17 “U.S. Customs and Border Protection—Operations and
18 Support” and “U.S. Customs and Border Protection—
19 Procurement, Construction, and Improvements” shall be
20 available for customs expenses when necessary to maintain
21 operations and prevent adverse personnel actions in Puer-
22 to Rico in addition to funding provided by 48 U.S.C. 740.

23 SEC. 203. No U.S. Customs and Border Protection
24 aircraft or other related equipment, with the exception of
25 aircraft that are one of a kind and have been identified

1 as excess to U.S. Customs and Border Protection require-
2 ments and aircraft that have been damaged beyond repair,
3 shall be transferred to any other Federal agency, depart-
4 ment, or office outside of the Department of Homeland
5 Security during fiscal year 2018 without prior notice to
6 the Committees on Appropriations of the Senate and the
7 House of Representatives.

8 SEC. 204. As authorized by section 601(b) of the
9 United States-Colombia Trade Promotion Agreement Im-
10 plementation Act (Public Law 112–42), fees collected
11 from passengers arriving from Canada, Mexico, or an ad-
12 jacent island pursuant to section 13031(a)(5) of the Con-
13 solidated Omnibus Budget Reconciliation Act of 1985 (19
14 U.S.C. 58c(a)(5)) shall be available until expended.

15 SEC. 205. For an additional amount for “U.S. Cus-
16 toms and Border Protection—Operations and Support”,
17 \$31,000,000, to remain available until expended, to be re-
18 duced by amounts collected and credited to this appropria-
19 tion in fiscal year 2018 from amounts authorized to be
20 collected by section 286(i) of the Immigration and Nation-
21 ality Act (8 U.S.C. 1356(i)), section 10412 of the Farm
22 Security and Rural Investment Act of 2002 (7 U.S.C.
23 8311), and section 817 of the Trade Facilitation and
24 Trade Enforcement Act of 2015, or other such authorizing
25 language: *Provided*, That to the extent that amounts real-

1 ized from such collections exceed \$31,000,000, those
2 amounts in excess of \$31,000,000 shall be credited to this
3 appropriation, to remain available until expended.

4 SEC. 206. None of the funds made available in this
5 Act for U.S. Customs and Border Protection may be used
6 to prevent an individual not in the business of importing
7 a prescription drug (within the meaning of section 801(g)
8 of the Federal Food, Drug, and Cosmetic Act) from im-
9 porting a prescription drug from Canada that complies
10 with the Federal Food, Drug, and Cosmetic Act: *Provided*,
11 That this section shall apply only to individuals trans-
12 porting on their person a personal-use quantity of the pre-
13 scription drug, not to exceed a 90-day supply: *Provided*
14 *further*, That the prescription drug may not be—

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

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

21 SEC. 207. Notwithstanding any other provision of
22 law, none of the funds provided in this or any other Act
23 shall be used to approve a waiver of the navigation and
24 vessel-inspection laws pursuant to 46 U.S.C. 501(b) for
25 the transportation of crude oil distributed from and to the

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

15 SEC. 208. (a) Beginning on the date of enactment
16 of this Act, the Secretary of Homeland Security shall
17 not—

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

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

24 (b) In this section, the term “border crossing fee”
25 means a fee that every pedestrian, cyclist, and driver and

1 passenger of a private motor vehicle is required to pay
2 for the privilege of crossing the Southern border or the
3 Northern border at a land port of entry.

4 SEC. 209. Not less than ten percent of the new border
5 patrol agents funded in this Act under “Customs and Bor-
6 der Protection—Operations and Support” shall be sta-
7 tioned at locations on the northern border (upon comple-
8 tion of initial training): *Provided*, That funds used to re-
9 cruit, evaluate, hire, train, and assign personnel in accord-
10 ance with this section may be used for either border patrol
11 agent or Customs and Border Protection officer positions.

12 SEC. 210. Without regard to the limitation as to time
13 and condition of section 503(c) of this Act, the Secretary
14 may reprogram and transfer funds within and into “U.S.
15 Immigration and Customs Enforcement—Operations and
16 Support” as necessary to ensure the detention of aliens
17 prioritized for removal.

18 SEC. 211. None of the funds provided under the
19 heading “U.S. Immigration and Customs Enforcement—
20 Operations and Support” may be used to continue a dele-
21 gation of law enforcement authority authorized under sec-
22 tion 287(g) of the Immigration and Nationality Act (8
23 U.S.C. 1357(g)) if the Department of Homeland Security
24 Inspector General determines that the terms of the agree-

1 ment governing the delegation of authority have been ma-
2 terially violated.

3 SEC. 212. None of the funds provided under the
4 heading “U.S. Immigration and Customs Enforcement—
5 Operations and Support” may be used to continue any
6 contract for the provision of detention services if the two
7 most recent overall performance evaluations received by
8 the contracted facility are less than “adequate” or the
9 equivalent median score in any subsequent performance
10 evaluation system.

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

23 SEC. 214. Any award by the Transportation Security
24 Administration to deploy explosives detection systems
25 shall be based on risk, the airport’s current reliance on

1 other screening solutions, lobby congestion resulting in in-
2 creased security concerns, high injury rates, airport readi-
3 ness, and increased cost effectiveness.

4 SEC. 215. Notwithstanding section 44923 of title 49,
5 United States Code, for fiscal year 2018, any funds in
6 the Aviation Security Capital Fund established by section
7 44923(h) of title 49, United States Code, may be used
8 for the procurement and installation of explosives detec-
9 tion systems or for the issuance of other transaction agree-
10 ments for the purpose of funding projects described in sec-
11 tion 44923(a) of such title.

12 SEC. 216. The reporting requirement in the ninth
13 proviso under the heading “Transportation Security Ad-
14 ministration—Aviation Security” in the Department of
15 Homeland Security Appropriations Act, 2016 (Public Law
16 114–113), shall apply in fiscal year 2018, except that the
17 reference to “this Act” shall be treated as referring to this
18 Act.

19 SEC. 217. None of the funds made available by this
20 or any other Act may be used by the Administrator of
21 the Transportation Security Administration to implement,
22 administer, or enforce, in abrogation of the responsibility
23 described in section 44903(n)(1) of title 49, United States
24 Code, any requirement that airport operators provide air-
25 port-financed staffing to monitor exit points from the ster-

1 ile area of any airport at which the Transportation Secu-
2 rity Administration provided such monitoring as of De-
3 cember 1, 2013.

4 SEC. 218. Notwithstanding any other provision of
5 law, at the time of the President’s budget proposal for
6 fiscal year 2019 is submitted pursuant to section 1105(a)
7 of title 31, Unites States Code, the Commandant of the
8 Coast Guard shall submit to the Committees on Appro-
9 priations of the Senate and House of Representatives a
10 future-years capital investment plan as described in the
11 second proviso under the heading “Coast Guard, Acquisi-
12 tion, Construction, and Improvements” in the Department
13 of Homeland Security Appropriations Act, 2015 (Public
14 Law 114–4), which shall be subject to the requirements
15 in the third and fourth provisos under such heading.

16 SEC. 219. None of the funds made available by this
17 Act under the heading “Coast Guard—Operating Ex-
18 penses” shall be for expenses incurred for the documenta-
19 tion of recreational vessels under section 12114 of title
20 46, United States Code, except to the extent fees are col-
21 lected from owners of yachts and credited to the appro-
22 priation made available by this Act under the heading
23 “Coast Guard—Operating Expenses”: *Provided*, That to
24 the extent such fees are insufficient to pay expenses of
25 recreational vessel documentation under such section

1 12114, and there is a backlog of recreational vessel appli-
2 cations, then personnel performing non-recreational vessel
3 documentation functions under subchapter II of chapter
4 121 of title 46, United States Code, may perform docu-
5 mentation under section 12114.

6 SEC. 220. Without regard to the limitation as to time
7 and condition of section 503(c) of this Act, after June 30,
8 up to \$10,000,000 may be reprogrammed to or from the
9 Military Pay and Allowances funding category within
10 “Coast Guard—Operating Expenses” in accordance with
11 subsection (a) of section 503.

12 SEC. 221. None of the funds in this Act shall be used
13 to reduce the Coast Guard’s Operations Systems Center
14 mission or its government-employed or contract staff lev-
15 els.

16 SEC. 222. None of the funds appropriated by this Act
17 may be used to conduct, or to implement the results of,
18 a competition under Office of Management and Budget
19 Circular A–76 for activities performed with respect to the
20 Coast Guard National Vessel Documentation Center.

21 SEC. 223. Funds made available in this Act may be
22 used to alter operations within the Civil Engineering Pro-
23 gram of the Coast Guard nationwide, including civil engi-
24 neering units, facilities design and construction centers,
25 maintenance and logistics commands, and the Coast

1 Guard Academy, except that none of the funds provided
2 in this Act may be used to reduce operations within any
3 civil engineering unit unless specifically authorized by a
4 statute enacted after the date of enactment of this Act.

5 SEC. 224. Funds made available for Overseas Contin-
6 gency Operations/Global War on Terrorism under the
7 heading “Coast Guard—Operating Expenses” may be al-
8 located by program, project, and activity, notwithstanding
9 section 503 of this Act.

10 SEC. 225. The United States Secret Service is au-
11 thorized to obligate funds in anticipation of reimburse-
12 ments from Federal agencies and entities, as defined in
13 section 105 of title 5, United States Code, for personnel
14 receiving training sponsored by the James J. Rowley
15 Training Center, except that total obligations at the end
16 of the fiscal year shall not exceed total budgetary re-
17 sources available under the heading “United States Secret
18 Service—Operations and Support” at the end of the fiscal
19 year.

20 SEC. 226. None of the funds made available to the
21 United States Secret Service by this Act or by previous
22 appropriations Acts may be made available for the protec-
23 tion of the head of a Federal agency other than the Sec-
24 retary of Homeland Security: *Provided*, That the Director
25 of the United States Secret Service may enter into agree-

1 ments to provide such protection on a fully reimbursable
2 basis.

3 SEC. 227. None of the funds made available to the
4 United States Secret Service by this Act or by previous
5 appropriations Acts may be obligated for the purpose of
6 opening a new permanent domestic or overseas office or
7 location unless the Committees on Appropriations of the
8 Senate and the House of Representatives are notified 15
9 days in advance of such obligation.

10 SEC. 228. Funding made available in this Act for
11 “United States Secret Service—Operations and Support”
12 is available for travel of United States Secret Service em-
13 ployees on protective missions without regard to the limi-
14 tations on such expenditures in this or any other Act if
15 the Director of the United States Secret Service or a des-
16 ignee notifies the Committees on Appropriations of the
17 Senate and the House of Representatives 10 or more days
18 in advance, or as early as practicable, prior to such ex-
19 penditures.

1 TITLE III
2 PROTECTION, PREPAREDNESS, RESPONSE, AND
3 RECOVERY

4 NATIONAL PROTECTION AND PROGRAMS DIRECTORATE
5 OPERATIONS AND SUPPORT

6 For necessary expenses of the National Protection
7 and Programs Directorate for operations and support,
8 \$1,444,662,000, of which \$8,912,000 shall remain avail-
9 able until September 30, 2019: *Provided*, That not to ex-
10 ceed \$3,825 shall be for official reception and representa-
11 tion expenses.

12 FEDERAL PROTECTIVE SERVICE

13 The revenues and collections of security fees credited
14 to this account shall be available until expended for nec-
15 essary expenses related to the protection of federally
16 owned and leased buildings and for the operations of the
17 Federal Protective Service.

18 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

19 For necessary expenses of the National Protection
20 and Programs Directorate for procurement, construction,
21 and improvements, \$343,414,000, of which \$294,933,000
22 shall remain available until September 30, 2019.

23 RESEARCH AND DEVELOPMENT

24 For necessary expenses of the National Protection
25 and Programs Directorate for research and development,

1 \$15,126,000, to remain available until September 30,
2 2019.

3 OFFICE OF HEALTH AFFAIRS

4 OPERATIONS AND SUPPORT

5 For necessary expenses of the Office of Health Af-
6 fairs for operations and support, \$113,169,000, of which
7 \$16,636,000 shall remain available until September 30,
8 2019.

9 FEDERAL EMERGENCY MANAGEMENT AGENCY

10 OPERATIONS AND SUPPORT

11 For necessary expenses of the Federal Emergency
12 Management Agency for operations and support,
13 \$1,031,087,000: *Provided*, That not to exceed \$2,250
14 shall be for official reception and representation expenses.

15 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

16 For necessary expenses of the Federal Emergency
17 Management Agency for procurement, construction, and
18 improvements, \$80,927,000, to remain available until Sep-
19 tember 30, 2019.

20 FEDERAL ASSISTANCE

21 For activities of the Federal Emergency Management
22 Agency for Federal assistance through grants, contracts,
23 cooperative agreements, and other activities,
24 \$2,848,732,000, which shall be allocated as follows:

1 (1) \$471,000,000 for the State Homeland Secu-
2 rity Grant Program under section 2004 of the
3 Homeland Security Act of 2002 (6 U.S.C. 605), of
4 which \$55,000,000 shall be for Operation
5 Stonegarden, and \$5,000,000 shall be for organiza-
6 tions (as described under section 501(c)(3) of the
7 Internal Revenue Code of 1986 and exempt from tax
8 under such 501(a) of such code) determined by the
9 Secretary of Homeland Security to be at high risk
10 of a terrorist attack: *Provided*, That notwithstanding
11 subsection (c)(4) of such section 2004, for fiscal
12 year 2018, the Commonwealth of Puerto Rico shall
13 make available to local and tribal governments
14 amounts provided to the Commonwealth of Puerto
15 Rico under this paragraph in accordance with sub-
16 section (c)(1) of such section 2004.

17 (2) \$600,000,000 for the Urban Area Security
18 Initiative under section 2003 of the Homeland Secu-
19 rity Act of 2002 (6 U.S.C. 604), of which
20 \$20,000,000 shall be for organizations (as described
21 under section 501(c)(3) of the Internal Revenue
22 Code of 1986 and exempt from tax under section
23 501(a) of such code) determined by the Secretary of
24 Homeland Security to be at high risk of a terrorist
25 attack.

1 (3) \$60,000,000 for Public Transportation Se-
2 curity Assistance, Railroad Security Assistance, and
3 Over-the-Road Bus Security Assistance under sec-
4 tions 1406, 1513, and 1532 of the Implementing
5 Recommendations of the 9/11 Commission Act of
6 2007 (6 U.S.C. 1135, 1163, and 1182), of which
7 \$10,000,000 shall be for Amtrak security and
8 \$2,000,000 shall be for Over-the-Road Bus Security:
9 *Provided*, That such public transportation security
10 assistance shall be provided directly to public trans-
11 portation agencies.

12 (4) \$50,000,000 for Port Security Grants in ac-
13 cordance with 46 U.S.C. 70107.

14 (5) \$690,000,000, to remain available until
15 September 30, 2019, of which \$345,000,000 shall be
16 for Assistance to Firefighter Grants and
17 \$345,000,000 shall be for Staffing for Adequate
18 Fire and Emergency Response Grants under sec-
19 tions 33 and 34 respectively of the Federal Fire Pre-
20 vention and Control Act of 1974 (15 U.S.C. 2229
21 and 2229a).

22 (6) \$350,000,000 for emergency management
23 performance grants under the National Flood Insur-
24 ance Act of 1968 (42 U.S.C. 4001), the Robert T.
25 Stafford Disaster Relief and Emergency Assistance

1 Act (42 U.S.C. 5121), the Earthquake Hazards Re-
2 duction Act of 1977 (42 U.S.C. 7701), 6 U.S.C.
3 762, and Reorganization Plan No. 3 of 1978 (5
4 U.S.C. App.).

5 (7) \$75,000,000 for the National Predisaster
6 Mitigation Fund under section 203 of the Robert T.
7 Stafford Disaster Relief and Emergency Assistance
8 Act (42 U.S.C. 5133), to remain available until ex-
9 pended.

10 (8) \$177,531,000 for necessary expenses for
11 Flood Hazard Mapping and Risk Analysis, in addi-
12 tion to and to supplement any other sums appro-
13 priated under the National Flood Insurance Fund,
14 and such additional sums as may be provided by
15 States or other political subdivisions for cost-shared
16 mapping activities under 42 U.S.C. 4101(f)(2), to
17 remain available until expended.

18 (9) \$100,000,000 for the emergency food and
19 shelter program under title III of the McKinney-
20 Vento Homeless Assistance Act (42 U.S.C. 11331),
21 to remain available until expended: *Provided*, That
22 not to exceed 3.5 percent shall be for total adminis-
23 trative costs.

1 (10) \$275,201,000 to sustain current oper-
2 ations for training, exercises, technical assistance,
3 and other programs.

4 DISASTER RELIEF FUND

5 (INCLUDING TRANSFER OF FUNDS)

6 For necessary expenses in carrying out the Robert
7 T. Stafford Disaster Relief and Emergency Assistance Act
8 (42 U.S.C. 5121 et seq.), \$7,351,720,000, to remain avail-
9 able until expended, of which \$48,000,000 shall be trans-
10 ferred to the Department of Homeland Security Office of
11 Inspector General for audits and investigations related to
12 disasters: *Provided*, That of the amount provided under
13 this heading, \$6,793,000,000 shall be for major disasters
14 declared pursuant to the Robert T. Stafford Disaster Re-
15 lief and Emergency Assistance Act (42 U.S.C. 5121 et
16 seq.) and is designated by the Congress as being for dis-
17 aster relief pursuant to section 251(b)(2)(D) of the Bal-
18 anced Budget and Emergency Deficit Control Act of 1985,
19 and \$558,720,000 is designated by the Congress as an
20 emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985 and shall be available only
23 if the President subsequently so designates such amount
24 and transmits such designation to the Congress.

1 NATIONAL FLOOD INSURANCE FUND

2 For activities under the National Flood Insurance
3 Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster
4 Protection Act of 1973 (42 U.S.C. 4001 et seq.), the
5 Biggert-Waters Flood Insurance Reform Act of 2012
6 (Public Law 112–141, 126 Stat. 916), and the Home-
7 owner Flood Insurance Affordability Act of 2014 (Public
8 Law 113–89; 128 Stat. 1020), \$203,500,000, to remain
9 available until September 30, 2019, which shall be derived
10 from offsetting amounts collected under section 1308(d)
11 of the National Flood Insurance Act of 1968 (42 U.S.C.
12 4015(d)); of which \$13,573,000 shall be available for mis-
13 sion support associated with flood management; and of
14 which \$189,927,000 shall be available for flood plain man-
15 agement and flood mapping: *Provided*, That any addi-
16 tional fees collected pursuant to section 1308(d) of the
17 National Flood Insurance Act of 1968 (42 U.S.C.
18 4015(d)) shall be credited as offsetting collections to this
19 account, to be available for flood plain management and
20 flood mapping: *Provided further*, That in fiscal year 2018,
21 no funds shall be available from the National Flood Insur-
22 ance Fund under section 1310 of the National Flood In-
23 surance Act of 1968 (42 U.S.C. 4017) in excess of—

1 (1) \$165,224,000 for operating expenses and
2 salaries and expenses associated with flood insurance
3 operations;

4 (2) \$1,123,000,000 for commissions and taxes
5 of agents;

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

8 (4) \$175,000,000, which shall remain available
9 until expended, for flood mitigation actions and for
10 flood mitigation assistance under section 1366 of the
11 National Flood Insurance Act of 1968 (42 U.S.C.
12 4104e), notwithstanding sections 1366(e) and
13 1310(a)(7) of such Act (42 U.S.C. 4104c(e), 4017):

14 *Provided further*, That the amounts collected under section
15 102 of the Flood Disaster Protection Act of 1973 (42
16 U.S.C. 4012a) and section 1366(e) of the National Flood
17 Insurance Act of 1968 shall be deposited in the National
18 Flood Insurance Fund to supplement other amounts speci-
19 fied as available for section 1366 of the National Flood
20 Insurance Act of 1968, notwithstanding section 102(f)(8),
21 section 1366(e), and paragraphs (1) through (3) of section
22 1367(b) of such Act (42 U.S.C. 4012a(f)(8), 4104c(e),
23 4104d(b)(1)–(3)): *Provided further*, That total administra-
24 tive costs shall not exceed 4 percent of the total appropria-
25 tion: *Provided further*, That up to \$5,000,000 is available

1 to carry out section 24 of the Homeowner Flood Insurance
2 Affordability Act of 2014 (42 U.S.C. 4033).

3 ADMINISTRATIVE PROVISIONS

4 SEC. 301. Notwithstanding section 2008(a)(11) of
5 the Homeland Security Act of 2002 (6 U.S.C. 609(a)(11))
6 or any other provision of law, a recipient or subrecipient
7 of a grant made available in paragraphs (1) through (4)
8 under “Federal Emergency Management Agency—Fed-
9 eral Assistance” may use not more than 5 percent of the
10 amount of the grant or subgrant made available to it for
11 expenses directly related to administration of the grant.

12 SEC. 302. Applications for grants under the heading
13 “Federal Emergency Management Agency—Federal As-
14 sistance”, for paragraphs (1) through (4), shall be made
15 available to eligible applicants not later than 60 days after
16 the date of enactment of this Act, eligible applicants shall
17 submit applications not later than 80 days after the grant
18 announcement, and the Administrator of the Federal
19 Emergency Management Agency shall act upon such ap-
20 plication within 65 days after the receipt of an application.

21 SEC. 303. Under the heading “Federal Emergency
22 Management Agency—Federal Assistance”, for grants
23 under paragraphs (1) through (4) and (10), the Adminis-
24 trator of the Federal Emergency Management Agency
25 shall brief the Committees on Appropriations of the Sen-

1 ate and the House of Representatives 5 full business days
2 in advance of announcing publicly the intention of making
3 an award.

4 SEC. 304. Under the heading “Federal Emergency
5 Management Agency—Federal Assistance”, for grants
6 under paragraphs (1) and (2), the installation of commu-
7 nications towers is not considered construction of a build-
8 ing or other physical facility.

9 SEC. 305. The reporting requirements in paragraphs
10 (1) and (2) under the heading “Federal Emergency Man-
11 agement Agency—Disaster Relief Fund” in the Depart-
12 ment of Homeland Security Appropriations Act, 2015
13 (Public Law 114–4) shall be applied in fiscal year 2018
14 with respect to budget year 2019 and current fiscal year
15 2018, respectively, by substituting “fiscal year 2019” for
16 “fiscal year 2016” in paragraph (1).

17 SEC. 306. Not later than 120 days after the date of
18 enactment of this Act, the Administrator of the Federal
19 Emergency Management Agency shall submit to the Com-
20 mittees on Appropriations of the Senate and the House
21 of Representatives a report for the Emergency Food and
22 Shelter Program that includes a plan to—

23 (1) ensure the program aligns with existing
24 Federal strategies, policies, and doctrine with regard
25 to homelessness;

1 (2) ensure integration of programmatic prior-
2 ities with other agency programs with complemen-
3 tary missions;

4 (3) conduct a programmatic review for duplica-
5 tion of other existing Federal programs and strategy
6 for defragmentation as appropriate;

7 (4) explain oversight procedures to supervise
8 the National Board including, but not limited to—

9 (A) procedures for monitoring program ac-
10 tivities and making sub-grant awards;

11 (B) conducting audit reviews;

12 (C) reviewing administrative costs; and

13 (D) establishing regular reporting require-
14 ments;

15 (5) develop metrics to demonstrate progress to-
16 ward Federal efforts to prevent homelessness;

17 (6) provide data analytics supporting the cur-
18 rent impact of grants made and determination of fu-
19 ture need;

20 (7) post all grant awards, including organiza-
21 tion name, on the website of the Federal Emergency
22 Management Agency organized by State and county;
23 and

24 (8) determine appropriate staffing resources
25 from the agency.

1 SEC. 307. The aggregate charges assessed during fis-
2 cal year 2018, as authorized in title III of the Depart-
3 ments of Veterans Affairs and Housing and Urban Devel-
4 opment, and Independent Agencies Appropriations Act,
5 1999 (42 U.S.C. 5196e), shall not be less than 100 per-
6 cent of the amounts anticipated by the Department of
7 Homeland Security to be necessary for its Radiological
8 Emergency Preparedness Program for the next fiscal year:
9 *Provided*, That the methodology for assessment and collec-
10 tion of fees shall be fair and equitable and shall reflect
11 costs of providing such services, including administrative
12 costs of collecting such fees: *Provided further*, That such
13 fees shall be deposited in a Radiological Emergency Pre-
14 paredness Program account as offsetting collections and
15 will become available for authorized purposes on October
16 1, 2018, and remain available until expended.

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

4 U.S. CITIZENSHIP AND IMMIGRATION SERVICES
5 OPERATIONS AND SUPPORT

6 For necessary expenses of U.S. Citizenship and Im-
7 migration Services for operations and support of the E-
8 Verify Program, \$108,856,000.

9 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

10 For necessary expenses of U.S. Citizenship and Im-
11 migration Services for procurement, construction, and im-
12 provements of the E-Verify Program, \$22,657,000.

13 FEDERAL LAW ENFORCEMENT TRAINING CENTERS

14 OPERATIONS AND SUPPORT

15 For necessary expenses of the Federal Law Enforce-
16 ment Training Centers for operations and support, includ-
17 ing the purchase of not to exceed 117 vehicles for police-
18 type use and hire of passenger motor vehicles, and services
19 as authorized by section 3109 of title 5, United States
20 Code, \$241,159,000, of which up to \$58,874,000 shall re-
21 main available until September 30, 2019: *Provided*, That
22 not to exceed \$7,180 shall be for official reception and
23 representation expenses.

1 SCIENCE AND TECHNOLOGY DIRECTORATE

2 OPERATIONS AND SUPPORT

3 For necessary expenses of the Science and Tech-
4 nology Directorate for operations and support, including
5 the purchase or lease of not to exceed 5 vehicles,
6 \$265,577,000, of which \$145,226,000 shall remain avail-
7 able until September 30, 2019: *Provided*, That not to ex-
8 ceed \$7,650 shall be for official reception and representa-
9 tion expenses.

10 RESEARCH AND DEVELOPMENT

11 For necessary expenses of the Science and Tech-
12 nology Directorate for research and development,
13 \$454,339,000, to remain available until September 30,
14 2020.

15 DOMESTIC NUCLEAR DETECTION OFFICE

16 OPERATIONS AND SUPPORT

17 For necessary expenses of the Domestic Nuclear De-
18 tection Office for operations and support, \$50,042,000:
19 *Provided*, That not to exceed \$2,250 shall be for official
20 reception and representation expenses.

21 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

22 For necessary expenses of the Domestic Nuclear De-
23 tection Office for procurement, construction, and improve-
24 ments, \$69,466,000, to remain available until September
25 30, 2020.

1 RESEARCH AND DEVELOPMENT

2 For necessary expenses of the Domestic Nuclear De-
3 tection Office for research and development,
4 \$142,961,000, to remain available until September 30,
5 2020.

6 FEDERAL ASSISTANCE

7 For necessary expenses of the Domestic Nuclear De-
8 tection Office for Federal assistance through grants, con-
9 tracts, cooperative agreements, and other activities,
10 \$47,519,000, to remain available until September 30,
11 2020.

12 ADMINISTRATIVE PROVISIONS

13 SEC. 401. Notwithstanding any other provision of
14 law, funds otherwise made available to U.S. Citizenship
15 and Immigration Services may be used to acquire, operate,
16 equip, and dispose of up to 5 vehicles, for replacement
17 only, for areas where the Administrator of General Serv-
18 ices does not provide vehicles for lease: *Provided*, That the
19 Director of U.S. Citizenship and Immigration Services
20 may authorize employees who are assigned to those areas
21 to use such vehicles to travel between the employees' resi-
22 dences and places of employment.

23 SEC. 402. None of the funds made available in this
24 Act may be used by U.S. Citizenship and Immigration
25 Services to grant an immigration benefit unless the results

1 of background checks required by law to be completed
2 prior to the granting of the benefit have been received by
3 U.S. Citizenship and Immigration Services, and the re-
4 sults do not preclude the granting of the benefit.

5 SEC. 403. None of the funds appropriated by this Act
6 may be used to process or approve a competition under
7 Office of Management and Budget Circular A-76 for serv-
8 ices provided by employees (including employees serving
9 on a temporary or term basis) of U.S. Citizenship and Im-
10 migration Services of the Department of Homeland Secu-
11 rity who are known as Immigration Information Officers,
12 Immigration Service Analysts, Contact Representatives,
13 Investigative Assistants, or Immigration Services Officers.

14 SEC. 404. (a) Notwithstanding section 1356(n) of
15 title 8, United States Code, of the funds deposited into
16 the Immigration Examinations Fee Account, up to
17 \$10,000,000 may be allocated by U.S. Citizenship and Im-
18 migration Services in fiscal year 2018 for the purpose of
19 providing an immigrant integration grants program.

20 (b) None of the funds made available to U.S. Citizen-
21 ship and Immigration Services for grants for immigrant
22 integration under subsection (a) may be used to provide
23 services to aliens who have not been lawfully admitted for
24 permanent residence.

1 SEC. 405. The Director of the Federal Law Enforce-
2 ment Training Centers is authorized to distribute funds
3 to Federal law enforcement agencies for expenses incurred
4 participating in training accreditation.

5 SEC. 406. The Director of the Federal Law Enforce-
6 ment Training Centers shall schedule basic or advanced
7 law enforcement training, or both, at all four training fa-
8 cilities under the control of the Federal Law Enforcement
9 Training Centers to ensure that such training facilities are
10 operated at the highest capacity throughout the fiscal
11 year.

12 SEC. 407. The Federal Law Enforcement Training
13 Accreditation Board, including representatives from the
14 Federal law enforcement community and non-Federal ac-
15 creditation experts involved in law enforcement training,
16 shall lead the Federal law enforcement training accredita-
17 tion process to continue the implementation of measuring
18 and assessing the quality and effectiveness of Federal law
19 enforcement training programs, facilities, and instructors.

20 SEC. 408. (a) There is to be established a “Federal
21 Law Enforcement Training Centers—Procurement, Con-
22 struction, and Improvements” appropriations account for
23 planning, operational development, engineering, and pur-
24 chases prior to sustainment and for information tech-
25 nology-related procurement, construction, and improve-

1 ments, including non-tangible assets of the Federal Law
2 Enforcement Training Centers.

3 (b) The Director of the Federal Law Enforcement
4 Training Centers may accept transfers to the account es-
5 tablished by subsection (a) from Government agencies re-
6 questing the construction of special use facilities, as au-
7 thorized by the Economy Act (31 U.S.C. 1535(b)): *Pro-*
8 *vided*, That the Federal Law Enforcement Training Cen-
9 ters maintain administrative control and ownership upon
10 completion of the facility.

11 SEC. 409. The functions of the Federal Law Enforce-
12 ment Training Centers instructor staff shall be classified
13 as inherently governmental for the purpose of the Federal
14 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
15 note).

1 TITLE V
2 GENERAL PROVISIONS
3 (INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

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

7 SEC. 502. Subject to the requirements of section 503
8 of this Act, the unexpended balances of prior appropria-
9 tions provided for activities in this Act may be transferred
10 to appropriation accounts for such activities established
11 pursuant to this Act, may be merged with funds in the
12 applicable established accounts, and thereafter may be ac-
13 counted for as one fund for the same time period as origi-
14 nally enacted.

15 SEC. 503. (a) None of the funds provided by this Act,
16 provided by previous appropriations Acts to the compo-
17 nents in or transferred to the Department of Homeland
18 Security that remain available for obligation or expendi-
19 ture in fiscal year 2018, or provided from any accounts
20 in the Treasury of the United States derived by the collec-
21 tion of fees available to the components funded by this
22 Act, shall be available for obligation or expenditure
23 through a reprogramming of funds that—

24 (1) creates or eliminates a program, project, or
25 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 2018 for the Department of
8 Homeland Security;

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

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

15 (5) reorganizes components; or

16 (6) results from any general savings from a re-
17 duction in personnel that would result in a change
18 in funding levels for programs, projects, or activities
19 as approved by the Congress,

20 unless the Committees on Appropriations of the Senate
21 and the House of Representatives are notified at least 15
22 days in advance of such reprogramming.

23 (b) Up to 5 percent of any appropriation made avail-
24 able for the current fiscal year for the Department of
25 Homeland Security by this Act or provided by previous

1 appropriations Acts may be transferred between such ap-
2 propriations if the Committees on Appropriations of the
3 Senate and the House of Representatives are notified at
4 least 30 days in advance of such transfer, but no such
5 appropriation, except as otherwise specifically provided,
6 shall be increased by more than 10 percent by such trans-
7 fer.

8 (c) Notwithstanding subsections (a) and (b), no funds
9 shall be reprogrammed within or transferred between ap-
10 propriations based upon an initial notification provided
11 after June 30, except in extraordinary circumstances that
12 imminently threaten the safety of human life or the pro-
13 tection of property.

14 (d) The notification thresholds and procedures set
15 forth in subsections (a), (b), and (c) shall apply to any
16 use of deobligated balances of funds provided in previous
17 Department of Homeland Security Appropriations Acts.

18 (e) Notwithstanding subsection (c), the Secretary of
19 Homeland Security may transfer to the fund established
20 by 8 U.S.C. 1101 note, up to \$20,000,000 from appro-
21 priations available to the Department of Homeland Secu-
22 rity: *Provided*, That the Secretary shall notify the Com-
23 mittees on Appropriations of the Senate and the House
24 of Representatives 5 days in advance of such transfer.

1 SEC. 504. The Department of Homeland Security
2 Working Capital Fund, established pursuant to section
3 403 of Public Law 103–356 (31 U.S.C. 501 note), shall
4 continue operations as a permanent working capital fund
5 for fiscal year 2018: *Provided*, That none of the funds ap-
6 propriated or otherwise made available to the Department
7 of Homeland Security may be used to make payments to
8 the Working Capital Fund, except for the activities and
9 amounts allowed in the President’s fiscal year 2018 budg-
10 et: *Provided further*, That funds provided to the Working
11 Capital Fund shall be available for obligation until ex-
12 pended to carry out the purposes of the Working Capital
13 Fund: *Provided further*, That all departmental components
14 shall be charged only for direct usage of each Working
15 Capital Fund service: *Provided further*, That funds pro-
16 vided to the Working Capital Fund shall be used only for
17 purposes consistent with the contributing component: *Pro-*
18 *vided further*, That the Working Capital Fund shall be
19 paid in advance or reimbursed at rates which will return
20 the full cost of each service: *Provided further*, That the
21 Committees on Appropriations of the Senate and the
22 House of Representatives shall be notified of any activity
23 added to or removed from the fund: *Provided further*, That
24 for any activity added to the fund, the notification shall
25 identify sources of funds by program, project, and activity:

1 *Provided further*, That the Chief Financial Officer of the
2 Department of Homeland Security shall submit a quar-
3 terly execution report with activity-level detail, not later
4 than 30 days after the end of each quarter.

5 SEC. 505. Except as otherwise specifically provided
6 by law, not to exceed 50 percent of unobligated balances
7 remaining available at the end of fiscal year 2018, as re-
8 corded in the financial records at the time of a reprogram-
9 ming notification, but not later than June 30, 2019, from
10 appropriations for “Operations and Support” and for
11 “Coast Guard—Operating Expenses”, and salaries and
12 expenses for “Coast Guard—Acquisition, Construction,
13 and Improvements” and “Coast Guard—Reserve Train-
14 ing” for fiscal year 2018 in this Act shall remain available
15 through September 30, 2019, in the account and for the
16 purposes for which the appropriations were provided: *Pro-*
17 *vided*, That prior to the obligation of such funds, a notifi-
18 cation shall be submitted to the Committees on Appropria-
19 tions of the Senate and the House of Representatives in
20 accordance with section 503 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 2018 until the enactment of an Act authorizing intel-
2 ligence activities for fiscal year 2018.

3 SEC. 507. (a) The Secretary of Homeland Security,
4 or the designee of the Secretary, shall notify the Commit-
5 tees on Appropriations of the Senate and the House of
6 Representatives at least 3 full business days in advance
7 of—

8 (1) making or awarding a grant allocation,
9 grant, contract, other transaction agreement, or task
10 or delivery order on a Department of Homeland Se-
11 curity multiple award contract, or to issue a letter
12 of intent totaling in excess of \$1,000,000;

13 (2) awarding a task or delivery order requiring
14 an obligation of funds in an amount greater than
15 \$10,000,000 from multi-year Department of Home-
16 land Security funds;

17 (3) making a sole-source grant award; or

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

22 (b) If the Secretary of Homeland Security determines
23 that compliance with this section would pose a substantial
24 risk to human life, health, or safety, an award may be
25 made without notification, and the Secretary shall notify

1 the Committees on Appropriations of the Senate and the
2 House of Representatives not later than 5 full business
3 days after such an award is made or letter issued.

4 (c) A notification under this section—

5 (1) may not involve funds that are not available
6 for obligation; and

7 (2) shall include the amount of the award; the
8 fiscal year for which the funds for the award were
9 appropriated; the type of contract; and the account
10 from which the funds are being drawn.

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

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

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

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

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

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

20 SEC. 513. None of the funds provided or otherwise
21 made available in this Act shall be available to carry out
22 section 872 of the Homeland Security Act of 2002 (6
23 U.S.C. 452) unless explicitly authorized by the Congress.

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

1 (1) in subsection (a), by striking “Until Sep-
2 tember 30, 2017,” and inserting “Until September
3 30, 2018,”; and

4 (2) in subsection (c)(1), by striking “September
5 30, 2017,” and inserting “September 30, 2018,”.

6 SEC. 515. None of the funds made available in this
7 Act may be used for planning, testing, piloting, or devel-
8 oping a national identification card.

9 SEC. 516. Any official that is required by this Act
10 to report or to certify to the Committees on Appropria-
11 tions of the Senate and the House of Representatives may
12 not delegate such authority to perform that act unless spe-
13 cifically authorized herein.

14 SEC. 517. None of the funds appropriated or other-
15 wise made available in this or any other Act may be used
16 to transfer, release, or assist in the transfer or release to
17 or within the United States, its territories, or possessions
18 Khalid Sheikh Mohammed or any other detainee who—

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

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

24 SEC. 518. None of the funds made available in this
25 Act may be used for first-class travel by the employees

1 of agencies funded by this Act in contravention of sections
2 301–10.122 through 301–10.124 of title 41, Code of Fed-
3 eral Regulations.

4 SEC. 519. None of the funds made available in this
5 Act may be used to employ workers described in section
6 274A(h)(3) of the Immigration and Nationality Act (8
7 U.S.C. 1324a(h)(3)).

8 SEC. 520. Notwithstanding any other provision of
9 this Act, none of the funds appropriated or otherwise
10 made available by this Act may be used to pay award or
11 incentive fees for contractor performance that has been
12 judged to be below satisfactory performance or perform-
13 ance that does not meet the basic requirements of a con-
14 tract.

15 SEC. 521. In developing any process to screen avia-
16 tion passengers and crews for transportation or national
17 security purposes, the Secretary of Homeland Security
18 shall ensure that all such processes take into consideration
19 such passengers' and crews' privacy and civil liberties con-
20 sistent with applicable laws, regulations, and guidance.

21 SEC. 522. None of the funds appropriated or other-
22 wise made available by this Act may be used by the De-
23 partment of Homeland Security to enter into any Federal
24 contract unless such contract is entered into in accordance
25 with the requirements of subtitle I of title 41, United

1 States Code, or chapter 137 of title 10, United States
2 Code, and the Federal Acquisition Regulation, unless such
3 contract is otherwise authorized by statute to be entered
4 into without regard to the above referenced statutes.

5 SEC. 523. (a) For an additional amount for financial
6 systems modernization, \$1,721,000, to remain available
7 until September 30, 2019.

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

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

16 SEC. 524. (a) None of the funds made available in
17 this Act may be used to maintain or establish a computer
18 network unless such network blocks the viewing,
19 downloading, and exchanging of pornography.

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

24 SEC. 525. None of the funds made available in this
25 Act may be used by a Federal law enforcement officer to

1 facilitate the transfer of an operable firearm to an indi-
2 vidual if the Federal law enforcement officer knows or sus-
3 pects that the individual is an agent of a drug cartel unless
4 law enforcement personnel of the United States continu-
5 ously monitor or control the firearm at all times.

6 SEC. 526. None of the funds made available in this
7 Act may be used to pay for the travel to or attendance
8 of more than 50 employees of a single component of the
9 Department of Homeland Security, who are stationed in
10 the United States, at a single international conference un-
11 less the Secretary of Homeland Security, or a designee,
12 determines that such attendance is in the national interest
13 and notifies the Committees on Appropriations of the Sen-
14 ate and the House of Representatives within at least 10
15 days of that determination and the basis for that deter-
16 mination: *Provided*, That for purposes of this section the
17 term “international conference” shall mean a conference
18 occurring outside of the United States attended by rep-
19 resentatives of the United States Government and of for-
20 eign governments, international organizations, or non-
21 governmental organizations: *Provided further*, That the
22 total cost to the Department of Homeland Security of any
23 such conference shall not exceed \$500,000.

24 SEC. 527. None of the funds made available in this
25 Act may be used to reimburse any Federal department

1 or agency for its participation in a National Special Secu-
2 rity Event.

3 SEC. 528. None of the funds made available to the
4 Department of Homeland Security by this or any other
5 Act may be obligated for any structural pay reform that
6 affects more than 100 full-time positions or costs more
7 than \$5,000,000 in a single year before the end of the
8 30-day period beginning on the date on which the Sec-
9 retary of Homeland Security submits to Congress a notifi-
10 cation that includes—

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

13 (2) funding required for such change for the
14 current year and through the Future Years Home-
15 land Security Program;

16 (3) justification for such change; and

17 (4) an analysis of compensation alternatives to
18 such change that were considered by the Depart-
19 ment.

20 SEC. 529. (a) Any agency receiving funds made avail-
21 able in this Act shall, subject to subsections (b) and (c),
22 post on the public website of that agency any report re-
23 quired to be submitted by the Committees on Appropria-
24 tions of the Senate and the House of Representatives in

1 this Act, upon the determination by the head of the agency
2 that it shall serve the national interest.

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

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

6 (2) the report contains proprietary information.

7 (c) The head of the agency posting such report shall
8 do so only after such report has been made available to
9 the Committees on Appropriations of the Senate and the
10 House of Representatives for not less than 45 days except
11 as otherwise specified in law.

12 SEC. 530. None of the funds made available by this
13 Act may be obligated or expended to implement the Arms
14 Trade Treaty until the Senate approves a resolution of
15 ratification for the Treaty.

16 SEC. 531. Within 60 days of any budget submission
17 for the Department of Homeland Security for fiscal year
18 2019 that assumes revenues or proposes a reduction from
19 the previous year based on user fees proposals that have
20 not been enacted into law prior to the submission of the
21 budget, the Secretary of Homeland Security shall provide
22 the Committees on Appropriations of the Senate and the
23 House of Representatives specific reductions in proposed
24 discretionary budget authority commensurate with the

1 revenues assumed in such proposals in the event that they
2 are not enacted prior to October 1, 2018.

3 SEC. 532. (a) Funding provided in this Act for “Op-
4 erations and Support” may be used for minor procure-
5 ment, construction, and improvements.

6 (b) For purposes of subsection (a), “minor” refers
7 to end items with a unit cost of \$250,000 or less for per-
8 sonal property, and \$2,000,000 or less for real property.

9 SEC. 533. For fiscal year 2018, the Secretary of
10 Homeland Security may provide, out of discretionary
11 funds available to the Department of Homeland Security,
12 for the primary and secondary schooling of dependents of
13 Department of Homeland Security personnel who are sta-
14 tioned outside the continental United States and for the
15 transportation of such dependents in the same manner
16 and to the same extent that, pursuant to 14 U.S.C. 544,
17 the Secretary may provide, out of funds appropriated to
18 or for the use of the Coast Guard, for the primary and
19 secondary schooling of, and the transportation of, depend-
20 ents of Coast Guard personnel stationed outside the conti-
21 nental United States: *Provided*, That no amounts may be
22 provided from amounts that were designated by the Con-
23 gress for Overseas Contingency Operations/Global War on
24 Terrorism or as an emergency requirement pursuant to
25 a concurrent resolution on the budget or section

1 251(b)(2)(A) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985: *Provided further*, That no
3 amounts may be provided from amounts that were des-
4 ignated by the Congress as being for disaster relief pursu-
5 ant to section 251(b)(2)(D) of the Balanced Budget and
6 Emergency Deficit Control Act of 1985.

7 SEC. 534. (a) The funds appropriated to the Depart-
8 ment of Homeland Security in this Act for “Operations
9 and Support” and for “Coast Guard—Operating Ex-
10 penses” shall be hereby reduced, as determined by the
11 Chief Financial Officer, by a total of \$266,188,000 to re-
12 alize administrative savings, including savings from re-
13 quirements, supplies, or materials that were funded by the
14 Department using fiscal year 2017 appropriations for con-
15 tracts with periods of performance in fiscal year 2018.

16 (b) Funds may only be reduced for the respective ap-
17 propriations from amounts identified in the budget appen-
18 dix, as modified by the report accompanying this Act, by
19 object classes 25.1, 25.2, 25.3, and 26.

20 (c) No funds may be reduced from amounts provided
21 under the following headings and activities:

22 (1) “National Protection and Programs Direc-
23 torate—Operations and Support”;

24 (2) “Coast Guard—Operating Expenses” for
25 defense-related activities; and

1 current resolution on the budget or the Balanced Budget
2 and Emergency Deficit Control Act of 1985 (Public Law
3 99–177):

4 (1) \$12,928,000 from Public Law 115–31
5 under the heading “Transportation Security Admin-
6 istration—Operations and Support”;

7 (2) \$1,785,697 from Public Law 108–334
8 under the heading “Coast Guard—Alteration of
9 Bridges”;

10 (3) \$1,920,100 from Public Law 109–90 under
11 the heading “Coast Guard—Alteration of Bridges”;

12 (4) \$1,791,454 from Public Law 109–295
13 under the heading “Coast Guard—Alteration of
14 Bridges”;

15 (5) \$3,221,594 from Public Law 110–161
16 under the heading “Coast Guard—Alteration of
17 Bridges”;

18 (6) \$3,680,885 from Public Law 111–83 under
19 the heading “Coast Guard—Alteration of Bridges”;

20 (7) \$25,000,000 from Public Law 114–113
21 under the heading “Coast Guard—Acquisition, Con-
22 struction, and Improvements”;

23 (8) \$65,590,000 from Public Law 115–31
24 under the heading “Coast Guard—Acquisition, Con-
25 struction, and Improvements”;

1 \$187,000,000 shall be rescinded, of which \$41,000,000
2 are permanently rescinded.

3 This Act may be cited as the “Department of Home-
4 land Security Appropriations Act, 2018”.

[COMMITTEE PRINT]

Calendar No. 000

115TH CONGRESS
1ST Session

S. 0000

[Report No. 115-000]

A BILL

Making appropriations for the Department of
Homeland Security for the fiscal year ending
September 30, 2018, and for other purposes.

_____, 2017

Read twice and placed on the calendar