

## Union Calendar No. 171

115<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3355

[Report No. 115-239]

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

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IN THE HOUSE OF REPRESENTATIVES

JULY 21, 2017

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

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## A BILL

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



## 1     PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

2           For necessary expenses of the Management Direc-  
3 torate for procurement, construction, and improvements,  
4 \$27,755,000, to remain available until September 30,  
5 2019.

## 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, \$252,405,000, of which  
16 \$77,915,000 shall remain available until September 30,  
17 2019: *Provided*, That not to exceed \$3,825 shall be for  
18 official reception and representation expenses.

## 19                           OFFICE OF INSPECTOR GENERAL

## 20                           OPERATIONS AND SUPPORT

21           For necessary expenses of the Office of Inspector  
22 General for operations and support, \$154,830,000: *Pro-*  
23 *vided*, That not to exceed \$300,000 may be used for cer-  
24 tain confidential operational expenses, including the pay-

1 ment of informants, to be expended at the direction of the  
2 Inspector General.

3 ADMINISTRATIVE PROVISIONS

4 SEC. 101. Hereafter, the Secretary of Homeland Se-  
5 curity shall submit to the Committees on Appropriations  
6 of the Senate and the House of Representatives, at the  
7 time the President's budget proposal is submitted pursu-  
8 ant to section 1105(a) of title 31, United States Code,  
9 the Future Years Homeland Security Program, as author-  
10 ized by section 874 of the Homeland Security Act of 2002  
11 (6 U.S.C. 454).

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

21 SEC. 103. (a) Notwithstanding section 518 of division  
22 F of the Consolidated Appropriations Act, 2016 (Public  
23 Law 114-113), the Secretary of Homeland Security shall  
24 submit a report not later than October 15, 2018, to the  
25 Inspector General of the Department of Homeland Secu-

1 rity listing all grants and contracts awarded by any means  
2 other than full and open competition during fiscal years  
3 2017 and 2018.

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

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

15 SEC. 105. The Secretary of Homeland Security, in  
16 consultation with the Secretary of the Treasury, shall no-  
17 tify the Committees on Appropriations of the Senate and  
18 the House of Representatives of any proposed transfers  
19 of funds available under section 9703(g)(4)(B) of title 31,  
20 United States Code (as added by Public Law 102–393)  
21 from the Department of the Treasury Forfeiture Fund to  
22 any agency within the Department of Homeland Security:  
23 *Provided*, That none of the funds identified for such a  
24 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. (a) All official costs associated with the  
4 use of Government aircraft by Department of Homeland  
5 Security personnel to support official travel of the Sec-  
6 retary and the Deputy Secretary shall be paid from  
7 amounts made available for the Office of the Secretary.

8       (b) A travel report of all direct and indirect costs of  
9 official and nonofficial travel by the Secretary and Deputy  
10 Secretary by appropriation to the Committees on Appro-  
11 priations of the Senate and the House of Representatives  
12 not later than 30 days after the end of fiscal year 2018.

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

1 (1) overstays from all nonimmigrant visa cat-  
2 egories under the immigration laws, delineated by  
3 each of the classes and sub-classes of such cat-  
4 egories; and

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

8 (b) The Secretary of Homeland Security shall publish  
9 on the Department's website the metrics developed to  
10 measure the effectiveness of security between the ports of  
11 entry, including the methodology and data supporting the  
12 resulting measures.

## 13 TITLE II

### 14 SECURITY, ENFORCEMENT, AND

### 15 INVESTIGATIONS

#### 16 U.S. CUSTOMS AND BORDER PROTECTION

#### 17 OPERATIONS AND SUPPORT

18 For necessary expenses of U.S. Customs and Border  
19 Protection for operations and support, including the trans-  
20 portation of unaccompanied minor aliens; the provision of  
21 air and marine support to Federal, State, and local agen-  
22 cies in the enforcement or administration of laws enforced  
23 by the Department of Homeland Security; at the discre-  
24 tion of the Secretary of Homeland Security, the provision  
25 of such support to Federal, State, and local agencies in

1 other law enforcement and emergency humanitarian ef-  
2 forts; the purchase and lease of up to 7,500 (6,500 for  
3 replacement only) police-type vehicles; the purchase, main-  
4 tenance, or operation of marine vessels, aircraft, and un-  
5 manned aerial systems; and contracting with individuals  
6 for personal services abroad; \$11,553,315,000; of which  
7 \$3,274,000 shall be derived from the Harbor Maintenance  
8 Trust Fund for administrative expenses related to the col-  
9 lection of the Harbor Maintenance Fee pursuant to section  
10 9505(c)(3) of the Internal Revenue Code of 1986 (26  
11 U.S.C. 9505(c)(3)) and notwithstanding section  
12 1511(e)(1) of the Homeland Security Act of 2002 (6  
13 U.S.C. 551(e)(1)); of which \$681,441,500 shall be avail-  
14 able until September 30, 2019; and of which such sums  
15 as become available in the Customs User Fee Account, ex-  
16 cept sums subject to section 13031(f)(3) of the Consoli-  
17 dated Omnibus Budget Reconciliation Act of 1985 (19  
18 U.S.C. 58c(f)(3)), shall be derived from that account: *Pro-*  
19 *vided*, That not to exceed \$34,425 shall be for official re-  
20 ception and representation expenses: *Provided further*,  
21 That not to exceed \$15,000,000 may be transferred to the  
22 Bureau of Indian Affairs for the maintenance and repair  
23 of roads on Native American reservations, as required by  
24 the Border Patrol: *Provided further*, That not to exceed  
25 \$150,000 shall be available for payment for rental space



1 in connection with preclearance operations: *Provided fur-*  
2 *ther*, That not to exceed \$1,000,000 shall be for awards  
3 of compensation to informants, to be accounted for solely  
4 under the certificate of the Secretary of Homeland Secu-  
5 rity.

6 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

7 For necessary expenses for U.S. Customs and Border  
8 Protection for procurement, construction, and improve-  
9 ments, including procurement of aircraft and unmanned  
10 aerial systems, \$2,008,719,000, of which \$1,948,944,000  
11 shall remain available until September 30, 2020, and of  
12 which \$59,775,000 shall remain available until September  
13 30, 2022.

14 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

15 OPERATIONS AND SUPPORT

16 For necessary expenses of U.S. Immigration and  
17 Customs Enforcement for operations and support, includ-  
18 ing the purchase and lease of up to 3,790 (2,350 for re-  
19 placement only) police-type vehicles; overseas vetted units;  
20 and maintenance, minor construction, and minor leasehold  
21 improvements at owned and leased facilities;  
22 \$7,002,043,000; of which \$6,000,000 shall remain avail-  
23 able until expended for efforts to enforce laws against  
24 forced child labor; of which \$33,700,000 shall remain  
25 available until September 30, 2019; of which not less than

1 \$4,413,244,000 shall be for enforcement, detention, and  
2 removal operations, including transportation of unaccom-  
3 panied minor aliens: *Provided*, That not to exceed \$11,475  
4 shall be for official reception and representation expenses:  
5 *Provided further*, That not to exceed \$10,000,000 shall be  
6 available until expended for conducting special operations  
7 under section 3131 of the Customs Enforcement Act of  
8 1986 (19 U.S.C. 2081): *Provided further*, That not to ex-  
9 ceed \$2,000,000 shall be for awards of compensation to  
10 informants, to be accounted for solely under the certificate  
11 of the Secretary of Homeland Security: *Provided further*,  
12 That not to exceed \$11,216,000 shall be available to fund  
13 or reimburse other Federal agencies for the costs associ-  
14 ated with the care, maintenance, and repatriation of  
15 smuggled aliens unlawfully present in the United States.

16 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

17 For necessary expenses of U.S. Immigration and  
18 Customs Enforcement for procurement, construction, and  
19 improvements, \$52,899,000, to remain available until Sep-  
20 tember 30, 2020.

21 TRANSPORTATION SECURITY ADMINISTRATION

22 OPERATIONS AND SUPPORT

23 For necessary expenses of the Transportation Secu-  
24 rity Administration for operations and support,  
25 \$7,082,874,000, of which \$1,770,719,000 shall remain

1 available until September 30, 2019: *Provided*, That not  
2 to exceed \$7,650 shall be for official reception and rep-  
3 resentation expenses: *Provided further*, That security serv-  
4 ice fees authorized under section 44940 of title 49, United  
5 States Code, shall be credited to this appropriation as off-  
6 setting collections and shall be available only for aviation  
7 security: *Provided further*, That the sum appropriated  
8 under this heading from the general fund shall be reduced  
9 on a dollar-for-dollar basis as such offsetting collections  
10 are received during fiscal year 2018 so as to result in a  
11 final fiscal year appropriation from the general fund esti-  
12 mated at not more than \$4,612,874,000.

13       PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

14       For necessary expenses of the Transportation Secu-  
15 rity Administration for procurement, construction, and  
16 improvements, \$53,314,000, to remain available until Sep-  
17 tember 30, 2020.

18                       RESEARCH AND DEVELOPMENT

19       For necessary expenses of the Transportation Secu-  
20 rity Administration for research and development,  
21 \$20,190,000, to remain available until September 30,  
22 2019.

## 1 COAST GUARD

## 2 OPERATING EXPENSES

3 For necessary expenses for the operations and main-  
4 tenance of the Coast Guard, not otherwise provided for;  
5 purchase or lease of not to exceed 25 passenger motor ve-  
6 hicles, which shall be for replacement only; purchase or  
7 lease of small boats for contingent and emergent require-  
8 ments (at a unit cost of not more than \$700,000) and  
9 repairs and service-life replacements, not to exceed a total  
10 of \$31,000,000; purchase, lease, or improvement of other  
11 equipment (at a unit cost of not more than \$250,000);  
12 minor shore construction projects not exceeding  
13 \$1,000,000 in total cost on any location; payments pursu-  
14 ant to section 156 of Public Law 97-377 (42 U.S.C. 402  
15 note; 96 Stat. 1920); and recreation and welfare;  
16 \$7,163,464,000; of which \$340,000,000 shall be for de-  
17 fense-related activities; of which \$24,500,000 shall be de-  
18 rived from the Oil Spill Liability Trust Fund to carry out  
19 the purposes of section 1012(a)(5) of the Oil Pollution Act  
20 of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That not to  
21 exceed \$23,000 shall be for official reception and represen-  
22 tation expenses.

## 23 ENVIRONMENTAL COMPLIANCE AND RESTORATION

24 For necessary expenses to carry out the environ-  
25 mental compliance and restoration functions of the Coast

1 Guard under chapter 19 of title 14, United States Code,  
2 \$13,397,000, to remain available until September 30,  
3 2022.

4 RESERVE TRAINING

5 For necessary expenses of the Coast Guard Reserve;  
6 operations and maintenance of the Coast Guard Reserve  
7 Program; personnel and training costs; and equipment  
8 and services; \$114,875,000.

9 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

10 For necessary expenses of the Coast Guard for acqui-  
11 sition, construction, renovation, and improvement of aids  
12 to navigation, shore facilities (including facilities at De-  
13 partment of Defense installations used by the Coast  
14 Guard), vessels, and aircraft, including equipment related  
15 thereto, \$1,298,745,000; of which \$20,000,000 shall be  
16 derived from the Oil Spill Liability Trust Fund to carry  
17 out the purposes of section 1012(a)(5) of the Oil Pollution  
18 Act of 1990 (33 U.S.C. 2712(a)(5)); and of which  
19 \$1,256,655,000 shall be available until September 30,  
20 2022.

21 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

22 For necessary expenses of the Coast Guard for re-  
23 search, development, test, and evaluation; and for mainte-  
24 nance, rehabilitation, lease, and operation of facilities and  
25 equipment; \$18,641,000; to remain available until Sep-

1 tember 30, 2020, of which \$500,000 shall be derived from  
2 the Oil Spill Liability Trust Fund to carry out the pur-  
3 poses of section 1012(a)(5) of the Oil Pollution Act of  
4 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may  
5 be credited to and used for the purposes of this appropria-  
6 tion funds received from State and local governments,  
7 other public authorities, private sources, and foreign coun-  
8 tries for expenses incurred for research, development, test-  
9 ing, and evaluation.

10 RETIRED PAY

11 For retired pay, including the payment of obligations  
12 otherwise chargeable to lapsed appropriations for this pur-  
13 pose, payments under the Retired Serviceman's Family  
14 Protection and Survivor Benefits Plans, payment for ca-  
15 reer status bonuses, concurrent receipts, and combat-re-  
16 lated special compensation, and payments for medical care  
17 of retired personnel and their dependents under chapter  
18 55 of title 10, United States Code, \$1,673,000,000, to re-  
19 main available until expended.

20 UNITED STATES SECRET SERVICE

21 OPERATIONS AND SUPPORT

22 For necessary expenses of the United States Secret  
23 Service for operations and support, including purchase of  
24 not to exceed 652 vehicles for police-type use for replace-  
25 ment only; hire of passenger motor vehicles; purchase of

1 motorcycles made in the United States; hire of aircraft;  
2 rental of buildings in the District of Columbia; fencing,  
3 lighting, guard booths, and other facilities on private or  
4 other property not in Government ownership or control,  
5 as may be necessary to perform protective functions; con-  
6 duct of and participation in firearms matches; presen-  
7 tation of awards; conduct of behavioral research in sup-  
8 port of protective intelligence and operations; payment in  
9 advance for commercial accommodations as may be nec-  
10 essary to perform protective functions; and payment, with-  
11 out regard to section 5702 of title 5, United States Code,  
12 of subsistence expenses of employees who are on protective  
13 missions, whether at or away from their duty stations;  
14 \$1,893,215,000; of which \$33,692,000 shall remain avail-  
15 able until September 30, 2019, of which \$6,000,000 shall  
16 be for a grant for activities related to investigations of  
17 missing and exploited children; and of which not less than  
18 \$13,869,000 shall be for activities related to training in  
19 electronic crimes investigations and forensics: *Provided*,  
20 That not to exceed \$19,125 shall be for official reception  
21 and representation expenses: *Provided further*, That not  
22 to exceed \$100,000 shall be to provide technical assistance  
23 and equipment to foreign law enforcement organizations  
24 in counterfeit investigations.

## 1       PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

2           For necessary expenses of the United States Secret  
3 Service for procurement, construction, and improvements,  
4 \$64,030,000, to remain available until September 30,  
5 2020.

## 6                               RESEARCH AND DEVELOPMENT

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

## 10                              ADMINISTRATIVE PROVISIONS

11          SEC. 201. Section 201 of the Department of Home-  
12 land Security Appropriations Act, 2017 (division F of  
13 Public Law 115-31), related to overtime compensation  
14 limitations, shall apply with respect to funds made avail-  
15 able in this Act in the same manner as such section ap-  
16 plied to funds made available in that Act.

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

24          SEC. 203. Hereafter, no U.S. Customs and Border  
25 Protection aircraft or other related equipment, with the



1 exception of aircraft that are one of a kind and have been  
2 identified as excess to U.S. Customs and Border Protec-  
3 tion requirements and aircraft that have been damaged  
4 beyond repair, shall be transferred to any other Federal  
5 agency, department, or office outside of the Department  
6 of Homeland Security without prior notice to the Commit-  
7 tees on Appropriations of the Senate and the House of  
8 Representatives.

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

16       SEC. 205. For an additional amount for “U.S. Cus-  
17 toms and Border Protection—Operations and Support”,  
18 \$39,000,000, to remain available until expended, to be re-  
19 duced by amounts collected and credited to this appropria-  
20 tion in fiscal year 2018 from amounts authorized to be  
21 collected by section 286(i) of the Immigration and Nation-  
22 ality Act (8 U.S.C. 1356(i)), section 10412 of the Farm  
23 Security and Rural Investment Act of 2002 (7 U.S.C.  
24 8311), and section 817 of the Trade Facilitation and  
25 Trade Enforcement Act of 2015 (Public Law 114-125):

1 *Provided*, That to the extent that amounts realized from  
2 such collections exceed \$39,000,000, those amounts in ex-  
3 cess of \$39,000,000 shall be credited to this appropriation,  
4 to remain available until expended.

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

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

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

22       SEC. 207. Notwithstanding any other provision of  
23 law, none of the funds provided in this or any other Act  
24 shall be used to approve a waiver of the navigation and  
25 vessel-inspection laws pursuant to section 501(b) of title

1 46, United States Code, for the transportation of crude  
2 oil distributed from and to the Strategic Petroleum Re-  
3 serve until the Secretary of Homeland Security, after con-  
4 sultation with the Secretaries of the Departments of En-  
5 ergy and Transportation and representatives from the  
6 United States flag maritime industry, takes adequate  
7 measures to ensure the use of United States flag vessels  
8 for such transportation: *Provided*, That the Secretary  
9 shall notify the Committees on Appropriations of the Sen-  
10 ate and the House of Representatives, the Committee on  
11 Commerce, Science, and Transportation of the Senate,  
12 and the Committee on Transportation and Infrastructure  
13 of the House of Representatives within 2 business days  
14 of any request for waivers of navigation and vessel-inspec-  
15 tion laws pursuant to such section with respect to such  
16 transportation, and the disposition of such requests.

17 SEC. 208. (a) None of the funds made available by  
18 this Act may be used to approve, license, facilitate, author-  
19 ize, or otherwise allow the trafficking or import of prop-  
20 erty confiscated by the Cuban Government.

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

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

3 SEC. 209. Without regard to the limitation as to time  
4 and condition of section 503(d), the Secretary may repro-  
5 gram within and transfer funds to “U.S. Immigration and  
6 Customs Enforcement—Operations and Support” as nec-  
7 essary to ensure the detention of aliens prioritized for re-  
8 moval.

9 SEC. 210. None of the funds provided under the  
10 heading “U.S. Immigration and Customs Enforcement—  
11 Operations and Support” may be used to continue a dele-  
12 gation of law enforcement authority authorized under sec-  
13 tion 287(g) of the Immigration and Nationality Act (8  
14 U.S.C. 1357(g)) if the Department of Homeland Security  
15 Inspector General determines that the terms of the agree-  
16 ment governing the delegation of authority have been ma-  
17 terially violated.

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 any  
21 contract for the provision of detention services if the two  
22 most recent overall performance evaluations received by  
23 the contracted facility are less than “adequate” or the  
24 equivalent median score in any subsequent performance  
25 evaluation system.

1        SEC. 212. Members of the House of Representatives  
2 and the Senate, including the leadership; the heads of  
3 Federal agencies and commissions, including the Sec-  
4 retary, Deputy Secretary, Under Secretaries, and Assist-  
5 ant Secretaries of the Department of Homeland Security;  
6 the Attorney General, Deputy Attorney General, Assistant  
7 Attorneys General, and United States Attorneys; and sen-  
8 ior members of the Executive Office of the President, in-  
9 cluding the Director of the Office of Management and  
10 Budget, shall not be exempt from Federal passenger and  
11 baggage screening.

12        SEC. 213. Notwithstanding section 44923 of title 49,  
13 United States Code, for fiscal year 2018, any funds in  
14 the Aviation Security Capital Fund established by section  
15 44923(h) of title 49, United States Code, may be used  
16 for the procurement and installation of explosives detec-  
17 tion systems or for the issuance of other transaction agree-  
18 ments for the purpose of funding projects described in sec-  
19 tion 44923(a) of such title.

20        SEC. 214. None of the funds made available by this  
21 Act under the heading “Coast Guard—Operating Ex-  
22 penses” shall be for expenses incurred for recreational ves-  
23 sels under section 12114 of title 46, United States Code,  
24 except to the extent fees are collected from owners of  
25 yachts and credited to the appropriation made available

1 by this Act under the heading “Coast Guard—Operating  
2 Expenses”: *Provided*, That to the extent such fees are in-  
3 sufficient to pay expenses of recreational vessel docu-  
4 mentation under such section 12114, and there is a back-  
5 log of recreational vessel applications, personnel per-  
6 forming non-recreational vessel documentation functions  
7 under subchapter II of chapter 121 of title 46, United  
8 States Code, may perform documentation under section  
9 12114.

10 SEC. 215. Without regard to the limitation as to time  
11 and condition of section 503(d), after June 30, up to  
12 \$10,000,000 may be reprogrammed to or from the Mili-  
13 tary Pay and Allowances funding category within “Coast  
14 Guard—Operating Expenses” in accordance with sub-  
15 section (a) of section 503.

16 SEC. 216. 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 fiscal  
25 year.

1       SEC. 217. 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. 218. For purposes of section 503(a)(3) of this  
9 Act, up to \$15,000,000 may be reprogrammed within  
10 “United States Secret Service—Operations and Support”.

11       SEC. 219. Funding made available in this Act for  
12 “United States Secret Service—Operations and Support”  
13 is available for travel of United States Secret Service em-  
14 ployees on protective missions without regard to the limi-  
15 tations on such expenditures in this or any other Act if  
16 the Director of the United States Secret Service or a des-  
17 ignee notifies the Committees on Appropriations of the  
18 Senate and the House of Representatives 10 or more days  
19 in advance, or as early as practicable, prior to such ex-  
20 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 \$1,427,062,000, 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, \$335,033,000, to remain available  
22 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 \$11,126,000, 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, \$119,319,000, of which  
7 \$13,520,000 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 \$1,027,135,000: *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, \$76,578,000, 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 \$3,003,798,000, which shall be allocated as follows:

1           (1) \$467,000,000 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: *Provided*, That notwithstanding sub-  
6           section (c)(4) of such section 2004, for fiscal year  
7           2018, the Commonwealth of Puerto Rico shall make  
8           available to local and tribal governments amounts  
9           provided to the Commonwealth of Puerto Rico under  
10          this paragraph in accordance with subsection (c)(1)  
11          of such section 2004.

12          (2) \$630,000,000 for the Urban Area Security  
13          Initiative under section 2003 of the Homeland Secu-  
14          rity Act of 2002 (6 U.S.C. 604), of which  
15          \$50,000,000 shall be for organizations (as described  
16          under section 501(c)(3) of the Internal Revenue  
17          Code of 1986 and exempt from tax under section  
18          501(a) of such code) determined by the Secretary of  
19          Homeland Security to be at high risk of a terrorist  
20          attack.

21          (3) \$100,000,000 for Public Transportation Se-  
22          curity Assistance and Railroad Security Assistance  
23          under sections 1406 and 1513 of the Implementing  
24          Recommendations of the 9/11 Commission Act of

1 2007 (6 U.S.C. 1135 and 1163), of which  
2 \$10,000,000 shall be for Amtrak security.

3 (4) \$100,000,000 for Port Security Grants in  
4 accordance with section 70107 of title 46, United  
5 States Code.

6 (5) \$690,000,000, to remain available until  
7 September 30, 2018, of which \$345,000,000 shall be  
8 for Assistance to Firefighter Grants and  
9 \$345,000,000 shall be for Staffing for Adequate  
10 Fire and Emergency Response Grants under sec-  
11 tions 33 and 34 respectively of the Federal Fire Pre-  
12 vention and Control Act of 1974 (15 U.S.C. 2229  
13 and 2229a).

14 (6) \$350,000,000 for emergency management  
15 performance grants under the National Flood Insur-  
16 ance Act of 1968 (42 U.S.C. 4001), the Robert T.  
17 Stafford Disaster Relief and Emergency Assistance  
18 Act (42 U.S.C. 5121), the Earthquake Hazards Re-  
19 duction Act of 1977 (42 U.S.C. 7701), 6 U.S.C.  
20 762, and Reorganization Plan No. 3 of 1978 (5  
21 U.S.C. App.).

22 (7) \$100,000,000 for the National Predisaster  
23 Mitigation Fund under section 203 of the Robert T.  
24 Stafford Disaster Relief and Emergency Assistance

1 Act (42 U.S.C. 5133), to remain available until ex-  
2 pended.

3 (8) \$177,531,000 for necessary expenses for  
4 Flood Hazard Mapping and Risk Analysis, in addi-  
5 tion to and to supplement any other sums appro-  
6 priated under the National Flood Insurance Fund,  
7 and such additional sums as may be provided by  
8 States or other political subdivisions for cost-shared  
9 mapping activities under section 1360(f)(2) of the  
10 National Flood Insurance Act of 1968 (42 U.S.C.  
11 4101(f)(2)), to remain available until expended.

12 (9) \$120,000,000 for the emergency food and  
13 shelter program under title III of the McKinney-  
14 Vento Homeless Assistance Act (42 U.S.C. 11331),  
15 to remain available until expended: *Provided*, That  
16 not to exceed 3.5 percent shall be for total adminis-  
17 trative costs.

18 (10) \$269,267,000 to sustain current oper-  
19 ations for training, exercises, technical assistance,  
20 and other programs.

21 DISASTER RELIEF FUND

22 For necessary expenses in carrying out the Robert  
23 T. Stafford Disaster Relief and Emergency Assistance Act  
24 (42 U.S.C. 5121 et seq.), \$7,327,720,000, to remain avail-  
25 able until expended, of which \$6,793,000,000 shall be for

1 major disasters declared pursuant to the Robert T. Staf-  
2 ford Disaster Relief and Emergency Assistance Act (42  
3 U.S.C. 5121 et seq.) and is designated by the Congress  
4 as being for disaster relief pursuant to section  
5 251(b)(2)(D) of the Balanced Budget and Emergency  
6 Deficit Control Act of 1985.

7 NATIONAL FLOOD INSURANCE FUND

8 For activities under the National Flood Insurance  
9 Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster  
10 Protection Act of 1973 (42 U.S.C. 4001 et seq.), the  
11 Biggert-Waters Flood Insurance Reform Act of 2012  
12 (Public Law 112–141, 126 Stat. 916), and the Home-  
13 owner Flood Insurance Affordability Act of 2014 (Public  
14 Law 113–89; 128 Stat. 1020), \$203,500,000, to remain  
15 available until September 30, 2019, which shall be derived  
16 from offsetting amounts collected under section 1308(d)  
17 of the National Flood Insurance Act of 1968 (42 U.S.C.  
18 4015(d)); of which \$13,573,000 shall be available for mis-  
19 sion support associated with flood management; and of  
20 which \$189,927,000 shall be available for flood plain man-  
21 agement and flood mapping: *Provided*, That any addi-  
22 tional fees collected pursuant to section 1308(d) of the  
23 National Flood Insurance Act of 1968 (42 U.S.C.  
24 4015(d)) shall be credited as offsetting collections to this  
25 account, to be available for flood plain management and

1 flood mapping: *Provided further*, That in fiscal year 2017,  
2 no funds shall be available from the National Flood Insur-  
3 ance Fund under section 1310 of the National Flood In-  
4 surance Act of 1968 (42 U.S.C. 4017) in excess of—

5 (1) \$165,224,000 for operating expenses and  
6 salaries and expenses associated with flood insurance  
7 operations;

8 (2) \$1,123,000,000 for commissions and taxes  
9 of agents;

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

12 (4) \$175,000,000, which shall remain available  
13 until expended, for flood mitigation actions and for  
14 flood mitigation assistance under section 1366 of the  
15 National Flood Insurance Act of 1968 (42 U.S.C.  
16 4104c), notwithstanding sections 1366(e) and  
17 1310(a)(7) of such Act (42 U.S.C. 4104c(e), 4017):

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

1 1367(b) of such Act (42 U.S.C. 4012a(f)(8), 4104c(e),  
2 4104d(b)(1)–(3)): *Provided further*, That total administra-  
3 tive costs shall not exceed 4 percent of the total appropria-  
4 tion: *Provided further*, That up to \$5,000,000 is available  
5 to carry out section 24 of the Homeowner Flood Insurance  
6 Affordability Act of 2014 (42 U.S.C. 4033).

7 ADMINISTRATIVE PROVISIONS

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 301. Notwithstanding section 2008(a)(12) of  
10 the Homeland Security Act of 2002 (6 U.S.C. 609(a)(12))  
11 or any other provision of law, not more than 5 percent  
12 of the amount of a grant made available in paragraphs  
13 (1) through (4) under “Federal Emergency Management  
14 Agency—Federal Assistance”, may be used by the grantee  
15 for expenses directly related to administration of the  
16 grant.

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

1           SEC. 303. Under the heading “Federal Emergency  
2 Management Agency—Federal Assistance”, for grants  
3 under paragraphs (1) through (4), the Administrator of  
4 the Federal Emergency Management Agency shall brief  
5 the Committees on Appropriations of the Senate and the  
6 House of Representatives 5 full business days in advance  
7 of announcing publicly the intention of making an award.

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

13           SEC. 305. Notwithstanding any other provision of  
14 law, grants awarded to States along the Southwest Border  
15 of the United States under sections 2003 or 2004 of the  
16 Homeland Security Act of 2002 (6 U.S.C. 604 and 605)  
17 using funds provided under the heading “Federal Emer-  
18 gency Management Agency—Federal Assistance” for  
19 grants under paragraph (1) in this Act, or under the head-  
20 ing “Federal Emergency Management Agency—State and  
21 Local Programs” in Public Law 114–4, division F of Pub-  
22 lic Law 113–76, or division D of Public Law 113–6 may  
23 be used by recipients or sub-recipients for costs, or reim-  
24 bursement of costs, related to providing humanitarian re-  
25 lief to unaccompanied alien children and alien adults ac-



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

5       SEC. 306. The aggregate charges assessed during fis-  
6  cal year 2018, as authorized in title III of the Depart-  
7  ments of Veterans Affairs and Housing and Urban Devel-  
8  opment, and Independent Agencies Appropriations Act,  
9  1999 (42 U.S.C. 5196e), shall not be less than 100 per-  
10 cent of the amounts anticipated by the Department of  
11 Homeland Security to be necessary for its Radiological  
12 Emergency Preparedness Program for the next fiscal year:  
13 *Provided*, That the methodology for assessment and collec-  
14 tion of fees shall be fair and equitable and shall reflect  
15 costs of providing such services, including administrative  
16 costs of collecting such fees: *Provided further*, That such  
17 fees shall be deposited in a Radiological Emergency Pre-  
18 paredness Program account as offsetting collections and  
19 will become available for authorized purposes on October  
20 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, to re-  
13 main available until September 30, 2021.

14 FEDERAL LAW ENFORCEMENT TRAINING CENTERS  
15 OPERATIONS AND SUPPORT

16 For necessary expenses of the Federal Law Enforce-  
17 ment Training Centers for operations and support, includ-  
18 ing the purchase of not to exceed 117 vehicles for police-  
19 type use and hire of passenger motor vehicles, and services  
20 as authorized by section 3109 of title 5, United States  
21 Code, \$260,099,000, of which \$49,409,000 shall remain  
22 available until September 30, 2019: *Provided*, That not  
23 to exceed \$7,180 shall be for official reception and rep-  
24 resentation 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 \$254,618,000, of which \$134,795,000 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 \$383,482,000, 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, \$54,664,000:  
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, \$87,096,000, 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 \$144,161,000, 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 \$44,519,000, 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 Federal Law Enforcement Training  
6 Accreditation Board, including representatives from the  
7 Federal law enforcement community and non-Federal ac-  
8 creditation experts involved in law enforcement training,  
9 shall lead the Federal law enforcement training accredita-  
10 tion process to continue the implementation of measuring  
11 and assessing the quality and effectiveness of Federal law  
12 enforcement training programs, facilities, and instructors.

13           SEC. 407. (a) There is to be established a “Federal  
14 Law Enforcement Training Centers—Procurement, Con-  
15 struction, and Improvements” appropriations account for  
16 planning, operational development, engineering, and pur-  
17 chases prior to sustainment and for information tech-  
18 nology-related procurement, construction, and improve-  
19 ments, including non-tangible assets of the Federal Law  
20 Enforcement Training Centers.

21           (b) The Director of the Federal Law Enforcement  
22 Training Centers may accept transfers to the account es-  
23 tablished by subsection (a) from Government agencies re-  
24 questing the construction of special use facilities, as au-  
25 thorized by the Economy Act (31 U.S.C. 1535(b)): *Pro-*

1 *vided*, That the Federal Law Enforcement Training Cen-  
2 ters maintain administrative control and ownership upon  
3 completion of such facilities.

4 SEC. 408. The functions of the Federal Law Enforce-  
5 ment Training Centers instructor staff shall be classified  
6 as inherently governmental for the purpose of the Federal  
7 Activities Inventory Reform Act of 1998 (31 U.S.C. 501  
8 note).

## 9 TITLE V

### 10 GENERAL PROVISIONS

11 (INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

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

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

23 SEC. 503. (a) None of the funds provided by this Act,  
24 provided by previous appropriations Acts to the compo-  
25 nents in or transferred to the Department of Homeland

1 Security that remain available for obligation or expendi-  
2 ture in fiscal year 2018, or provided from any accounts  
3 in the Treasury of the United States derived by the collec-  
4 tion of fees available to the components funded by this  
5 Act, shall be available for obligation or expenditure  
6 through a reprogramming of funds that—

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

11          (2) contracts out any function or activity pres-  
12          ently performed by Federal employees or any new  
13          function or activity proposed to be performed by  
14          Federal employees in the President’s budget pro-  
15          posal for fiscal year 2018 for the Department of  
16          Homeland Security;

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

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

23          (5) reorganizes components; or

24          (6) results from any general savings from a re-  
25          duction in personnel that would result in a change



1 in funding levels for programs, projects, or activities  
2 as approved by the Congress.

3 (b) Subsection (a) shall not apply if the Committees  
4 on Appropriations of the Senate and the House of Rep-  
5 resentatives are notified at least 15 days in advance of  
6 such reprogramming.

7 (c) Up to 5 percent of any appropriation made avail-  
8 able for the current fiscal year for the Department of  
9 Homeland Security by this Act or provided by previous  
10 appropriations Acts may be transferred between such ap-  
11 propriations if the Committees on Appropriations of the  
12 Senate and the House of Representatives are notified at  
13 least 30 days in advance of such transfer, but no such  
14 appropriation, except as otherwise specifically provided,  
15 shall be increased by more than 10 percent by such trans-  
16 fer.

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

23 (e) The notification thresholds and procedures set  
24 forth in subsections (a), (b), (c), and (d) shall apply to  
25 any use of deobligated balances of funds provided in pre-

1 vious Department of Homeland Security Appropriations  
2 Acts.

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

10 SEC. 504. Section 504 of the Department of Home-  
11 land Security Appropriations Act, 2017 (division F of  
12 Public Law 115-31), related to the operations of a work-  
13 ing capital fund, shall apply with respect to funds made  
14 available in this Act in the same manner as such section  
15 applied to funds made available in that Act.

16 SEC. 505. Except as otherwise specifically provided  
17 by law, not to exceed 50 percent of unobligated balances  
18 remaining available at the end of fiscal year 2018, as re-  
19 corded in the financial records at the time of a reprogram-  
20 ming notification, but not later than June 30, 2019, from  
21 appropriations for “Operations and Support” and for  
22 “Coast Guard—Operating Expenses”, and salaries and  
23 expenses for “Coast Guard—Acquisition, Construction,  
24 and Improvements” and “Coast Guard—Reserve Train-  
25 ing” for fiscal year 2018 in this Act shall remain available

1 through September 30, 2019, in the account and for the  
2 purposes for which the appropriations were provided: *Pro-*  
3 *vided*, That prior to the obligation of such funds, a notifi-  
4 cation shall be submitted to the Committees on Appropria-  
5 tions of the Senate and the House of Representatives in  
6 accordance with section 503.

7       SEC. 506. Funds made available by this Act for intel-  
8 ligence activities are deemed to be specifically authorized  
9 by the Congress for purposes of section 504 of the Na-  
10 tional Security Act of 1947 (50 U.S.C. 414) during fiscal  
11 year 2018 until the enactment of an Act authorizing intel-  
12 ligence activities for fiscal year 2018.

13       SEC. 507. (a) The Secretary of Homeland Security,  
14 or the designee of the Secretary, shall notify the Commit-  
15 tees on Appropriations of the Senate and the House of  
16 Representatives at least 3 full business days in advance  
17 of—

18           (1) making or awarding a grant allocation,  
19 grant, contract, other transaction agreement, or task  
20 or delivery order on a Department of Homeland Se-  
21 curity multiple award contract, or to issue a letter  
22 of intent totaling in excess of \$1,000,000;

23           (2) awarding a task or delivery order requiring  
24 an obligation of funds in an amount greater than

1       \$10,000,000 from multi-year Department of Home-  
2       land Security funds;

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

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

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

15      (c) A notification under this section—

16             (1) may not involve funds that are not available  
17      for obligation; and

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

22      SEC. 508. Notwithstanding any other provision of  
23      law, no agency shall purchase, construct, or lease any ad-  
24      ditional facilities, except within or contiguous to existing  
25      locations, to be used for the purpose of conducting Federal

1 law enforcement training without advance notification to  
2 the Committees on Appropriations of the Senate and the  
3 House of Representatives, except that the Federal Law  
4 Enforcement Training Centers is authorized to obtain the  
5 temporary use of additional facilities by lease, contract,  
6 or other agreement for training that cannot be accommo-  
7 dated in existing Center facilities.

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

16       SEC. 510. Sections 520, 522, and 530 of the Depart-  
17 ment of Homeland Security Appropriations Act, 2008 (di-  
18 vision E of Public Law 110–161; 121 Stat. 2073 and  
19 2074) shall apply with respect to funds made available in  
20 this Act in the same manner as such sections applied to  
21 funds made available in that Act.

22       SEC. 511. None of the funds made available in this  
23 Act may be used in contravention of the applicable provi-  
24 sions of the Buy American Act: *Provided*, That for pur-

1 poses of the preceding sentence, the term “Buy American  
2 Act” means chapter 83 of title 41, United States Code.

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

7 SEC. 513. Section 519 of division F of Public Law  
8 114–113, regarding a prohibition on funding for any posi-  
9 tion designated as a Principal Federal Official, shall apply  
10 with respect to funds made available in this Act in the  
11 same manner as such section applied to funds made avail-  
12 able in that Act.

13 SEC. 514. None of the funds made available in this  
14 Act may be used for planning, testing, piloting, or devel-  
15 oping a national identification card.

16 SEC. 515. Any official that is required by this Act  
17 to report or to certify to the Committees on Appropria-  
18 tions of the Senate and the House of Representatives may  
19 not delegate such authority to perform that act unless spe-  
20 cifically authorized herein.

21 SEC. 516. None of the funds appropriated or other-  
22 wise made available in this or any other Act may be used  
23 to transfer, release, or assist in the transfer or release to  
24 or within the United States, its territories, or possessions  
25 Khalid Sheikh Mohammed or any other detainee who—

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

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

6       SEC. 517. None of the funds made available in this  
7 Act may be used for first-class travel by the employees  
8 of agencies funded by this Act in contravention of sections  
9 301–10.122 through 301–10.124 of title 41, Code of Fed-  
10 eral Regulations.

11       SEC. 518. None of the funds made available in this  
12 Act may be used to employ workers described in section  
13 274A(h)(3) of the Immigration and Nationality Act (8  
14 U.S.C. 1324a(h)(3)).

15       SEC. 519. Notwithstanding any other provision of  
16 this Act, none of the funds appropriated or otherwise  
17 made available by this Act may be used to pay award or  
18 incentive fees for contractor performance that has been  
19 judged to be below satisfactory performance or perform-  
20 ance that does not meet the basic requirements of a con-  
21 tract.

22       SEC. 520. None of the funds appropriated or other-  
23 wise made available by this Act may be used by the De-  
24 partment of Homeland Security to enter into any Federal  
25 contract unless such contract is entered into in accordance

1 with the requirements of subtitle I of title 41, United  
2 States Code, or chapter 137 of title 10, United States  
3 Code, and the Federal Acquisition Regulation, unless such  
4 contract is otherwise authorized by statute to be entered  
5 into without regard to the above referenced statutes.

6       SEC. 521. (a) For an additional amount for financial  
7 systems modernization, \$42,233,000, to remain available  
8 until September 30, 2019.

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

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

17       SEC. 522. (a) None of the funds made available in  
18 this Act may be used to maintain or establish a computer  
19 network unless such network blocks the viewing,  
20 downloading, and exchanging of pornography.

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



1       SEC. 523. None of the funds made available in this  
2 Act may be used by a Federal law enforcement officer to  
3 facilitate the transfer of an operable firearm to an indi-  
4 vidual if the Federal law enforcement officer knows or sus-  
5 pects that the individual is an agent of a drug cartel unless  
6 law enforcement personnel of the United States continu-  
7 ously monitor or control the firearm at all times.

8       SEC. 524. None of the funds made available in this  
9 Act may be used to pay for the travel to or attendance  
10 of more than 50 employees of a single component of the  
11 Department of Homeland Security, who are stationed in  
12 the United States, at a single international conference un-  
13 less the Secretary of Homeland Security, or a designee,  
14 determines that such attendance is in the national interest  
15 and notifies the Committees on Appropriations of the Sen-  
16 ate and the House of Representatives within at least 10  
17 days of that determination and the basis for that deter-  
18 mination: *Provided*, That for purposes of this section the  
19 term “international conference” shall mean a conference  
20 occurring outside of the United States attended by rep-  
21 resentatives of the United States Government and of for-  
22 eign governments, international organizations, or non-  
23 governmental organizations: *Provided further*, That the  
24 total cost to the Department of Homeland Security of any  
25 such conference shall not exceed \$500,000.

1       SEC. 525. None of the funds made available in this  
2 Act may be used to reimburse any Federal department  
3 or agency for its participation in a National Special Secu-  
4 rity Event.

5       SEC. 526. None of the funds made available to the  
6 Department of Homeland Security by this or any other  
7 Act may be obligated for any structural pay reform that  
8 affects more than 100 full-time positions or costs more  
9 than \$5,000,000 in a single year before the end of the  
10 30-day period beginning on the date on which the Sec-  
11 retary of Homeland Security submits to Congress a notifi-  
12 cation that includes—

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

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

18           (3) justification for such change; and

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

22       SEC. 527. (a) Any agency receiving funds made avail-  
23 able in this Act shall, subject to subsections (b) and (c),  
24 post on the public website of that agency any report re-  
25 quired to be submitted by the Committees on Appropria-

1 tions of the Senate and the House of Representatives in  
2 this Act, upon the determination by the head of the agency  
3 that it shall serve the national interest.

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

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

7 (2) the report contains proprietary information.

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

13 SEC. 528. (a) Funding provided in this Act for “Op-  
14 erations and Support” may be used for minor procure-  
15 ment, construction, and improvements.

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

19 SEC. 529. None of the funds made available by this  
20 Act may be obligated or expended to implement the Arms  
21 Trade Treaty until the Senate approves a resolution of  
22 ratification for the Treaty.

23 SEC. 530. For fiscal year 2018, the Secretary of  
24 Homeland Security may provide, out of funds available to  
25 the Department of Homeland Security, for the primary

1 and secondary schooling of dependents of Department of  
2 Homeland Security personnel who are stationed outside  
3 the continental United States and for the transportation  
4 of such dependents in the same manner and to the same  
5 extent that, pursuant to 14 U.S.C. 544, the Secretary may  
6 provide, out of funds appropriated to or for the use of  
7 the Coast Guard, for the primary and secondary schooling  
8 of, and the transportation of, dependents of Coast Guard  
9 personnel stationed outside the continental United States.

10 (RESCISSIONS)

11 SEC. 531. Of the funds appropriated to the Depart-  
12 ment of Homeland Security, the following funds are here-  
13 by rescinded from the following accounts and programs  
14 in the specified amounts: *Provided*, That no amounts may  
15 be rescinded from amounts that were designated by the  
16 Congress as an emergency requirement pursuant to a con-  
17 current resolution on the budget or the Balanced Budget  
18 and Emergency Deficit Control Act of 1985 (Public Law  
19 99–177):

20 (1) \$12,928,000 from Public Law 115-31 under  
21 the heading “Transportation Security Administra-  
22 tion—Operations and Support”;

23 (2) \$1,785,697 from Public Law 108-334 under  
24 the heading “Coast Guard—Alteration of Bridges”;



1 were designated by the Congress as an emergency require-  
2 ment pursuant to a concurrent resolution on the budget  
3 or the Balanced Budget and Emergency Deficit Control  
4 Act of 1985, as amended: *Provided further*, That no  
5 amounts may be rescinded from the amounts that were  
6 designated by the Congress as being for disaster relief pur-  
7 suant to section 251(b)(2)(D) of the Balanced Budget and  
8 Emergency Deficit Control Act of 1985.

9       SEC. 534. Not later than 90 days from the date of  
10 this Act, the Commissioner of United States Customs and  
11 Border Protection shall: (a) conduct a survey of inter-  
12 national passenger traffic at the airports listed in section  
13 122.15(b) of title 19, Code of Federal Regulations, and  
14 designate any airport as a port of entry if that airport:  
15 (1) has scheduled international service by one or more air  
16 carriers; and (2) received over 75,000 international pas-  
17 senger arrivals during the most recent calendar year in  
18 which federal passenger data is available; (b) ensure a suf-  
19 ficient number of United States Customs and Border Pro-  
20 tection officers are available at any airport designated as  
21 a port of entry under subsection (a) in order for landing  
22 rights requests to be granted in accordance with section  
23 122.14 of title 19, Code of Federal Regulations.

24       SEC. 535. None of the funds appropriated by this Act  
25 for U.S. Immigration and Customs Enforcement shall be

1 available to pay for an abortion, except where the life of  
2 the mother would be endangered if the fetus were carried  
3 to term, or in the case of rape or incest: *Provided*, That  
4 should this prohibition be declared unconstitutional by a  
5 court of competent jurisdiction, this section shall be null  
6 and void.

7       SEC. 536. None of the funds appropriated by this Act  
8 for U.S. Immigration and Customs Enforcement shall be  
9 used to require any person to perform, or facilitate in any  
10 way the performance of, any abortion.

11       SEC. 537. Nothing in the preceding section shall re-  
12 move the obligation of the Assistant Secretary of Home-  
13 land Security for U.S. Immigration and Customs Enforce-  
14 ment to provide escort services necessary for a female de-  
15 tainee to receive such service outside the detention facility:  
16 *Provided*, That nothing in this section in any way dimin-  
17 ishes the effect of section \_\_\_\_\_ [preceding section]  
18 intended to address the philosophical beliefs of individual  
19 employees of U.S. Immigration and Customs Enforce-  
20 ment.

21       SEC. 538. In fiscal year 2018, nonimmigrants shall  
22 be admitted to the United States under section  
23 101(a)(15)(H)(ii)(a) of the Immigration and Nationality  
24 Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) to perform agricul-

1 tural labor or services, without regard to whether such  
2 labor is, or services are, of a temporary or seasonal nature.

3       SEC. 539. (a) Notwithstanding subsections (a) and  
4 (b) of section 201 of the Immigration and Nationality Act,  
5 Christopher William Gard, Constance Rhoda Keely Yates,  
6 and Charles Matthew William Gard shall each be eligible  
7 for issuance of an immigrant visa or for adjustment of  
8 status to that of an alien lawfully admitted for permanent  
9 residence upon filing an application for issuance of an im-  
10 migrant visa under section 204 of such Act or for adjust-  
11 ment of status to lawful permanent resident.

12       (b) If Christopher William Gard, Constance Rhoda  
13 Keely Yates, or Charles Matthew William Gard enters the  
14 United States before the filing deadline specified in sub-  
15 section (c), he or she shall be considered to have entered  
16 and remained lawfully and shall, if otherwise eligible, be  
17 eligible for adjustment of status under section 245 of the  
18 Immigration and Nationality Act as of the date of the en-  
19 actment of this Act.

20       (c) Subsections (a) and (b) shall apply only if the ap-  
21 plication for issuance of an immigrant visa or the applica-  
22 tion for adjustment of status is filed with appropriate fees  
23 within 2 years after the date of the enactment of this Act.

24       (d) Upon the granting of an immigrant visa or per-  
25 manent residence to Christopher William Gard, Constance



1 Rhoda Keely Yates, and Charles Matthew William Gard,  
2 the Secretary of State shall instruct the proper officer to  
3 reduce by 3, during the current or next following fiscal  
4 year, the total number of immigrant visas that are made  
5 available to natives of the country of the aliens' birth  
6 under section 203(a) of the Immigration and Nationality  
7 Act or, if applicable, the total number of immigrant visas  
8 that are made available to natives of the country of the  
9 aliens' birth under section 202(e) of such Act.

10 (e) The natural parents, brothers, and sisters of  
11 Christopher William Gard, Constance Rhoda Keely Yates,  
12 and Charles Matthew William Gard shall not, by virtue  
13 of such relationship, be accorded any right, privilege, or  
14 status under the Immigration and Nationality Act.

15 SEC. 540. STATUE OF LIMITATIONS.—

16 (a) IN GENERAL.—Section 705 of the Robert T.  
17 Stafford Disaster Relief and Emergency Assistance Act  
18 (42 U.S.C. 5205) is amended—

19 (1) in subsection (a)(1)—

20 (A) by striking “Except” and inserting  
21 “Notwithstanding section 3716(e) of title 31,  
22 United States Code, and except”; and

23 (B) by striking “report for the disaster or  
24 emergency” and inserting “report for project  
25 completion as certified by the grantee”; and

1 (2) in subsection (b)—

2 (A) in paragraph (1) by striking “report  
3 for the disaster or emergency” and inserting  
4 “report for project completion as certified by  
5 the grantee”; and

6 (B) in paragraph (3) by inserting “for  
7 project completion as certified by the grantee”  
8 after “final expenditure report”.

9 (b) APPLICABILITY.—

10 (1) IN GENERAL.—With respect to disaster or  
11 emergency assistance provided to a State or local  
12 government on or after January 1, 2004—

13 (A) no administrative action may be taken  
14 to recover a payment of such assistance after  
15 the date of enactment of this Act if the action  
16 is prohibited under section 705(a)(1) of the  
17 Robert T. Stafford Disaster Relief and Emer-  
18 gency Assistance Act (42 U.S.C. 5205(a)(1));  
19 and

20 (B) any administrative action to recover a  
21 payment of such assistance that is pending on  
22 such date of enactment shall be terminated if  
23 the action is prohibited under section 705(a)(1)  
24 of such Act.

1           (2) LIMITATION.—This section and the amend-  
2           ments made by this section, may not be construed  
3           to invalidate or otherwise affect any administration  
4           action completed before the date of enactment of  
5           this Act.

6                           SPENDING REDUCTION ACCOUNT

7           SEC. 534. \$0.

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

Union Calendar No. 171

115<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 3355**

[Report No. 115-239]

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**A BILL**

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

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JULY 21, 2017

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