

DEPARTMENT OF HOMELAND SECURITY  
APPROPRIATIONS BILL, 2016

JULY 21, 2015.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

Mr. CARTER of Texas, from the Committee on Appropriations,  
submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 3128]

The Committee on Appropriations submits the following report in  
explanation of the accompanying bill making appropriations for the  
Department of Homeland Security for the fiscal year ending Sep-  
tember 30, 2016.

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### Overview and Summary of the Bill

The accompanying bill contains recommendations for new budget (obligational) authority for fiscal year 2016 for the Department of Homeland Security (DHS). The following table summarizes these recommendations and reflects comparisons with the budget, as amended, and with amounts appropriated to date for fiscal year 2015:

[In thousands of dollars]

Title	New Budget (obligational) au- thority Fiscal Year 2015	Budget Esti- mates of new (obligational) au- thority, Fiscal Year 2016	Recommended by the House	House Compared With	
				New budget au- thority, Fiscal Year 2015	Budget estimate, Fiscal Year 2016
Title I, Departmental Management and Operations .....	\$1,034,639	\$1,329,024	\$1,096,499	\$61,860	(\$232,525)
Tide II: Security, Enforcement, and Investigations .....	32,986,167	33,905,143	33,598,590	612,423	(306,553)
Tide III: Protection, Preparedness, Response, and Recovery .....	12,416,790	12,958,798	12,859,167	442,377	(99,631)
Tide IV: Research, Development, Training, and Services .....	1,794,523	1,532,680	1,502,784	(291,739)	(29,896)
Tide V: General Provisions .....	(673,700)	(11,023)	(1,407,087)	(733,387)	(1,396,064)
Grand Total .....	47,558,419	49,714,622	47,649,953	91,534	(2,054,669)
Total, Net Discretionary .....	\$39,670,000	\$41,397,669	\$39,333,000	(\$337,000)	(\$2,064,669)

The Committee recommends total obligational authority of \$47,649,953,000 for DHS in fiscal year 2016, including \$6,712,953,000 for the Federal Emergency Management Agency (FEMA) Disaster Relief Fund (DRF) which is designated by Congress as disaster relief pursuant to Public Law 112–25. Discretionary appropriations of \$39,333,000,000 are recommended, of which \$37,674,000,000 is for non-defense programs and \$1,659,000,000 is for defense programs. The Committee does not include requested funding for increases to civilian pay; should the President provide a civilian pay increase for 2016, it is assumed that the cost of such a pay increase will be absorbed within other amounts appropriated for fiscal year 2016.

### OVERVIEW

Because threats and challenges to the homeland can come in many forms—through computer networks, natural disasters, cross-border smuggling and trafficking in people and drugs, home-grown terrorists, violent extremism, and illegal migration—DHS’s missions are more critical now than ever. Mission success depends on well-trained personnel, effective equipment and systems, coordinated operations, the ability to deliver actionable intelligence, and the flexibility to adapt quickly to emerging threats.

Though committed to ensuring National security and public safety, DHS continues to operate as a loose confederation of its components rather than as a cohesive organization. Roles and responsibilities of headquarters and components are not clearly defined. Policies are too often developed reactively rather than strategically. Multiple systems exist where one would suffice. Administrative functions and operations are duplicative or differ unnecessarily.

To overcome these challenges, the Secretary initiated a “Unity of Effort” campaign in 2014 designed to mature the Department into an organization that functions in a more integrated fashion. The initiative’s efforts are beginning to pay off. DHS is starting to review and refine acquisition processes. Joint task forces are changing the way DHS operates to secure the border and fight terrorism. New management processes are improving the way requirements are identified, prioritized, and resourced.

Additional tasks remain, as they would in any relatively new organization. The Department needs a strategic planning process to focus research and development and future investments. Common, outcome-based metrics must be developed to measure whether the Department is effectively preventing the illegal entry of goods and people across U.S. borders, and to support decisions about border security operations. Likewise, the quality and transparency of decisions about detention and removal operations must be enhanced to promote public confidence in the Department’s ability to enforce immigration laws and remove dangerous criminal aliens who pose a threat to local communities.

Most importantly, DHS must improve its ability to anticipate, mitigate, and quickly correct internal problems that increase risk and distract from its operational mission. For the last few years, DHS has suffered from the inability to hire people in a timely manner. Compounding this problem are attrition rates that outpace hiring in several DHS components. According to DHS documents, the Department expects to end fiscal year 2015 more than 6,000 FTEs below the number for which funds were provided. To achieve the requested fiscal year 2016 FTE level, more than 7,000 FTEs would have to be hired between July 2015 and September 30, 2015. Given its attrition rate and the length of time it takes to vet new staff, the Committee is unconvinced DHS will be able to spend the funds requested in the budget. Consequently, the Committee supports the requested number of mission critical positions in CBP and USSS, but reduces funding in various agencies to reflect a more realistic and achievable number of FTEs that will be onboard during the 2016 fiscal year. Likewise, large carryover balances in acquisition accounts delay needed capabilities in the field. Moreover, the Department’s reputation is tarnished when Secret Service agents or other law enforcement personnel on duty act irresponsibly, or when the Transportation Security Administration or other components do not respond seriously to Inspector General reports and recommendations until public outcry reaches monumental proportion.

The funding recommendations in this bill and the directives in the accompanying report are aimed at these challenges. Title I includes directives to institutionalize the Secretary’s Unity of Effort initiative and to better manage the Department’s human capital, resources, and information technology. Title II ensures the Department’s frontline operational components have adequate resources to carry out effectively their security, enforcement, and investigative missions. Title III includes funds necessary to prepare for, respond to, and recover from any natural disaster or chemical, biological, or cyber-attack on the population or the Nation’s critical infrastructure. Title IV finances law enforcement training, citizenship services, nuclear and radiological detection, and research and development functions. Title V includes basic general provisions for

oversight, reprogramming guidance, reports, and funding limitations.

Let there be no mistake—this Committee believes DHS is crucial to national security, public safety, and a strong U.S. economy, and appreciates the hard work and dedication of the thousands of agents, officers, Coast Guard military personnel, watchstanders, and mission support staff who make it their business every day to keep the Nation safe.

#### REFERENCES

The Committee report refers to the Implementing Recommendations of the 9/11 Commission Act of 2007, Public Law 110–53, as the 9/11 Act. References to “the Committees” means to the Committees on Appropriations of the House of Representatives and the Senate, unless otherwise noted. The Committee also refers to “full-time equivalent” positions as “FTE”; “Program, Project, Activity” line items as “PPA”; the “Office of Management and Budget” as “OMB”; and the “Government Accountability Office” as “GAO”.

#### TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

##### OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

Appropriation, fiscal year 2015 .....	\$132,573,000
Budget request, fiscal year 2016 .....	134,247,000
Recommended in the bill .....	131,859,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	– 714,000
Budget request, fiscal year 2016 .....	– 2,388,000

##### Mission

The mission of the Office of the Secretary and Executive Management (OSEM) is to provide efficient leadership and services to DHS and to support the Department’s efforts to achieve its strategic goals, as outlined in the Quadrennial Homeland Security Review.

##### Recommendation

The Committee recommends \$131,859,000 for OSEM, \$2,388,000 below the amount requested and \$714,000 below the amount provided in fiscal year 2015.

Within OSEM, the Committee recommends not more than \$40,000 for official reception and representation expenses, of which not more than \$15,000 shall be for Office of Policy activities related to the Visa Waiver Program. To ensure the Committee can conduct appropriate oversight, the Department is directed to track these expenses in enough detail to explain how the funds are used. The Committee expects the Department to review representation allowances for all DHS agencies to ensure the equitable alignment of funds with responsibilities, and to submit any proposed changes as part of the fiscal year 2017 budget request.

The Department is directed to include within the President’s budget request for fiscal year 2017 the amounts estimated, by component, for bonuses and performance awards, and the standards and criteria for such awards and bonuses.

The Committee recommends the following funding levels for each sub-office as follows:

	Budget Estimate	Recommended
Immediate Office of the Secretary .....	\$8,932,000	\$8,923,000
Immediate Office of the Deputy Secretary .....	1,758,000	1,748,000
Office of the Chief of Staff .....	2,716,000	2,696,000
Executive Secretary .....	5,640,000	5,601,000
Office of Policy .....	39,339,000	36,577,000
Office of Public Affairs .....	5,510,000	5,472,000
Office of Legislative Affairs .....	5,405,000	5,363,000
Office of Intergovernmental Affairs .....	10,025,000	9,966,000
Office of General Counsel .....	19,625,000	19,472,000
Office for Civil Rights and Civil Liberties .....	20,954,000	21,800,000
Citizenship and Immigration Services Ombudsman .....	6,312,000	6,272,000
Privacy Officer .....	8,031,000	7,969,000
Total .....	\$134,247,000	\$131,859,000

### Immediate Office of the Secretary

The Committee recommends \$8,923,000 for the Immediate Office of the Secretary, \$9,000 below the amount requested and \$984,000 above the amount provided in fiscal year 2015. The reduction to the request corresponds to the amount associated with the pay raise assumed in the President's budget.

As requested, the recommendation includes \$5,000,000 for the Joint Requirements Council (JRC). The Committee is aware of efforts by the Departmental leadership to examine and reform joint operations within DHS to better leverage security and enforcement capabilities as well as reduce costs. The Committee strongly supports such efforts and believes the JRC's mission to be one of the fundamental pillars of the Unity of Effort initiative. The Department is directed to keep the Committee informed on the Council's efforts and to clearly display efficiencies and budgetary savings achieved from JRC operations within its obligation and budget execution plans and budget justification materials.

The Department shall provide a quarterly travel report to the Committee not later than 30 days after the end of each fiscal quarter, beginning with the end of the first quarter after the date of enactment of this Act. The report shall detail all direct and indirect costs of official and nonofficial travel by the Secretary and the Deputy Secretary, delineated by trip for that quarter, within all DHS appropriations.

The Committee continues to be concerned about the illegal trade in rhinoceros horns, elephant ivory from Africa, and illegally harvested timber, and understands its connection to trafficking in narcotics, arms, and human beings, as well as to the financing of groups that pose a threat to the United States. The Committee directs the Secretary to submit a report, not later than 120 days after the date of enactment of this Act, on the Department's activities to address wildlife trafficking and the illegal natural resources trade; its continued engagement as a member of the Presidential Task Force on Wildlife Trafficking; efforts to improve DHS coordination with the U.S. Fish and Wildlife Service Office of Law Enforcement; steps taken by DHS to implement the National Strategy on Wildlife Trafficking; and the alignment of resources to activities and initiatives that address wildlife and natural resources trafficking.

Many Americans worry that unmanned aircraft systems (UAS) can be used inappropriately to monitor, track, or surveil their

movements or without the benefit of a warrant. The Committee notes that DHS has an oversight framework and procedures that ensure compliance with privacy and civil liberty laws and standards. Furthermore, DHS UAS operations are limited by FAA requirements and U.S. Customs and Border Protection (CBP) policies and procedures. To monitor compliance with these laws, the Committee expects DHS to track the number of times these systems are used along the border, in a maritime environment, or in support of State, local, and/or tribal law enforcement entities.

House Report 113–481 directed the Secretary, in conjunction with CBP, the Air and Marine Operations Center (AMOC), U.S. Immigration and Customs Enforcement (ICE), the Coast Guard, and the Science and Technology Directorate (S&T) to carry out a review of how current border situational awareness can be enhanced; technical capabilities planned for acquisition by CBP, AMOC, ICE, or the Coast Guard; and other technologies, resources, and capabilities that will be needed in the future for attaining and maintaining comprehensive and persistent situational awareness. The Committee looks forward to receiving that review and draft plan for developing situational awareness using a common operating picture by the required deadline.

In addition, House Report 113–481 directed DHS to assess the feasibility, cost, and benefits of implementing a universal complaint system to operate across the Department to ensure all complaints are addressed, receive a prompt response, and inform future training and policy. The Committee looks forward to receiving that report by the required deadline. Finally, House Report 113–481 directed the Department to provide an update on its corrective action plan to address low employee morale and the poor climate for workplace innovation. The Committee looks forward to receiving that report by the required deadline.

#### Immediate Office of the Deputy Secretary

The Committee recommends \$1,748,000 for the Immediate Office of the Deputy Secretary, \$10,000 below the amount requested and \$8,000 above the amount provided in fiscal year 2015. The reduction to the request corresponds to the amount associated with the pay raise assumed in the President’s budget.

#### Office of the Chief of Staff

The Committee recommends \$2,696,000 for the Office of the Chief of Staff, \$20,000 below the amount requested and \$86,000 below the amount provided in fiscal year 2015. The reduction to the request corresponds to the amount associated with the pay raise assumed in the President’s budget.

#### Executive Secretary

The Committee recommends \$5,601,000 for the Executive Secretary, \$39,000 below the amount requested and \$12,000 above the amount provided in fiscal year 2015. The reduction to the request corresponds to the amount associated with the pay raise assumed in the President’s budget.

### Office of Policy

The Committee recommends \$36,577,000 for the Office of Policy, \$2,762,000 below the amount requested and \$1,496,000 below the amount provided in fiscal year 2015. The recommendation includes a reduction of \$2,500,000 due to projected underexecution of funds for personnel and a reduction of \$262,000 that corresponds to the amount associated with the pay raise assumed in the President's budget. The reduction from underexecution shall be applied proportionally to the Threat Prevention and Security Policy, the Border, Immigration, and Trade Policy, and the Cyber, Infrastructure, and Resilience Policy divisions.

The Committee expects the Office of Policy to serve as the Department's central location for establishing, tracking progress of, and implementing DHS strategic planning and policy guidance across the entire spectrum of homeland security missions.

The Committee is concerned that the position of Assistant Secretary for Policy has been vacant for over one year. It is unacceptable that this strategic leadership role has yet to be permanently filled. The Administration is strongly urged to present a qualified candidate to the Senate for confirmation as quickly as possible.

To improve oversight of operations and priorities of the Office of Policy, the Committee directs the Department to report not later than December 1, 2015, on fiscal year 2015 travel by political employees of the Office of Policy, listing the following information per trip: dates, destinations, purpose, costs, mode of travel, and total number of government personnel accompanying the political appointees.

The Committee continues to believe that a more formal engagement between the Department and appropriate Mexican authorities could help facilitate the development of common or complementary approaches in areas of mutual interest, including border infrastructure; immigration enforcement; facilitating the flow of low-risk cargo and passengers; and cross-border violence and criminal networks. The Committee again encourages the Department, in cooperation with the Department of State, to explore new opportunities for cooperation with Mexican authorities, such as a cross-border working group.

To assess performance and help inform future policy, the Office of Immigration Statistics, within the Office of Policy, is directed to develop and implement a plan to collect, analyze, and report appropriate data on the Department's immigration enforcement activities, including data on the use of prosecutorial discretion. The plan should include steps to ensure the completeness and accuracy of data on the full scope of immigration enforcement activities, from encounter to final disposition. Not later than 60 days after the date of enactment of this Act, the Office of Policy is directed to brief the Committee on this plan.

To ensure the United States is positioned to counter homegrown violent extremism and prevent domestic radicalization, the Committee directs the Office of Policy to provide a detailed description of all DHS countering violent extremism (CVE) programs and initiatives, including associated personnel and funding levels, not later than 60 days after the date of enactment of this Act.



The Committee directs the Office of Policy to continue developing border security metrics to inform its internal decision-making and enable DHS to report on measurable border security outcomes. Such metrics shall be focused on reducing illegal import and entry and include measuring inflow rates, apprehension rates, and consequences for DHS's jurisdiction over the Southwest Border. DHS is directed to brief the Committee on this initiative not later than 30 days after the date of enactment of this Act.

The Committee directs the Department to ensure that the Office of Policy is a full participant in interagency discussions on visa policy matters, consistent with DHS authorities.

#### Office of Public Affairs

The Committee recommends \$5,472,000 for the Office of Public Affairs, \$38,000 below the amount requested and \$119,000 below the amount provided in fiscal year 2015. The reduction to the request corresponds to the amount associated with the pay raise assumed in the President's budget.

#### Office of Legislative Affairs

The Committee recommends \$5,363,000 for the Office of Legislative Affairs, \$42,000 below the amount requested and \$40,000 below the amount provided in fiscal year 2015. The reduction to the request corresponds to the amount associated with the pay raise assumed in the President's budget.

#### Office of Intergovernmental Affairs

The Committee recommends \$9,966,000 for the Office of Intergovernmental Affairs, \$59,000 below the amount requested and \$118,000 above the amount provided in fiscal year 2015. The reduction to the request corresponds to the amount associated with the pay raise assumed in the President's budget.

#### Office of General Counsel

The Committee recommends \$19,472,000 for the Office of General Counsel, \$153,000 below the amount requested and \$478,000 below the amount provided in fiscal year 2015. The reduction to the request corresponds to the amount associated with the pay raise assumed in the President's budget.

#### Office for Civil Rights and Civil Liberties

The Committee recommends \$21,800,000 for the Office for Civil Rights and Civil Liberties (OCRCL), \$846,000 above the amount requested and equal to the amount provided in fiscal year 2015.

The recommendation does not assume the amount associated with the pay raise in the President's budget; instead, the funding level is intended to enable OCRCL to maintain the pace of activity funded for fiscal year 2015.

The Committee expects OCRCL to continue appropriate oversight of programs, partnerships, and other cooperative efforts involving DHS components and State and local law enforcement agencies, and to submit a plan for obligation and expenditure in the fiscal year 2017 budget justification material that documents its planned

expenses related to such oversight. Upon request, OCRCL shall provide to the Committee copies of memoranda or other reports making recommendations to DHS components. In addition, OCRCL shall ensure that all individuals whose complaints are investigated by OCRCL receive information, within 30 days of the completion of an investigation, regarding the outcome of their complaints, as appropriate, including findings of fact, findings of law, and available remedies.

#### Citizenship and Immigration Services Ombudsman

The Committee recommends \$6,272,000 for the Citizenship and Immigration Services Ombudsman (CISOMB), \$40,000 below the amount requested and \$447,000 above the amount provided in fiscal year 2015. The reduction to the request corresponds to the amount associated with the pay raise assumed in the President's budget.

The Committee commends the Department for establishing and maintaining the Blue Campaign, currently coordinated through CISOMB, which has unified the efforts of its component agencies to combat human trafficking. As part of the budget justification material for fiscal year 2017, DHS should detail the amounts obligated for Blue Campaign activities in the prior year, along with estimates of its anticipated obligations in the current year and the budget year. Given the diverse language backgrounds of many human trafficking victims, the Committee encourages the Department to make Blue Campaign outreach materials available in multiple languages.

#### Privacy Officer

The Committee recommends \$7,969,000 for the Privacy Officer, \$62,000 below the amount requested and \$64,000 below the amount provided in fiscal year 2015. The reduction to the request corresponds to the amount associated with the pay raise assumed in the President's budget.

#### OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

Appropriation, fiscal year 2015 .....	\$187,503,000
Budget request, fiscal year 2016 .....	193,187,000
Recommended in the bill .....	193,646,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	+6,143,000
Budget request, fiscal year 2016 .....	+459,000

#### Mission

The primary mission of the Office of the Under Secretary for Management (USM) is to deliver quality administrative support services for human resources; manage facilities, property, equipment, and other material resources; ensure safety, health, and environmental protection; and identify and track performance measurements relating to the responsibilities of the Department. The Directorate also provides policy guidance and directives to DHS components.

### Recommendation

The Committee recommends \$193,646,000 for the USM, \$459,000 above the amount requested and \$6,143,000 above the amount provided in fiscal year 2015. Not more than \$2,000 is for official reception and representation expenses.

The Committee recommends the following funding levels for individual offices within USM:

	Budget Estimate	Recommended
Immediate Office of the Under Secretary for Management .....	\$3,411,000	\$3,393,000
Office of the Chief Security Officer .....	66,538,000	68,200,000
Office of the Chief Procurement Officer .....	58,989,000	60,630,000
Office of the Chief Human Capital Officer:		
Salaries and Expenses .....	24,390,000	21,698,000
Human Resources Information Technology .....	9,578,000	9,559,000
Subtotal .....	33,968,000	31,257,000
Office of the Chief Readiness Support Officer:		
Salaries and Expenses .....	27,350,000	27,235,000
Nebraska Avenue Complex .....	2,931,000	2,931,000
Subtotal .....	30,281,000	30,166,000
Total .....	\$193,187,000	\$193,646,000

#### Immediate Office of the Under Secretary for Management

The Committee recommends \$3,393,000 for the Immediate Office of the Under Secretary for Management, \$18,000 below the amount requested and \$653,000 above the amount provided in fiscal year 2015.

The USM acts as the Department's Chief Acquisition Officer and Chief Performance Improvement Officer. More broadly, the Management Directorate integrates common operating standards; manages Departmental delegations and directives; leads enterprise investment and portfolio management; and directs policy regarding back office functions such as human resources, information technology, financial management, budget formulation, logistics and building maintenance, and security.

These complex management functions must be exercised in a balanced but authoritative manner if the Department is to respond effectively and jointly to crises in the homeland. Therefore, the Committee includes several directives designed to build on the momentum of the Unity of Effort initiative, as described below.

For acquisitions and investments, the Committee directs the USM to develop written guidance by April 1, 2016, that:

- clarifies the roles and responsibilities of the Office of Program Accountability and Risk Management (PARM) and the Office of the Chief Information Officer (OCIO) for overseeing program management of major IT acquisition programs;
- requires components to provide operations and maintenance cost estimates for programs in sustainment;
- establishes responsibility at the component level for tracking the adherence of sustainment programs to existing cost estimates; and
- requires components to enter data into the next generation Period Reporting System (nPRS) on a quarterly basis consist-

ently and accurately, and holds Component Acquisition Executives (CAEs) accountable for validating the information.

As noted by GAO and in prior appropriations reports, proper oversight of DHS's investment portfolio is essential to ensure that components are accountable for cost, schedule, and performance, and that Congress and DHS decision makers receive useful, accurate, up-to-date information. For that reason, the Committee retains statutory language requiring DHS to submit the Comprehensive Acquisition Status Report (CASR) with the budget request, provide quarterly updates to Congress, and post an unclassified version of the CASR on the DHS public-facing website. All programs shall be displayed by appropriation and PPA. Within 30 days of delivery of the CASR, the DHS Chief Acquisition Officer and each CAE shall provide acquisition briefings on all level 1, 2, and 3 acquisition projects.

In addition, by not later than April 15, 2016, the Executive Director of PARM shall update Congress on each component's major acquisition program data for each month of the prior fiscal year, including an assessment of the accuracy, completeness, and timeliness of the data.

The USM is directed to review the current structure of the Office of the Chief Procurement Officer (OCPO), consider whether the office's name accurately reflects its function, which is overseeing contracts, and determine whether PARM should report to a more appropriate supervisor.

The DHS acquisition policy, set forth in Acquisition Management Directive 102-01 and DHS Instruction Manual 102-01-001, reflects key program management practices. Among other things, the policy establishes specific documentation requirements for predetermined acquisition decision events to help assess whether a major acquisition program is ready to proceed to each of the five phases of the acquisition lifecycle. Because the Committee is concerned that DHS has not executed its policy consistently, a general provision is included in title V of the bill that requires all CAEs to comply with DHS-established acquisition milestones.

The Committee is deeply troubled by the fact that DHS operational components remain unable to communicate with each other a decade after the 9/11 Commission highlighted the problem and after expending \$430,000,000 to address the problem. The inability to communicate effectively during an emergency presents serious risks to the safety and security of the Nation. Failure to convene an effective governing entity with the responsibility and authority to achieve Department-wide, interoperable communications two years after the OIG recommended establishing such an entity is inexcusable. Consequently, the USM is directed to brief the Committee within 90 days of the date of enactment of this Act on the Department's plan to achieve and maintain interoperable communications among the components of DHS. The plan shall include:

- the timetable for establishing a governing entity;
- an assessment of interoperability gaps in communications among DHS components;
- information on efforts, including current and planned policies, directives, and training, to achieve and maintain interoperable communications;

- an assessment of obstacles and challenges to achieving and maintaining interoperable communications among components;
- information on, and an assessment of, the adequacy of mechanisms available to the USM to enforce and compel compliance with interoperable communications policies and directives;
- guidance provided to implement interoperable communications policies and directives;
- projected future expenditures to achieve interoperable communications in the form of equipment, infrastructure, and maintenance; and
- the date by which interoperability is projected to be achieved, along with dates for interim milestones.

Chronic and systemic personnel shortfalls and lengthy hiring times jeopardize DHS's homeland security mission. To stem skyrocketing attrition and hiring shortfalls, the Committee directs the USM to complete a root cause analysis, and develop a corrective action plan based on its findings, to include outcome based metrics for measuring the success of the plan's initiatives. The USM shall update the Committee on the results of these initiatives on a monthly basis beginning January 15, 2016.

The Committee notes that the statement accompanying Public Law 114-4 specifically directed a report on a strategy for reducing the time required for hiring personnel and quarterly data on hiring timelines by component. The report that was received by the Committee on June 22, 2015, failed to fully comply with the requirement. A hiring timeline is more than a single number for the total days to hire; it should also include the number of days associated with each step in the hiring process, to include announcements in progress, announcements posted, interviews pending, offers pending, individuals selected, security approvals, and entering on duty. While the report did provide some ideas to improve the pace and process for hiring, it tied none to specific categories in the hiring timeframe and proposed no metrics, such as the number of days reduced by implementing an initiative. Further, the report should include the numbers of onboard personnel at the beginning and end of the reporting period, along with the number of separations for the reporting period. The Committee directs the Department to fully comply with this reporting requirement and to include the additional information noted above, with quarterly reports due not later than 30 days after the end of each fiscal quarter.

A more strategic problem is the lack of a rigorous and consistent methodology to determine personnel requirements across the Department, and their associated costs. For this reason, the Committee directs the USM to require the Office of the Chief Financial Officer (OCFO) to conduct an analysis of force structure that identifies the operations in which DHS personnel are expected to perform, the effects they must achieve, the attributes the forces must possess, and what kind and size of force is needed to execute the operations successfully. The OCFO is directed to brief the Committees on the study's progress on a quarterly basis. Recommendations from the analysis should directly inform the fiscal year 2018 budget request, with shortfalls in needed personnel funding clearly noted.

As in prior years, the Committee directs the Department to include a separate justification for the Working Capital Fund (WCF) in the fiscal year 2017 budget request as described in Public Law 113–76. To enhance Committee oversight, section 504 in title V of the bill is amended to require notifications to include the source appropriation and PPA for new activities.

The Committee is concerned that there are inconsistencies in how DHS distributes WCF costs across DHS organizational components due to various methods by which components report FTEs. For example, FEMA includes both the temporary and intermittent workforce in its FTE count provided to DHS Headquarters, whereas the Coast Guard does not include its temporary workforce (reservists) in its reported FTE count. As a consequence, FEMA is overcharged for activities and the Coast Guard is undercharged. The Committee directs DHS headquarters to create and implement a departmental policy for how component FTEs should be reported for WCF purposes.

To manage the Department's IT enterprise architecture, the Committee directs the USM to develop written guidance by April 1, 2016, that:

- institutionalizes a consumption-based IT business model across DHS based on the acquisition of IT services rather than IT assets when appropriate and cost-effective; and
- defines and distinguishes IT sustainment costs versus new development and investment.

#### Office of the Chief Security Officer

The Committee recommends \$68,200,000 for the Office of the Chief Security Officer, \$1,662,000 above the amount requested and \$3,892,000 above the amount provided in fiscal year 2015. Within the total, a reduction of \$338,000 corresponds to the amount associated with the pay raise assumed in the President's budget, while an increase to the request of \$2,000,000 is included for Continuous Evaluation, a technique used to investigate an individual's continued eligibility to access classified information or to hold a sensitive position.

#### Office of the Chief Procurement Officer

The Committee recommends \$60,630,000 for the OCPO, \$1,641,000 above the amount requested and \$523,000 above the amount provided in fiscal year 2015. Within the total, a reduction of \$359,000 corresponds to the amount associated with the pay raise assumed in the President's budget and an increase of \$2,000,000 is for critical personnel needed by PARM to oversee major acquisition programs. As requested, the recommendation includes funds to comply with provisions in the DATA Act, which requires unique identification numbers for procurements.

#### Office of the Chief Human Capital Officer

The Committee recommends \$31,257,000 for the Office of the Chief Human Capital Officer (OCHCO): \$21,698,000 is for Salaries and Expenses, \$2,692,000 below the amount requested and \$754,000 above the amount provided in fiscal year 2015; and \$9,559,000 is for Human Resources Information Technology,

\$19,000 below the amount requested and \$3,559,000 above the amount provided in fiscal year 2015. Reductions to the request in each PPA of \$136,000 and \$19,000, respectively, correspond to the amounts associated with the pay raise assumed in the President's budget. The \$5,056,000 request for an OMB-directed CyberSkills initiative is denied; however \$2,500,000 may be used to hire additional staff to assist DHS components to better manage their hiring needs and processes. In addition, OCHCO is directed to establish standard performance metrics for onboarding the backlog of open positions across DHS, monitor said metrics, and provide a monthly update on them to Congress.

#### Office of the Chief Readiness Support Officer

The Committee recommends \$30,166,000 for the Office of the Chief Readiness Support Officer (OCRSO), \$115,000 below the amount requested and \$3,238,000 below the amount provided in fiscal year 2015. Of the total amount, \$27,235,000 is for Salaries and Expenses, and \$2,931,000 is for repairs to the Nebraska Avenue Complex. The reduction to the request corresponds to the amount associated with the pay raise assumed in the President's budget.

DHS has worked hard and made substantial progress towards developing a common flying hour program. To maintain momentum, quarterly updates to the Committee shall continue.

The Field Efficiencies pilot streamlined and integrated regional services and common management functions in Boston and Seattle, resulting in cost avoidance. For that reason, the Committee directs the OCRSO to expand the program to not less than ten additional cities by the end of fiscal year 2016.

#### DHS HEADQUARTERS CONSOLIDATION

Appropriation, fiscal year 2015*	-----	- - -
Budget request, fiscal year 2016	-----	\$215,822,000
Recommended in the bill	-----	- - -
Bill compared with:		
Appropriation, fiscal year 2015	-----	- - -
Budget request, fiscal year 2016	-----	- 215,822,000

\*Provided in sec. 540 of the bill

#### Recommendation

The Committee appreciates changes to the DHS Consolidation Plan that have reduced requirements and costs. Acting on congressional concerns, overall project costs under the budget request have been cut by more than \$800,000,000, the size of the campus has been reduced by 900,000 square feet, and the delivery timeline has been accelerated by five years. Importantly, the new plan would save DHS \$1,200,000,000 over 30 years compared to the costs of continuing to rely on multiple rented facilities across the Washington, DC region over the same time period. Given the constraints of the current budget environment, however, the recommendation provides only that portion of the request related to existing operations at the consolidated headquarters location, which is included in title V of the bill.

## OFFICE OF THE CHIEF FINANCIAL OFFICER

Appropriation, fiscal year 2015 .....	\$52,020,000
Budget request, fiscal year 2016 .....	53,798,000
Recommended in the bill .....	56,420,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	+4,400,000
Budget request, fiscal year 2016 .....	+2,622,000

The Office of the Chief Financial Officer (OCFO) is responsible for budget policy; program analysis and evaluation; development of Departmental financial management policies; operations and systems, including consolidated financial statements; oversight of matters related to GAO and the OIG; management of Department internal controls; and Department-wide oversight of grants and resource management systems.

## Recommendation

The Committee recommends \$56,420,000 for OCFO, \$2,622,000 above the amount requested and \$4,400,000 above the amount provided in fiscal year 2015. Within the total, a reduction of \$378,000 corresponds to the amount associated with the pay raise assumed in the President's budget. Funding for the Financial Systems Modernization (FSM) program is not recommended under this heading; instead, funds are provided in title V of the bill.

A key element of the Secretary's Unity of Effort initiative is to strengthen DHS budget processes. Integral to the effort is an appropriations framework that supports and standardizes budgeting and programming across the homeland security enterprise. With over 70 different appropriations and over 100 PPAs, DHS has functioned for over a decade with significant budget disparities and inconsistencies in component's appropriations accounts and PPAs. Without question, the current budget structure is a contributing factor to the failure to recognize how poorly components have been underexecuting personnel costs. More frustrating is that neither DHS nor the components can provide details on how the funds were spent. From the perspective of leaders making judgments about programs, the lack of uniformity and transparency makes it impossible to compare costs.

Pursuant to Committee direction, DHS presented a notional common appropriations structure shortly after the President's fiscal year 2016 budget was submitted. The structure included four standard types of appropriations (Operations and Support; Procurement, Construction, and Improvements; Research and Development; and Federal Assistance) and specific periods of availability for each. This structure makes sense. It enables cost comparisons between components and simplifies the transition from legacy financial management systems to modernized systems. Implementing this methodology is a strategic imperative and must move forward with haste. To that end, a general provision is included in title V of the bill mandating that the fiscal year 2017 budget request be presented to the Congress in this format and be fully implemented upon the enactment of full year appropriations for fiscal year 2017.

Likewise, the Committee directs the Department to begin developing a standard template for budget justification material based on the proposed common appropriations structure, to be incor-



porated into the fiscal year 2018 budget request. For each appropriation, the justification shall start from a zero base and build to the requested level. For justification materials that accompany the fiscal year 2017 appropriation request and thereafter, the Committee directs the Department to include tables that compare prior year actual appropriations and obligations, estimates of current year appropriations and obligations, and the projected budget year appropriations and obligations for all PPAs, programs, subprograms, and FTE.

For investment end items with severable unit costs in excess of \$250,000 or a lifecycle cost in excess of \$300,000,000, the Committee directs the justification materials to include:

- the project description, justification, total cost, and scope;
- key acquisition milestones from the prior year, the year of execution, and the budget year;
- the funding history by fiscal year, to include prior enacted appropriations, obligations, and expenditures;
- contract information to include contract number, contractor, type, award date, start date, end date, earned value management potential in the contract, and total contract value;
- significant changes to the prior year enacted budget; and
- project schedule and estimated time to completion.

For severable end items, the Committee directs the justification materials to include:

- the quantity of each item by prior years, current year, budget year, and out-year;
- the quantity of units delivered on contract, funded but not yet on contract, and planned but unfunded; and
- the delivery schedule by quarter for the end item, delineated by fiscal year funding.

Finally, to improve oversight of all DHS financial management activities relating to programs and operations, OCFO is directed to develop a financial management regulation that:

- establishes financial management policies;
- ensures compliance with applicable accounting policy, standards, and principals;
- establishes, reviews, and enforces internal control policies, standards, and compliance guidelines for financial management;
- ensures that complete, reliable, consistent, timely, and accurate information on disbursements is available in financial management systems; and
- provides oversight of financial management activities and operations including developing budget requests and preparing for audits.

To assist with this project and the implementation of a common appropriations structure, \$3,000,000 is provided above the request for appropriate subject matter expertise and supporting staff.

Understanding how components intend to spend appropriated funding during the year of execution is critical to the subcommittee's oversight. For fiscal year 2015, several components provided obligation and expenditure plans for their fiscal year 2015 appropriations. For fiscal year 2016, the Committee directs the Management Directorate and each component to provide a briefing to the Committee, within 45 days of enactment of this Act, on its planned

obligations and budget execution. To facilitate this effort and to enable budget comparisons, OCFO is directed to develop the template for tables detailing these annual obligation and budget execution plans. At a minimum, the template shall include for the prior year, current year, and budget year:

- comparisons of actual and estimated obligations and expenditures;
- designations of funding by PPA and cost code by quarter;
- transfers, reprogrammings, and the allocation of undistributed appropriations;
- amounts of actual or planned carryover into the next fiscal year; and
- details on the status of multiyear appropriations by source year.

The Department's current financial system modernization efforts are based on an OMB directive to transition to a Federal shared services provider. Improving financial accountability and financial reporting is essential, but questions persist about the costs of the current approach and the capacity of Federal shared service providers to manage the transition. Therefore, the Committee directs GAO to assess the risks of utilizing the Department of Interior's Business Center (IBC), whether the IBC is capable of expanding its services to additional Federal agencies, and a comparison of the services and capabilities of Federal and commercial shared service providers. In addition, the Committee directs OCFO to update the lifecycle cost estimate to reflect all contract awards and projected overall costs, including those for every component that plans to migrate to a Federal shared service provider.

Bill language is retained requiring Monthly Budget Execution and Staffing reports within 30 days after the close of each month. These reports shall include the same level of detail required in section 513 of Public Law 114–4, with one exception: staffing levels for each account should be based on the most recent pay period.

#### OFFICE OF THE CHIEF INFORMATION OFFICER

Appropriation, fiscal year 2015 .....	\$288,122,000
Budget request, fiscal year 2016 .....	320,596,000
Recommended in the bill .....	308,488,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	+20,366,000
Budget request, fiscal year 2016 .....	– 12,108,000

#### Mission

The Office of the Chief Information Officer (OCIO) manages Department-wide investments in information technology (IT) and operating expenses. Funding is used for systems to modernize business processes and increase efficiency. In addition, OCIO is responsible for developing, implementing, and over-seeing the enterprise architecture for the entire Department, including at the component level.

#### Recommendation

The Committee recommends \$308,488,000 for OCIO, \$12,108,000 below the amount requested and \$20,366,000 above the amount provided in fiscal year 2015. A comparison of the budget request

to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Salaries and Expenses .....	\$105,307,000	\$104,957,000
Information Technology Activities .....	106,270,000	94,512,000
Infrastructure and Security Activities .....	54,087,000	54,087,000
Homeland Secure Data Network .....	54,932,000	54,932,000
Total, Chief Information Officer .....	\$320,596,000	\$308,488,000

The recommendation includes a reduction of \$4,833,000 due to projected underexecution of funds for personnel and a reduction of \$517,000 that corresponds to the amount associated with the pay raise assumed in the President's budget. As requested, the recommendation includes funding for the following initiatives: DHS Data Framework, Single Sign-on, several security initiatives, the Federal Risk and Authorization Management Program, and the Infrastructure Transformation Program. The recommendation includes \$5,000,000 for Digital Services, instead of \$10,000,000 as requested, and does not include \$1,758,000, as requested, to expand the Trusted Tester program at DHS expense to other Federal agencies. The Administration request for two-year funds to hire employees to be part of the DHS Digital Services teams is denied. DHS must improve the time it takes to hire new staff. Providing two-year funds for Digital Service teams undermines that objective.

The Committee applauds the strategic objectives outlined in the DHS Information Technology Strategic Plan (FY2015–2018), including acquisition strategies that support rapid deployment, agile development, shared technologies, and the adoption of a consumption-based business model. To monitor progress in achieving these objectives, the Committee directs OCIO to provide a baseline briefing followed by quarterly updates on the enterprise architecture that supports DHS's strategic plan. The briefing shall include component-level details on savings achieved through data center consolidation and reducing commodity IT spending.

Preventing the compromise or unauthorized disclosure of sensitive digital content or other personally identifiable information inside and outside the Department is important to national security. The Committee directs OCIO to continue providing data loss prevention at the enterprise level through the use of technology at the Department's Trusted Internet Connection.

The Chief Information Officer, in coordination with the Chief Financial Officer and the Chief Procurement Officer, is directed to certify that an independent verification and validation agent is currently under contract for major IT investments.

#### ANALYSIS AND OPERATIONS

Appropriation, fiscal year 2015 .....	\$255,804,000
Budget request, fiscal year 2016 .....	269,090,000
Recommended in the bill .....	264,898,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	+9,094,000
Budget request, fiscal year 2016 .....	– 4,192,000

### Mission

The Analysis and Operations appropriation supports the Office of Intelligence and Analysis and the Office of Operations Coordination, which together collect, evaluate, and disseminate intelligence information, as well as provide incident management and operational coordination.

### Recommendation

The Committee recommends \$264,898,000 for Analysis and Operations, \$4,192,000 below the amount requested and \$9,094,000 above the amount provided in fiscal year 2015. The recommendation includes a reduction of \$1,123,000 that corresponds to the amount associated with the pay raise assumed in the President's budget.

State and major urban area fusion centers serve as focal points within the State and local environment for the receipt, analysis, gathering, and sharing of threat-related information between the Federal government and State, local, tribal, territorial, and private sector partners. Fusion centers are owned and operated by State and local entities with support from Federal partners in the form of deployed personnel, training, technical assistance, exercise support, security clearances, connectivity to Federal systems, technology, and grant funding. The Committee is pleased with the success of the National Network of Fusion Centers and encourages the DHS Office of Intelligence and Analysis to continue to provide support, including the deployment of personnel, the provision of training, technical assistance, and clearances, and the management of annual capability and performance assessment processes, to ensure that fusion centers remain a vital link to the Information Sharing Environment, including their ability to address criminal and homeland security-related threats.

Terrorist groups are increasingly involved in a wide range of illegal activities involving the jurisdictions of multiple Federal, State, and local law enforcement agencies. Criminal activities, such as tobacco smuggling, are used to expand this activity and to create linkages to funding for terrorist activity. Therefore, the Committee encourages DHS to work with its Federal partners, such as the Bureau of Alcohol, Tobacco, Firearms, and Explosives, as well as State and local partners, to leverage the domestic information sharing architecture, which includes fusion centers, the Regional Information Sharing System, and High Intensity Drug Trafficking Areas, to enhance bilateral and multilateral information sharing.

The Committee supports the Criminal Intelligence Enterprise (CIE), which is a national initiative designed to identify, prioritize, and catalog the criminal and terrorist threat groups that present the greatest concern to each major city and county. This vital link between State and local law enforcement and the National Network of Fusion Centers focuses on the implementation of a threat identification process that helps agencies evaluate their threats, while simultaneously providing them with a much broader understanding of the threats that exist in other parts of the country. The Committee commends Office of Intelligence and Analysis for their CIE efforts to date, but recognizes the system can better serve the law enforcement community if the process is made more user-

friendly. Therefore, the Committee directs that not less than \$300,000 be made available for purposes of automating the CIE template and collection process. In addition, not less than \$125,000 shall be made available for purposes of providing technical assistance to State and local law enforcement agencies to assist in the CIE process. The Committee recognizes that additional technical assistance will lead to increased participation in the CIE process, and greater success of the program.

### Classified Programs

Recommended adjustments to classified programs and more detailed oversight of funding for the Office of Intelligence and Analysis are addressed in the classified annex accompanying this report.

### OFFICE OF INSPECTOR GENERAL

Appropriation, fiscal year 2015 *	\$142,617,000
Budget request, fiscal year 2016 *	166,284,000
Recommended in the bill *	165,188,000
Bill compared with:	
Appropriation, fiscal year 2015	+22,571,000
Budget request, fiscal year 2016	- 1,096,000

\* Includes a directed transfer of \$24,000,000 to the OIG from the FEMA Disaster Relief Fund.

### Mission

The DHS Office of Inspector General (OIG) conducts and supervises independent audits, investigations, and inspections of the programs and operations of DHS, and recommends ways for DHS to carry out its responsibilities in the most effective, efficient, and economical manner possible. The OIG also seeks to deter, identify, and address fraud, abuse, mismanagement, and waste of taxpayer funds invested in Homeland Security.

### Recommendation

The Committee recommends a total of \$165,188,000 for the OIG, \$1,096,000 below the budget request and \$22,571,000 above the amount provided in fiscal year 2015. The reduction below the request corresponds to the amount associated with the pay raise assumed in the President's budget. The Committee continues the prior year practice of transferring \$24,000,000 from the FEMA DRF to the OIG for disaster-related audits and investigations. As requested, the recommendation includes \$7,603,000 for acquisition management oversight, \$6,110,000 for fraud and computer forensics, \$2,810,000 for inspections and special reviews, and \$275,000 for whistleblower protection. The Committee also supports the request to raise FTEs by 71 for increased oversight capability.

Since 2012, DHS has grown by over 5,000 FTEs while the OIG staff has decreased by over 100. This trend cannot continue if the Department is to effectively safeguard tax dollars by preventing and detecting fraud, waste, and abuse. The Committee is pleased that, unlike previous years, the fiscal year 2016 request proposed an increase for the OIG to assure robust oversight capacity within the Department.

The Committee directs the OIG to provide quarterly briefings on the status of filling OIG vacancies, procurements related to the lifecycle auditing program, and programmatic successes and challenges.

The Committee directs the OIG to assess and report on CBP ethics and integrity training for agents and officers, as well as CBP mechanisms for operational oversight related to ethics and integrity. The OIG shall include an explicit plan for ethics and integrity oversight in its fiscal year 2016 obligation and execution plan.

## TITLE II—SECURITY ENFORCEMENT AND INVESTIGATIONS

### U.S. CUSTOMS AND BORDER PROTECTION

#### Mission

The mission of U.S. Customs and Border Protection is to enforce laws regarding the admission of foreign-born persons into the United States, to facilitate the flow of legitimate trade and travel, and to ensure all persons and cargo enter the U.S. legally and safely through official checkpoints at ports of entry

#### Recommendation

CBP's ability to hire and retain its workforce is an ongoing challenge. In fiscal year 2014, only 45,629 FTEs were on-board, which was 1,071 FTEs below the level funded. For fiscal year 2015, CBP projects its on-board strength will be 1,820 FTEs below the level provided in fiscal year 2015, translating into at least \$263,606,000 being used for other, unbudgeted activities. The fiscal year 2016 request compounds the problem by proposing 47,874 FTEs. To reach the requested level of FTEs and cover attrition, CBP would have to hire over 5,500 new employees in less than 12 months, something the Committee doubts is possible.

In fiscal year 2014, Congress provided funding for 2,000 additional CBP Officers (CBPO). Unfortunately, CBP still needs to hire a net gain of almost 1,100 CBPOs to reach the desired strength of 23,775 FTEs. Simultaneously, attrition in the Border Patrol has skyrocketed, leading to a net loss of nearly 1,000 agents over the last 12 months even though the Congress has consistently mandated and funded 21,370 agents.

From the beginning of the fiscal year through May 2015, CBP hired only 257 Border Patrol agents while 632 agents left the agency, a rate of attrition that is untenable. To address personnel shortfalls and hiring times, the Committee directs CBP to work with the Department to comply with direction in title I of this report to complete a root cause analysis and develop a corrective action plan based on its findings. Until CBP clearly understands the reasons for increased attrition, it will be impossible to develop and execute initiatives to reduce it. For instance, if the analysis indicates that retention issues are primarily a result of hardship assignments, CBP could propose additional compensation for such assignments.

The Committee stands by its recommendation to provide funds for 23,775 CBPOs and 21,370 Border Patrol agents; however, it is extremely skeptical that CBP can vet and hire sufficient people to meet that goal by the beginning of fiscal year 2016. Accordingly, the Committee's funding recommendation proposes an incremental

hiring schedule over the course of the fiscal year that will result in CBP reaching its mandated end strength by September 30, 2016. This hiring ramp reduces the required funding by a total of \$254,192,000 over all personnel accounts within CBP.

In order to provide oversight, the Committee directs CBP to submit a report not later than five days after the end of each fiscal quarter on staffing numbers, to include gains and losses by pay period during the quarter. Additionally, the report shall include the total number of CBPOs and Border Patrol agents on-board.

In title I, under OCFO, the Committee directs briefings on obligation and budget execution plans. Further, the Committee directs that CBP's plan include obligations and budget execution by PPA, project, and subproject or severable end item for multiyear funding appropriated in prior years, anticipated carryover, and the planned obligation of the carryover in future years until all funds are obligated.

The Committee is concerned that current CBP metrics do not provide a sufficiently accurate and complete picture of border security, and directs CBP to continue working with the Office of Policy to develop more definitive metrics. Until CBP can more accurately measure inflow rates of illicit border crossers and contraband between ports of entry, at ports of entry, and in the maritime domain, Congress and the public will continue to be wary about claims of progress in the border security mission. Further, more accurate metrics are needed to inform the allocation of scarce resources to where they can be most effectively used at the border.

In April 2010, CBP established the Office of Technology Innovation and Acquisition (OTIA) to oversee the agency's program management and acquisition efforts for mission technology across the agency. The concept for this type of coordination at the component level is similar to the Department-wide Unity of Effort initiative that the Secretary commenced in 2014. Unfortunately, the beneficial impact of OTIA has not been fully realized because many of CBP's technology acquisition programs have never migrated into OTIA's centralized framework and continue to be managed in stovepipes. The Committee strongly encourages CBP to expand OTIA's technology acquisition oversight and coordination role by identifying business drivers and potential risks, pursuing requirements integration, avoiding overlap and redundancy, and strengthening analytical capabilities. With constant need for experienced acquisition personnel and the limited number of procurements across the agency, CBP cannot afford to spread and stovepipe personnel and funding. In addition, the Committee directs CBP and the USM to conduct a review of the CBP acquisition process, procedures, and organizational structure and report its findings to the Committees on Appropriations and Homeland Security not later than 120 days after the date of enactment of this Act.

#### SALARIES AND EXPENSES

Appropriation, fiscal year 2015 .....	\$8,459,657,000
Budget request, fiscal year 2016 .....	9,124,270,000
Recommended in the bill .....	8,695,238,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	+235,581,000
Budget request, fiscal year 2016 .....	− 429,032,000

The Salaries and Expenses appropriation provides funds for border security, immigration enforcement, customs and agriculture inspections, regulating and facilitating international trade, collecting import duties, and enforcing U.S. trade laws. In addition to appropriations, fee collections are authorized to cover CBP operations.

### Recommendation

For fiscal year 2016, the Committee recommends \$8,695,238,000 for Salaries and Expenses, \$429,032,000 below the amount requested and \$235,581,000 above the amount provided in fiscal year 2015. Included in the total is \$3,274,000 derived from the Harbor Maintenance Trust Fund. The recommendation promotes strong border security, expands efforts to facilitate trade and travel, and builds CBP's targeting capabilities.

A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Headquarters, Management, and Administration:		
Commissioner .....	\$30,950,000	\$12,301,000
Chief Counsel .....	49,786,000	48,792,000
Congressional Affairs .....	2,978,000	2,880,000
Internal Affairs .....	170,024,000	166,121,000
Public Affairs .....	14,464,000	14,350,000
Training and Development .....	80,466,000	79,965,000
Technology, Innovation and Acquisition .....	29,658,000	27,359,000
Intelligence/Investigative Liaison .....	78,402,000	73,482,000
Administration .....	420,238,000	404,041,000
Rent .....	629,046,000	629,046,000
Subtotal, Headquarters, Management, and Administration .....	1,506,012,000	1,458,337,000
Border Security Inspections and Trade Facilitation:		
Inspections, Trade, and Travel Facilitation at Ports of Entry .....	3,077,568,000	2,898,419,000
Harbor Maintenance Fee Collection (Trust Fund) .....	3,274,000	3,274,000
International Cargo Screening .....	69,851,000	68,148,000
Other international programs .....	24,935,000	24,713,000
Customs-Trade Partnership Against Terrorism .....	41,420,000	41,121,000
Trusted Traveler Programs .....	5,811,000	5,811,000
Inspection and Detection Technology Investments .....	209,273,000	209,199,000
National Targeting Center .....	79,514,000	78,880,000
Training .....	48,714,000	48,052,000
Subtotal, Border Security Inspections and Trade Facilitation .....	3,560,360,000	3,377,617,000
Border Security and Control between Ports of Entry:		
Border Security and Control .....	3,921,393,000	3,806,101,000
Border Security and Control—UC Contingency Funding .....	79,000,000	—
Training .....	57,505,000	53,183,000
Subtotal, Border Security and Control between POEs .....	4,057,898,000	3,859,284,000
Total, Salaries and Expenses .....	\$9,124,270,000	\$8,695,238,000

### Headquarters, Management, and Administration

The Headquarters, Management, and Administration (HMA) PPA funds the development of critical policy and operational guidance, and provides mission support to CBP's operational components, among other activities. To support these requirements, the Committee recommends \$1,458,337,000 for HMA, \$47,675,000 below the amount requested and \$90,137,000 above the amount provided in fiscal year 2015. The recommendation includes a reduction of \$27,171,000 due to projected underexecution of funds for



personnel and a reduction of \$5,029,000 that corresponds to the amount associated with the pay raise assumed in the President's budget.

CBP has failed to respond in a timely and complete fashion to repeated Committee requests for information about new hiring, attrition, and amounts of FTE funding expended—budget execution data that should be at any senior leader's fingertips. The cause of the delay appears to be either an unwillingness to inform the Committee about the number of personnel actually on CBP's payroll or simply a lack of respect for the role of the Congress in overseeing CBP funding and operations. When the Committee's oversight activity is stymied repeatedly, it has no recourse but to act punitively. Accordingly, the Committee reduces funding for the Commissioner's Office by 50 percent, and encourages CBP to respond to future Committee requests with more alacrity.

Within 60 days of the date of enactment of this Act, CBP is directed to brief the Committee on its use of criminal misconduct investigative authority, which was delegated to CBP by the Secretary in 2014, and to continue providing regular updates thereafter.

The Committee is concerned that technology currently used to analyze vehicular traffic crossing our borders has become outdated and should be improved. As part of the overall effort to improve situational awareness, the Committee expects the Department to continue to improve land border integration by procuring and implementing the latest, most effective technologies available to monitor vehicles crossing our borders.

When fully implemented in 2016, ACE will serve as the "single window" system for the private sector to report import and export data for automated processing. It will also allow CBP to more rapidly share data with its federal agency partners, such as the Food Safety and Inspection Service (FSIS) at the U.S. Department of Agriculture. The Committee is concerned that, prior to full ACE implementation, FSIS personnel are required to manually review CBP import data to identify importers who fail to present meat and poultry imports for FSIS inspection. Such "failures to present" can lead to the introduction into commerce of uninspected meat and poultry products. A May 2015 OIG report (OIG-15-91) found that, while CBP is making progress in the development and deployment of ACE, it has insufficient internal controls in place to ensure that the deployment schedule remains on track. As part of the semi-annual ACE briefings, CBP shall identify any risks that could result in a delay in fully implementing ACE, including an assessment of the adequacy of internal controls to mitigate risk and the status of responding to the recommendations of OIG-15-91.

The Committee continues to be concerned about the impact of carrizo cane and other invasive plant species on the activities of the Border Patrol along the Rio Grande, and is aware that the State of Texas recently established a Carrizo Cane Eradication Program to be administered by the Texas State Soil and Water Conservation Board (TSSWCB). The Committee expects CBP to work with the TSSWCB and other Federal, state, and local stakeholders on efforts to control carrizo cane, and directs CBP to update the Committee, within 30 days of the date of enactment of this act, on its efforts. The update shall address progress made; a plan for working with stakeholders to make future progress; strategies

under consideration by other Federal agencies, as well as State and local stakeholders; and efforts to work with the Government of Mexico to eradicate or control carrizo cane on the Mexican side of the river. The update should also identify CBP resources expended during fiscal year 2015 for this effort, along with resources required for it during fiscal year 2016 and future years.

With CBP's recent release of its risk-based Agriculture Resource Allocation Model (AgRAM), the Committee is concerned about how CBP plans to carry out its agriculture quarantine inspection (AQI) mission with current staffing levels. CBP is directed to brief the Committee within 90 days of enactment of this Act on a plan to address these staffing needs to meet its AQI mission to protect U.S. food, agriculture, and natural resources.

Under CBP's Outlying Area Reporting Station (OARS) program, CBP officers can conduct inspections of Canadian citizens and residents arriving to the United States by private boat at some public marinas through videophone technology. The program has helped improve border security while facilitating the flow of international tourism and commerce. The Committee is concerned by reports that the current videophone technology is old, and urges CBP to review upgrading the technology with more reliable, modern devices, including mobile technology.

The Committee is aware of concerns that CBP may not be consistently applying its rules for classifying textile costumes and related items as festive articles. In particular, some importers believe that CBP's current standard for categorizing an item as a festive article under heading 9505 of the Harmonized Tariff Schedule of the United States—that it is a textile costume of a flimsy nature and construction, lacking in durability, and generally recognized as not being normal articles of apparel—is too subjective and leads to disparate treatment of similar imported items for tariff purposes. The Committee urges CBP to work with private sector stakeholders to ensure that the agency's classification approach is both fair and objective.

The Committee is concerned about CBP's resource allocation at airports actively expanding services, including the threshold of passengers and primary processing times as specified under the workload staffing model. CBP is directed to brief the Committee on how CBP addresses staffing shortfalls and screening times at expanding airports not later than 90 days after the date of enactment of this Act. Further, the briefing shall include the feasibility of reimbursement for the salaries of CBP officer included public-private partnerships.

The Committee expects CBP to adhere to the requirements of the Trafficking Victims Protection Reauthorization Act (TVPRA), Public Law 110-457, related to the treatment of unaccompanied children, including those that apply to children from contiguous countries. Within 120 days of the date of enactment of this Act, CBP is directed to provide a briefing on its policies related to compliance with such requirements, guidance to officers and agents related to TVPRA, and mechanisms for ensuring compliance with such policies, guidance, and applicable laws. The briefing should also address CBP's Juvenile Referral Process (JRP), including a description of the program, its purpose, the policy or guidance for selecting children for the program, and CBP's policies for communicating

with foreign governments pertaining to the repatriations related to the program. In addition, the briefing should include JRP data regarding the number, ages, and gender of children selected; the average and median length of stay in CBP custody; referrals by DHS to the Department of Justice for prosecution; transfers of children to other Federal agencies; placements into removal proceedings; repatriations; and grants of relief from removal, including asylum, Special Immigrant Juvenile status, a U Visa, a T Visa, or an S Visa.

In addition, the Committee expects CBP to ensure that ports of entry and short-term custody facilities holding unaccompanied children have staff who have been appropriately trained to screen children for signs of trafficking or abuse, as well as staff trained to manage their care, including necessary medical and mental health care; climate appropriate clothing; basic personal hygiene; a pillow, linens, and sufficient blankets to rest at a comfortable temperature; adequate nutrition; a safe and sanitary living environment; access to daily recreation; access to legal services and consular officials; and access to supervised phone calls. CBP is expected to follow all legal requirements and policy directives for conveying information to unaccompanied children regarding their legal rights in a language they can understand, including mechanisms to report abuse or misconduct they may have experienced.

The Committee notes the success of the Global Entry program in reducing wait times for pre-approved, low-risk travelers and encourages CBP to consider ways to expand the program. In addition, the Committee encourages the Department to work with the Department of State to explore the feasibility of developing a joint process for visa applications and Global Entry enrollment.

The Committee commends CBP for the implementation and rapid expansion of Automated Passport Control (APC), along with the successful piloting of Mobile Passport Control (MPC), and encourages the expanded use of these and other technologies that help CBP carry out its important mission while also improving the traveler experience. As CBP increasingly relies on such technologies for efficient operation, it will be important to ensure they are appropriately maintained to avoid outages and resulting increases in passenger wait times. As part of its budget justification for fiscal year 2017, CBP shall describe its plan to work with its airline and airport authority partners to ensure the efficient operation of automated passenger processing technologies.

CBP plays a critical role in identifying potential human trafficking victims as they enter the United States. The Committee encourages CBP to work with appropriate nonprofit organizations and victim service providers to improve CBP officer and agent training on identifying human trafficking victims and providing appropriate referrals to victim service organizations. Given the diverse backgrounds of human trafficking victims, the Committee strongly urges CBP to incorporate culturally sensitive training and language-accessible translated materials. The Committee directs the Commissioner to post the National Human Trafficking Resource Center hotline, email address, text messaging number, and website information in all U.S. ports of entry.

The Committee directs the Commissioner to brief the Committee not later than 90 days after the date of enactment of this Act on

continued dialogue with the Department of Defense on geo-intelligence activities, to include potential future efforts.

In November 2012, the GAO issued a report (GAO-13-56) concerning the Department of Homeland Security's ability to more effectively integrate the Civil Air Patrol (CAP) into its mission objectives, particularly regarding border security. The Committee encourages CBP to continue assessing specific areas and missions in which collaboration with the CAP can be achieved and successfully integrated during fiscal year 2016.

The Department has failed to implement a biometric entry/exit solution as recommended by the 9/11 Commission, and the system it is currently developing will likely fall short of the biometric exit capability required by law. The Committee directs the Commissioner to brief the Committees on Appropriations and Homeland Security not later than 90 days after the date of enactment of this Act on the Air Entry/Exit Re-engineering study and an expected timeline for implementation of a biometric entry/exit system.

#### Border Security Inspections and Trade Facilitation

For the Border Security Inspections and Trade Facilitation account, the Committee recommends \$3,377,617,000, \$182,743,000 below the amount requested and \$190,625,000 above the amount provided in fiscal year 2015. The recommendation includes a reduction of \$113,766,000 due to projected underexecution of funds for personnel and a reduction of \$28,755,000 that corresponds to the amount associated with the pay raise assumed in the President's budget. As proposed by the President, the recommendation includes funds sufficient to support a base of 23,775 CBPOs, which includes the costs associated with the 2,000 CBPOs funded through the fiscal year 2014 appropriation.

The recommendation provides \$19,445,000 for the Electronic Visa Information Update System, \$10,000,000 below the request, due to the planned acceleration of the program utilizing fiscal year 2015 funding.

Based on the success of the existing public-private partnerships, the Committee includes language increasing from five to ten the number of air ports of entry pilots allowed.

While CBP's resource allocation model has greatly improved its ability to make informed staffing decisions, the Committee understands that CBP will need to routinely update the model to account for new trade and travel data and to address any newly identified gaps to include expanding airports. Any modifications to the model shall be described in the fiscal year 2017 budget. To avoid law enforcement and security sensitivities, CBP is encouraged to provide staffing requirements at the Field Office level.

The statement accompanying Public Law 114-4 provided extensive direction to CBP on means to reduce wait times at ports of entry. The Committee directs CBP to continue to provide updates on progress towards reducing wait times and implementing section 571 of Public Law 113-76, which requires the development of performance metrics and operational work plans to reduce passenger wait times at ports of entry with the highest passenger volume and wait times.

In 2014, the Secretary extended, by two years, a waiver on implementing the 9/11 Act requirement to scan 100 percent of mari-

time cargo originating in foreign ports prior to lading. That extension reflected the continued technological, financial, and operational challenges involved in achieving this important homeland security capability and the related difficulty in balancing security with the facilitation of commerce. Unfortunately, it continues to appear unlikely that the 100 percent scanning requirement will be met within the timeframe of the current waiver and, potentially, not even during subsequent waiver iterations. In House Report 113–481, the Committee established an expectation that the Department should propose to Congress aggressive, alternative requirements that build on the layered security capabilities achieved to date and that could be realistically achieved within the next two years. The Committee directs CBP to provide a briefing, within 45 days of enactment of this Act, on its near term and longer term plans for the improvement of maritime cargo scanning at foreign ports.

As requested by the President, the recommendation includes funds sufficient to recapitalize aging large and small scale Non-Intrusive Inspection (NII) systems and to maintain the existing assets deployed in the field. The Committee expects CBP to use contracts negotiated by the General Services Administration (GSA), when possible, to speed up procurement.

#### Border Security and Control Between Ports of Entry

The Committee recommends \$3,859,284,000 for Border Security and Control between Ports of Entry, \$198,614,000 below the amount requested and \$45,181,000 below the amount provided in fiscal year 2015. The recommendation includes a reduction of \$36,182,000 which corresponds to the amount associated with the pay raise assumed in the President's budget, and a reduction of \$79,000,000 requested as a contingency fund. In addition, while the recommendation supports a Border Patrol force of 21,370 agents and enablers, a reduction of \$83,429,000 is imposed due to the probability that the end strength will not be reached until the end of the fiscal year.

The Committee directs the Department to continue issuing statistics on the number of individuals held in custody by CBP, including all Border Patrol stations, checkpoints, and short-term custody facilities (defined as facilities used to hold individuals for 72 hours or less). For all individuals detained at any of the facilities used for short-term custody, these statistics shall consist of country of origin, age, gender, detention duration, and the circumstances of release or transfer from custody, including whether a detainee died in CBP custody. The Committee directs the Department to publish these statistics in its annual statistical yearbook. Additionally, the Committee directs CBP to work with ICE to establish efficient procedures for processing and transferring individuals from short-term custody to ICE detention.

The Committee expects CBP to ensure that its holding facilities are in full compliance with the Department's Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities, which were finalized on March 7, 2014, in response to a Presidential Memorandum directing certain Federal agencies to promulgate rules consistent with the requirements of the Prison Rape Elimination Act. As part of its budget justification for fiscal

year 2017, CBP shall provide funding estimates for compliance activities, including in-person staff training, external audits, infrastructure changes, and other activities related to adherence to the standards.

The Committee directs CBP to report to the Committee within 24 hours of the death of any individual in CBP custody or the death of any individual subsequent to the use of force by CBP personnel, including relevant details regarding the circumstances of the fatality. In addition, CBP shall report annually on the status or results of ongoing investigations related to such deaths, with the first report due not later than 30 days after the date of enactment of this Act.

Recognizing that repatriation agreements are bilateral in nature, the Committee expects DHS to repatriate removable individuals in a manner that ensures their safety. For instance, CBP and ICE should repatriate incapacitated persons, unaccompanied minors, pregnant women, and other vulnerable individuals only during daylight hours, make reasonable efforts to inform Mexican authorities in advance of repatriating vulnerable individuals, avoid removing individuals via entry/exit points on the U.S.-Mexico border where their safety could be threatened, and, to the extent practicable, avoid separating family members during the deportation process. The Committee notes that House Report 113–481 directed the Department to review its current repatriation practices and policies and brief the Committee not later than 180 days after the date of enactment of the fiscal year 2015 Act on the results of that review, including the need for any additional measures to ensure that deportations are conducted safely.

The Committee also directs CBP to work with ICE, the Office of Refugee Resettlement (ORR), and the U.S. Marshals Service (USMS) to ensure that individuals held in CBP short-term custody are processed and transferred to ICE, ORR, or USMS custody in a humane and timely manner, and that their nonperishable belongings are returned to them when they are removed or released. In addition, CBP is encouraged to explore the feasibility of developing and deploying an online detainee locator system.

The Committee commends CBP's search and rescue efforts, in particular the Border Patrol Search, Trauma, and Rescue (BORSTAR) Unit, and encourages CBP to expand its engagement with State and local counterparts and nongovernmental organizations in providing necessary medical aid and reducing deaths. Within 60 days of the date enactment of this Act, CBP shall provide a report to the Committee on its search and rescue efforts during the prior fiscal year, including the number of deaths by sector and a description of the methodology for counting such deaths; the number of rescue beacons by sector; the frequency of rescue beacon activation; and the number of individuals rescued by the Border Patrol as a result of rescue beacons. In addition, the briefing should address procedures for the identification of deceased individuals, cooperative activities with State and local governments and nonprofit organizations, procedures for responding to rescue beacons, distress calls, and missing persons reports, and plans for reducing border crossings and deaths in remote areas along and near the border.

The Committee directs CBP to provide a briefing, within 30 days of the date of enactment of this Act, on the use of roving patrol stops and tactical and permanent checkpoints for immigration enforcement near the border. The briefing should address the legal authorities, policies, enforcement statistics, and oversight mechanisms associated with these activities.

The Committee is aware that the Border Patrol has been evaluating Rapid DNA technology as a potential tool to confirm claimed relationships of juveniles in custody, identify victims of human trafficking, and match latent DNA from unsolved crimes against the FBI's Combined DNA Index System. The Committee encourages the evaluation of new technologies that have the potential to enhance CBP's border security, travel, and trade missions, and expects CBP to provide regular updates on its assessments of such technologies.

The Committee is aware that CBP has begun the second phase of a pilot program to evaluate the feasibility of incorporating body-worn camera technology into the agency's law enforcement operations. CBP conducted the first phase of the pilot, which involved the evaluation of body-worn cameras at CBP training academies, between October and December 2014. The second phase, which includes the evaluation of the cameras in a number of varied operational environments, is scheduled for completion in mid-2015. The Committee looks forward to a briefing on the results of the pilot program, as required by House Report 113–481.

#### AUTOMATION MODERNIZATION

Appropriation, fiscal year 2015 .....	\$808,169,000
Budget request, fiscal year 2016 .....	867,311,000
Recommended in the bill .....	846,245,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	+38,076,000
Budget request, fiscal year 2016 .....	–21,066,000

#### Mission

The Automation Modernization appropriation provides funds for information technology and targeting systems critical to CBP front-line personnel and to protect the Nation's borders and facilitate trade.

#### Recommendation

The Committee recommends \$846,245,000 for Automation Modernization, \$21,066,000 below the amount requested and \$38,076,000 above the amount provided in fiscal year 2015. The recommendation includes a reduction of \$18,773,000 due to projected underexecution of funds for personnel and a reduction of \$2,293,000 that corresponds to the amount associated with the pay raise assumed in the President's budget. The Committee directs CBP to provide semiannual briefings on the modernization of the TECS system, which is used for primary and secondary inspection processing, and the Automated Commercial Environment (ACE) system.

A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Information Technology .....	\$399,027,000	\$378,134,000
Automated Targeting Systems .....	122,669,000	122,640,000
Automated Commercial Environment (ACE)/International Trade Data System (ITDS) .....	153,736,000	153,614,000
Current Operations Protection and Processing Support (COPPS) .....	191,879,000	191,857,000
Total .....	\$867,311,000	\$846,245,000

#### BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

Appropriation, fiscal year 2015 .....	\$382,466,000
Budget request, fiscal year 2016 .....	373,461,000
Recommended in the bill .....	439,430,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	+56,964,000
Budget request, fiscal year 2016 .....	+65,969,000

#### Mission

The Border Security Fencing, Infrastructure, and Technology (BSFIT) account funds technology and tactical infrastructure solutions to enhance CBP's situational awareness at the borders and its ability to respond to and resolve illegal activity.

#### Recommendation

The Committee recommends \$439,430,000 for BSFIT, \$65,969,000 above the amount requested and \$56,964,000 above the amount provided in fiscal year 2015. This recommendation continues the Committee's strong support of deploying border security technology that is operationally appropriate, agile, and cost-effective. Of the total, only funds in the Development and Deployment PPA are provided as multiyear.

Based on CBP's obligation and budget execution plans, CBP has engaged in a practice of carrying over significant amounts of unobligated funds from prior years while simultaneously requesting significant amounts of new funding. For example, of the funds requested for fiscal year 2016, \$96,400,000 will be carried over into fiscal years 2017 and 2018. In addition, CBP projects to start fiscal year 2016 with \$360,230,000 carried over from prior year appropriations, of which \$164,070,000 was provided in fiscal year 2015, \$58,000,000 was provided in fiscal year 2014, and \$138,160,000 was provided in fiscal year 2011 or earlier.

Sometimes contractual requirements dictate the need for forward funding, defined as appropriations that are not expected to be obligated during the budget year. However, when carryover becomes excessive and spans many years, it suggests that improvements are needed in planning and execution. This is particularly true of funds requested for operations and maintenance activities.

The Committee cannot allow appropriations to remain unused for multiple fiscal years. Therefore, the recommendation includes a reduction of \$96,040,000, which corresponds to the amount planned for carryover in the fiscal year 2016 request. Additionally, \$98,550,000 is rescinded from prior year appropriations that will not be obligated in fiscal year 2016 and is re-appropriated for near-term execution priorities.

In future budgets, CBP is directed to request funding for programs and end items that can be obligated in the budget request



year. Specifically, the budgeting of acquisition items shall be on a time-phased “lead-time away” or “need to commit” basis in order to avoid accumulation of excessive carryover.

A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Operations and Maintenance .....	\$273,931,000	\$247,891,000
Development and Deployment .....	99,530,000	191,539,000
Total .....	\$373,461,000	\$439,430,000

#### Operations and Maintenance

For Operations and Maintenance, the Committee recommends \$247,891,000 in one year funds, \$26,040,000 below the request and \$8,981,000 below the amount provided in fiscal year 2015. Included in the recommendation are funds sufficient to maintain tethered aerostats. The recommendation also includes \$25,000,000 to continue existing aerostat coverage in the Rio Grande Valley and to provide coverage in areas of Arizona. Further, the recommendation includes \$10,000,000 from funds previously appropriated and a decrease to the request of \$61,040,000 of funding that will not execute until fiscal years 2017 and 2018.

CBP is directed to ensure that any data gathered by the aerostat fleet is transmitted to the AMOC so it can be used to provide situational awareness and to support the timely interdiction of illegal crossings.

#### Development and Deployment

The recommendation includes \$191,539,000 for Development and Deployment, \$92,009,000 above the amount requested and \$65,945,000 above the amount provided in fiscal year 2015. The recommendation includes an additional \$38,459,000 for integrated fixed towers and \$88,550,000 from funds previously appropriated. However, the Committee denies \$35,000,000 of requested funding because it will not execute until fiscal years 2017 or 2018.

CBP is directed to continue providing weekly notifications on procurement actions related to technology investments until all initial contract awards have been made.

The Committee urges the Department to obligate funds provided in the Fiscal Year 2015 Homeland Security Appropriations Act to resolve outstanding technological issues and move expeditiously to the procurement and deployment phase of next generation unattended ground sensor technology, which will make the Southwest and Northern Borders more secure while reducing agent risks and improving response efficiency.

#### AIR AND MARINE OPERATIONS

Appropriation, fiscal year 2015 .....	\$750,469,000
Budget request, fiscal year 2016 .....	747,422,000
Recommended in the bill .....	784,934,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	+34,465,000
Budget request, fiscal year 2016 .....	+37,512,000

### Mission

CBP's Office of Air and Marine (OAM) provides integrated air and marine forces for air and marine interdiction, law enforcement, and National border domain security.

### Recommendation

The Committee recommends \$784,934,000 for Air and Marine Operations, \$37,512,000 above the amount requested and \$34,465,000 above the amount provided in fiscal year 2015. The recommendation includes a reduction of \$11,680,000 due to projected underexecution of funds for personnel and a reduction of \$2,808,000 that corresponds to the amount associated with the pay raise assumed in the President's budget.

Based on direction in House Report 113–481, the OSEM began working with OAM and the Coast Guard to establish a common flying hour program. While some progress has been made through this effort, specifically progress in developing a common lexicon, business processes, data elements, and reports, the Committee looks forward to implementation of the plan and expects the common program to inform the fiscal year 2017 budget request.

OAM must also take the next step and leverage the new program to improve the rigor of its operational requirements process. The current process relies heavily on qualitative descriptions of need and lacks consistency among sectors.

A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Salaries and Expenses .....	\$306,253,000	\$291,765,000
Operations and Maintenance .....	395,169,000	409,969,000
Procurement .....	46,000,000	83,200,000
Total .....	\$747,422,000	\$784,934,000

### Salaries and Expenses

The Committee recommends \$291,765,000 for Salaries and Expenses, \$14,488,000 below the amount requested and \$8,035,000 below the amount provided in fiscal year 2015.

### Operations and Maintenance

The Committee recommends \$409,969,000 for Operations and Maintenance, \$14,800,000 above the amount requested and \$12,300,000 above the amount provided in fiscal year 2015. The recommendation includes \$14,800,000 to address unmet operational needs, to include increases for the AMOC, maintenance on aircraft and ground stations, and sensor operations.

The Committee directs OAM to review the feasibility and cost effectiveness of using commercially available services, including airships and fixed-wing or rotary aircraft, to complement OAM border surveillance activities and brief the Committee on its assessment not later than 90 days after the date of enactment of this Act.

The Committee is concerned about the impact of adverse weather on the flight hours of CBP's UAS, which support situational awareness along the Southwest Border. In collaboration with the Federal

Aviation Administration, CBP should explore the feasibility of developing an alternative Certificate of Waiver or Authorization that might mitigate the impact of such weather. In addition, CBP shall brief the Committee, within 90 days of the date of enactment of this Act, on the number of UAS flights canceled due to weather at each UAS base, along with an assessment of other actions that could help mitigate weather impacts on UAS flight hours, such as the establishment of an additional or alternate UAS base with more landing and support capacity.

CBP is directed to study and brief the Committee not later than 90 days after the date of enactment of this Act on the feasibility and cost effectiveness of using National Guard UAS along the Southwest Border for the purpose of border security.

#### Procurement

The Committee recommends \$83,200,000 for Procurement, \$37,200,000 above the request and \$30,200,000 above the amount provided in fiscal year 2015. The recommendation includes \$37,200,000 above the budget request for added investments in sensors, communications equipment, and facility upgrades at the AMOC.

The Committee includes \$44,000,000 for two multi-role enforcement aircraft, and expects CBP to conduct a full and open competition for the next procurement of the aircraft. While continuing to acquire the existing airframe would ensure commonality, the Committee believes OAM should consider open architecture, modular, and reconfigurable systems in the upcoming required competition. This will permit OAM to have a fleet of aircraft that can easily be optimized for a wide variety of maritime and land border missions.

#### CONSTRUCTION AND FACILITIES MANAGEMENT

Appropriation, fiscal year 2015 .....	\$288,821,000
Budget request, fiscal year 2016 .....	341,543,000
Recommended in the bill .....	341,356,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	+52,535,000
Budget request, fiscal year 2016 .....	- 187,000

#### Mission

The Construction and Facilities Management account provides resources for critical facilities associated with infrastructure and personnel, including Border Patrol stations, checkpoints, temporary detention facilities, mission support facilities, training facilities, and CBP-owned ports of entry.

#### Recommendation

The Committee recommends \$341,356,000 for Construction and Facilities Management, \$187,000 below the amount requested and \$52,535,000 above the amount provided in fiscal year 2015. The recommendation includes an increase of \$15,475,000 for deferred maintenance, a reduction of \$2,808,000 that corresponds to the amount associated with the pay raise assumed in the President's budget, and a reduction of \$15,000,000 for unexplained cost growth in environmental and energy initiatives and operational requirements and services.

On an annual basis, CBP is directed to submit an inventory of real property describing the physical condition of each facility and its recapitalization plan. As a component of the budget justification, CBP is directed to provide a description of each actual or planned construction and major renovation project, a cost estimate of each initiative, a description of existing conditions and how the project will eliminate or ameliorate them, and the estimated costs of routine maintenance. To the extent practicable, CBP is urged to consider recommendations about construction design from existing, border-proximate businesses. Finally, CBP is directed to work with GSA to prioritize funds for projects critical to improving border security and facilitating trade and travel into and out of the United States.

A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Facilities Construction and Sustainment .....	\$255,378,000	\$270,853,000
Program Oversight and Management .....	86,165,000	70,503,000
Total .....	\$341,543,000	\$341,356,000

## U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

### Mission

U.S. Immigration and Customs Enforcement (ICE) enforces Federal laws governing border control, customs, trade, and immigration to promote homeland security and public safety.

### Recommendation

The Committee's recommendation promotes the goals of: enforcing immigration and customs laws; investigating and dismantling transnational criminal organizations, including those that traffic and smuggle people—and especially children—as well as narcotics, weapons, and other contraband into the United States; ascertaining facts about the composition of the detained and non-detained alien population in removal proceedings and their legal claims; screening 100 percent of visa applications; right-sizing the investigative and enforcement workforces; and encouraging the development of an effective deterrence program.

In title I, under OCFO, the Committee directs briefings on obligation and budget execution plans. Further, the Committee directs that ICE's plans include obligations and budget execution by PPA, project and subproject, as well as the amounts planned to be carried over into the next fiscal year. Within these briefings, ICE shall address specific technologies and support services intended for procurement, program schedules, and major milestones. For multiyear appropriations, the briefings shall detail the status of each appropriation by source year. In addition, the briefings shall identify the numbers of personnel newly hired or lost to attrition since the beginning of the fiscal year or since the most recent report, as appropriate. These briefings shall be provided not later than 45 days after the date of enactment of this Act and on a quarterly basis thereafter.

## SALARIES AND EXPENSES

Appropriation, fiscal year 2015 .....	\$5,932,756,000
Budget request, fiscal year 2016 .....	5,886,549,000
Recommended in the bill .....	5,736,286,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	– 196,470,000
Budget request, fiscal year 2016 .....	– 150,263,000

## Recommendation

The Committee recommends \$5,736,286,000 for Salaries and Expenses, \$150,263,000 below the amount requested and \$196,470,000 below the amount provided in fiscal year 2015. The recommendation includes a reduction of \$101,519,000 due to projected underexecution of funds for personnel and a reduction of \$38,110,000 that corresponds to the amount associated with the pay raise assumed in the President's budget. Like other DHS components, ICE has historically failed to achieve hiring goals across the agency based on enacted appropriations, resulting in tens of millions of dollars appropriated for payroll, compensation, and benefits being diverted to unbudgeted activities without congressional oversight of those expenditures. Therefore, the recommendation includes funding for 19,065 FTEs, an increase of 604 FTEs over the projected fiscal year 2015 FTE level. The Committee supports the agency's efforts to improve hiring and retention, but remains dubious it will be able to achieve its hiring goals for fiscal year 2015, much less those for fiscal year 2016. Therefore, the Committee withholds \$100,000,000 from Salaries and Expenses for Personnel and Compensation Benefits pending a mid-year review of the agency's hiring progress.

In 2014, ICE released 12,757 aliens from its custody after determining that they were not enforcement priorities. However, according to DHS OIG Report 15–85, this data may not be accurate and the number could be much higher because officers do not always record their use of prosecutorial discretion. The report also noted that ICE field office personnel do not always have access to an individual's criminal history in his or her country of origin, information that could be directly relevant to the exercise of prosecutorial discretion by ICE. A directive is included under the Office of Policy heading in title I of this report requiring the Office of Immigration Statistics to develop and implement a plan that results in the complete and accurate collection and reporting of immigration enforcement data, from encounter through final disposition and including data on the use of prosecutorial discretion.

A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Final bill
Headquarters Management and Administration		
Personnel Compensation and Benefits, Services, and Other Costs .....	\$195,950,000	\$148,738,000
Headquarters Managed IT Investment .....	146,046,000	145,957,000
Subtotal, Headquarters Management and Administration .....	341,996,000	294,695,000
Legal Proceedings	248,096,000	231,214,000
Investigations		
Domestic Investigations .....	1,766,654,000	1,727,716,000
International Investigations.		
International Operations .....	107,931,000	103,566,000

	Budget estimate	Final bill
Visa Security Program .....	30,749,000	32,561,000
Subtotal, International Investigations .....	138,680,000	136,127,000
Subtotal, Investigations .....	1,905,334,000	1,863,843,000
Intelligence .....	80,041,000	79,768,000
Enforcement and Removal Operations		
Custody Operations .....	2,406,744,000	2,388,603,000
Fugitive Operations .....	129,438,000	128,072,000
Criminal Alien Program .....	320,267,000	317,177,000
Alternatives to Detention .....	122,481,000	109,740,000
Transportation and Removal Program .....	324,152,000	323,174,000
Transportation and Removal Program—UC Contingency .....	8,000,000	--
Subtotal, Enforcement and Removal Operations .....	3,311,082,000	3,266,766,000
Total, Salaries and Expenses .....	\$5,886,549,000	\$5,736,286,000

#### Headquarters Management and Administration

The Committee recommends \$294,695,000 for ICE Headquarters Management and Administration, \$47,301,000 below the amount requested and \$52,726,000 below the amount provided in fiscal year 2015. The recommendation includes reductions to the request corresponding to the amounts associated with the pay raise assumed in the President's budget, as well as reductions due to projected underexecution of funds for personnel.

ICE's reticence in responding to the Congressional requests for information, especially when it relates to the agency's policies regarding the disciplining of agents who fail to follow the President's directives on immigration, demonstrates a lack of respect for the role of Congress in overseeing ICE operations and ensuring the enforcement of the immigration laws of the nation. Therefore, \$5,000,000 of funding for Headquarters Management and Administration is withheld to motivate the Director of ICE to be more responsive to Congress in a timely way. The funds will be released if the Director briefs the Committee on the Priority Enforcement Program as directed later in this report.

#### Legal Proceedings

The Committee recommends \$231,214,000 for Legal Proceedings, \$16,882,000 below the amount requested and \$13,821,000 above the amount provided in fiscal year 2015. The recommendation funds the agency's request to hire 311 additional attorneys to reduce the backlog on the detained and non-detained dockets.

#### Investigations

The Committee recommends \$1,863,843,000 for Investigations, \$41,491,000 below the request and \$3,824,000 above the amount provided in fiscal year 2015. The recommendation includes reductions to the request corresponding to the amounts associated with the pay raise assumed in the President's budget, as well as reductions due to projected underexecution of funds for personnel.

### Domestic Investigations

Domestic Investigations supports the enforcement of trade and immigration laws through the investigation of activities, persons, and events that may pose a threat to the safety or security of the United States and its people. The program also supports the investigations of illegal trafficking in weapons (including weapons of mass destruction), the smuggling of narcotics and other contraband, human smuggling and trafficking, money laundering and other financial crimes, fraudulent trade practices, identity and benefit fraud, child exploitation, and health and public safety dangers.

The Committee recommends \$1,727,716,000 for Domestic Investigations, \$38,938,000 below the request and \$27,905,000 above fiscal year 2015. The bill provides funds for an increase of 135 agents and mission support staff to enhance ICE's ability to conduct investigations in high-priority mission areas, such as human smuggling and trafficking; child exploitation, including through the Child Exploitation Unit at the Cyber Crime Center and Operation Angel Watch; and intellectual property rights enforcement, including through the National Intellectual Property Rights Coordination Center (NIPRCC).

An increase of 1 FTE and \$1,000,000 is provided for the Human Exploitation Rescue Operative (HERO) Child-Rescue Corps to support child exploitation investigations. The Committee strongly supports this initiative and directs ICE to continue to train at least two classes of veterans annually through the program. The Committee expects ICE to continue its efforts to employ HERO graduates at ICE or place them with other Federal, State, or local agencies with related missions.

ICE plays a critical role in investigating criminal organizations trafficking individuals into and within the United States. The Committee encourages ICE to work with appropriate nonprofit organizations and victim service providers to improve the training of ICE officers in the field to identify human trafficking victims and provide appropriate referrals to victim service organizations. The Committee also encourages ICE to develop, in consultation with the Department of Labor or nongovernmental organizations, enhanced training for ICE officers and agents on labor exploitation, smuggling, and trafficking, along with appropriate referral processes for identified victims. The Committee notes that ICE can request Continued Presence for victims of trafficking who are potential witnesses in trafficking investigations, and encourages the agency to make appropriate use of such requests. Given the diverse backgrounds of human trafficking victims, the Committee urges ICE to incorporate culturally sensitive training and language-accessible translated materials.

The Committee notes and commends the enforcement work by ICE and the NIPRCC to crack down on the illegal sale and distribution of counterfeit goods and unauthorized copyrighted content on the internet. The Committee expects ICE to ensure that the NIPRCC is appropriately staffed to expand enforcement actions related to the theft of U.S. intellectual property, particularly in the online space.

The Committee directs the ICE Director to work jointly with the Attorney General to assess cross-border violence and performance

measures collected by inter-agency task forces, particularly along the Southwest Border. Not later than 60 days after the date of enactment of this Act, ICE is directed to brief the Committee on the findings of this assessment and provide recommendations for additional resources needed to track and investigate cross-border violence.

### International Investigations

The Office of International Affairs (OIA) represents the Department's largest investigative law enforcement presence abroad and helps protect the Nation beyond its borders with 75 offices in 48 countries. Through International Investigations and the Visa Security Program (VSP), OIA works with foreign counterparts to identify and combat criminal organizations before they can adversely impact the United States.

The Committee recommends \$136,127,000 for International Investigations, \$2,553,000 below the request and \$24,081,000 below fiscal year 2015. The recommendation includes reductions to the request corresponding to the amounts associated with the pay raise assumed in the President's budget, as well as reductions due to projected underexecution of funds for personnel. Within the PPA, \$103,566,000 is for International Operations and \$32,561,000 is for VSP.

The VSP protects the U.S. against terrorists and criminal organizations by preventing foreign nationals who pose a threat to National security from entering or residing within the United States. The agency received an increase of \$19,113,000 for fiscal year 2015 to cover a shortfall caused by an increase in State Department service fees and to expand the VSP to 12 high threat countries. Unfortunately, due in part to the late enactment of fiscal year 2015 appropriations, the fiscal year 2016 budget request did not include funding required to sustain operations at the new locations. Therefore, the Committee recommends an increase of \$2,000,000 and directs ICE to annualize these costs in its budget submission for fiscal year 2017. Further, ICE is directed to program and budget for continued expansion of the VSP in at least two locations per year.

### Intelligence

The Office of Intelligence develops, analyzes, and disseminates relevant information and intelligence to support ICE leadership, operations, and investigations, and allows ICE to prioritize its resources in combating public and National security risks. This information supports law enforcement efforts and investigations across ICE, DHS, and many levels of government. The Committee recommends \$79,768,000 for the Office of Intelligence, \$273,000 below the amount requested and \$3,289,000 above the amount provided in fiscal year 2015. The recommended amount includes \$5,000,000 to enhance human smuggling and trafficking investigations.

### Enforcement and Removal Operations

Enforcement and Removal Operations (ERO) is responsible for enforcing our Nation's immigration laws by identifying, apprehending, detaining, and removing aliens who have been adju-



licated or otherwise determined to be removable from the United States.

The Committee recommends \$3,266,766,000 for ERO, \$44,316,000 below the amount requested and \$164,678,000 below the amount provided in fiscal year 2015. The recommendation includes reductions to the request corresponding to the amounts associated with the pay raise assumed in the President's budget, as well as reductions due to projected underexecution of personnel funds. Additionally, the recommendation does not include the proposed \$8,000,000 in contingency funding for the transportation and removal of unaccompanied children in numbers that significantly exceed the Department's current estimate.

Over the last few years, there has been a growing trend of jurisdiction and Law Enforcement Agencies (LEA) around the country deciding not to honor ICE detainers issued under the Secure Communities program. The Committee acknowledges the complexities of the Secure Communities program that motivated such policies and recognizes the legal right of state and local LEA to refuse to cooperate with ICE by choosing not to honor detainer requests; however, it remains gravely concerned with the tragic consequences that can occur if dangerous illegal aliens, eligible for removal from the United States, are released into our communities. This not only endangers our citizens, it also makes the job of finding and removing that alien substantially more difficult and dangerous for our immigration officers. Furthermore, it places a significant burden on ICE, which must now expend considerable resources and effort in locating individuals who are enforcement priorities after they have been released from LEA custody.

The Department has replaced Secure Communities with the Priority Enforcement Program (PEP). PEP is designed to alleviate many of the previous concerns and enable DHS to better work with state and local law enforcement to take custody of criminal aliens who pose a danger to public safety before they are released into our communities.

The Committee is encouraged by this effort and fully funds the request for the Criminal Alien Program and Fugitive Operations. The Committee directs the Director of ICE to prioritize hiring efforts to fill the ranks of enforcement officers to the enacted level most expeditiously and to implement an in-depth outreach program to engage communities on the new Priority Enforcement Program and seek their cooperation. The Director of ICE will brief the Committee on the results of this outreach within 120 days after the enactment of this Act. The briefing will include details as to the LEA approached and the level of participation on a by-community basis.

A 2014 GAO report (GAO-15-153) found that detention facility inspection reports conducted by ERO varied in most cases from those carried out by the Office of Detention Oversight (ODO) in fiscal year 2013, and recommended that ICE assess the reasons why inspection results differ to ensure that inspection mechanisms are working as intended. GAO also found that, while privately owned contract detention facilities (CDF) were subject to ERO inspections, no CDFs were inspected by ODO. Within 90 days after the date of enactment of this Act, ICE is directed to brief the Committee on its policies and procedures for inspecting detention facilities, in-

cluding the status of responding to recommendations made in GAO-15-153.

### Custody Operations

Custody Operations provides safe, secure, and humane detention of removable aliens who are held in government custody because they present a risk of flight, a risk to public safety, or are subject to mandatory detention.

The Committee recommends \$2,388,603,000 for Custody Operations, \$18,141,000 below the request and \$143,990,000 below fiscal year 2015. The recommendation includes reductions to the request corresponding to the amounts associated with the pay raise assumed in the President's budget, as well as reductions due to projected underexecution of personnel funds.

Within the total, \$1,694,000,000 is included to maintain an average of 34,040 daily detention beds: 31,280 adult beds at an estimated daily cost of \$123.54 per bed and 2,760 family beds at an estimated daily cost of \$342.73. ICE is encouraged to utilize facilities in locations that have a cost per detainee that is below the average of the previous fiscal year and that have made modifications and improvements based on ICE guidance. ICE is directed to notify the Committee prior to releasing any illegal immigrants in custody due to budgetary reasons, including an explanation of the rationale for such release.

Immigration detention is intended to help facilitate the removal from the United States of aliens deemed inadmissible or removable under immigration law or by an immigration judge. Detention is initially mandatory for certain categories of aliens who have recently crossed U.S. borders illegally or sought admission at ports of entry without valid travel documents. Such aliens can be subject to expedited removal (ER), which does not require a hearing or review before an immigration judge, if they do not have an active claim for relief from removal. In its Enforcement and Removal Operations Report for Fiscal Year 2014, ICE reported that ER for family units apprehended at the border was constrained by the lack of sufficient family detention space. Congress responded by providing funding for a significant number of new family detention beds for fiscal year 2015.

Because ICE now has an increased capacity to detain family units, the Committee expects ICE to prioritize the use of family detention beds for family units in ER proceedings to the maximum extent possible. This will ensure that the detention of family units is short-term and results in more efficient removals from the United States of family units who do not have an active claim for relief from removal that requires a future hearing before an immigration judge.

With regard to those family units who are detained, the Committee is concerned by reports that ICE has not provided appropriate food, water, and medical care to families, as well as reports about inappropriate and demeaning treatment of detainees by contract guards at such facilities. Within 15 days of enactment, and monthly thereafter, ICE is directed to update the Committee on family detention oversight activities of the ICE coordinator for family detention policy and the Office of Detention Oversight, including oversight of mechanisms for receiving and resolving complaints and

responding to requests for medical care; providing all relevant and required information to detainees related to the removal process and their rights in detention; and for providing appropriate training and oversight for contract detention staff, including oversight related to staff qualifications. These updates shall also include data regarding family units in detention who are removed from the United States directly from detention; detained for longer than 30 days and longer than 60 days; issued a bond that has not been posted; and released on bond, recognizance, and parole, including data on compliance of those released with requirements for immigration court appearances. In addition, the updates should include descriptions and data on requests for medical care and response times; the average and median lengths of stay in family detention; the average, median and range for bond amounts, and improvements made as a result of recommendations by the family detention Advisory Committee or as a result of stakeholder outreach.

The recommendation supports on-going training and stakeholder outreach related to the Prison Rape Elimination Act (PREA) and implementation of the 2011 Performance Based National Detention Standards (PBNDS). Within 45 days after the date of enactment of this Act, ICE shall report on its progress in implementing the 2011 PBNDS and requirements related to PREA, including a list of facilities that are not yet in compliance; a schedule for bringing facilities into compliance; and current year and estimated future year costs associated with compliance. The Committee expects ICE to refrain from entering into new contracts or intergovernmental service agreements that do not require adherence to the PREA and 2011 PBNDS standards. In addition, the Committee encourages ICE to consider collaborating with the National PREA Resource Center, which is supported by the Department of Justice, to help facilitate PREA compliance.

ICE is directed to brief the Committee, within 90 days of the date of enactment of this Act, on its policies and practices for ensuring the safety of vulnerable populations in immigration detention facilities. The briefing should include information for the three most recent fiscal years, including data on assaults and injuries; complaints; mental health referrals; and other information related to the safety and security of such individuals, along with recommendations for further improvements to better protect vulnerable detainees.

### Fugitive Operations

The Committee recommends \$128,072,000 for Fugitive Operations, \$1,366,000 below the request and \$14,543,000 below fiscal year 2015. The recommendation includes reductions to the request corresponding to the amounts associated with the pay raise assumed in the President's budget.

In 2012, DHS began calculating visa overstay rates by country, matching biographic data from flight manifests to corresponding data received upon entry through a CBP primary inspection. More than two years have passed, and the Department has failed to make a report on this information available to Congress, despite public promises. In the absence of this report, Congress is forced to rely on non-official, outdated estimates. Given the importance of visa overstay rates to the expansion of the Visa Waiver Program,

visa security policy, and the development of a biometric entry/exit program, the Committee directs ICE to submit this report to the Committees on Appropriations and Homeland Security not later than 30 days after the date of enactment of this Act.

#### Criminal Alien Program

The Committee recommends \$317,177,000 for the Criminal Alien Program (CAP), \$3,090,000 below the amount requested and \$10,046,000 below the amount provided in fiscal year 2015. The recommendation includes reductions to the request corresponding to the amounts associated with the pay raise assumed in the President's budget. The recommendation includes reductions to the request corresponding to the amounts associated with the pay raise assumed in the President's budget, as well as reductions due to projected underexecution of personnel costs. This amount includes the proposed enhancements for improving the process for data-sharing between the U.S. and international law enforcement partners through the Criminal History Information Sharing program.

Section 287(g) of the Immigration and Naturalization Act authorizes ICE to enter into memoranda of understanding with State and local law enforcement entities, through which ICE delegates limited authority to enforce Federal immigration laws within their jurisdictions under ICE's direct supervision. These agreements serve as an extension of CAP by directly supporting ICE's efforts to determine the immigration status of individuals taken into custody by local law enforcement in the course of their normal law enforcement duties. The Committee acknowledges the success and importance of 287(g) partnerships with local law enforcement agencies in identifying criminal aliens and recommends the requested level of \$24,300,000 to support the program. The Committee encourages ICE to consider opportunities for expanding 287(g), while also continuing efforts to improve the program through additional training, legal guidance, and oversight.

#### Alternatives to Detention

The Alternatives to Detention (ATD) program places low-risk aliens under various forms of intensive supervision or electronic monitoring, in lieu of detention, to ensure their appearance for immigration hearings and for removal. ICE operates two forms of ATD: an intensive case management program and an electronic monitoring program. The Committee recommends \$109,740,000 for ATD, \$12,741,000 below the amount requested and equal to the amount provided in fiscal year 2015.

The Committee supports the use of effective alternatives to detention for appropriate detainee populations, which was reflected in an \$18,296,000 increase for the program for fiscal year 2015 to significantly expand ATD for family units. A reduction to the request is recommended, however, because ICE does not appear to be fully using the fiscal year 2015 increase, with an average daily ATD participation rate for the current year of 25,700, including only approximately 7,200 family units. This rate is based on a downward trend since the beginning of the fiscal year, perhaps reflecting the significant reduction in the number of families crossing the border compared to fiscal year 2014.

The Committee is aware that ICE is planning to implement a family case management component within the ATD program. This new initiative will “promote compliance with participants’ release conditions, including any required reporting to ICE ERO, immigration court hearings, and final orders of removal, while allowing them to remain in the community and maintain access to community services for the duration of the removal process.” ICE should prioritize the implementation of the pilot within the funds provided.

In general, the Committee encourages ICE to give priority to participation by unaccompanied minors who have turned 18, families, and other vulnerable populations for whom ICE determines that ATD could mitigate risk more effectively than less restrictive forms of release. The Committee also encourages ICE to continue exploring ways to improve the effectiveness of ATD, such as working with community-based organizations.

#### Transportation and Removal Program

The Transportation and Removal Program (TRP) provides for safe, secure transportation of aliens in ICE custody and removal of aliens from the United States.

The Committee recommends \$323,174,000 for TRP, \$978,000 below the amount requested and \$3,901,000 above the amount provided in fiscal year 2015. The recommendation includes reductions to the request corresponding to the amounts associated with the pay raise assumed in the President’s budget, as well as reductions due to projected underexecution of personnel costs. The request included \$8,000,000 of contingency funds for the transportation and removal of unaccompanied children. This request is unnecessary and no funding is included in the recommendation.

The Committee expects DHS to repatriate removable individuals in a manner that ensures their safety. CBP and ICE should make every effort to repatriate incapacitated persons, unaccompanied minors, pregnant women, and other vulnerable individuals during daylight hours, make reasonable efforts to inform Mexican authorities in advance of repatriating vulnerable individuals, avoid removing individuals via entry/exit points on the U.S.-Mexico border where their safety could be threatened, and, to the extent practicable, avoid separating family members during the removal process. The Committee notes that House Report 113–481 directed the Department to review its current repatriation practices and policies, and brief the Committee not later than 180 days after the date of enactment of the fiscal year 2015 Act on the results of that review, including the need for any additional measures to ensure that deportations are conducted safely.

The Committee directs ICE to continue to submit the semiannual report on removals of the parents of U.S. citizen minors.

#### AUTOMATION MODERNIZATION

The Automation Modernization account funds major information technology projects and operations for ICE.

Appropriation, fiscal year 2015 .....	\$26,000,000
Budget request, fiscal year 2016 .....	73,500,000
Recommended in the bill .....	73,500,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	+47,500,000
Budget request, fiscal year 2016 .....	— — —

#### Recommendation

The Committee recommends \$73,500,000 for Automation Modernization, the same as the amount requested and \$47,500,000 above the amount provided in fiscal year 2015. As noted in title I of this report, the Committee is very concerned about the lack of reliable, interoperable tactical communications. The Committee includes the requested \$18,500,000 for tactical communications and directs the agency to brief the Committee within 120 days of the date of enactment of this Act on plans to address the concerns enumerated in DHS OIG Report OIG-15-97-VR.

#### TECS Modernization

The Committee directs CBP and ICE to continue semiannual briefings on efforts to modernize the TECS system, which is used for immigration enforcement case management and for screening and determinations related to admissibility to the United States.

#### CONSTRUCTION

The Construction account supports maintenance of ICE's owned and directly leased facilities.

Appropriation, fiscal year 2015 .....	— — —
Budget request, fiscal year 2016 .....	\$5,000,000
Recommended in the bill .....	5,000,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	+5,000,000
Budget request, fiscal year 2016 .....	— — —

#### Recommendation

As requested, the Committee recommends \$5,000,000 for Construction to perform critical repairs and alterations to maintain ICE-owned facilities.

#### TRANSPORTATION SECURITY ADMINISTRATION

##### Mission

The Transportation Security Administration (TSA) is charged with protecting U.S. transportation systems, while ensuring the freedom of movement of people and commerce.

#### Recommendation

TSA has achieved considerable cost savings and reduced its screener workforce over the past several years as a result of expanded risk-based security measures and more efficient baggage screening systems. However, in addition to the planned staffing reductions in screening personnel, TSA has underexecuted funding for staffing across the agency. TSA's inability to hire and maintain its workforce at funded levels has resulted in hundreds of millions of dollars appropriated for salaries and benefits being diverted to

unplanned and unbudgeted activities without congressional oversight. For example, in fiscal year 2014, TSA received \$4,806,905,000 for 55,602 FTEs, but ended the year at only 52,227 FTEs, leaving \$274,084,000 in unexecuted salaries and benefits that was used for other purposes. For fiscal year 2015, TSA is projected to end the year with 50,043 of the appropriated 52,467 FTEs, resulting in almost \$108,000,000 of salary and benefit funding being diverted to other, unplanned requirements. In light of the systemic practice of underexecuting staffing levels, the recommendation funds only a fractional increase in the number of FTEs requested for fiscal year 2016 as compared with staffing levels anticipated for the end of fiscal year 2015.

In addition to the reductions below the request due to projected underexecution of funds for personnel, the following rescissions from funds provided in fiscal year 2015 are included in title V of the bill: \$30,000,000 from Aviation Security; \$22,000,000 from Surface Transportation Security; \$8,000,000 from Intelligence and Vetting; and \$26,000,000 from Transportation Security Support.

In title I, under OCFO, the Committee directs briefings on each component's obligation and budget execution plans. Within these briefings, TSA shall address specific passenger and baggage screening technologies intended for purchase, the status of operational testing for each technology under development, and program schedules and major milestones. The Committee further directs that TSA include details on current unobligated balances, anticipated unobligated balances at the close of the fiscal year, and the planned obligation of the carryover in future years until all funds are obligated.

#### AVIATION SECURITY

Appropriation, fiscal year 2015 .....	\$5,639,095,000
Budget request, fiscal year 2016 .....	5,614,767,000
Recommended in the bill .....	5,558,923,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	– 80,172,000
Budget request, fiscal year 2016 .....	– 55,844,000

#### Mission

Aviation Security provides funds for the protection of the air transportation system against terrorist threats, sabotage, and other acts of violence through deployment of passenger and baggage screeners; detection systems for explosives, weapons, and other contraband; and aviation regulation and enforcement activities.

#### Recommendation

The Committee recommends \$5,558,923,000 for Aviation Security, \$55,844,000 below the amount requested and \$80,172,000 below the amount provided in fiscal year 2015. Funds within the Aviation Security account are partially offset through the collection of aviation security fees.

The recommendation includes a reduction of \$41,979,000 that corresponds to the amount associated with the pay raise assumed in the President's budget, in addition to the following reductions due to projected underexecution of funds for personnel: \$3,844,000 from Screener Training and Other; \$838,000 from Checkpoint Support; \$5,095,000 from Aviation Regulation and Other Enforcement;

\$3,603,000 from Airport Management and Support; and \$285,000 from Federal Flight Deck Officer and Flight Crew Training.

The recently-leaked results of covert testing of TSA passenger screening operations by OIG personnel renew serious concerns regarding TSA's screening procedures and equipment. Although similar results were obtained in testing by the OIG, GAO, and even TSA in the past, the most recent testing makes clear that TSA leadership failed to address the identified vulnerabilities with the seriousness and alacrity they deserve. The Committee is pleased that DHS and TSA now appear to be proceeding with haste to address the vulnerabilities identified in the report, but is troubled by the lack of transparency in its reporting to Congress on these efforts. The Committee therefore directs frequent updates on TSA's implementation of the directives issued by the Secretary in response to the covert testing, including specific actions taken related to screening equipment, training, and processes.

The covert testing results also raise questions about the overall risk mitigation represented by TSA's multi-layered, risk-based security approach. TSA has often suggested that known vulnerabilities in some aspects of its risk-mitigation strategy are adequately addressed by other layers of security. Without a clear, comprehensive, and specific description of the risk mitigation complementarity of all layers of aviation security, it is difficult for the Committee to properly evaluate TSA's overall approach. The Committee directs TSA to provide a briefing, not later than 60 days after the date of enactment of this Act, on its aviation security risk mitigation strategy. The briefing should cover the underlying methodologies used to assess aviation security risk and the basis for any assumptions regarding threats, vulnerabilities, and consequences made in assessing and prioritizing such risk.

A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget Estimate	Recommended
Aviation Security:		
Screening Partnership Program .....	\$166,928,000	\$166,928,000
Screening Personnel, Compensation and Benefits .....	2,872,070,000	2,843,305,000
Screening Training and Other .....	226,551,000	222,539,000
Checkpoint Support .....	97,265,000	96,339,000
EDS Procurement and Installation .....	83,380,000	83,196,000
Screening Technology Maintenance .....	280,509,000	280,509,000
Aviation Regulation and Other Enforcement .....	349,013,000	345,083,000
Airport Management and Support .....	596,233,000	589,278,000
Federal Flight Deck Officer & Flight Crew Training .....	20,095,000	21,456,000
Air Cargo .....	105,978,000	105,214,000
Federal Air Marshals .....	816,745,000	805,076,000
[Mandatory aviation security capital fund <sup>1</sup> ] .....	[250,000,000]	[250,000,000]
Subtotal, Aviation Security .....	\$5,614,767,000	\$5,558,923,000

<sup>1</sup> The Aviation Security Capital Fund is not included in the Subtotal for Aviation Security because its resources come entirely from user fees, the budget authority for which is not provided through annual appropriations.

### Privatized Screening

The Committee recommends \$166,928,000 for privatized screening, the same as the amount requested and \$262,000 above the amount provided in fiscal year 2015. The recommendation provides funding for private security screening services at the 21 airports currently participating in the Screening Partnership Program



(SPP). A general provision is included in title V of the bill allowing for the reprogramming or transfer of funds for obligations associated with contract awards made by SPP.

The Committee believes that private contract screeners play an important role in TSA's mission, providing an efficient, effective alternative to Federal screeners. However, SPP remains underutilized and TSA must take a more proactive approach in order to expand this valuable program. In addition to increasing outreach to promote interest from new airports, TSA must improve its administration of the program to encourage, rather than discourage, participation.

For example, TSA does not adequately include airport operators in the source selection process for SPP contracts. TSA should consult with airport directors to ensure they are afforded the opportunity to offer input in the selection of vendors who will provide screening services at their facilities. Additionally, the Committee is worried that the draft Request for Proposals (RFP) for a new Indefinite Delivery Indefinite Quantity (IDIQ) contract for SPP was developed without thoroughly considering the concerns of airport operators, and in doing so further discourages prospective airports from choosing privatized screening services. TSA should conduct further outreach to ensure the processes and requirements are fully understood before finalizing its acquisition strategy.

The Committee continues to be concerned by TSA's omission of significant costs to the Federal government in its calculation of a Federal Cost Estimate (FCE) and its effect on stifling the growth of the program. The Committee is aware of an ongoing GAO audit on this subject, and expects TSA will modify the FCE as necessary in response to any recommendations included in the final report.

#### Screener Personnel, Compensation, and Benefits

The Committee recommends \$2,843,305,000 for Screener Personnel, Compensation, and Benefits, \$28,765,000 below the amount requested and \$80,585,000 below the amount provided in fiscal year 2015. The reduction below fiscal year 2015 is primarily a result of efficiencies associated with risk-based security measures and new in-line baggage screening systems.

The Committee directs TSA to explore methods of data collection and analysis related to the referral of individuals for secondary screening as a way to ensure that its screening practices guard against profiling based on race, national origin, or religion.

#### Risk-Based Security Initiatives

One of TSA's most visible risk-based security initiatives is the PreCheck program, which was established to increase efficiency and security by allowing expedited screening for lower-risk travelers. However, TSA's reliance on Managed Inclusion and other methods to attain its expedited screening goals introduces a partially-vetted population into a process intended for travelers who have voluntarily submitted to prior in-depth vetting. It is critical that TSA expand participation in PreCheck and increase the population of known, fully-vetted travelers in order to reduce this vulnerability.

The Committee has long advocated for TSA to leverage airport operators and the private sector to increase enrollment in PreCheck, and is encouraged by TSA's plans to leverage public-private partnerships in order to expand PreCheck enrollment. The Committee also encourages TSA to consider whether the cost of applying for PreCheck deters some travelers from the program, particularly low income travelers or those who may travel infrequently, and whether a reduced application cost could contribute to significant increases in enrollment. TSA should also look for additional ways to strengthen and expand PreCheck and other risk-based security initiatives to achieve further screening efficiencies and enable TSA to focus its resources on unknown or high-risk travelers and baggage.

The Committee does not include a statutory requirement for a semiannual report on expedited passenger screening efforts. However, TSA is directed to provide semiannual updates on the total number and percentage of passengers using PreCheck lanes, segmented by eligibility or method of identification for expedited screening.

#### Behavioral Detection

The Committee remains skeptical of the value of the Behavioral Detection and Analysis program. In fiscal year 2015, Congress withheld \$25,000,000 pending TSA's submission of a report providing evidence that behavioral indicators can be successfully used to identify passengers who may pose a threat to aviation security, a report the Committee has yet to receive. The Committee is aware that TSA is currently conducting tests in an operational environment to collect additional data on behavior detection and expects TSA will submit the results for independent review and validation.

#### Screener Training and Other

The Committee recommends \$222,539,000 for Screener Training and Other, \$4,012,000 below the amount requested and \$2,903,000 below the amount provided in fiscal year 2015. As the Committee has noted in the past, TSA screeners must be trained against current threats, and training should be developed giving specific consideration to vulnerabilities identified through covert testing activities. The Committee is aware that TSA is providing additional training for all screening personnel, as well as more intensive training in resolution procedures for a portion of the workforce, in response to the recent OIG findings. The Committee supports these training initiatives and expects regular updates from TSA on these efforts and any additional costs associated with the training.

#### Checkpoint Support

The Committee recommends \$96,339,000 for Checkpoint Support, \$926,000 below the amount requested and \$7,870,000 above the amount provided in fiscal year 2015. No funds are included in the recommendation for the procurement of new Advanced Imaging Technology (AIT) systems.

The Committee has previously noted TSA's struggles to acquire and deploy effective technologies at passenger screening checkpoints. In fiscal year 2015, Congress withheld \$25,000,000 from

TSA due to the alarming flaws identified by GAO with respect to TSA's next-generation AIT acquisition, including questions regarding TSA's testing and evaluation of system capabilities, performance, and effectiveness. The Committee continues to await the submission of the statutorily-mandated report addressing GAO's findings. In light of the OIG testing, DHS is directed to submit this report without further delay or to report to the Committee on the status.

The Committee understands that TSA is planning to complete testing and begin procurement of the new Credential Authentication Technology in fiscal year 2016. These systems will enable TSA to digitally validate passenger credentials against the Secure Flight database in near-real time at the checkpoint and are necessary to close a known security vulnerability.

#### Explosives Detection Systems Procurement and Installation

The Committee recommends \$83,196,000 for Explosives Detection Systems (EDS) Procurement and Installation, \$184,000 below the amount requested and \$737,000 below the amount provided in fiscal year 2015. Including the existing mandatory Aviation Security Capital Fund of \$250,000,000, the total amount available for the procurement and installation of EDS is \$333,196,000 for fiscal year 2016.

The Committee is aware of the enhanced security capabilities, improved performance, and long-term cost-savings afforded by next generation EDS. TSA is encouraged to expeditiously pursue the development, testing, and deployment of more effective and efficient baggage screening technologies.

The Committee is aware of funding requests for new in-line EDS at growing airports, and encourages TSA to find a balance between funding new and replacement in-line systems so as not to deter the growth of airports.

The Committee understands that, consistent with the 9/11 Act, TSA must prioritize EDS funding based on risk reduction. TSA is also required under section 1604(b)(2) of the 9/11 Act to give funding consideration to airports that incurred eligible costs for in-line baggage screening systems but were not recipients for funding agreements. However, there remain claims from at least 16 airports for reimbursement of costs incurred for in-line baggage systems installed prior to 2008. In House Report 113-481, TSA was directed to establish a process to resolve these outstanding claims. However, TSA has not established a process or plan that has resulted in the reimbursement of eligible costs to those affected airports. The Committee directs TSA to develop such a plan and to propose sufficient funding to begin implementing this plan as part of the fiscal year 2017 budget request. In addition, TSA is urged to explore how reimbursements could be initiated during fiscal year 2016 through the Aviation Security Capital Fund or using other TSA resources through a mid-year reprogramming. TSA is directed to provide a reimbursement plan to Congress not later than 60 days after the date of enactment of this Act.

### Technology Acquisitions

The Committee remains concerned with TSA's ability to manage complex technology acquisitions and create a strategic vision for long-term security needs. Further, the Committee is frustrated by the gated nature of the acquisition process and its effect on discouraging private sector investment in the development of new and innovative technologies. The Committee is supportive of the new requirements implemented by the Transportation Security Acquisition Reform Act (Public Law 113-245) to improve transparency with respect to TSA technology acquisition programs, and looks forward to TSA's imminent submission of a five-year strategic technology investment plan.

### TSA and CBP Baggage Rescreening

Currently, checked-baggage screening technologies and operations at most international preclearance airports do not meet U.S. aviation security standards, requiring checked baggage on international flights to be rescreened prior to loading on connecting domestic flights at U.S. airports. Within 90 days of the date of enactment of this Act, DHS shall brief the Committee on the status of its discussions with established preclearance airports to implement checked baggage screening procedures and technologies that meet the checked baggage screening requirements of the No Hassle Flying Act of 2012 (Public Law 112-218).

### Aviation Regulation and Other Enforcement

The Committee recommends \$345,083,000 for Aviation Regulation and Other Enforcement, \$3,930,000 below the amount requested and \$4,738,000 below the amount provided in fiscal year 2015. The recommendation includes an increase of \$3,300,000 above the request for the National Explosives Detection Canine Team Program to sustain the 12 additional canine teams funded in fiscal year 2015, maximizing TSA's canine capacity through fiscal year 2016.

The Committee supports the use of explosives detection canine teams and has consistently provided funding to grow TSA's canine program and leverage these effective assets, but is concerned that TSA has not adequately developed program requirements. For example, the Committee is aware of efforts by TSA to increase the number of canines that can be trained annually, but is concerned these efforts are being undertaken without an understanding of the associated training requirements. Further, while the Committee supports TSA's concept of training and deploying multi-modal explosives detection canine teams, it is concerned that TSA does not have a plan to evaluate the effectiveness of this approach, a necessary step for determining whether additional canine teams or other resources will be needed in the future.

Not later than 180 days after the date of enactment of this Act, TSA is directed to submit a report on the National Explosives Detection Canine Team Program that details TSA's requirements for explosives detection canine teams, specifying the current and planned numbers of passenger, cargo, and multi-modal teams; a training and deployment strategy; and metrics for assessing the effectiveness of the program.

TSA is directed to review the feasibility and costs of conducting a pilot to assess the use of private sector canine teams in TSA passenger screening operations. TSA shall brief the Committee not later than 90 days after the date of enactment of this Act on the results of this assessment and a plan for executing a pilot, including costs, schedule, and metrics for determining success. If deemed viable, the Committee directs TSA to conduct a pilot using funds provided in the Aviation Regulation and Other Enforcement PPA. The pilot should ensure private sector participants are provided with the necessary TSA certification standards, policies, and procedures for explosives detection canines.

#### Federal Flight Deck Officers

The Committee recommends \$21,456,000 for the Federal Flight Deck Officer and Flight Crew Training (FFDO) program, \$1,361,000 above the amount requested and \$909,000 below the amount provided in fiscal year 2015.

The FFDO program serves as a valuable layer of defense in the aviation security domain. The Committee is aware of TSA's efforts to improve its communication with current and prospective FFDO pilots through stakeholder meetings and other outreach activities. To support the anticipated increase in demand for FFDO certification resulting from these outreach efforts, the recommendation includes \$1,700,000 above the request to expand FLETC training capacity for FFDO pilots. The Committee directs TSA to provide a briefing not later than 60 days after the date of enactment of this Act on FFDO enrollment, training, and recertification.

#### Air Cargo

The Committee recommends \$105,214,000 for Air Cargo, \$764,000 below the request and \$1,129,000 below the amount provided in fiscal year 2015.

#### Federal Air Marshal Service

The Committee recommends \$805,076,000 for the Federal Air Marshal Service (FAMS), \$11,669,000 below the amount requested and \$15,076,000 above the amount provided in fiscal year 2015.

The Committee expects FAMS resources to be deployed in a manner that optimizes coverage of flights to minimize risk, and is aware that FAMS is currently assessing its staffing requirements to determine the ideal workforce size to fulfill this mission. In the absence of this data, the Committee denies the requested increase of \$5,200,000 to hire additional Federal Air Marshals.

It is critical that FAMS continue to improve the quality of information and analysis underpinning its staffing needs, resource requirements, and deployment methodology, including improving the linkage between the budget request and risk mitigation. TSA is directed to include in the fiscal year 2017 budget submission details tying the requested resources for FAMS to risk mitigation, including a methodology for estimating risk and factoring in the full range of resources deployed by TSA in support of aviation security.

## SURFACE TRANSPORTATION SECURITY

Appropriation, fiscal year 2015 .....	\$123,749,000
Budget request, fiscal year 2016 .....	123,828,000
Recommended in the bill .....	106,894,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	– 16,855,000
Budget request, fiscal year 2016 .....	– 16,934,000

## Mission

Surface Transportation Security supports assessments of the risk of terrorist attacks for all non-aviation transportation modes, the issuance of regulations to improve the security of those modes, and the enforcement of regulations to ensure the protection of the transportation system.

## Recommendation

The Committee recommends \$106,894,000 for Surface Transportation Security, \$16,934,000 below the amount requested and \$16,855,000 below the amount provided in fiscal year 2015. The recommendation includes a reduction of \$15,834,000 due to projected underexecution of funds for Surface Inspectors and Visible Intermodal Prevention and Response teams, and a reduction of \$1,100,000 that corresponds to the amount associated with the pay raise assumed in the President’s budget.

## Transport of Security-Sensitive Materials

The Committee has repeatedly urged TSA to implement programs required by and authorized pursuant to section 1554 of the 9/11 Act to improve tracking of Tier 1 highway security-sensitive materials (HSSM) in order to enhance security of surface transportation modes. The Committee is pleased that TSA is proceeding with development of an interim emergency-ready system to provide basic tracking and chain of custody information for Tier 1 HSSM, and anticipates Phase II of this effort will be completed by the end of 2015.

These steps will, however, provide TSA with only a “stop gap” shipment tracking and chain-of-custody system. The Committee urges TSA to consider the implementation of a full Tier 1 HSSM security and safety program in conjunction with the Department of Transportation (DOT) and to coordinate development of telematics requirements for Tier 1 HSSM carriers with DOT. Upon completion of Phase II, TSA is directed to provide a briefing on the results and next steps for implementation of the program, including any resource needs or legislative requirements.

## INTELLIGENCE AND VETTING

Appropriation, fiscal year 2015 .....	\$219,166,000
Budget request, fiscal year 2016 .....	227,698,000
Recommended in the bill .....	216,203,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	– 2,963,000
Budget request, fiscal year 2016 .....	– 11,495,000

### Mission

The Intelligence and Vetting appropriation supports efforts to reduce the probability of a successful terrorist or other criminal attack on the transportation system through the application of intelligence and threat assessment methodologies intended to identify known or suspected terrorist threats working in or seeking access to the Nation's transportation system.

### Recommendation

The Committee recommends \$216,203,000 for Intelligence and Vetting, \$11,495,000 below the budget request and \$2,963,000 below the amount provided in fiscal year 2015. The recommendation includes a reduction of \$883,000 that corresponds to the amount associated with the pay raise assumed in the President's budget, in addition to the following reductions below the request due to projected underexecution of funds for personnel: \$3,430,000 from Intelligence; \$4,204,000 from Secure Flight; and \$2,978,000 from Other Vetting Programs.

In addition to direct appropriations, an estimated \$199,153,000 in fee collections is available for intelligence and vetting activities.

A comparison of the budget estimate to the Committee's recommended level by budget activity is as follows:

	Budget estimate	Recommended
Direct Appropriations:		
Intelligence .....	\$51,977,000	\$48,205,000
Secure Flight .....	105,637,000	101,072,000
Other Vetting Programs .....	70,084,000	66,926,000
Subtotal, direct appropriations .....	227,698,000	216,203,000
Fee Collections:		
Transportation Worker Identification Credential Fee .....	82,267,000	82,267,000
Hazardous Material Fee .....	21,083,000	21,083,000
General Aviation at DCA Fee .....	400,000	400,000
Commercial Aviation and Airport Fee .....	6,500,000	6,500,000
Other Security Threat Assessments Fee .....	50,000	50,000
Air Cargo/Certified Cargo Screening Program Fee .....	3,500,000	3,500,000
TSA PreCheck Application Program Fee .....	80,153,000	80,153,000
Alien Flight School Fee .....	5,200,000	5,200,000
Subtotal, fee collections .....	\$199,153,000	\$199,153,000

### Technology Infrastructure Modernization

The Committee supports TSA's efforts to integrate and modernize its vetting and credentialing systems and practices, but is concerned that unanticipated schedule delays and escalating costs have led TSA to scale back the capabilities originally envisioned for the Technology Infrastructure Modernization (TIM) system. TSA is directed to brief the Committee not later than July 31, 2015, on the path forward for the TIM program, including an updated schedule, lifecycle cost estimate, and a description of the anticipated functionality of the end-state system.

## TRANSPORTATION SECURITY SUPPORT

Appropriation, fiscal year 2015 .....	\$917,226,000
Budget request, fiscal year 2016 .....	931,479,000
Recommended in the bill .....	901,442,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	– 15,784,000
Budget request, fiscal year 2016 .....	– 30,037,000

## Mission

The Transportation Security Support account provides funds for financial and human resources support; information technology support; policy development and oversight; performance management and e-government; communications; public information and legislative affairs; training and quality performance; internal conduct and audit; legal advice; and overall headquarters administration.

## Recommendation

The Committee recommends \$901,442,000 for Transportation Security Support, \$30,037,000 below the amount requested and \$15,784,000 below the amount provided in fiscal year 2015. The recommendation includes a reduction of \$2,612,000 that corresponds to the amount associated with the pay raise assumed in the President's budget, in addition to the following reductions due to projected underexecution of funds for personnel: \$18,298,000 from Headquarters Administration; \$4,156,000 from Human Capital Services; and \$4,971,000 from Information Technology.

TSA is directed to provide the Committee with semiannual updates on covert testing activities, including results of recent tests and actions taken to address any identified deficiencies.

A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Headquarters Administration .....	\$276,930,000	\$256,953,000
Human Capital Services .....	202,164,000	197,539,000
Information Technology .....	452,385,000	446,950,000
Subtotal, Transportation Security Support .....	\$931,479,000	\$901,442,000

## COAST GUARD

## OPERATING EXPENSES

Appropriation, fiscal year 2015 <sup>1</sup> .....	\$7,043,318,000
Budget estimate, fiscal year 2016 <sup>2</sup> .....	6,822,503,000
Recommended in the bill <sup>3</sup> .....	6,899,288,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	– 144,030,000
Budget estimate, fiscal year 2016 .....	+76,785,000

<sup>1</sup> Includes funding for the Global War on Terrorism (GWOT)/Overseas Contingency Operations (OCO).

<sup>2</sup> Funding for the Coast Guard related to GWOT/OCO is requested under Navy, Operations and Maintenance.

<sup>3</sup> Does not include funding for GWOT/OCO.

## Mission

The Coast Guard is the principal Federal agency charged with maritime safety, security, and stewardship. The Operating Ex-



penses appropriation supports the operation and maintenance of multipurpose vessels, aircraft, and shore units strategically located along the coasts and inland waterways of the United States and in selected areas overseas. This is the primary appropriation financing the operational activities of the Coast Guard.

#### Recommendation

The Committee recommends a total appropriation of \$6,899,288,000 for Operating Expenses, \$76,785,000 above the amount requested and \$144,030,000 below the amount provided in fiscal year 2015.

The Committee is troubled that the Coast Guard's request once again fails to include enlistment and extension bonuses for critical personnel. This is unacceptable. Failing to pay extension and/or enlistment bonuses negatively impacts the retention and morale of enlisted personnel operating in high risk areas, as well as their families. It is a shortsighted way to balance the budget with long term consequences to personnel. The Committee recommends \$14,000,000 for these bonuses, and expects future Coast Guard budget submissions to include the necessary funding for this activity.

The recommendation fully funds the military pay raise, but includes a reduction of \$7,600,000 that corresponds to the amount associated with the civilian pay raise proposed in the budget.

The recommendation also includes \$55,091,000 above the amount requested for enhancements to critical depot level maintenance programs. These additional funds are intended to replenish parts and execute deferred depot level maintenance for assets and shore facilities to reduce the backlog in critical depot level maintenance.

The Committee recommends \$899,000 to ensure proper personnel levels at Aids to Navigation sites. In addition, the recommendation includes \$12,172,000 to enable Coast Guard Office of Aviation Forces to continue full operations. The Commandant of the Coast Guard shall brief the Committees on the plan for each of these items not later than five days prior to obligation.

A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Military Pay and Allowances .....	\$3,467,088,000	\$3,486,751,000
Civilian Pay and Benefits .....	799,816,000	792,229,000
Training and Recruiting .....	205,825,000	206,332,000
Operating Funds and Unit Level Maintenance .....	1,010,317,000	1,019,263,000
Centrally Managed Accounts .....	329,684,000	329,849,000
Depot Level Maintenance .....	1,009,773,000	1,064,864,000
Total, Operating Expenses .....	\$6,822,503,000	\$6,899,288,000

#### Sexual Assault

The Committee directs the Coast Guard to continue to provide an annual report, due within 90 days after the date of enactment of this Act, on the number of expedited requests for transfer made by victims of sexual assault during the prior fiscal year, including the number of applications denied and a description of the rationale for

each denied request. The report shall also include the number of service members served by the Special Victim Counsel program.

#### Fishing Safety Training

Section 309 of the Coast Guard Reauthorization Act of 2014 (Public Law 113–281) authorizes competitive grant funding for Fishing Safety Training and Fishing Safety Research grants programs that support collaborative training and research into emerging and useful technologies to enhance safety on fishing vessels. The Committee directs the Coast Guard to provide, within 90 days after the date of enactment of this Act, a plan for carrying out a pilot for a training program, potentially involving an expansion of the Coast Guard’s current collaboration with the National Institute for Occupational Safety and Health related to data on commercial fishing safety. Although no specific funding is provided for implementing a pilot training program, the Coast Guard is encouraged to use funds recovered from prior obligations for this purpose.

#### MARITIME POLLUTION CONTROL

The Coast Guard, jointly and cooperatively with the EPA, is charged with enforcing U.S. laws, international conventions, and regulations of the International Maritime Organization (IMO). The IMO’s Marine Pollution (MARPOL) convention focuses on preventing different forms of marine pollution, including oil, noxious liquid substances, harmful substances, waste water, garbage, and emissions of sulfur oxide and nitrogen oxide at sea. In accordance with MARPOL Annex VI Regulation 13, all vessels entering the North American and Caribbean Emission Control Areas (ECA) as of January 1, 2015, are required to use Ultra-low (0.1%) Sulfur Intermediate Fuel Oil (IFO). In response to concerns that the availability of this type of fuel in U.S. ports is limited, the Committee directs the Coast Guard to provide a briefing, not later than 90 days after the enactment of this Act, on the following:

- a) the number of ECA-related enforcement actions taken since January 1, 2015;
- b) the number of fuel non-availability reports received since January 1, 2015; and
- c) the number of vessels that received waivers, exemptions, or other special consideration for ECA compliance, including application and expiration dates.

#### Coast Guard Auxiliary Uniforms

The Committee is aware that members of the U.S. Coast Guard Auxiliary are not eligible for reimbursement for the cost of uniforms they are required to wear while performing official duties. The Committee encourages the Coast Guard to examine the feasibility, rationale, and cost to the Coast Guard of providing such reimbursements and to report to the Committee on the results.

#### Small Response Boats

The Coast Guard has a long-standing requirement to replace aging and obsolete small response boats and awarded a competitive contract to replace these important watercraft. The Committee notes, however, that the Coast Guard is not procuring enough

boats annually to meet the 370 boat acquisition objective within the length of the contract. Therefore, the Committee provides \$7,100,000 above the request for the Coast Guard to procure additional small response boats during fiscal year 2016 to keep pace with its acquisition objective and operational requirements.

The bill also includes long-standing language to allow funding from the Operating Expenses appropriation to be used for the purchase or lease of small boats.

#### ENVIRONMENTAL COMPLIANCE AND RESTORATION

Appropriation, fiscal year 2015 .....	\$13,197,000
Budget request, fiscal year 2016 .....	13,269,000
Recommended in the bill .....	13,269,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	+72,000
Budget request, fiscal year 2016 .....	- - -

#### Mission

The Environmental Compliance and Restoration appropriation assists in bringing Coast Guard facilities into compliance with applicable Federal and State environmental regulations, preparing and testing facility response plans, developing pollution and hazardous waste minimization strategies, conducting environmental assessments, and furnishing necessary program support. These funds permit the continuation of a service-wide program to correct environmental problems, such as major improvements of storage tanks containing petroleum and regulated substances. The program focuses mainly on Coast Guard facilities, but also includes third party sites where Coast Guard activities have contributed to environmental problems.

#### Recommendation

The Committee recommends \$13,269,000 for Environmental Compliance and Restoration, the same as the amount requested and \$72,000 above the amount provided in fiscal year 2015.

#### RESERVE TRAINING

Appropriation, fiscal year 2015 .....	\$114,572,000
Budget request, fiscal year 2016 .....	110,614,000
Recommended in the bill .....	110,614,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	-3,958,000
Budget request, fiscal year 2016 .....	- - -

#### Mission

This appropriation provides for the training of qualified individuals who are available for active duty in time of war or National emergency, or for the augmentation of regular Coast Guard forces in the performance of peacetime missions. Program activities fall into the following categories:

*Initial training:* the direct costs of initial training for three categories of non-prior service trainees;

*Continued training:* the training of officers and enlisted personnel;

*Operation and maintenance of training facilities:* the day-to-day operation and maintenance of reserve training facilities; and

*Administration:* all administrative costs of the reserve forces program.

#### Recommendation

The Committee recommends \$110,614,000 for Reserve Training, the same as the amount requested and \$3,958,000 below the amount provided in fiscal year 2015.

#### ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

Appropriation, fiscal year 2015 .....	\$1,225,223,000
Budget request, fiscal year 2016 .....	1,017,269,000
Recommended in the bill .....	1,301,289,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	+76,066,000
Budget request, fiscal year 2016 .....	+284,020,000

#### Mission

The Acquisition, Construction, and Improvements appropriation finances the acquisition of new capital assets, construction of new facilities, and physical improvements to existing facilities and assets. The appropriation covers Coast Guard-owned and operated vessels, aircraft, shore facilities, and other equipment such as computer systems, as well as the personnel needed to manage acquisition activities.

#### Recommendation

The Committee recommends \$1,301,289,000 for Acquisition, Construction, and Improvements (AC&I), \$284,020,000 above the amount requested and \$76,066,000 above the amount provided in fiscal year 2015.

The Committee is alarmed by the significant decrease in the President's budget request for AC&I. The Coast Guard continues to communicate publicly that its fleets of aircraft and vessels are in desperate need of recapitalization. Many vessels are decades beyond their useful life. Though the need for recapitalization programs is apparent, the budget request fails to meet the requirement. The Committee recommends a significant increase to the AC&I request and expects the Department and the Administration to provide a more realistic AC&I budget request in the future.

The Committee recommends the following increases above the budget request: \$31,000,000 for aviation facilities; \$20,000,000 for construction of a ship lift facility to provide docking capacity to execute the In-Service Vessel Sustainment project and other sustainment requirements; \$21,000,000 for construction, renovation, and/or improvement of Coast Guard housing; and \$31,700,000 for construction and renovation of training centers and boat piers. The Commandant of the Coast Guard shall brief the Committees on the execution plan for each of these items not later than five days prior to obligating funds.

The Committee recommends the following rescissions in title V of this bill from prior year accounts: \$4,742,000 from funds pro-

vided in fiscal year 2013; \$12,542,000 from funds provided in fiscal year 2014; and \$2,305,000 from funds provided in fiscal year 2015.

A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
<b>Vessels</b>		
In-service Vessel Sustainment .....	\$68,000,000	\$68,000,000
Cutter Small Boats .....	3,000,000	3,000,000
Fast Response Cutter (FRC) .....	340,000,000	340,000,000
National Security Cutter (NSC) .....	91,400,000	103,400,000
Offshore Patrol Cutter (OPC) .....	18,500,000	89,000,000
Polar Ice Breaking Vessel .....	4,000,000	4,000,000
Survey and Design-Vessels and Boats .....	9,000,000	9,000,000
Subtotal, Vessels .....	533,900,000	616,400,000
<b>Aircraft</b>		
HC-144 Conversion/Sustainment .....	3,000,000	3,000,000
HC-27J Conversion/Sustainment .....	102,000,000	102,000,000
HC-130J Acquisition/Conversion/Sustainment .....	55,000,000	150,000,000
HH-65 Acquisition/Conversion/Sustainment .....	40,000,000	40,000,000
Subtotal, Aircraft .....	200,000,000	295,000,000
<b>Other Equipment</b>		
Program Oversight and Management .....	20,000,000	20,000,000
C4ISR .....	36,600,000	36,600,000
CG-LIMS .....	8,500,000	11,320,000
Subtotal, Other Equipment .....	65,100,000	67,920,000
<b>Shore Facilities and Aids to Navigation</b>		
Major/Minor construction; Housing; ATON; and Survey & Design .....	41,900,000	124,600,000
Major Acquisition Systems Infrastructure .....	54,500,000	54,500,000
Minor Shore .....	5,000,000	5,000,000
Subtotal, Shore Facilities and Aids to Navigation .....	101,400,000	184,100,000
Military Housing .....	— — —	21,000,000
Personnel and Related Support		
Direct Personnel Costs .....	116,869,000	116,869,000
Subtotal, Personnel and Related Support .....	116,869,000	116,869,000
Total, Acquisition, Construction, and Improvements .....	\$1,017,269,000	\$1,301,289,000

### Quarterly Reports on Acquisition Projects and Mission Emphasis

The Commandant is directed to continue to brief the Committee quarterly on all major acquisitions, consistent with the direction in the explanatory statement accompanying Public Law 114–4.

### Capital Investment Plan

Consistent with prior years, the Coast Guard is directed to submit a five-year Capital Investment Plan (CIP), in accordance with the requirements listed in the bill, in conjunction with the budget submission for fiscal year 2017. The CIP serves as the primary means for overseeing and tracking the Coast Guard's recapitalization efforts and, therefore, must be submitted in accordance with mandated timelines. Unfortunately, the Coast Guard has repeatedly failed to comply with this legally-mandated direction in the past. Failing to submit the required information in a timely manner hinders the Committee's oversight efforts and results in budgetary decisions based on limited program information.

### National Security Cutter

The Committee recommends \$103,400,000 for the National Security Cutter (NSC) program, \$12,000,000 above the amount requested and \$529,447,000 below the amount provided in fiscal year 2015. The increase above the request will support the top-side engineering design work required for the permanent installation of small UAS, along with associated testing activities and critical spares. The fiscal year 2015 appropriation provided sufficient funding to acquire the eighth NSC, which is the final NSC of record. The Committee notes that funding for additional NSCs beyond the program of record would be neither operationally necessary nor warranted, would create potentially unsustainable operational funding requirements in the future, and could potentially threaten funding for other Coast Guard acquisition priorities.

### Fast Response Cutter

The Committee recommends \$340,000,000 to acquire six additional Fast Response Cutters (FRCs), as requested, and \$230,000,000 above the amount provided in fiscal year 2015.

### Offshore Patrol Cutter

The Committee recommends \$89,000,000 for the Offshore Patrol Cutter (OPC) program, \$70,500,000 above the request and \$69,000,000 above the amount provided in fiscal year 2015.

The fiscal year 2016 budget request did not include funding for the detailed design and construction of the high priority OPC, even though the Coast Guard's acquisition schedule includes a projected contract award date during fiscal year 2016. Instead, the budget proposed open-ended transfer authority without clear direction as to the source of funding when the award is made in fiscal year 2016. The Coast Guard has repeatedly communicated that the OPC is its highest acquisition priority, yet this is not reflected in the budget request. The Committee recommends the appropriate level of funding to ensure the OPC contract can be awarded, and the Coast Guard can begin the process of recapitalizing its aging fleet of medium endurance vessels. The planned OPC program will be the Department's largest acquisition program ever, and the Administration should make this a top priority by requesting the appropriate level of future funding to ensure success.

### Polar Ice Breaking Vessel

The Committee recommends \$4,000,000 for the polar ice breaking program, the same amount included in the request and \$4,000,000 above the amount provided in fiscal year 2015.

This Administration has failed repeatedly to present a viable acquisition program for a new, heavy icebreaker. Previous CIPs have alluded to an incrementally funded acquisition within the existing Coast Guard AC&I topline funding level—a topline that has apparently been set arbitrarily with no relation to Coast Guard requirements. These proposals only partially fund a new icebreaker while jeopardizing existing, validated Coast Guard recapitalization programs.

Further, it is unreasonable for the Administration to impose the entire cost of an icebreaker on the Coast Guard because this vessel's capability supports the missions and requirements of multiple executive branch agencies and these requirements will significantly increase the total cost of the asset. The Committee believes that shared funding among stakeholder agencies is a more appropriate method of funding, as it allows for continued recapitalization of the Coast Guard while simultaneously acquiring a critically needed ice breaking capability.

#### HC-130J Aircraft

The Committee recommends \$150,000,000 for the HC-130J aircraft program, \$95,000,000 above the request and \$47,000,000 above the amount provided in fiscal year 2015. The additional \$95,000,000 will be used to procure the thirteenth HC-130J, which will recapitalize the Coast Guard's Long Range Surveillance Aircraft Fleet. These aviation assets provide critical support to the Coast Guard's primary missions, including search and rescue, enforcement of laws and treaties, illegal drug interdiction, marine environmental protection, military readiness, international ice patrol missions, as well as cargo and personnel transport.

#### Program Oversight and Management

The Committee recommends \$20,000,000 for Program Oversight and Management, the same as the amount requested and \$2,000,000 above the amount provided in fiscal year 2015. Of the amount provided, not more than \$1,500,000 is for the management of Coast Guard's advanced command, control, and direction-finding communications system, known as Rescue 21. The Coast Guard is directed to provide quarterly reports to the Committee on the anticipated management actions to be undertaken, as well as amounts obligated and expended for such actions.

#### RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Appropriation, fiscal year 2015 .....	\$17,892,000
Budget request, fiscal year 2016 .....	18,135,000
Recommended in the bill .....	18,135,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	+243,000
Budget request, fiscal year 2016 .....	- - -

#### Mission

Research, Development, Test, and Evaluation allows the Coast Guard to maintain its non-homeland security research and development capability, while also partnering with DHS and DoD to leverage beneficial initiatives.

#### Recommendation

The Committee recommends \$18,135,000 for Research, Development, Test, and Evaluation, equal to the amount requested and \$243,000 above the amount provided in fiscal year 2015.

MEDICARE ELIGIBLE RETIREE HEALTH CARE FUND CONTRIBUTION:<sup>1</sup>

Appropriation, fiscal year 2015 .....	\$176,970,000
Budget request, fiscal year 2016 .....	169,306,000
Recommended in the bill .....	169,306,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	– 7,664,000
Budget request, fiscal year 2016 .....	– – –

<sup>1</sup>This is a permanent indefinite discretionary appropriation.

Mission

The Medicare-eligible retiree health care fund contribution provides funding for the DoD Medicare-eligible health care fund for the health benefits of future Medicare-eligible retirees currently serving on active duty in the Coast Guard, retiree dependents, and their potential survivors. The authority for the Coast Guard to make this payment on an annual basis was provided in the Fiscal Year 2005 Department of Defense Appropriations Act.

Recommendation

While this account requires no annual action by Congress, the Committee affirms the expenditure of \$169,306,000 for the Medicare-eligible retiree health care fund contribution, the same as the amount requested and \$7,664,000 below the amount provided in fiscal year 2015.

RETIRED PAY

Appropriation, fiscal year 2015 .....	\$1,450,626,000
Budget request, fiscal year 2016 .....	1,604,000,000
Recommended in the bill .....	1,604,000,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	+153,374,000
Budget request, fiscal year 2016 .....	– – –

Mission

This appropriation provides for the retired pay of Coast Guard military personnel and Coast Guard Reserve personnel, as well as career status bonuses for active duty personnel. Additionally, it provides payments to members of the former Lighthouse Service and beneficiaries pursuant to the retired serviceman's family protection plan and survivor benefit plan, as well as payments for medical care of retired personnel and their dependents under the Dependents' Medical Care Act.

Recommendation

The Committee recommends \$1,604,000,000 for Retired Pay, the same as the amount requested and \$153,374,000 above the amount provided in fiscal year 2015. Bill language is included that allows funds to remain available until expended. The Coast Guard's Retired Pay appropriation is a mandatory budgetary activity.



## UNITED STATES SECRET SERVICE

## SALARIES AND EXPENSES

Appropriation, fiscal year 2015 .....	\$1,615,860,000
Budget request, fiscal year 2016 .....	1,867,453,000
Recommended in the bill .....	1,832,813,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	+216,953,000
Budget request, fiscal year 2016 .....	– 34,640,000

## Mission

The United States Secret Service (USSS) has statutory authority to carry out two primary missions: protection of the Nation's leaders and investigation of financial and electronic crimes. The Secret Service protects and investigates threats against the President and Vice President, their families, visiting heads of State, and other designated individuals; protects the White House, Vice President's Residence, foreign missions, and other buildings within Washington, D.C.; and manages the security at National Special Security Events (NSSEs). The Secret Service also investigates violations of laws relating to counterfeiting of obligations and securities of the United States; financial crimes that include, but are not limited to, access device fraud, financial institution fraud, identity theft, and computer fraud; and computer-based attacks on financial, banking, and telecommunications infrastructure. In addition, the agency provides support for investigations related to missing and exploited children.

## Recommendation

The Committee recommends \$1,832,813,000 for Salaries and Expenses, \$34,640,000 below the amount requested and \$216,953,000 above the amount provided in fiscal year 2015. The recommendation includes \$12,000,000 to support electronic crimes investigations and training at the National Computer Forensics Institute (NCFI) and \$8,366,000 for grant assistance and investigations related to missing and exploited children. The recommendation also includes \$4,500,000, as requested, for contingencies associated with NSSEs in fiscal year 2016 and \$16,805,613 only for radio upgrades.

For the past several years, the USSS's inability to hire and maintain personnel at funded levels has resulted in tens of millions of dollars appropriated for salaries and benefits being diverted to unplanned and unbudgeted activities without congressional oversight. For example, in fiscal year 2014, the USSS requested and received \$1,028,064,000 for 6,572 FTEs but ended the year at only 6,376 FTEs, leaving \$25,708,000 in unexecuted salary and benefits funding that was used for other expenses. In fiscal year 2015, the USSS is projected to end the year having obligated funding for only 6,367 of the appropriated 6,572 FTEs, resulting in almost \$32,000,000 of salary and benefits funding being diverted for other, unplanned and unbudgeted requirements. In fiscal year 2016, the USSS is requesting 6,647 FTEs—an increase of 280 FTEs. While the Committee supports the growth in urgently needed personnel, it is uncertain if the number of FTEs requested by the USSS can be achieved. As a result, the recommendation provides funding to support the requested number of positions, but reduces funding by

\$23,456,000 for FTEs based on an assumption that, as in past years, hiring during the course of the year will not occur as quickly as planned.

A comparison of the budget estimate to the Committee recommended levels, by budget activity, is as follows under the current PPA structure:

	Budget estimate	Recommended
Protection		
Protection of Persons and Facilities .....	\$1,009,246,000	\$976,655,000
Protective Intelligence Activities .....	72,806,000	63,614,000
National Special Security Event fund .....	4,500,000	4,500,000
Presidential Candidate Nominee Protection .....	203,687,000	203,687,000
Subtotal, Protection .....	1,290,239,000	1,248,456,000
Investigations		
Domestic Field Operations .....	291,139,000	294,523,000
International Field Office Administration, Operations, and Training .....	34,168,000	33,008,000
Support for Missing and Exploited Children .....		8,366,000
Subtotal, Investigations .....	325,307,000	335,897,000
Headquarters, Management and Administration .....	194,680,000	193,199,000
Rowley Training Center .....	56,170,000	54,204,000
Information Integration and Technology Transformation .....	1,057,000	1,057,000
Total, Salaries and Expenses .....	\$1,867,453,000	\$1,832,813,000

### White House Complex Security

On September 19, 2014, an individual climbed the fence at the White House Complex (WHC) and was able to enter the residence before being apprehended by Secret Service agents and officers. Following this unprecedented breach of security, two separate reviews were conducted, including the Protective Mission Panel (PMP) review which focused recommendations on how to improve the security of the White House. Included in the recommendation for fiscal year 2016 is \$86,695,000, as requested, for enhancements recommended by the PMP. One of the primary recommendations was to increase the size of the USSS, in terms of both special agents and Uniformed Division officers, and to address significant training deficiencies. This bill supports both—fully funding the numbers of additional personnel and training enhancements. Further, the recommendation includes funding for a new White House perimeter fence that will be much more difficult and time-consuming to scale, giving USSS personnel a significant tactical advantage in protecting the WHC.

Additional requirements to classified programs and more detailed oversight of funding for the Secret Service are addressed in the classified annex accompanying this report.

### Workforce Staffing Model

While there is no doubt that the USSS desperately needs additional personnel, unfortunately the USSS is unable to calculate how many personnel are needed in specific job types and at what cost. This inability to develop workforce requirements and cost has repeatedly jeopardized needed increases in the number of personnel. The Committee understands that the USSS is reforming its budget to include zero-based budgeting. This reform must include

workforce modeling similar to how other DHS components already model staffing requirements, such as CBP's workforce staffing model and, additionally, include a third party validation of the methodology. The USSS is strongly encouraged to work with other components within DHS to develop a model. The Committee directs the USSS to provide a briefing to the Committee not later than 30 days after the date of enactment of this Act on the current efforts to build a workforce staffing model, to include lessons learned from other DHS components.

#### Domestic Field Operations, Electronic Crimes Investigations, and State and Local Cybercrime Training

The USSS Electronic Crimes Special Agent Program (ECSAP), and its network of Electronic Crimes Task Forces (ECTFs) comprised of Federal, State, and local law enforcement partners, financial and information technology industries, and academic and research communities, have proven highly productive and deserve strong support. Recognizing that the USSS is a "frontline" operational agency, the Committee's focus is on integrating new technology into the agency's operations. The Committee supports the investigative efforts of the Secret Service and the investigation of cyber crimes, which requires highly technical training in computer forensics. Therefore, the recommendation includes \$12,000,000 to enhance current USSS investigative initiatives, ECSAP and ECTF missions, and basic and advanced computer forensics training, \$8,000,000 above the amount requested and the same as the amount provided in fiscal year 2015.

While ECSAP/ECTF no longer has a separate reporting and re-programming line, the Committee expects: (1) to receive periodic briefings on the status of investigations; (2) the funding and programmatic efforts to be sustained; and (3) the associated funding and personnel resources to continue to be identified in future budgets.

#### Missing and Exploited Children

The National Center for Missing and Exploited Children (NCMEC) was created in 1984 to serve as the Nation's resource on the issues of missing and sexually exploited children. The organization provides information and resources to law enforcement, parents, and children, including child victims, as well as other professionals. Under the provisions of the Violent Crime Control Act of 1994, Congress directed the Secret Service to provide forensic and technical assistance to NCMEC and other Federal, State, and local law enforcement agencies in matters involving missing and exploited children. NCMEC has been the historical recipient of grant funding related to missing and exploited children, and the Secret Service currently provides investigative assistance and liaison to NCMEC headquarters through the Secret Service Forensic Services Division. The Committee supports continuing efforts in this area and, therefore, recommends sustaining the fiscal year 2015 funding level of \$2,366,000 for forensic and investigative support related to missing and exploited children and \$6,000,000 for grants related to investigations of missing and exploited children.

### National Special Security Events

The Committee recommends \$4,500,000, as requested, to defray costs specific to Secret Service execution of its statutory responsibilities to direct the planning and coordination of NSSEs. The Committee continues a general provision in the Act prohibiting the use of funds to reimburse any Federal Department or agency for its participation in an NSSE.

The Committee directs the Secret Service to provide periodic updates on NSSEs planned for fiscal year 2016 prior to and following each event.

### International Field Investigations

The Secret Service continues to show significant results from its efforts to stop the counterfeiting of U.S. currency and is building on this effort in its field offices. The Committee directs the Secret Service, in conjunction with the DHS Office of Policy, to keep it informed of developments in international investigative missions.

### Technology Activities

The Committee recommends \$1,057,000 for Information Integration and Technology Transformation activities of the Secret Service, and directs the agency to brief the Committee not later of than 90 days after the date of enactment of this Act on all Secret Service information technology activities.

### ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

Appropriation, fiscal year 2015 .....	\$49,935,000
Budget request, fiscal year 2016 .....	71,669,000
Recommended in the bill .....	72,819,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	+22,884,000
Budget request, fiscal year 2016 .....	+1,150,000

### Mission

This account supports the acquisition, construction, improvement, equipment, furnishing, and related costs for maintenance and support of Secret Service facilities, including the Secret Service Memorial Headquarters Building and the James J. Rowley Training Center (JJRTC). It also provides for ongoing costs and investment for critical Information Integration and Technology Transformation (IITT), a program to sustain the information technology capabilities needed to support the Secret Service protective and investigative missions.

### Recommendation

The Committee recommends \$72,819,000, \$1,150,000 above the request and \$22,884,000 above the amount provided in fiscal year 2015.

### Next Generation Limousine

The Committee recommends \$8,500,000 for the next generation limousine. The budget request included the funding under the Sal-

aries and Expenses appropriation; however, the program is a multiyear development and acquisition program and is more appropriately funded in a multiyear acquisition account.

#### Information Integration and Technology Transformation

The Committee recommends \$34,887,000 for IITT, \$10,350,000 below the request and \$9,668,000 below fiscal year 2015. While the Committee fully supports the IITT program, the Committee cannot allow appropriated funds to remain unobligated for multiple fiscal years. To address this issue, the recommendation includes a reduction of \$8,000,000 due to planned carryover of prior year funds into fiscal year 2016. Further, the recommendation includes rescissions to prior year appropriations as a result of such carryover. In future budgets, the USSS shall only request funding for programs, assets, and facilities that it plans to execute in the budget request year.

#### Facilities

The Committee recommends \$29,432,000 for facilities, \$3,000,000 above the amount requested and \$24,052,000 above fiscal year 2015. The increase above the request is for addressing critical deferred maintenance at the JJRTC. The Committee is concerned with changing requirements for the requested funds. To address these concerns, none of the funds provided for facilities may be obligated until five days after the USSS provides detailed obligation plan for facilities funding. Further, not later than 60 days after the date of enactment of this Act, the USSS shall provide a capital infrastructure investment plan for fiscal year 2016 through fiscal year 2020 that also reports capital infrastructure investment funding obligated beginning in fiscal year 2010 through fiscal year 2015. At a minimum, the plan must include: a schedule of resource needs by year; an alternatives analysis that includes a review of renovation as compared to new construction options; a timeline that includes major milestones; and a projection of annual maintenance costs.

The Committee recommends \$2,900,000 for site development and excavation costs to begin building a WHC training facility, of which \$2,186,000 shall not be obligated until the Committee is notified that a feasibility study and the design plan are completed and such plans have been submitted and approved by the National Capital Planning Commission.

This new training facility will allow USSS personnel to train in a significantly more realistic environment than that which is currently available. Agents and officers need to train with the full complement of forces, structures, and topography involved in real life operations to ensure that all teams at the WHC know and can fully execute their roles in responding to various threats. Because of the potential danger to the public and the disruptive impact it would have on WHC activities, the real WHC is not available for routine training of agents and officers. Moreover, training at the WHC would present a potential avenue for individuals to gather exploitable intelligence on USSS tactics in response to a critical incident. The Committee notes that the Federal government routinely invests in specialized training facilities for military and law enforcement personnel, ranging from the Special Forces to the Cap-

itol Police, to ensure they can perform in realistic environments; it is entirely appropriate, therefore, to invest in a WHC training facility to ensure that the President and the WHC receive the best possible protection.

The Committee recommends \$13,100,000 for demolition of the existing Canine Training Facility and construction of a new expanded Canine Training Facility. The existing facility was not built to handle the current level of canines being used by the USSS and has other operational deficiencies associated with its age. Canines provide valuable services for the USSS, such as explosives detection support and added protection against intrusions. The new facility will allow for more canines and therefore more training throughput that will more effectively satisfy current and future mission requirements.

The Committee recommends \$4,950,000 for renovations of the Basic Judgmental Range (an outdoor dynamic training area), indoor/outdoor rifle and pistol ranges, and the Magaw Shoot House. Compared to similar ranges used by other Federal law enforcement agencies, the current USSS facilities are outdated and inadequate. In order to provide a safe and effective training environment for USSS personnel, the ranges and shoot house must be upgraded.

### TITLE III—PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

#### NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

##### Mission

The National Protection and Programs Directorate (NPPD) is focused on the security of the Nation's physical and cyber infrastructure and interoperable communications systems.

##### Recommendation

The Committee's recommendation supports the directorate's missions of preventing terrorism and enhancing security; safeguarding and securing cyberspace; and, strengthening National preparedness and resilience. The recommendation also addresses the systemic problem of underexecuting funding for personnel.

For the past several years, Congress has fully resourced NPPD's requested Federal workforce levels to accommodate its expanding operational mission. However, NPPD's inability to hire and maintain that workforce at funded levels has resulted in tens of millions of dollars appropriated for salaries and benefits being diverted to unbudgeted operational requirements without congressional oversight. For example, in fiscal year 2014, NPPD requested and received \$259,641,000 for 1,885 FTEs but ended the year at 1,570 FTEs, leaving \$29,573,000 in unexecuted salary and benefits funding that was used for other purposes. Likewise, in fiscal year 2015, NPPD is projected to end the year with only 1,709 of the appropriated 2,092 FTEs, resulting in almost \$40,000,000 of salary and benefits being diverted to other, unbudgeted activities.

Though the agency is committing significant resources and effort to improve its hiring and retention, NPPD has made little progress filling vacancies, achieving a net increase of approximately only 100 FTEs annually for the last several fiscal years after factoring

in attrition. The historical data does not inspire confidence that the agency will overcome the inherent difficulties of attracting and keeping a workforce with the requisite skills to achieve its request for an additional 432 FTEs. Therefore, the recommendation includes reductions to the request due to projected underexecution of personnel costs, as well as reductions to the request corresponding to the amounts associated with the pay raise assumed in the President's budget.

In title I, under OCFO, the Committee directs briefings on obligation and budget execution plans. Further, the Committee directs that NPPD's plans include obligations and budget execution by PPA, project and subproject, as well as the amounts planned to be carried over into the next fiscal year. Within these briefings, NPPD shall address specific technologies and support services intended for procurement, program schedules, and major milestones. For multiyear appropriations, the briefings shall detail the status of each appropriation by source year. In addition, the briefings shall identify the numbers of personnel newly hired or lost to attrition since the beginning of the fiscal year or since the most recent report, as appropriate. These briefings shall be provided not later than 45 days after the date of enactment of this Act and on a quarterly basis thereafter.

#### MANAGEMENT AND ADMINISTRATION

Appropriation, fiscal year 2015 .....	\$61,651,000
Budget request, fiscal year 2016 .....	64,191,000
Recommended in the bill .....	56,127,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	– 5,524,000
Budget request, fiscal year 2016 .....	– 8,064,000

#### Mission

The Management and Administration account funds the Immediate Office of the Under Secretary for National Protection and Programs; provides for administrative overhead costs such as IT support and shared services; and includes a National planning office which develops standard doctrine and policy for infrastructure protection and cybersecurity.

#### Recommendation

The Committee recommends \$56,127,000 for Management and Administration, \$8,064,000 below the amount requested and \$5,524,000 below the amount provided in fiscal year 2015. The recommendation includes a reduction of \$7,519,000 due to projected underexecution of funds for personnel and a reduction of \$545,000 that corresponds to the amount associated with the pay raise assumed in the President's budget.

#### INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

Appropriation, fiscal year 2015 .....	\$1,188,679,000
Budget request, fiscal year 2016 .....	1,311,689,000
Recommended in the bill .....	1,245,000,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	+56,321,000
Budget request, fiscal year 2016 .....	– 66,689,000

## Mission

Infrastructure Protection and Information Security (IPIS) supports efforts to reduce the vulnerability of the Nation's critical infrastructure, key resources, information technology networks, and telecommunications systems to terrorist attacks and natural disasters. IPIS also supports efforts to maintain effective telecommunications for government users in National emergencies and establish policies and promote solutions for interoperable communications at the Federal, State, and local level.

## Recommendation

The Committee recommends \$1,245,000,000 for IPIS, \$66,689,000 below the amount requested and \$56,321,000 above the amount provided in fiscal year 2015. The recommendation includes a reduction of \$42,814,000 due to projected underexecution of funds for personnel and a reduction of \$2,083,000 that corresponds to the amount associated with the pay raise assumed in the President's budget.

Within the total, the Committee recommends \$252,057,000 for Infrastructure Protection, \$42,855,000 below the amount requested and \$18,975,000 below the amount provided in fiscal year 2015; \$798,041,000 for Cybersecurity, \$20,302,000 below the amount requested and \$44,841,000 above the amount provided in fiscal year 2015; and, \$194,902,000 for Communications, \$3,532,000 below the amount requested and \$30,455,000 above the amount provided in fiscal year 2015.

A comparison of the budget estimate to the Committee recommended level is as follows:

	Budget Request	Recommendation
Infrastructure Protection:		
Infrastructure Analysis & Planning .....	\$75,969,000	\$63,872,000
Sector Management & Governance .....	71,311,000	62,312,000
Regional Field Operations .....	52,755,000	50,740,000
Infrastructure Security Compliance .....	94,877,000	75,133,000
Subtotal, Infrastructure Protection .....	294,912,000	252,057,000
Cybersecurity and Communications:		
Cybersecurity:		
Cybersecurity Coordination .....	4,318,000	4,294,000
US-Computer Emergency Readiness Team Operations .....	98,642,000	92,186,000
Federal Network Security .....	131,202,000	127,547,000
Network Security Deployment .....	479,760,000	474,073,000
Global Cybersecurity Management .....	20,321,000	19,304,000
Critical Infrastructure Cyber Protection & Awareness .....	77,584,000	74,381,000
Business Operations .....	6,516,000	6,256,000
Subtotal, Cybersecurity .....	818,343,000	798,041,000
Communications:		
Office of Emergency Communications .....	33,025,000	32,105,000
Priority Telecommunications Services .....	63,649,000	62,505,000
Next Generation Networks .....	80,102,000	79,981,000
Programs to Study and Enhance Telecommunications .....	10,418,000	10,276,000
Critical Infrastructure Protection Programs .....	11,240,000	10,035,000
Subtotal, Communications .....	198,434,000	194,902,000
Subtotal, Cybersecurity and Communications .....	1,016,777,000	992,943,000
Total, Infrastructure Protection and Information Security .....	\$1,311,689,000	\$1,245,000,000



### Infrastructure Analysis and Planning

The Committee recommends \$63,872,000 for Infrastructure Analysis and Planning, \$12,097,000 below the amount requested and \$622,000 below the amount provided in fiscal year 2015. The recommendation includes reductions to the request corresponding to the amounts associated with the pay raise assumed in the President's budget, as well as reductions due to projected underexecution of personnel costs. The recommendation does not provide the requested \$6,000,000 for an assessment of climate change on critical infrastructure.

The Committee recognizes that the Nation's highly integrated electrical grid is vulnerable to cyber-attacks and natural disasters. It is imperative to fully understand the interdependencies among information technology, operational technology, and physical security. In this environment, NPPD's programs to strengthen the security and resilience of the Nation's critical infrastructure against cyber, physical, and human risks must be closely coordinated, and the agency must work with critical infrastructure owners and operators to holistically address these risks and develop comprehensive mitigation strategies. The Committee directs NPPD to provide a semiannual briefing outlining NPPD's plans to engage private sector owners and operators of such infrastructure in order to better understand and respond to the full range of critical risks. The briefing shall include details on current and planned actions to prepare for and protect against cyber and physical risks to electrical grids and other critical infrastructure.

The Committee is concerned that the Office of Cyber and Infrastructure Analysis has not properly assessed and weighed current threats to develop a risk-based funding model for its activities. The Committee directs NPPD to brief the Committees on Appropriations and Homeland Security not later than 60 days after the date of enactment of this Act on plans to develop such a model.

House Report 113-481 included a directive to NPPD to provide a report on its engagement with private sector owners and operators of critical infrastructure, as well as its collaboration with universities, industry, and government labs on efforts to improve critical infrastructure readiness and response capabilities related to cyber, physical, and human risks. The Committee looks forward to receiving that report, which is now past due, as soon as possible.

### Sector Management and Governance

The Committee recommends \$62,312,000 for Sector Management and Governance, \$8,999,000 below the amount requested and \$2,649,000 below the amount provided in fiscal year 2015. The recommendation includes reductions to the request corresponding to the amounts associated with the pay raise assumed in the President's budget, as well as reductions due to projected underexecution of personnel costs. The Committee supports NPPD's efforts to help strengthen the ability of all levels of government and private sector critical infrastructure partners to assess risks, coordinate programs and processes, and execute risk management programs and activities. Accordingly, of the amount provided, \$2,000,000 is designated to define agency needs, identify requirements for community level critical infrastructure protection and resilience, and

rapidly develop, test, and transition to use technologies that address these needs and requirements. The recommendation does not include the proposed \$4,000,000 for assessments of the effects of climate change on critical infrastructure.

#### Regional Field Operations

The Committee recommends \$50,740,000 for Regional Field Operations, \$2,015,000 below the amount requested and \$5,810,000 below the amount provided in fiscal year 2015. The recommendation includes reductions to the request corresponding to the amounts associated with the pay raise assumed in the President's budget, as well as reductions due to projected underexecution of personnel costs. The recommendation fully funds the National Infrastructure Coordinating Center (NICC) at \$7,850,000.

#### Infrastructure Security Compliance

The Committee recommends \$75,133,000 for Infrastructure Security Compliance (ISC), \$19,744,000 below the amount requested and \$9,894,000 below the amount provided in fiscal year 2015. The recommendation includes reductions to the request corresponding to the amounts associated with the pay raise assumed in the President's budget, as well as reductions due to projected underexecution of personnel costs.

The Committee supports the implementation of an Ammonium Nitrate (AN) Security Program, as required by Public Law 110-161, but is aware of concerns about whether the ongoing rulemaking process can effectively balance costs and benefits. In particular, the Committee understands that, since the AN rule was first proposed in 2011, changes in the manufacture, sale, and transport of AN significantly impact the cost-benefit calculation that must be taken into consideration. As a result, the recommendation does not include funding for the implementation of a final rule on the AN Security Program in fiscal year 2016. Instead, the Committee urges DHS to continue working with stakeholders, such as through a supplemental notice of proposed rulemaking, to reduce the cost burden while preserving strong security benefits, and directs DHS to resubmit the funding request for implementation of the Ammonium Nitrate rule in the fiscal year 2017 budget.

#### US-Computer Emergency Readiness Team Operations

The Committee recommends \$92,186,000 for US-Computer Emergency Readiness Team (US-CERT) Operations, \$6,456,000 below the amount requested and \$6,387,000 below the amount provided in fiscal year 2015. The recommendation includes reductions to the request corresponding to the amounts associated with the pay raise assumed in the President's budget, as well as reductions due to projected underexecution of personnel costs. Within the PPA total, the recommendation funds US-CERT programs at the requested level of \$60,409,000.

#### Federal Network Security

The Committee recommends \$127,547,000 for Federal Network Security (FNS), \$3,655,000 below the amount requested and

\$43,453,000 below the amount provided in fiscal year 2015. The recommendation includes reductions to the request corresponding to the amounts associated with the pay raise assumed in the President's budget, as well as reductions due to projected underexecution of personnel costs.

Cyberattacks on government and private networks, which are increasing at an alarming rate, threaten and endanger National security. The Committee has consistently recognized this threat and fully funds FNS operations at the requested level of \$114,985,000 to protect U.S. government departments and agencies from cyber intrusions. FNS supports activities designed to enable civilian departments and agencies to secure their systems and networks, including the Continuous Diagnostics and Mitigation (CDM) program, and provides a single, accountable focal point for achieving cyber infrastructure security and compliance throughout the Federal enterprise.

Diagnostic software procured with these funds shall operate in accordance with all applicable privacy laws and related agency restrictions regarding personally identifiable information and sensitive data or content.

#### Network Security Deployment

The Committee recommends \$474,073,000 for Network Security Deployment (NSD), \$5,687,000 below the amount requested and \$97,073,000 above the amount provided in fiscal year 2015. The recommendation includes reductions to the request corresponding to the amounts associated with the pay raise assumed in the President's budget, as well as reductions due to projected underexecution of personnel costs.

NSD manages the National Cybersecurity Protection System (NCPS), operationally known as EINSTEIN, which is an integrated intrusion detection, analytics, information sharing, and intrusion prevention system utilizing hardware, software, and other components to support DHS cybersecurity responsibilities. Funds are included to continue the planned procurement of the third generation of the NCPS (also known as EINSTEIN 3 or E<sup>3</sup>A), which will expand current capabilities and enable DHS to assume a more active role in securing civilian .gov network traffic and reducing the threat vectors available to malicious actors seeking to harm Federal networks. Once fully deployed, E<sup>3</sup>A will apply in-line protection measures to a wide set of Federal network traffic protocols; alert on a cyber-threat; and act on that threat to stop malicious traffic.

The Committee remains concerned with both the planned acquisition schedule for NCPS, which has experienced delays, and the overall efficacy of signature-based systems for the protection of networks. DHS's strategy relies on Internet Service Providers (ISPs) to deliver this capability and currently has agreements in place with three major (Tier 1) ISPs. The Committee urges NPPD to expeditiously establish effective working relationships with the remaining Tier 1 ISPs to further expand intrusion detection and prevention capabilities. Given its prominent role, as delegated by OMB, in securing .gov network traffic, NPPD must continue improving its relationships with the Departments and agencies participating in this program to better prepare those customers for the

deployment of E<sup>3</sup>A. NPPD must also continue exploring new capabilities for the detection of malicious traffic, such as behavioral analysis and technologies for the identification of zero-day threats.

#### Global Cybersecurity Management

The Committee recommends \$19,304,000 for Global Cybersecurity Management, \$1,017,000 below the amount requested and \$6,569,000 below the amount provided in fiscal year 2015. The recommendation includes reductions to the request corresponding to the amounts associated with the pay raise assumed in the President's budget, as well as reductions due to projected underexecution of personnel costs. The Committee directs the agency to provide a briefing, within 120 days of the date of enactment of this Act, on the current or potential level of cooperation between DHS and the Department of Defense on the development of new and innovative software to improve National capabilities to counter cybersecurity threats.

#### SLTT Cybersecurity Support

The fiscal year 2016 request once again proposes to reduce support for the Multi-State Information Sharing and Analysis Center, which provides critical cybersecurity services to State, local, tribal, and territorial governments (SLTTs), and aggregates and analyzes cyber threat and vulnerability information from SLTTs to help NPPD protect our collective cyberspace. Unfortunately, NPPD has provided no supporting justification for the reduction in funding and no analysis of the impact of the cut on SLLT cybersecurity activity and information sharing between SLLT and the Federal government. Absent such justification, the Committee directs NPPD to continue the current level of support for SLLT cybersecurity activities.

#### Cybersecurity Best Practices

In recent hearing testimony (GAO-15-758T), GAO identified the oversight of contractors providing IT services as a government-wide cybersecurity challenge. GAO reviewed six federal agencies, including DHS, and determined that only DHS had adequate processes in place to provide consistent oversight of contractor implementation of security controls. The DHS CIO is directed to work through the CIO Council to share DHS best practices for enhancing oversight of contractors providing IT services, and to update the Committee within 180 days of the date of enactment of this Act on these activities.

#### Communications

The Committee recommends \$194,902,000 for Communications programs, \$3,532,000 below the amount requested and \$30,455,000 above the amount provided in fiscal year 2015. The recommendation includes reductions to the request corresponding to the amounts associated with the pay raise assumed in the President's budget, as well as reductions due to projected underexecution of personnel costs. Of the total amount recommended, \$32,105,000 is for the Office of Emergency Communications; \$62,505,000 is for

Priority Telecommunications Services; \$10,276,000 is for Programs to Study and Enhance Telecommunications; \$10,035,000 is for Critical Infrastructure Protection Programs; and \$79,981,000 is for Next Generation Networks, which includes the \$26,668,000 requested to implement priority wireless access Voice over Internet Protocol (VoIP) communication capability.

#### National Cybersecurity and Communications Integration Center

The recommendation fully supports the efforts of the National Cybersecurity and Communications Integration Center (NCCIC), which is a focal point within the Federal government for cybersecurity. NCCIC's responsibilities include the protection of Federal systems and nonfederal critical information systems, as well as the coordination of National incident response. As such, the NCCIC serves as a centralized location where operational elements involved in cybersecurity and communications reliance are coordinated and integrated. The NCCIC effectively partners with all Federal Departments and agencies; State, local, tribal, and territorial governments; the private sector; and international entities. Funds are provided to continue the NCCIC's efforts to apply unique analytic perspectives, ensure shared situational awareness, and synchronize response efforts while protecting the privacy rights of Americans in both the cybersecurity and communications domains. The U.S. continues to be the target of massive cyber attacks which threaten the country's economic competitiveness and the security of our Nation. DHS and NPPD lead the effort to protect the Nation's critical infrastructure, to protect our civilian government networks, and to collaborate with the private sector to enhance cybersecurity.

#### FEDERAL PROTECTIVE SERVICE

Appropriation, fiscal year 2015 .....	\$1,342,606,000
Budget request, fiscal year 2016 .....	1,443,449,000
Recommended in the bill .....	1,443,449,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	+100,843,000
Budget request, fiscal year 2016 .....	- - -

#### Mission

The Federal Protective Service (FPS) is responsible for the protection of Federally owned and leased buildings and properties, particularly those under the control of GSA. Funding for FPS is provided through a security fee charged to all GSA building tenants in FPS-protected buildings. FPS has three major law enforcement initiatives: protection services to all Federal facilities throughout the United States and its territories; expanded intelligence and anti-terrorism capabilities; and Special Programs, including weapons of mass destruction detection, hazardous material detection and response, and canine programs.

#### Recommendation

The Committee recommends \$1,443,449,000 for FPS, the same as the amount requested and \$100,843,000 above the amount provided in fiscal year 2015. This amount is fully offset by fees collected from FPS customer agencies.

The Secretary and the Director of OMB shall certify in writing to the Committees, not later than 60 days after the date of enactment of this Act, that the operations of the Federal Protective Service will be fully funded in fiscal year 2016 through revenues and collection of security fees. Should sufficient revenue not be collected to fully fund operations, an expenditure plan is required describing how security risks will be adequately addressed. Within this recommended funding level, FPS shall align staffing resources with mission requirements.

#### OFFICE OF BIOMETRIC IDENTITY MANAGEMENT

Appropriation, fiscal year 2015 .....	\$252,056,000
Budget request, fiscal year 2016 .....	283,533,000
Recommended in the bill .....	283,473,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	+31,417,000
Budget request, fiscal year 2016 .....	– 60,000

#### Mission

The Office of Biometric Identity Management (OBIM) is the lead entity within DHS for biometric identity management services. OBIM utilizes the Automated Biometric Identification System (IDENT) to match, store, share, and analyze biometric identity information for Federal, State, local, and tribal law enforcement, the Intelligence Community, and strategic foreign partners.

#### Recommendation

The Committee recommends a total appropriation of \$283,473,000 for OBIM, \$60,000 below the amount requested and \$31,417,000 above the amount provided in fiscal year 2015.

#### Automated Biometric Identification System

The recommendation includes the amount requested for IDENT system improvements and sustainment, building on the investments funded in fiscal year 2015. These improvements will enable the system to meet current requirements and provide capability enhancements which can be leveraged and incorporated into the planned Replacement Biometric System (RBS). The recommendation includes requested funding of \$65,800,000 for Increment 1 of the RBS.

#### Unique Identity

OBIM is directed to continue semiannual briefings on inter-agency coordination among the Departments of Homeland Security, Justice, State, and Defense, and progress towards integrating the various biometric systems, including Unique Identity.

#### OFFICE OF HEALTH AFFAIRS

Appropriation, fiscal year 2015 .....	\$129,358,000
Budget request, fiscal year 2016 .....	124,069,000
Recommended in the bill .....	125,216,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	– 4,142,000
Budget request, fiscal year 2016 .....	+1,147,000

### Mission

The Office of Health Affairs (OHA) serves as the Department of Homeland Security's principal agent for all medical and public health matters, and has the lead DHS role in chemical and biological defense activities to ensure the health and medical security of the Nation.

### Recommendation

The Committee recommends \$125,216,000 for OHA, \$1,147,000 above the amount requested and \$4,142,000 below the amount provided in fiscal year 2015. The recommendation includes a reduction of \$153,000 that corresponds to the amount associated with the pay raise assumed in the President's budget.

A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget Estimate	Recommended
BioWatch .....	\$83,278,000	\$82,078,000
National Biosurveillance Integration System .....	8,000,000	10,500,000
Chemical Defense Program .....	824,000	824,000
Planning and Coordination .....	4,957,000	4,957,000
Salaries and Expenses .....	27,010,000	26,857,000
Total, Office of Health Affairs .....	\$124,069,000	\$125,216,000

### Biosurveillance Activities

The Committee recommends \$82,078,000 for the BioWatch program, \$1,200,000 below the amount requested and \$4,813,000 below the amount provided in fiscal year 2015.

In fiscal year 2015, OHA was appropriated an increase of \$2,240,000 above the request to begin replacement of aging BioWatch equipment in order to maintain current biodetection capabilities and prevent system failures. The additional amount provided in fiscal year 2015 funded the first-year costs of the refresh plan and reduced the funding requirement for fiscal year 2016. As such, the recommendation includes \$1,000,000 to enable the Department to continue the replacement and recapitalization of current generation BioWatch equipment, which is the amount necessary to fund fiscal year 2016 activities.

The Committee continues to support efforts to explore cost-effective advances in biodetection capabilities, with the goal of increasing coverage and reducing the time to detection and response. As DHS seeks further enhancements in biodetection, it is critical that OHA ensure close coordination with interagency partners and stakeholders. Additionally, to the extent practicable, DHS should leverage the extensive research and development conducted by DoD and collaborate with DoD in further demonstrations and technology development activities.

### National Biosurveillance Integration Center

The Committee recommends \$10,500,000 for NBIC, \$2,500,000 above the amount requested and the same as the amount provided in fiscal year 2015 to fund the operationalization of successful pilot programs.

### Anthrax Vaccinations for First Responders

The Committee has long supported the development of an anthrax vaccination program for first responders using vaccines from the Strategic National Stockpile, and is encouraged by OHA's actions to move forward with a pilot to evaluate the feasibility of implementing such a program. OHA is directed to provide regular updates on the planning efforts, including a timeline for implementation of the pilot and the feasibility and costs of expanding the pilot to a full-scale program.

### Salaries and Expenses

The Committee recommends \$26,857,000 for Salaries and Expenses, \$153,000 below the amount requested and \$709,000 above the amount provided in fiscal year 2015.

### FEDERAL EMERGENCY MANAGEMENT AGENCY

#### SALARIES AND EXPENSES

Appropriation, fiscal year 2015 .....	\$934,396,000
Budget request, fiscal year 2016 .....	949,296,000
Recommended in the bill .....	955,963,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	+21,567,000
Budget request, fiscal year 2016 .....	+6,667,000

### Mission

FEMA manages and coordinates the Federal response to major domestic disasters and emergencies of all types in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act. It supports the effectiveness of emergency response providers at all levels of government in responding to terrorist attacks, major disasters, and other emergencies. FEMA also administers public assistance and hazard mitigation programs to prevent or reduce the risk to life and property from floods and other hazards. Finally, FEMA leads all Federal incident management preparedness and response planning through a comprehensive National Incident Management System that involves Federal, State, tribal, and local government personnel, agencies, and regional authorities.

FEMA provides for the development and maintenance of an integrated, Nationwide capability to prepare for, mitigate against, respond to, and recover from the consequences of major disasters and emergencies of all types in partnership with other Federal agencies, State, local and tribal governments, volunteer organizations, and the private sector. Salaries and Expenses support all of FEMA's programs by coordinating all policy, managerial, resource, and administrative actions between headquarters and regional offices.

### Recommendation

The Committee recommends \$955,963,000 for Salaries and Expenses, \$6,667,000 above the amount requested and \$21,567,000 above the amount provided in fiscal year 2015. The recommendation includes an additional \$4,000,000 to accelerate the transition to a new financial management system.



The following table summarizes the Committee's recommendation:

	Budget Request	Recommended
Administrative and regional offices .....	\$243,323,000	\$243,323,000
Preparedness and protection .....	190,928,000	190,928,000
Response .....	168,466,000	176,133,000
Recovery .....	51,472,000	51,472,000
Mitigation .....	25,753,000	25,753,000
Mission Support .....	168,437,000	172,437,000
Centrally managed accounts .....	100,917,000	95,917,000
Total, Salaries and Expenses .....	\$949,296,000	\$955,963,000

FEMA is authorized to expend funds from both the Salaries and Expenses (S&E) account and the DRF for necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.). In the past, FEMA has used the election doctrine to determine which account should be charged for certain disaster-related expenses. The Committee is concerned, however, that FEMA may not apply the election doctrine consistently, given a lack of documented policies, procedures, and training.

Specifically, the Committee is also concerned that some management and administration expenses routinely charged to the DRF for Disaster Readiness and Support (DRS) are more appropriately charged to S&E. To address these concerns, the Committee directs FEMA to utilize the following guidance in determining whether to charge an expense to S&E or the DRF:

- FEMA's S&E account should be utilized for the permanent workforce, programs, and permanent infrastructure required to execute FEMA's core mission. This includes permanent full-time and temporary full-time employees, including Federal Coordinating Officers and Federal Disaster Recovery Coordinators hired under title V excepted service authority; headquarters and regional management and administration programs; mission support activities (except for variable costs directly associated with disaster employees), including costs associated with the development, acquisition, and maintenance of all corporate level IT systems; and FEMA-owned facilities and other facilities or space required on a permanent basis.

- The DRF should only be charged for DRS activities and programs that ensure that a well-equipped and trained disaster workforce is in place and prepared to respond to disasters and emergencies in a timely, effective, and cost efficient manner. Appropriate obligations include salaries and expenses for all disaster employees hired under the authority of the Stafford Act that are not assigned to a declared disaster; qualification and related training for disaster employees; equipping of disaster employees; stockpiling and maintenance of prepositioned stock; readiness support contracts and other costs required for quick mobilization; non-enterprise IT systems that directly support disaster response and recovery activities; and temporary facilities, structures, or space required to respond to disasters that are not charged directly to a declared disaster.

The Committee expects the changes outlined above to be implemented beginning in fiscal year 2017. FEMA is directed to submit

a detailed plan and proposed timeline for transferring funds for activities that do not meet the criteria for DRF to S&E within 90 days of the date of the enactment of this Act.

The Committee is also aware of FEMA's distribution of mission support costs, such as those for enterprise information technology, across multiple appropriations. Mission support costs are more appropriately funded in the S&E appropriation. Therefore, the Committee expects these costs to be presented and justified as a part of the S&E appropriation in future budget requests, beginning with the fiscal year 2017 budget.

The Committee notes the improvements in budget presentation materials for DRS activities in the fiscal year 2016 congressional justification, but believes further work is needed to achieve desired levels of oversight, transparency, and accountability. For example, the fiscal year 2016 congressional justification presented funding for DRS activities in a structure aimed at supporting the Cadre Operational Readiness and Deployability Status (CORDS) initiative and future efforts to maximize cadre readiness, but continued to present all DRF funding under a single PPA and did not adequately justify requested funding.

To properly execute its oversight function, the Committee believes more granularity is needed in budgeting documents to ensure funds are used consistent with the activities proposed in annual budget submissions. In consideration of how DRS costs were presented in the fiscal year 2016 budget, as well as subsequent discussions with FEMA officials, the Committee has developed the following PPA and sub-activity structure for the DRS in future budget submissions, spend plans, and expenditure reports:

PPA: Cadre Operational Readiness and Deployability

—Disaster Employee Staffing

—Cadre Qualification Training

—Disaster Employee Professional Development and Direct Support

—Disaster Employee Equipping

—FEMA All Hazards Exercise program

PPA: Readiness Support Contracts and Supplies

—Readiness Support Contracts and Interagency Agreements

—Stockpiling (supplies, commodities and temporary housing units)

PPA: Facilities Support (non-permanent structures required for mobilization)

PPA: Information Technology Support (non-enterprise disaster IT systems)

PPA: Working Capital Fund (activities directly related to declared disasters)

The Committee believes improvements are needed to adequately justify the amounts requested and annual changes in the DRF. While general descriptions are included for select programs, all proposed changes from the current year to the budget year are not identified and sufficient information is not included to allow the Committee to fully understand the level of funds needed. For disaster employee staffing, for example, the budget should identify the number and type of staff supported and the cost assumptions used to determine the budget request. It should also identify any increases or decreases in disaster employee staffing and the reason

for the change. The Committee expects FEMA to improve its justification materials in the fiscal year 2017 budget and to present the budget in the PPA structure outlined above.

The Committee recognizes the importance of maintaining permanently owned and operated FEMA facilities in a fully functional and ready state. Beginning with the fiscal year 2017 budget, the Committee expects FEMA to specifically budget for and justify these costs in annual budget submissions under the following PPA and subactivity structure within the Salaries and Expenses appropriation:

PPA: Facilities Maintenance, Repair and Rehabilitation

—Facilities maintenance

—Facilities repair and rehabilitation

The Committee is aware that FEMA spreads its WCF allocation across all of its appropriations using a straight-line cost allocation methodology based on FTEs and an estimate of the temporary workforce. The Committee is concerned that appropriations and underlying PPAs may be charged for services from which they may not benefit. For example, the DRF appropriation is charged for Sedan Services and Financial Statement Audit and Mail Services, WCF activities that may not be necessary expenses in carrying out the Stafford Act. The Committee is also concerned that FEMA uses a cost allocation methodology based solely on FTEs. This is inconsistent with the methodologies used by DHS when distributing WCF costs across all DHS organizational components; the DHS WCF cost allocation methodologies vary depending on the WCF activity, and are not solely based on FTEs. The Committee directs FEMA to revise the WCF methodology used to distribute the FEMA portion of the DHS WCF bill, ensuring that WCF charges applied to an appropriation or PPA correspond directly to services provided.

The Committee recommends \$27,500,000 for the Mount Weather Emergency Operations Center facility, the same as the amount requested and \$2,500,000 below the amount provided in fiscal year 2015. The Committee is concerned with the lack of justification provided for the MWEOC request. To address these concerns, none of the funds provided for MWEOC may be obligated until five days after the Administrator provides a detailed obligation plan for capital improvements, to include all sources of funding for the proposed activities. Further, not later than 60 days after the date of enactment of this Act, FEMA shall provide a capital infrastructure investment plan for fiscal year 2016 through fiscal year 2020 that also reports capital investment funding previously obligated beginning in fiscal year 2010 through fiscal year 2015. At a minimum, the plan must include: a schedule of resource needs by year; an alternatives analysis that includes a review of renovation as compared to new construction options; a timeline that includes major milestones; and a projection of annual maintenance costs.

The Committee recommends \$35,180,000 for Urban Search and Rescue (USAR), the same as the amount provided in fiscal year 2015 and \$7,667,000 above the request. The Committee directs FEMA to consider the requirements for the number of USAR teams as part of the ongoing review of the agency's existing response force structure and its planning for disaster requirements.

In March 2015, FEMA released a State Mitigation Plan Review Guide that is scheduled to become effective in early 2016. State mitigation plans are one of the conditions of eligibility for certain FEMA assistance, such as Public Assistance Categories C–G and Hazard Mitigation Assistance, and must be updated every five years. The Committee notes that while FEMA approval is required for mitigation plans, States maintain discretion for prioritizing how the risk and vulnerability associated with hazard events will be identified and addressed.

Within 12 months after the date of the enactment of this Act, FEMA shall work with the National Oceanic and Atmospheric Administration’s newly established National Water Center, which is focused on water prediction and forecasting, to evaluate the latest available research, laws, regulations, policies, best practices, procedures, and institutional knowledge regarding urban flooding. This review should include the prevalence and costs associated with urban flooding, with a focus on the largest metropolitan areas and any clear trends in frequency and severity over the past two decades. In addition, it should address cost-effective strategies to reduce the impacts of urban flooding and the most sustainable and effective methods for funding flood risk assessments and flood damage reduction efforts at all levels of government.

#### STATE AND LOCAL PROGRAMS

Appropriation, fiscal year 2015 <sup>1</sup> .....	\$1,500,000,000
Budget estimate, fiscal year 2016 <sup>1</sup> .....	2,231,424,000
Recommended in the bill <sup>2</sup> .....	1,500,000,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	— — —
Budget estimate, fiscal year 2016 .....	— 731,424,000

<sup>1</sup>The budget request proposed moving Emergency Management Performance Grants and Firefighter Assistance Grants to State and Local Programs. In fiscal year 2015, these grant programs had separate appropriations totaling \$1,030,000,000.

<sup>2</sup>The bill funds Emergency Management Performance Grants and Firefighter Assistance Grants under separate appropriations totaling \$1,030,000,000.

#### Mission

State and Local Programs help build and sustain the preparedness and response capabilities of the first responder community. These programs include support for various grant and training programs.

#### Recommendation

The Committee recommends \$1,500,000,000 for State and Local Programs, \$731,424,000 below the amount requested and the same as the amount provided in fiscal year 2015. As part of the budget request, the Administration proposed including Firefighter Assistance Grants and Emergency Management Performance Grants under this account. The Committee denies this proposal and provides funding for both of these grant programs as separate appropriations, consistent with prior years.

For the fourth year in a row, FEMA proposed a new National Preparedness Grant Program under State and Local Programs, which the Committee denies due to the lack of Congressional authorization.

A comparison of the President’s budget proposal to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
State Homeland Security Grant Program .....	---	\$467,000,000
Operation Stonegarden .....	---	(55,000,000)
Urban Area Security Initiative .....	---	600,000,000
Nonprofit Security Grants .....	---	(13,000,000)
Public Transportation Security Assistance and Railroad Security Assistance .....	---	100,000,000
Amtrak Security .....	---	(10,000,000)
Over-Road-Bus Security .....	---	(3,000,000)
Port Security Grants .....	---	100,000,000
Education, Training, and Exercises .....	\$168,224,000	233,000,000
Emergency Management Institute .....	19,523,000	20,569,000
Center for Domestic Preparedness .....	62,860,000	64,991,000
National Domestic Preparedness Consortium .....	42,000,000	98,000,000
National Exercise Program .....	25,841,000	19,919,000
Continuing Training .....	18,000,000	29,521,000
National Preparedness Grant Program .....	1,043,200,000	---
First Responder Assistance Program		
Emergency Management Performance Grants <sup>1</sup> .....	350,000,000	---
Fire Grants <sup>1</sup> .....	335,000,000	---
Staffing for Adequate Fire and Emergency Response (SAFER) Act Grants <sup>1</sup> .....	335,000,000	---
<b>Total, State and Local Programs .....</b>	<b>\$2,231,424,000</b>	<b>\$1,500,000,000</b>

<sup>1</sup> The budget recommends funding Emergency Management Performance Grants and Firefighter Assistance Grants under separate appropriations totaling \$1,030,000,000.

Within the funds available for the State Homeland Security Grant Program, the Committee recommends \$55,000,000 for Operation Stonegarden. All awards under Operation Stonegarden shall be made on a competitive basis to tribal governments and units of local government, including towns, cities, and counties along the borders of the United States, to enhance the coordination of border security between local and Federal law enforcement agencies. Eligible program costs include, but shall not be limited to: overtime; vehicle maintenance; vehicle and equipment rental costs; reimbursement for mileage; fuel costs; equipment replacement costs; and travel costs for law enforcement entities assisting other local jurisdictions in law enforcement activities. The Committee directs that only CBP and FEMA shall make award decisions and that administrative costs shall not be deducted by States from Operation Stonegarden awards.

As part of the fiscal year 2017 budget request, FEMA shall include performance measures for Operation Stonegarden that clearly demonstrate the extent to which funding for the program can be tied to progress in achieving program goals, along with estimates for how proposed funding would contribute to additional progress. These performance measures should be consistent with 31 U.S.C. 1116, and should include outcome measures, as defined by 31 U.S.C. 1115(h).

The Committee recommends \$233,000,000 to sustain Education, Training, and Exercises at the same funding levels and for the same purposes as provided in fiscal year 2015. The Committee is aware of the unique capabilities of regional training centers, which provide initial training to first responders and additional training related to new techniques and technologies, and encourages the Department to include continued support for regional training centers in future funding requests.

Within the funds recommended for National Programs, the Committee includes \$29,521,000 for Continuing Training. This funding should support training related to: crisis management for school-based incidents; mass fatality planning and response; the develop-

ment of emergency operation plans; rail car safety, particularly for the transportation of crude oil and other hazardous materials; media engagement strategies for first responders; agro-terrorism; food and animal safety; and hazardous materials. Within the total, FEMA shall prioritize funding of not less than \$5,000,000, to be competitively awarded, for FEMA-certified rural training. Special emphasis should be given to filling rural training gaps identified in the National Needs Assessment currently being conducted.

Bill language is included mandating timeframes for the application process for certain grants to ensure that funds do not languish at DHS, and limiting not more than five percent to the amount a grantee may allocate for expenses directly related to administering a grant. In addition, bill language is retained authorizing the use of funds for constructing communication towers and requiring grantees to provide reports on their use of funds.

Consistent with fiscal year 2015, the Department shall limit Urban Areas Security Initiative (UASI) funding to urban areas representing up to 85 percent of the National urban area risk.

In accordance with the 9/11 Act, at least 25 percent of funds allocated to the State Homeland Security Grant Program and UASI shall be used for Law Enforcement Terrorism Prevention activities. In addition, each State and Puerto Rico shall pass on not less than 80 percent of their grant funding to local units of government within 45 days of receiving the funds.

The Committee notes that the construction and establishment of Emergency Operations Centers is an eligible expense under State and Local Programs.

The Committee recognizes the important role of the Center for Domestic Preparedness in training medical response personnel to respond to mass casualty events involving an active shooter, and encourages the Department to better utilize this important resource.

The Committee encourages the Secretary of Homeland Security, in conducting vulnerability and threat assessments of metropolitan statistical areas, to take into consideration increases in average daily population resulting from high levels of tourism.

The Committee is aware of concerns that FEMA's evaluation methodology for Transit Security grant applications effectively disqualifies Priority D projects, including multi-user high-density key infrastructure protection projects, and encourages FEMA to review its methodology to ensure that meritorious Category D projects are fully considered for funding awards.

The Committee notes the Emergency Management Institute's (EMI) requirement to deliver training for a wide variety of homeland security response scenarios, and understands that external technical assistance partners, including academic institutions, have historically been used to fill gaps in expertise more efficiently than maintaining such expertise in-house. The Committee encourages EMI to continue working with external partners, as appropriate, to provide the full range of training required by emergency management officials at all levels of government.

The Committee notes that, beginning with the fiscal year 2015 grant cycle, FEMA extended the period of performance for preparedness grants from 24 months to 36 months to ensure that

grantees have sufficient time to expend their funding and to reduce the administrative burden associated with waiver requests.

#### FIREFIGHTER ASSISTANCE GRANTS

Appropriation, fiscal year 2015 .....	\$680,000,000
Budget request, fiscal year 2016 .....	— —
Recommended in the bill .....	680,000,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	— —
Budget request, fiscal year 2016 .....	+680,000,000

#### Mission

Firefighter Assistance Grants are provided to local fire departments for the purpose of protecting the health and safety of the public and protecting firefighting personnel, including volunteers and emergency medical service personnel, against fire and fire-related hazards, and to support the initial hiring of firefighting personnel.

#### Recommendation

The Committee recommends \$680,000,000 for Firefighter Assistance Grants, \$680,000,000 above the amount requested and the same as the amount provided in fiscal year 2015. The budget request proposed \$670,000,000 for this activity within State and Local Programs. Within the total, the Committee recommends \$340,000,000 for the Assistance to Firefighters Grant program, which provides grants for firefighter equipment, training, vehicles, and other resources. The Committee also recommends \$340,000,000 for firefighter jobs under the Staffing for Adequate Emergency Response program. FEMA shall continue to administer the Fire Grant programs as directed in prior year Committee reports. The Committee encourages FEMA to ensure that the formulas used for equipment accurately reflect current costs.

The Surface Transportation Board reports that crude-by-rail shipments increased from 21,000 barrels/day in 2009 to 1.1 million/day in 2014; the Department of Transportation projects that over the next two decades, an average of ten crude-by-rail derailments will occur each year. Furthermore, accidents and explosions in West Virginia, Illinois, North Dakota, Canada, and elsewhere have underscored the need for local first responders to be adequately prepared for crude- and ethanol-by-rail incidents. Today, crude-by-rail communities and their first responders lack the equipment, training, and operational support they need to meet the public safety challenges posed by derailments. FEMA is encouraged to categorize AFG hazmat and other applications related to crude- and ethanol-by-rail preparation and response as “high priority” so the Agency can better meet the needs of our most vulnerable communities and first responders.

#### EMERGENCY MANAGEMENT PERFORMANCE GRANTS

Appropriation, fiscal year 2015 .....	\$350,000,000
Budget request, fiscal year 2016 .....	— —
Recommended in the bill .....	350,000,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	— —
Budget request, fiscal year 2016 .....	+350,000,000

### Mission

Emergency Management Performance Grant (EMPG) funds are used to support comprehensive emergency management at the State and local levels and to encourage the improvement of mitigation, preparedness, response, and recovery capabilities for all hazards.

### Recommendation

The Committee recommends \$350,000,000 for EMPG, \$350,000,000 above the amount requested and the same as the amount provided in fiscal year 2015. The request proposed \$350,000,000 for this activity within State and Local Programs.

The Committee encourages FEMA to work with grantees to post on the Agency's website the specific amount for EMPG funding awarded to each grantee and subgrantee, identified by jurisdiction or organization. Further, FEMA and the States are encouraged to work together to ensure States are not overly burdened with administrative requirements.

#### RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

Appropriation, fiscal year 2015 .....	-\$1,815,000
Budget request, fiscal year 2016 .....	- 305,000
Recommended in the bill .....	- 305,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	+1,510,000
Budget request, fiscal year 2016 .....	- - -

### Mission

The Radiological Emergency Preparedness Program (REPP) ensures that the health and safety of citizens living near commercial nuclear power plants will be adequately protected in the event of a nuclear power station incident. In addition, the program informs and educates the public about radiological emergency preparedness. REPP provides funding only for emergency preparedness activities of State and local governments that take place beyond nuclear power plant boundaries.

#### UNITED STATES FIRE ADMINISTRATION

Appropriation, fiscal year 2015 .....	\$44,000,000
Budget request, fiscal year 2016 .....	41,582,000
Recommended in the bill .....	44,000,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	- - -
Budget request, fiscal year 2016 .....	+2,418,000

### Mission

The mission of the United States Fire Administration (USFA) is to reduce economic losses and loss of life due to fire and related emergencies through leadership, coordination, and support. USFA trains the Nation's first responder and health care leaders to evaluate and minimize community risk, enhance the security of critical infrastructure, and better prepare communities to react to emergencies of all kinds.



### Recommendation

The Committee recommends \$44,000,000 for USFA, \$2,418,000 above the amount requested and the same as the amount provided in fiscal year 2015.

#### DISASTER RELIEF FUND

Appropriation, fiscal year 2015 <sup>1</sup>	\$7,033,465,000
Budget request, fiscal year 2016 <sup>2</sup>	7,374,693,000
Recommended in the bill <sup>2</sup>	7,374,693,000
Bill compared with:	
Appropriation, fiscal year 2015	+341,228,000
Budget request, fiscal year 2016	— — —

<sup>1</sup>Includes \$6,437,793,000 that was provided in Public Law 114–4 and is designated for major disasters pursuant to 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

<sup>2</sup>Includes \$6,712,953,000 designated for major disasters pursuant to 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

### Mission

FEMA is responsible for administering disaster assistance programs and coordinating the Federal response following presidential disaster declarations. Major activities under the DRF include: providing aid to families and individuals; supporting the efforts of State and local governments to take emergency protective measures, clear debris, and repair infrastructure; mitigating the effects of future disasters; and helping States and local communities manage disaster response, including through the assistance of disaster field office staff and automated data processing support.

### Recommendation

The Committee recommends a total of \$7,374,693,000 for the DRF. Of the funds provided, \$6,712,953,000 is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985. Of the funding not so designated, the bill transfers \$24,000,000 to the DHS OIG for audits and investigations related to disasters.

A general provision is included in title V of this Act that rescinds \$1,265,864,000 from amounts provided for non-major disaster programs in prior years due to the significant balances anticipated to be carried over from fiscal year 2015 into fiscal year 2016 and amounts recovered from previous disasters during project closeouts.

The Committee continues statutory requirements for annual and monthly DRF reporting as originally directed in Public Law 112–74 and Public Law 113–2. While prior year statutory requirements directing the posting of public assistance grants and mission assignments are not continued, the Committee expects FEMA to continue the practice of posting such information to the Agency’s website in the same manner as directed in Public Law 114–4.

House Report 113-91 directed FEMA to submit a report describing options for making housing cooperative and condominium associations eligible for Federal disaster assistance, including statutory recommendations for making such entities directly eligible for assistance based on disaster-related damages to common areas. In its May 2014 report, FEMA stated that it was “exploring the program implications surrounding Stafford Act changes that would authorize FEMA to provide federal assistance directly to housing coopera-

tives and condominium associations.” The Committee directs FEMA to provide an updated report to Congress on the status of its exploration, including options for statutory changes to the Stafford Act and associated changes to regulations or guidance that would be required to make housing cooperatives, condominium associations, and community associations eligible for disaster assistance.

The Committee notes that FEMA’s budget request omits estimated carryover funding that will be available in fiscal year 2016, leading to a funding request that exceeds FEMA’s estimated resource requirement. Related to that omission, FEMA proposes \$1,000,000,000 in new funding for a reserve in fiscal year 2016, even though the agency currently plans to carry the same amount forward into fiscal year 2016. In order to avoid an excess accumulation of carryover funding, FEMA should consider only the categories directed for the annual report in Public Law 114–4, including anticipated prior year carryover, in developing the requirement for the DRF budget request for fiscal year 2017 and future years.

As required by the Sandy Recovery Improvement Act, FEMA has begun a formal rulemaking process to revise the evaluation criteria for making the Individual Assistance Program available following an emergency or major disaster declaration. FEMA is directed to provide regular updates to the Committee on the rule’s progress and timeline.

House Report 113–481 directed FEMA to review its disaster declaration recommendation process, including a review of how to more deliberately incorporate the “localized impacts” factor outlined under Title 44, Part 206.48 of the Code of Federal Regulations. The Committee is aware that FEMA has begun a formal process for such a review, based in part on recommendations made by GAO (12–838) and the OIG (12–79), and directs the agency to provide regular updates on its progress and timeline.

The Committee encourages FEMA to thoroughly review the eligibility of hazard mitigation projects that are partially on Federal land to ensure appropriate use of Hazard Mitigation Assistance funds consistent with FEMA’s regulations and policies.

#### FLOOD HAZARD MAPPING AND RISK ANALYSIS

Appropriation, fiscal year 2015 .....	\$100,000,000
Budget request, fiscal year 2016 .....	278,625,000
Recommended in the bill .....	100,000,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	– – –
Budget request, fiscal year 2016 .....	– 178,625,000

#### Mission

The mission of the Flood Hazard Mapping and Risk Analysis fund is to modernize, maintain, and digitize the inventory of maps and develop a more integrated process of identifying, assessing, communicating, and mitigating flood related risks. This information is used to determine appropriate risk-based premium rates for the National Flood Insurance Program (NFIP), complete hazard determinations required for the Nation’s lending institutions, and develop appropriate mitigation and disaster response plans for Federal, State, and local emergency management personnel.

### Recommendation

The Committee recommends \$100,000,000 for Flood Hazard Mapping and Risk Analysis, \$178,625,000 below the amount requested and the same as the amount provided in fiscal year 2015. The Committee notes that an additional \$155,899,000 is available for flood plain management and mapping activities within the National Flood Insurance Fund (NFIF).

#### NATIONAL FLOOD INSURANCE FUND

Appropriation, fiscal year 2015 .....	\$179,294,000
Budget request, fiscal year 2016 .....	181,198,000
Recommended in the bill .....	181,198,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	+1,904,000
Budget request, fiscal year 2016 .....	- - -

### Mission

The NFIF, which was established in the Treasury by the National Flood Insurance Act of 1968, is a fee-generated fund that supports the NFIP. The Act authorizes the Federal government to provide flood insurance on a National basis.

### Recommendation

The Committee includes bill language providing up to \$25,299,000 for salaries and expenses to administer the NFIF, the same as the amount requested and \$1,540,000 above the amount provided in fiscal year 2015. Consistent with the budget request, the Committee provides \$175,000,000 for flood-related grants. In addition, not less than \$155,899,000 is available for flood plain management and flood mapping. Flood mitigation funds are available until September 30, 2017, and funds are offset by premium collections.

The Committee is concerned that flood insurance policy holders may not always be aware of documentation, such as elevation certificates, that could make them eligible for lower insurance rates. The Committee urges FEMA to work with “Write Your Own” insurance companies to ensure that such information reaches the end user, to include requiring agents to disclose to the applicant when an insurance rate is based on the elevation optional rating, which may be more expensive.

The Committee continues to support the Flood Insurance Advocate position, and directs FEMA to allocate necessary funds under this heading to enable the advocate to carry out his or her statutory responsibilities. The Committee also encourages the advocate to assist policy holders in accessing resources to validate applicable premium rates as FEMA establishes the rating criteria for all NFIP policies. The advocate is also encouraged to aid potential policy holders under the NFIP in obtaining and verifying accurate and reliable flood insurance rate information when purchasing or renewing a flood insurance policy as directed in the Homeowner Flood Insurance Affordability Act of 2014 (42 U.S.C. § 4033(b)(5)).

The Committee believes that FEMA should continue to provide resources for a more robust and timely Community Rating System (CRS) Nationwide program. Therefore, the Committee directs

FEMA to support institutions of higher education, not-for-profit organizations, and other entities with expertise in floodplain management and disaster risk management that can provide direct technical assistance to communities to develop and prepare CRS applications.

#### NATIONAL PREDISASTER MITIGATION FUND

Appropriation, fiscal year 2015 .....	\$25,000,000
Budget request, fiscal year 2016 .....	200,001,000
Recommended in the bill .....	25,000,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	— — —
Budget request, fiscal year 2016 .....	— 175,001,000

#### Mission

The National Predisaster Mitigation (PDM) Fund provides technical assistance and grants to State, local, and tribal governments, and to universities to reduce the risks associated with disasters. Resources support the development and enhancement of hazard mitigation plans, as well as the implementation of disaster mitigation projects.

#### Recommendation

The Committee recommends \$25,000,000 for PDM, \$175,001,000 below the amount requested and the same as the amount provided in fiscal year 2015. PDM grants are one of the only sources of Federal mitigation funding for communities prior to a disaster. It has been repeatedly demonstrated that these types of investments lead to significant savings by mitigating risks and reducing damage from future disasters.

The Committee notes that PDM funds may be used to improve coastal resilience by mitigating the impacts of coastal storms and tsunamis. Projects must demonstrate cost-effectiveness, technical feasibility, and meet environmental planning and historic preservation requirements. FEMA is encouraged to assess and strengthen ways PDM can be applied to increase resiliency, to include coastal resiliency.

#### EMERGENCY FOOD AND SHELTER

Appropriation, fiscal year 2015 .....	\$120,000,000
Budget request, fiscal year 2016 .....	100,000,000
Recommended in the bill .....	120,000,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	— — —
Budget request, fiscal year 2016 .....	+20,000,000

#### Mission

The Emergency Food and Shelter National Board Program (EFSP) was created in 1983 to supplement the work of local social service organizations within the United States, both private and governmental, to help people in need of emergency assistance. The program provides funds to local communities for homeless programs, including soup kitchens, food banks, shelters, and homeless prevention services.

### Recommendation

The Committee recommends \$120,000,000 for EFSP, \$20,000,000 above the amount requested and the same as the amount provided in fiscal year 2015. The explanatory statement accompanying the fiscal year 2015 Appropriations Act directed FEMA and the Department of Housing and Urban Development (HUD) to develop a comprehensive strategy for outreach to stakeholders and a full transition plan as part of any future proposal to transfer EFSP to HUD. Pending the receipt of such a transition plan based on stakeholder outreach, the Committee does not recommend the transfer of funding and administrative authority for EFSP to HUD, which the Department again proposed as part of its fiscal year 2016 request.

## TITLE IV—RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES

### UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

Appropriation, fiscal year 2015 .....	\$124,435,000
Budget request, fiscal year 2016 .....	129,671,000
Recommended in the bill .....	119,671,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	– 4,764,000
Budget request, fiscal year 2016 .....	– 10,000,000

### Mission

The mission of United States Citizenship and Immigration Services (USCIS) is to adjudicate and grant immigration and citizenship benefits, provide accurate and useful information to customers, and promote an awareness and understanding of citizenship in support of immigrant integration, while protecting the integrity of the Nation's immigration system. Funded primarily through fees, the only discretionary spending is for the E-Verify program, an information technology system that enables employers to determine the eligibility to work in the United States of an employee or job applicant.

### Recommendation

The Committee recommends \$119,671,000 in discretionary funding for USCIS, \$10,000,000 below the amount requested for discretionary activities at USCIS and \$4,764,000 below the amount provided in fiscal year 2015. The recommendation fully funds the request for E-Verify. Although the proposed \$10,000,000 in discretionary funds for Immigrant Integration Grants is not provided, a general provision is included in title V of the bill to permit USCIS to spend not more than \$10,000,000 from user fee revenue to support such grants to benefit individuals who are lawfully admitted into the United States. Further, the recommendation allows for \$10,000 for official reception and representation activities and provides spending authority levels that are adjusted based on revised fiscal year 2016 estimates.

While the accuracy of database records has improved as E-Verify's functionality has evolved, additional improvements are needed to reduce the number of erroneous determinations of ineligibility to work. The Committee notes that USCIS is working to fi-

nalize a formal review process for E-Verify final non-confirmations for implementation in early fiscal year 2016, and directs the agency to promptly notify the Committee about any expected delays. The Committee strongly supports the efforts of the Monitoring and Compliance Division to ensure the appropriate use of E-Verify, and directs USCIS to include in its budget request for fiscal year 2017 the amount obligated for the Monitoring and Compliance Division during the prior year, the amount estimated for the current year, and the amount proposed for the budget year. Finally, the Committee notes the agency's continuing Verification Modernization efforts, which will facilitate future growth and accuracy in E-Verify use, and directs USCIS to keep the Committee apprised of its plans and timelines for system improvements.

The Committee urges USCIS to consider adding a question related to the National Park System to the civics test administered during the naturalization process during the next regularly scheduled review of the examination.

A general provision is included directing that none of the fees collected, to include any deposits into the Immigration Examinations Fee Account, may be obligated to expand the existing Deferred Action for Childhood Arrivals (DACA) program or the newly proposed Deferred Action for Parents of Americans and Lawful Permanent Residents program (DAPA), as outlined in a memorandum signed November 20, 2014, by the Secretary of Homeland Security, while the preliminary injunctive order of the United States District Court for the Southern District of Texas entered February 16, 2015, in the matter of the State of Texas v. United States of America remains in effect.

The President's budget request assumed higher revenue in Adjudication services attributable to fees associated with processing additional DACA and DAPA programs created by the President's executive action. Because the implementation of the actions is enjoined, the fee accounts can be lowered.

Additionally, a general provision is included allowing for returning workers to be exempt from the H-2B numerical limitation for fiscal year 2016 only.

From within the total fee revenue collected, the Committee directs USCIS to provide not less than \$29,000,000 to continue conversion of immigration records to digital format.

Pay raises for USCIS employees are not supported with discretionary appropriations, but rather through fee revenue. The bill does not prohibit the use of fee revenue to support the proposed pay raise for USCIS but, for purposes of consistency with the treatment of other DHS components, makes potential savings derived from foregoing the pay raise available for E-Verify program enhancements.

Security checks are an integral part of the U.S. Refugee Admissions Program for applicants of all nationalities. It is essential that the Federal government performs adequate and appropriate security reviews before allowing any refugee to come to the United States. Therefore, the Committee directs USCIS to ensure that all refugees, including those from Syria, are vetted through an extensive security review process, including but not limited to biographic and biometric security checks, review of terrorist screening databases, and extensive interviews with applicants.

The Committee is aware of concerns that some O-1B and O-2 non-immigrant visas may have been granted to petitioners who do not meet appropriate eligibility criteria. Eligibility for O-1B visas is limited to individuals who can demonstrate extraordinary ability in the arts or achievement in the motion picture or television industry. Eligibility for O-2 visas is limited to support personnel for O-1B visa holders. Within 90 days of the date of enactment of this Act, USCIS shall update the Committee on its processes for identifying fraudulent O-1B and O-2 petitions, including data on the number of fraudulent petitions identified during the past three fiscal years and an assessment of whether additional fraud identification and prevention measures are needed.

The Committee directs GAO to assess the effectiveness of the Systematic Alien Verification for Entitlements (SAVE) system, including an analysis of: (1) the overall accuracy and timeliness of SAVE responses; (2) the extent to which naturalized citizens and lawfully present immigrants experience delays or denials in obtaining determinations of their eligibility for benefits due to SAVE errors or delays; (3) the processes for remedying erroneous determinations, including protocols for notifying individuals of the opportunity to correct records; (4) the process for determining whether an agency seeking to enter into a MOU to use SAVE has legal authority to use the system for the specified purpose; (5) monitoring and compliance reviews; and (6) safeguards to protect privacy and prevent misuse of the SAVE system. GAO should report to the Committee regarding the preliminary results of its analysis within 180 days of the date of enactment of this Act.

The Committee directs USCIS to examine the feasibility of soliciting and accepting donations from the private sector to enhance the capacity of the Office of Citizenship and the Citizenship and Integration Grants program.

It is in our country's best interest to encourage and assist individuals who are eligible and eager to become citizens to apply for citizenship and to understand the rights and responsibilities of American citizenship. The Committee urges USCIS to recognize the important benefit that naturalization confers on our Nation by maintaining naturalization fees at an affordable level. Such affordability may become increasingly difficult due, in part, to the rapid increase in recent years of Credible Fear claims and affirmative asylum applications. It is appropriate that processing fees are not imposed on those seeking asylum, but the increase in these claims has begun to tax USCIS's resources, which come almost entirely from fee revenue associated with processing applications for immigrant and nonimmigrant benefits. As USCIS prepares to initiate a new fee rule, the Committee urges it to keep in mind the balance between providing asylum adjudication at no cost to the applicant and fee increases potentially imposed on individuals seeking naturalization.

The Committee is aware of the differences in the authorization requirements for wage determination and wage surveys for the H-2A and H-2B visa programs under the Immigration and Nationality Act. The Committee directs USCIS to brief the Committee not later than 90 days after the date of enactment of this Act on the requirements for wage determination and surveys as required under the law for the two programs and how the rule dealing with

temporary labor certifications from the Department of Labor in March 2015 takes these differences into account. The Committee encourages USCIS to utilize State provided or third party wage surveys, when applicable, in addition to government provided data for the purposes of H-2B Temporary Non-Agricultural Employment.

The Committee directs USCIS to continue to work with local public and private groups to hold naturalization and oath of allegiance ceremonies as part of community Independence Day celebrations. The Committee also encourages USCIS to review internal policies that limit its ability to use fee revenue to make small grants and to provide agency employee support to local community groups that would otherwise be financially unable to host such ceremonies.

#### FEDERAL LAW ENFORCEMENT TRAINING CENTER

##### SALARIES AND EXPENSES

Appropriation, fiscal year 2015 .....	\$230,497,000
Budget request, fiscal year 2016 .....	239,141,000
Recommended in the bill .....	211,502,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	– 18,995,000
Budget request, fiscal year 2016 .....	– 27,639,000

##### Mission

The Federal Law Enforcement Training Center (FLETC) serves as an interagency law enforcement training organization for over 90 Federal agencies and numerous State, local, tribal, and international law enforcement agencies.

##### Recommendation

The Committee recommends \$211,502,000 for Salaries and Expenses, \$27,639,000 below the amount requested and \$18,995,000 below the amount provided in fiscal year 2015. A reduction of \$1,233,000 to the request corresponds to the amount associated with the pay raise assumed in the President's budget. In addition, because the fiscal year 2015 DHS Appropriations Act did not fund a proposed 2,000 new CBP officers, the recommendation includes a reduction to the fiscal year 2016 request of \$26,406,000 associated with the training of those officers.

FLETC delivers training to personnel across all levels of law enforcement in a collaborative environment, ensuring consistent instruction and uniform understanding of tactics, techniques, and procedures. This consolidated approach also offers fiscal advantages, leveraging economies of scale and shared resources. The Committee supports continued and expanded training efforts at FLETC to leverage the center's unique capabilities, as appropriate for the mission of its law enforcement training participants, instead of less cost-effective alternatives.

FLETC is directed to conduct a review of the classification, pay, and fringe benefits of its workforce and recommend to the Committee on Appropriations and Committee on Oversight and Government Reform any legislative changes, including changes to the compensation of FLETC personnel, deemed necessary to recruit and re-



tain workers with the skills and experience required to effectively support FLETC's mission.

#### ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

Appropriation, fiscal year 2015 .....	\$27,841,000
Budget request, fiscal year 2016 .....	27,553,000
Recommended in the bill .....	27,553,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	- 288,000
Budget request, fiscal year 2016 .....	- - -

#### Mission

This account provides for the acquisition, construction, improvements, equipment, furnishings, and related costs for expansion and maintenance of FLETC facilities.

#### Recommendation

As requested, the Committee recommends \$27,553,000 for Acquisition, Construction, Improvements, and Related Expenses, \$288,000 below the amount provided in fiscal year 2015.

#### SCIENCE AND TECHNOLOGY

The mission of the Science and Technology Directorate (S&T) is to develop and deploy technologies and capabilities to secure the United States homeland.

#### MANAGEMENT AND ADMINISTRATION

Appropriation, fiscal year 2015 .....	\$129,993,000
Budget request, fiscal year 2016 .....	132,115,000
Recommended in the bill .....	131,531,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	+1,538,000
Budget request, fiscal year 2016 .....	- 584,000

#### Mission

The Management and Administration appropriation provides for the salaries and expenses of S&T.

#### Recommendation

The Committee recommends \$131,531,000 for Management and Administration, \$584,000 below the amount requested, and \$1,538,000 above the amount provided in fiscal year 2015. The recommendation includes \$2,400,000, as requested, to provide acquisition lifecycle support to DHS and components. The reduction to the request corresponds to the amount associated with the pay raise assumed in the President's budget.

#### RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

Appropriation, fiscal year 2015 .....	\$973,915,000
Budget request, fiscal year 2016 .....	646,873,000
Recommended in the bill .....	655,407,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	- 318,508,000
Budget request, fiscal year 2016 .....	+8,534,000

### Mission

S&T conducts and supports research, development, testing, evaluation, and the timely transition of homeland security capabilities to Federal, State, and local operational end users.

### Recommendation

The Committee recommends \$655,407,000 for Research, Development, Acquisition, and Operations (RDA&O), \$8,534,000 above the amount requested and \$318,508,000 below the amount provided in fiscal year 2015.

A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Research, Development, and Innovation .....	\$434,850,000	\$434,850,000
Acquisition and Operations Support .....	47,102,000	47,102,000
Laboratory Facilities .....	133,921,000	133,731,000
University Programs .....	31,000,000	39,724,000
Total, RDA&O .....	\$646,873,000	\$655,407,000

### Research, Development, and Innovation

The Committee recommends \$434,850,000 for Research, Development, and Innovation (RD&I), the same as the amount requested and \$22,649,000 below the amount provided in fiscal year 2015. S&T is directed to brief the Committee not later than 30 days after the date of enactment of this Act on the proposed allocation of RD&I funds by project and thrust area, and to provide quarterly status briefings on the plan and any changes from the original allocation.

The Committee continues to support S&T's Apex concept, which is focused on delivering near-term solutions to address high-priority, cross-cutting issues and capability gaps. S&T is directed to brief the Committee not later than 30 days after the date of enactment of this Act on the progress made to field improved technologies based on this approach.

The Committee is pleased that S&T is proceeding with the development of a project tracking system, as directed in House Report 113-481, and plans to have a partial solution in place by the end of fiscal year 2015. A tracking system is necessary to provide visibility into all S&T-funded projects and activities, including how each project addresses a specific priority or capability gap. However, it is critical that S&T develop the capability to fully track the transition success of each project in order to understand the return on investment and improve future investment decisions. S&T is directed to brief the Committee, not later than 30 days after the date of enactment of this Act, on the progress made in tracking projects and activities across S&T and, as appropriate, through their transition to components. As this capability is continuing to be developed and improved, the Committee directs S&T to continue to submit quarterly reports on newly funded projects, including documentation of how each project meets prioritization and funding criteria, and to brief the Committee on the results of any portfolio reviews not later than 30 days after completion of the review.

### Other Transaction Authority and Prize Authority

The Committee supports S&T's plans to expand its use of prize authority to develop and acquire innovative homeland security solutions, and encourages S&T to ensure plans are in place to transition prize winners to other contract vehicles if further development is warranted. Additionally, the Committee expects that S&T will continue to use its Other Transaction Authority to leverage non-traditional partners for research and development efforts addressing critical homeland security needs.

### Cybersecurity Research and Development

The Committee recognizes the importance of the resilience and security of the Nation's critical infrastructure—both physical and cyber—to National security and economic vitality. S&T is encouraged to support R&D and education initiatives to strengthen these efforts in a collaborative, interdisciplinary manner that leverages the private sector, academic institutions, and other Federal government organizations, including the National Science Foundation's Cyber Scholars program.

### Coastal Surveillance System

The Committee continues to support the development of a Coastal Surveillance System to integrate information from existing and new data sources and sensors to improve maritime domain awareness, including the tracking of vessels in real time to facilitate the interdiction of vessels based on anomalous or suspicious behavior.

### Modeling and Simulation

The Committee encourages DHS to further explore the use of modeling and simulation to provide cost-effective tools for training, planning, and other homeland security missions.

### Non-Intrusive Inspection

S&T and CBP are directed to brief the Committee not later than 90 days after the date of enactment of this Act on the feasibility and cost of operational testing of an automated non-intrusive inspection system to inspect vehicles more quickly in CBP primary and secondary inspection lanes, including the associated training for operators and image analysts, maintenance, and other support required. Should S&T and CBP determine that conducting such a pilot would be useful, the Committee directs S&T and CBP to implement it using funds provided in CBP Salaries and Expenses for non-intrusive inspection systems.

### Public Access to Federally Funded Research

The Committee is aware that S&T submitted a draft plan to enable public access to its Federally funded research to the Office of Science and Technology Policy (OSTP) in May 2014, in accordance with the guidance issued by OSTP in February 2013. S&T is exploring two implementation options, including hosting the research on the DHS website or potentially joining a repository hosted by the Department of Defense, the National Institutes of Health, or

the Department of Education. The Committee expects S&T to expeditiously finalize and implement its plan.

#### Acquisition and Operations Support

The Committee recommends \$47,102,000 for Acquisition and Operations Support, the same as the amount requested and \$5,399,000 above the amount provided in fiscal year 2015. The recommendation includes the funds requested for S&T to provide capabilities and requirements analysis in support of the DHS Joint Requirements Council, and to oversee Test and Evaluation across the DHS acquisition enterprise, consistent with Committee's direction in fiscal year 2015.

#### Laboratory Facilities

The Committee recommends \$133,731,000 for Laboratory Facilities, \$190,000 below the amount requested and \$301,258,000 below the amount provided in fiscal year 2015. The reduction to the request corresponds to the amount associated with the pay raise assumed in the President's budget. As a result of the funding provided by Congress in fiscal year 2015 and prior years for the completion of the National Bio- and Agro-defense Facility, the recommendation includes a decrease of \$300,000,000 below the fiscal year 2015 level as requested.

#### University Programs and Centers of Excellence

The Committee recommends \$39,724,000 for University Programs and Centers of Excellence (COE), \$8,724,000 above the request and the same as the amount provided in fiscal year 2015. The recommendation restores the proposed cuts to University Programs to support all existing COEs, including the new Critical Infrastructure Resilience COE. The Critical Infrastructure Resilience COE will focus on disaster planning and resiliency of critical infrastructure, a component of which will involve cybersecurity and the importance of cyber health to disaster recovery.

### DOMESTIC NUCLEAR DETECTION OFFICE

#### MANAGEMENT AND ADMINISTRATION

Appropriation, fiscal year 2015 .....	\$37,339,000
Budget request, fiscal year 2016 .....	38,316,000
Recommended in the bill .....	38,109,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	+770,000
Budget request, fiscal year 2016 .....	-207,000

#### Mission

The Management and Administration appropriation provides for the salaries and expenses of Domestic Nuclear Detection Office (DNDO) employees.

#### Recommendation

The Committee recommends \$38,109,000 for Management and Administration, \$207,000 below the amount requested and \$770,000 above the amount provided in fiscal year 2015. The reduc-

tion to the request corresponds to the amount associated with the pay raise assumed in the President's budget.

#### RESEARCH, DEVELOPMENT, AND OPERATIONS

Appropriation, fiscal year 2015 .....	\$197,900,000
Budget request, fiscal year 2016 .....	196,000,000
Recommended in the bill .....	196,000,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	- 1,900,000
Budget request, fiscal year 2016 .....	--

#### Mission

The Research, Development, and Operations appropriation funds all DHS nuclear detection research, development, test, evaluation, and operational support activities, and the integration and advancement of U.S. nuclear forensics capabilities.

#### Recommendation

The Committee recommends \$196,000,000 for Research, Development, and Operations, the same as the amount requested and \$1,900,000 below the amount provided in fiscal year 2015.

A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Systems Engineering and Architecture .....	\$17,000,000	\$17,000,000
Systems Development .....	22,000,000	22,000,000
Transformational Research and Development .....	68,000,000	68,000,000
Assessments .....	38,000,000	38,000,000
Operations Support .....	31,000,000	31,000,000
National Technical Nuclear Forensics Center .....	20,000,000	20,000,000
Total .....	\$196,000,000	\$196,000,000

#### SYSTEMS ACQUISITION

Appropriation, fiscal year 2015 .....	\$72,603,000
Budget request, fiscal year 2016 .....	123,011,000
Recommended in the bill .....	123,011,000
Bill compared with:	
Appropriation, fiscal year 2015 .....	+50,408,000
Budget request, fiscal year 2016 .....	--

#### Mission

The Systems Acquisition appropriation provides for acquisition of radiation and nuclear detection equipment for DHS components and supports State, local, and tribal authorities in the development of nuclear detection capabilities for high-threat, high-density urban areas.

#### Recommendation

The Committee recommends \$123,011,000 for Systems Acquisition, the same as the amount requested and \$50,408,000 above the amount provided in fiscal year 2015.

A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Radiological and Nuclear Detection Equipment (RDE) Acquisition .....	\$101,011,000	\$101,011,000
Securing the Cities .....	22,000,000	22,000,000
Total .....	\$123,011,000	\$123,011,000

### Radiological and Nuclear Detection Equipment Acquisition

The Committee recommends \$101,011,000 for Radiological and Nuclear Detection Equipment (RDE) Acquisition, as requested. The Committee accepts the proposal to merge the Human Portable Radiation Detection Systems (HPRDS) PPA and Radiation Portal Monitor (RPM) Program PPA into a single PPA to enable DNDO to manage the acquisition of all detection equipment more holistically and to be more responsive to emerging operational requirements. The recommendation for RDE Acquisition, which is \$47,408,000 above the amount provided in fiscal year 2015 for HPRDS and RPMs, will fund the replacement or recapitalization of aging RPMs at CBP ports of entry and Border Patrol checkpoints and the purchase of HPRDS for CBP, the Coast Guard, and TSA.

The Committee directs DNDO to include a multiyear procurement forecast and deployment schedule for RDE Acquisition within the fiscal year 2017 budget submission and expects DNDO to continue to provide the same level of detail on planned acquisitions as in prior reports.

The Committee directs DNDO to provide a briefing on the results of the analysis of alternatives and the path forward for the replacement of aging RPMs.

### Securing the Cities

The Committee recommends \$22,000,000 for the Securing the Cities (STC) Program, the same as the amount requested and \$3,000,000 above the amount provided in fiscal year 2015, to support ongoing efforts in current STC cities and the two additional regions to be awarded in fiscal years 2015 and 2016. DNDO shall continue to update the Committee on the status of existing STC implementations, the transition of mature STC programs to a sustainment phase, and the schedule for deployments to additional regions.

## TITLE V—GENERAL PROVISIONS—THIS ACT

### (INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

Section 501. The Committee continues a provision providing that no part of any appropriation shall remain available for obligation beyond the current year unless expressly provided.

Section 502. The Committee continues a provision providing that unexpended balances of prior appropriations may be merged with new appropriation accounts and used for the same purpose, subject to reprogramming guidelines.

Section 503. The Committee continues a provision providing reprogramming authority for funds within an account and not to exceed five percent transfer authority between appropriations accounts with the requirement for a 15-day advance Congressional notification. A detailed funding table identifying each Congress-

sional control level for reprogramming purposes is included at the end of this Report. These reprogramming guidelines shall be complied with by all agencies funded by the Department of Homeland Security Appropriations Act, 2016.

The Department shall submit reprogramming requests on a timely basis and provide complete explanations of the reallocations proposed, including detailed justifications of the increases and offsets, and any specific impact the proposed changes will have on the budget request for the following fiscal year and future-year appropriations requirements. Each request submitted to the Committees on Appropriations should include a detailed table showing the proposed revisions at the account, program, project, and activity level to the funding and staffing (full-time equivalent position) levels for the current fiscal year and to the levels requested in the President's budget for the following fiscal year.

The Department shall manage its programs and activities within the levels appropriated. The Department should only submit reprogramming or transfer requests in the case of an unforeseeable emergency or situation that could not have been predicted when formulating the budget request for the current fiscal year. When the Department submits a reprogramming or transfer request to the Committees on Appropriations and does not receive identical responses from the House and the Senate, it is the responsibility of the Department to reconcile the House and the Senate differences before proceeding, and if reconciliation is not possible, to consider the reprogramming or transfer request not approved.

The Department is not to submit a reprogramming or transfer of funds after June 30 except in extraordinary circumstances which imminently threaten the safety of human life or the protection of property. If a reprogramming or transfer is needed after June 30, the notice should contain sufficient documentation as to why it meets this statutory exception.

Deobligated funds are also subject to the reprogramming and transfer guidelines and requirements set forth in this section.

Section 504. The Committee continues and modifies a provision that prohibits funds appropriated or otherwise made available to the Department to make payment to the Department's Working Capital Fund, except for activities and amounts allowed in the President's fiscal year 2016 request. Funds provided to the WCF are available until expended. The Department can only charge components for direct usage of the WCF, and these funds may be used only for the purposes consistent with the contributing component. Any funds paid in advance or reimbursed must reflect the full cost of each service. The WCF shall be subject to the requirements of section 503 of this Act.

Section 505. The Committee continues a provision providing that not to exceed 50 percent of unobligated balances remaining at the end of fiscal year 2016 from appropriations made for salaries and expenses shall remain available through fiscal year 2017 subject to section 503 reprogramming guidelines.

Section 506. The Committee continues a provision providing that funds for intelligence activities are deemed to be specifically authorized during fiscal year 2016 until the enactment of an Act authorizing intelligence activities for fiscal year 2016.

Section 507. The Committee continues a provision requiring notification of the Committees on Appropriations three days before grant allocations, grant awards, contract awards, other transactional agreements, letter of intents, or task or delivery order on a multiple contract award totaling \$1,000,000 or more, or a task order greater than \$10,000,000 from multiyear funds, is announced by the Department, including contracts covered by the Federal Acquisition Regulation. The Department is required to brief the Committees on Appropriations five full business days prior to announcing the intention to make a grant under State and Local Programs. Notification shall include a description of the project or projects to be funded, including city, county and State.

Section 508. The Committee continues a provision providing that no agency shall purchase, construct, or lease additional facilities for Federal law enforcement training without advance approval of the Committees on Appropriations.

Section 509. The Committee continues a provision providing that none of the funds may be used for any construction, repair, alteration, or acquisition project for which a prospectus, if required under chapter 33 of Title 40, United States Code, has not been approved.

Section 510. The Committee continues a provision that consolidates by reference prior year statutory bill language into one provision. These provisions relate to contracting officer's technical representative training; sensitive security information, as modified; and the use of funds in conformance with section 303 of the Energy Policy Act of 1992.

Section 511. The Committee continues a provision that none of the funds may be used in contravention of the Buy American Act.

Section 512. The Committee continues a provision regarding the oath of allegiance required by section 337 of the Immigration and Nationality Act.

Section 513. The Committee continues a provision requiring the Chief Financial Officer to submit monthly budget execution and staffing reports within 30 days after the close of each month.

Section 514. The Committee continues a provision that directs that any funds appropriated or transferred to TSA "Aviation Security", "Administration", and "Transportation Security Support" in fiscal years 2004 and 2005, which are recovered or deobligated, shall be available only for procurement and installation of explosive detection systems for air cargo, baggage, and checkpoint screening systems, subject to notification. The Committee also requires semi-annual reports on recovered or deobligated funds.

Section 515. The Committee continues a provision limiting the use of A-76 competitions by USCIS.

Section 516. The Committee continues a provision requiring any funds appropriated to the Coast Guard's 110-123 foot patrol boat conversion that are recovered, collected, or otherwise received as a result of negotiation, mediation, or litigation, shall be available until expended for the Fast Response Cutter program.

Section 517. The Committee continues a provision classifying the functions of the instructor staff at the Federal Law Enforcement Training Center as inherently governmental for purposes of the Federal Activities Inventory Reform Act.



Section 518. The Committee continues a provision regarding grants or contracts awarded by any means other than full and open competition. The Inspector General is required to review Departmental contracts awarded noncompetitively and report on the results to the Committees.

Section 519. The Committee continues a provision that prohibits funding for any position designated as a Principal Federal Official during a Stafford Act declared disaster or emergency.

Section 520. The Committee continues and modifies a provision that precludes DHS from using funds in this Act to carry out reorganization authority unless otherwise authorized by law. This prohibition is not intended to prevent the Department from carrying out routine or small reallocations of personnel or functions within components, subject to section 503 of this Act. This language prevents large scale reorganization of the Department, which the Committee believes should be acted on statutorily by the relevant Congressional committees of jurisdiction.

Section 521. The Committee continues a provision prohibiting funding to grant an immigration benefit to any individual unless the results of background checks required in statute, to be completed prior to the grant of the benefit, have been received by DHS.

Section 522. The Committee continues a provision relating to other transactional authority of the DHS through fiscal year 2016.

Section 523. The Committee continues a provision that requires the Secretary to link all contracts that provide award fees to successful acquisition outcomes.

Section 524. The Committee continues and modifies a provision that requires the Secretary to notify the Congress within 2 business days of any request for a waiver for the transport of oil from and to the Strategic Petroleum Reserve.

Section 525. The Committee continues a provision related to prescription drugs.

Section 526. The Committee continues a provision requiring the Secretary of Homeland Security, in conjunction with the Secretary of Treasury, to notify the Committees of any proposed transfers from the Department of Treasury Forfeiture Fund to any agency within the Department of Homeland Security. No funds may be obligated until the Subcommittees approve the proposed transfers.

Section 527. The Committee continues a provision prohibiting funds for planning, testing, piloting or developing a National identification card.

Section 528. The Committee continues a provision directing that any official required by this Act to report or certify to the Committees on Appropriations may not delegate any authority unless expressly authorized to do so in this Act.

Section 529. The Committee continues a provision prohibiting the use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.

Section 530. The Committee continues a provision prohibiting funds in this Act to be used for first-class travel.

Section 531. The Committee continues a provision prohibiting funds to be used to employ illegal workers as described in Section 274A(h)(3) of the Immigration and Nationality Act.

Section 532. The Committee continues a provision prohibiting funds appropriated or otherwise made available by this Act to pay

for award or incentive fees for contractors with below satisfactory performance or performance that fails to meet the basic requirements of the contract.

Section 533. The Committee continues a provision that requires any new processes developed to screen aviation passengers and crews for transportation or National security to consider privacy and civil liberties, consistent with applicable laws, regulations, and guidance.

Section 534. The Committee continues a provision that makes deposits into the Immigration Examinations Fee Account available to USCIS for the purposes of immigrant integration grants, not to exceed \$10,000,000, in fiscal year 2016. Grants may not be used to provide services to aliens who have not been lawfully admitted for permanent residence.

Section 535. The Committee continues and modifies a provision providing funding for the Department headquarters consolidation project.

Section 536. The Committee continues a provision prohibiting funds appropriated or otherwise made available by this Act from being used to enter into Federal contracts unless in accordance with the Federal Property and Administrative Services Act or the Federal Acquisition Regulation, unless otherwise authorized by statute.

Section 537. The Committee continues and modifies a provision providing \$52,977,000 for Financial Systems Modernization efforts across the Department.

Section 538. The Committee continues a provision permitting the Secretary to transfer up to \$20,000,000 to address immigration emergencies notwithstanding section 503 of this Act.

Section 539. The Committee continues a provision regarding disposal of Service Processing Centers or other ICE owned detention facilities.

Section 540. The Committee continues a provision requiring the Secretary to enforce existing immigration laws.

Section 541. The Committee continues provision regarding restrictions on electronic access to pornography, except for necessary law enforcement purposes.

Section 542. The Committee continues a provision regarding the transfer of firearms by Federal law enforcement personnel.

Section 543. The Committee continues a provision prohibiting funds from being obligated to implement the National Preparedness Grant Program or any other successor grant program unless specifically authorized by Congress.

Section 544. The Committee continues a provision prohibiting funds for the position of Public Advocate or a successor position within ICE.

Section 545. The Committee includes a new provision permitting CBP to conduct a ten airport of entry pilot program in accordance with section 559 of division F of Public Law 113–76.

Section 546. The Committee continues a provision regarding funding restrictions and reporting requirements regarding conferences occurring outside of the United States.

Section 547. The Committee continues a provision prohibiting the reimbursement of funds to any Federal Department or agency for its participation in a NSSE.

Section 548. The Committee continues a provision prohibiting new preclearance locations unless specified conditions are met.

Section 549. The Committee continues a provision prohibiting any funds from this or any other Act to be used to require airport operators to provide airport-financed staffing to monitor exit points from the sterile area of airports at which TSA provided such monitoring as of December 1, 2013.

Section 550. The Committee continues a provision pertaining to the temporary reemployment of administrative law judges for arbitration dispute resolution.

Section 551. The Committee continues and modifies a provision regarding the availability of COBRA fee revenue.

Section 552. The Committee continues a provision directing the inclusion of budget justification for any structural pay reform that affects more than 100 FTE employee positions or costs more than \$5,000,000.

Section 553. The Committee continues a provision requiring DHS to post Committee-required reports on a DHS public website under certain circumstances.

Section 554. The Committee continues and modifies a provision allowing the costs of providing humanitarian relief to unaccompanied alien children and to alien adults and their minor children to be an eligible use for certain Homeland Security grants.

Section 555. The Committee includes a new provision providing TSA additional authority to reprogram funds within the Aviation Security appropriation or transfer funds from the Transportation Security Support appropriation to the Screening Partnership Program PPA.

Section 556. The Committee includes a new provision directing that all DHS acquisition programs meet established acquisition documentation requirements.

Section 557. The Committee includes a new provision withholding acquisition funds from particular accounts in CBP, Coast Guard, and FEMA until these components meet specified acquisition requirements.

Section 558. The Committee continues a new provision directing DHS fiscal year 2017 budget request and accompanying justification material be reorganized to follow a common appropriation structure, as specified.

Section 559. The Committee includes a new provision prohibiting funds from being used by DHS to approve, license, facilitate, authorize, or allow the trafficking or import of property confiscated by the Cuban Government.

Section 560. The Committee includes a new provision prohibiting funds to expand or implement certain immigration programs while the injunctive order of Civ. No. B-14-254 remains in effect.

Section 561. The Committee includes a new provision that amends 8 U.S.C. 1184(g)(9)(A).

Section 562. The Committee includes language prohibiting funds for the creation or continued use of metal badges resembling those used by law enforcement personnel by the Transportation Security Administration.

Section 563. The Committee includes language prohibiting ICE from paying for abortions except in certain circumstances.

Section 564. The Committee includes language prohibiting ICE from requiring any person to perform an abortion.

Section 565. The Committee includes language authorizing ICE to escort female detainees outside the detention facilities.

Section 566. The Committee includes language prohibiting the release from custody any alien described in the Priority 1 or Priority 2 category in the memorandum from the Secretary of Homeland Security dated November 20, 2014.

Section 567. The Committee includes language making States or political subdivisions ineligible to receive any Department of Homeland Security "State and Local Programs" grants if the Secretary of Homeland Security determines they are a location with a statute, policy, or practice that prohibits local law enforcement officers from assisting or cooperating with Federal immigration law enforcement.

Section 568. The Committee continues and modifies a provision rescinding unobligated balances from specified programs.

Section 569. The Committee continues and modifies a provision rescinding specified funds from the Treasury Forfeiture Fund.

Section 570. The Committee continues and modifies language rescinding unobligated balances from the FEMA DRF.

Section 571. The Committee includes language specifying the amount by which new budget authority in the bill is less than the fiscal year 2016 budget allocation.

#### APPROPRIATIONS CAN BE USED ONLY FOR THE PURPOSES FOR WHICH MADE

Title 31 of the United States Code makes clear that appropriations can be used only for the purposes for which they were appropriated as follows:

Section 1301. Application.

(a) Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

#### HOUSE OF REPRESENTATIVES REPORT REQUIREMENTS

The following items are included in accordance with various requirements of the Rules of the House of Representatives.

#### FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the Rules of the House of Representatives, the results of each roll call vote on an amendment of on the motion to report, together with the names of those voting for and those voting against, are printed below:

## FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each roll call vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

ROLL CALL NO. 1

Date: July 14, 2015

Measure: Homeland Security Appropriations Bill, FY 2016

Motion by: Mr. Yoder

Description of Motion: To prohibit States or political subdivisions from being eligible to receive any Department of Homeland Security "State and Local Programs" grants if the Secretary of Homeland Security determines they are a location with a statute, policy, or practice that prohibits local law enforcement officers from assisting or cooperating with Federal immigration law enforcement.

Results: Adopted 28 yeas to 21 nays.

*Members Voting Yea*

Mr. Aderholt  
Mr. Amodei  
Mr. Calvert  
Mr. Carter  
Mr. Cole  
Mr. Crenshaw  
Mr. Culberson  
Mr. Dent  
Mr. Fleischmann  
Mr. Fortenberry  
Mr. Frelinghuysen  
Ms. Granger  
Mr. Graves  
Dr. Harris  
Ms. Herrera Beutler  
Mr. Jenkins  
Mr. Jolly  
Mr. Joyce  
Mr. Palazzo  
Mr. Rigell  
Mrs. Roby  
Mr. Rogers  
Mr. Rooney  
Mr. Simpson  
Mr. Stewart  
Mr. Womack  
Mr. Yoder  
Mr. Young

*Members Voting Nay*

Mr. Bishop  
Mr. Cuellar  
Ms. DeLauro  
Mr. Diaz-Balart  
Mr. Farr  
Mr. Honda  
Mr. Israel  
Ms. Kaptur  
Mr. Kilmer  
Ms. Lee  
Mrs. Lowey  
Ms. McCollum  
Ms. Pingree  
Mr. Price  
Mr. Quigley  
Ms. Roybal-Allard  
Mr. Ruppersberger  
Mr. Ryan  
Mr. Serrano  
Mr. Valadao  
Mr. Visclosky

## FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each roll call vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

ROLL CALL NO. 2

Date: July 14, 2015

Measure: Homeland Security Appropriations Bill, FY 2016

Motion by: Ms. DeLauro

Description of Motion: To prohibit DHS funding from being used to enter into contracts with inverted domestic companies, as defined in section 835 of the Homeland Security Act of 2002 and by additional provisions included in the amendment related to changing stock ownership and further relocations.

Results: Defeated 20 yeas to 30 nays.

*Members Voting Yea*

Ms. DeLauro  
Mr. Farr  
Mr. Fattah  
Mr. Fortenberry  
Ms. Herrera Beutler  
Mr. Honda  
Mr. Israel  
Ms. Kaptur  
Mr. Kilmer  
Ms. Lee  
Mrs. Lowey  
Ms. McCollum  
Ms. Pingree  
Mr. Price  
Mr. Quigley  
Ms. Roybal-Allard  
Mr. Ruppertsberger  
Mr. Ryan  
Mr. Serrano  
Mr. Visclosky

*Members Voting Nay*

Mr. Aderholt  
Mr. Amodei  
Mr. Bishop  
Mr. Calvert  
Mr. Carter  
Mr. Cole  
Mr. Crenshaw  
Mr. Cuellar  
Mr. Culberson  
Mr. Dent  
Mr. Diaz-Balart  
Mr. Fleischmann  
Mr. Frelinghuysen  
Ms. Granger  
Mr. Graves  
Dr. Harris  
Mr. Jenkins  
Mr. Jolly  
Mr. Joyce  
Mr. Palazzo  
Mr. Rigell  
Mrs. Roby  
Mr. Rogers  
Mr. Rooney  
Mr. Simpson  
Mr. Stewart  
Mr. Valadao  
Mr. Womack  
Mr. Yoder  
Mr. Young

## FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each roll call vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

ROLL CALL NO. 3

Date: July 14, 2015

Measure: Homeland Security Appropriations Bill, FY 2016

Motion by: Mr. Aderholt

Description of Motion: To prohibit federal funding for Immigration and Customs Enforcement (ICE) to pay for abortions, except for cases in which the life of the mother would be endangered, or in the case of rape or incest, or to require a person to perform or facilitate an abortion; and to clarify ICE's obligation to provide escort services outside the detention facility.

Results: Adopted 31 yeas to 18 nays.

*Members Voting Yea*

Mr. Aderholt  
Mr. Amodei  
Mr. Calvert  
Mr. Carter  
Mr. Cole  
Mr. Crenshaw  
Mr. Cuellar  
Mr. Culberson  
Mr. Dent  
Mr. Diaz-Balart  
Mr. Fleischmann  
Mr. Fortenberry  
Mr. Frelinghuysen  
Ms. Granger  
Mr. Graves  
Dr. Harris  
Ms. Herrera Beutler  
Mr. Jenkins  
Mr. Jolly  
Mr. Joyce  
Mr. Palazzo  
Mr. Rigell  
Mrs. Roby  
Mr. Rogers  
Mr. Rooney  
Mr. Simpson  
Mr. Stewart  
Mr. Valadao  
Mr. Womack  
Mr. Yoder  
Mr. Young

*Members Voting Nay*

Mr. Bishop  
Ms. DeLauro  
Mr. Farr  
Mr. Honda  
Mr. Israel  
Ms. Kaptur  
Mr. Kilmer  
Ms. Lee  
Mrs. Lowey  
Ms. McCollum  
Ms. Pingree  
Mr. Price  
Mr. Quigley  
Ms. Roybal-Allard  
Mr. Ruppersberger  
Mr. Ryan  
Mr. Serrano  
Mr. Visclosky

## FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each roll call vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

## ROLL CALL NO. 4

Date: July 14, 2015

Measure: Homeland Security Appropriations Bill, FY 2016

Motion by: Mr. Frelinghuysen

Description of Motion: To report the bill to the House, as amended.

Results: Adopted 32 yeas to 17 nays.

*Members Voting Yea*

Mr. Aderholt  
Mr. Amodei  
Mr. Bishop  
Mr. Calvert  
Mr. Carter  
Mr. Cole  
Mr. Crenshaw  
Mr. Cuellar  
Mr. Culberson  
Mr. Dent  
Mr. Diaz-Balart  
Mr. Fleischmann  
Mr. Fortenberry  
Mr. Frelinghuysen  
Ms. Granger  
Mr. Graves  
Dr. Harris  
Ms. Herrera Beutler  
Mr. Jenkins  
Mr. Jolly  
Mr. Joyce  
Mr. Palazzo  
Mr. Rigell  
Mrs. Roby  
Mr. Rogers  
Mr. Rooney  
Mr. Simpson  
Mr. Stewart  
Mr. Valadao  
Mr. Womack  
Mr. Yoder  
Mr. Young

*Members Voting Nay*

Ms. DeLauro  
Mr. Farr  
Mr. Honda  
Mr. Israel  
Ms. Kaptur  
Mr. Kilmer  
Ms. Lee  
Mrs. Lowey  
Ms. McCollum  
Ms. Pingree  
Mr. Price  
Mr. Quigley  
Ms. Roybal-Allard  
Mr. Ruppersberger  
Mr. Ryan  
Mr. Serrano  
Mr. Visclosky



## STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the following is a statement of general performance goals and objectives for which this measure authorizes funding:

The Committee on Appropriations considers program performance, including a program's success in developing and attaining outcome-related goals and objectives, in developing funding recommendations.

## RESCISSION OF FUNDS

Pursuant to clause 3(f)(2) of rule XIII of the Rules of the House of Representatives, the following table is submitted describing the rescissions recommended in the accompanying bill:

<i>Account / Activity</i>	<i>Rescissions</i>
Public Law 109–88 .....	\$27,338,000
CBP, BSFIT (70x0553) .....	66,600,000
Public Law 114–4, CBP, BSFIT .....	31,950,000
Public Law 114–4, TSA, Aviation Security .....	30,000,000
Public Law 114–4, TSA, Surface Transportation Security .....	22,000,000
Public Law 114–4, TSA, Intelligence and Vetting .....	8,000,000
Public Law 114–4, TSA, Transportation Security Support .....	26,000,000
Public Law 113–6, Coast Guard, AC&I .....	4,741,699
Public Law 113–76, Coast Guard, AC&I .....	12,542,022
Public Law 114–4, Coast Guard, AC&I .....	2,305,000
Public Law 114–4, USSS, Acquisition, Construction, Improvements & Related Expenses .....	9,100,000
Public Law 113–6, S&T, RDA&O .....	393,178
Public Law 113–76, S&T, RDA&O .....	8,500,000
Public Law 114–4, S&T, RDA&O .....	1,106,822
Treasury Asset Forfeiture Fund .....	176,000,000
FEMA Disaster Relief Fund (70–X–0702) .....	1,265,864,000

## TRANSFER OF FUNDS

Pursuant to clause 3(f)(2), rule XIII of the Rules of the House of Representatives, the following is submitted describing the transfer of funds provided in the accompanying bill.

The table shows, by title, department and agency, the appropriations affected by such transfers:

## Appropriation Transfers Recommended in the Bill

<i>Account to which transfer is to be made</i>	<i>Amount</i>	<i>Account from which transfer is to be made</i>	<i>Amount</i>
Office of Inspector General .....	\$24,000,000	FEMA—Disaster Relief Fund .....	\$24,000,000

## DISCLOSURE OF EARMARKS AND CONGRESSIONAL DIRECTED SPENDING ITEMS

Neither the bill nor the report contains any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

## COMPLIANCE WITH RULE XIII, CL. 3(e) (RAMSEYER RULE)

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES**

(Public Law 107-206)

AN ACT Making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.

\* \* \* \* \*

**TITLE I**

**SUPPLEMENTAL APPROPRIATIONS**

\* \* \* \* \*

**CHAPTER 12—DEPARTMENT OF THE TREASURY**

\* \* \* \* \*

**GENERAL PROVISIONS—THIS CHAPTER**

\* \* \* \* \*

SEC. 1202. (a) The Federal Law Enforcement Training Center may, for a period ending not later than **December 31, 2017** *December 31, 2018*, appoint and maintain a cadre of up to 350 Federal annuitants: (1) without regard to any provision of title 5, United States Code, which might otherwise require the application of competitive hiring procedures; and (2) who shall not be subject to any reduction in pay (for annuity allocable to the period of actual employment) under the provisions of section 8344 or 8468 of such title 5 or similar provision of any other retirement system for employees. A reemployed Federal annuitant as to whom a waiver of reduction under paragraph (2) applies shall not, for any period during which such waiver is in effect, be considered an employee for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or such other retirement system (referred to in paragraph (2)) as may apply.

(b) No appointment under this section may be made which would result in the displacement of any employee.

(c) For purposes of this section—

(1) the term “Federal annuitant” means an employee who has retired under the Civil Service Retirement System, the Federal Employees’ Retirement System, or any other retirement system for employees;

(2) the term “employee” has the meaning given such term by section 2105 of such title 5; and

(3) the counting of Federal annuitants shall be done on a full time equivalent basis.

\* \* \* \* \*

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**HOMELAND SECURITY ACT OF 2002**

\* \* \* \* \*

## TITLE VIII—COORDINATION WITH NON-FEDERAL ENTITIES; INSPECTOR GENERAL; UNITED STATES SECRET SERVICE; COAST GUARD; GENERAL PROVISIONS

\* \* \* \* \*

### Subtitle D—Acquisitions

#### SEC. 831. RESEARCH AND DEVELOPMENT PROJECTS.

(a) **AUTHORITY.**—~~Until September 30, 2015,~~ *Until September 30, 2016*, and subject to subsection (d), the Secretary may carry out a pilot program under which the Secretary may exercise the following authorities:

(1) **IN GENERAL.**—When the Secretary carries out basic, applied, and advanced research and development projects, including the expenditure of funds for such projects, the Secretary may exercise the same authority (subject to the same limitations and conditions) with respect to such research and projects as the Secretary of Defense may exercise under section 2371 of title 10, United States Code (except for subsections (b) and (f)), after making a determination that the use of a contract, grant, or cooperative agreement for such project is not feasible or appropriate. The annual report required under subsection (b) of this section, as applied to the Secretary by this paragraph, shall be submitted to the President of the Senate and the Speaker of the House of Representatives.

(2) **PROTOTYPE PROJECTS.**—The Secretary may, under the authority of paragraph (1), carry out prototype projects in accordance with the requirements and conditions provided for carrying out prototype projects under section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160). In applying the authorities of that section 845, subsection (c) of that section shall apply with respect to prototype projects under this paragraph, and the Secretary shall perform the functions of the Secretary of Defense under subsection (d) thereof.

(b) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Secretary may—

(1) procure the temporary or intermittent services of experts or consultants (or organizations thereof) in accordance with section 3109(b) of title 5, United States Code; and

(2) whenever necessary due to an urgent homeland security need, procure temporary (not to exceed 1 year) or intermittent personal services, including the services of experts or consultants (or organizations thereof), without regard to the pay limitations of such section 3109.

(c) **ADDITIONAL REQUIREMENTS.**—

(1) **IN GENERAL.**—The authority of the Secretary under this section shall terminate ~~September 30, 2015,~~ *September 30, 2016*, unless before that date the Secretary—

(A) issues policy guidance detailing the appropriate use of that authority; and

(B) provides training to each employee that is authorized to exercise that authority.

(2) REPORT.—The Secretary shall provide an annual report to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives detailing the projects for which the authority granted by subsection (a) was used, the rationale for its use, the funds spent using that authority, the outcome of each project for which that authority was used, and the results of any audits of such projects.

(d) DEFINITION OF NONTRADITIONAL GOVERNMENT CONTRACTOR.—In this section, the term “nontraditional Government contractor” has the same meaning as the term “nontraditional defense contractor” as defined in section 845(e) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2371 note).

\* \* \* \* \*

## CONSOLIDATED APPROPRIATIONS ACT, 2014

(Public Law 113-76)

AN ACT Making consolidated appropriations for the fiscal year ending September 30, 2014, and for other purposes.

\* \* \* \* \*

## DIVISION F—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2014

\* \* \* \* \*

### TITLE V

#### GENERAL PROVISIONS

##### (INCLUDING RESCISSIONS OF FUNDS)

\* \* \* \* \*

SEC. 559. (a) IN GENERAL.—In addition to existing authorities, the Commissioner of U.S. Customs and Border Protection, in collaboration with the Administrator of General Services, is authorized to conduct a pilot program in accordance with this section to permit U.S. Customs and Border Protection to enter into partnerships with private sector and government entities at ports of entry for certain services and to accept certain donations.

(b) RULE OF CONSTRUCTION.—Except as otherwise provided in this section, nothing in this section may be construed as affecting in any manner the responsibilities, duties, or authorities of U.S. Customs and Border Protection or the General Services Administration.

(c) DURATION.—The pilot program described in subsection (a) shall be for five years. A partnership entered into during such pilot

program may last as long as required to meet the terms of such partnership. At the end of such five year period, the Commissioner may request that such pilot program be made permanent.

(d) COORDINATION.—

(1) IN GENERAL.—The Commissioner, in consultation with participating private sector and government entities in a partnership under subsection (a), shall provide the Administrator with information relating to U.S. Customs and Border Protection's requirements for new facilities or upgrades to existing facilities at land ports of entry.

(2) CRITERIA.—The Commissioner and the Administrator shall establish criteria for entering into a partnership under subsection (a) that include the following:

(A) Selection and evaluation of potential partners.

(B) Identification and documentation of roles and responsibilities between U.S. Customs and Border Protection, General Services Administration, and private and government partners.

(C) Identification, allocation, and management of explicit and implicit risks of partnering between U.S. Customs and Border Protection, General Services Administration, and private and government partners.

(D) Decision-making and dispute resolution processes in partnering arrangements.

(E) Criteria and processes for U.S. Customs and Border Protection and General Services Administration to terminate agreements if private or government partners are not meeting the terms of such a partnership, including the security standards established by U.S. Customs and Border Protection.

(3) EVALUATION PLAN.—The Commissioner, in collaboration with the Administrator, shall submit to the Committee on Homeland Security, the Committee on Transportation and Infrastructure, and the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs, the Committee on Environment and Public Works, and the Committee on Appropriations of the Senate, an evaluation plan for the pilot program described in subsection (a) that includes the following:

(A) Well-defined, clear, and measurable objectives.

(B) Performance criteria or standards for determining the performance of such pilot program.

(C) Clearly articulated evaluation methodology, including—

(i) sound sampling methods;

(ii) a determination of appropriate sample size for the evaluation design;

(iii) a strategy for tracking such pilot program's performance; and

(iv) an evaluation of the final results.

(D) A plan detailing the type and source of data necessary to evaluate such pilot program, methods for data collection, and the timing and frequency of data collection.

(e) AUTHORITY TO ENTER INTO AGREEMENTS FOR THE PROVISION OF CERTAIN SERVICES AT PORTS OF ENTRY.—

(1) IN GENERAL.—Notwithstanding section 13031(e) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(e)) and section 451 of the Tariff Act of 1930 (19 U.S.C. 1451), the Commissioner may, during the pilot program described in subsection (a) and upon the request of a private sector or government entity with which U.S. Customs and Border Protection has entered into a partnership, enter into a reimbursable fee agreement with such entity under which—

(A) U.S. Customs and Border Protection will provide services described in paragraph (2) at a port of entry;

(B) such entity will pay a fee imposed under paragraph (4) to reimburse U.S. Customs and Border Protection for the costs incurred in providing such services; and

(C) each facility at which U.S. Customs and Border Protection services are performed shall be provided, maintained, and equipped by such entity, without cost to the Federal Government, in accordance with U.S. Customs and Border Protection specifications.

(2) SERVICES DESCRIBED.—Services described in this paragraph are any activities of any employee or contractor of U.S. Customs and Border Protection pertaining to customs, agricultural processing, border security, and immigration inspection-related matters at ports of entry.

(3) LIMITATIONS.—

(A) IMPACTS OF SERVICES.—The Commissioner may not enter into a reimbursable fee agreement under this subsection if such agreement would unduly and permanently impact services funded in this or any other appropriations Act, or provided from any account in the Treasury of the United States derived by the collection of fees.

(B) FOR CERTAIN COSTS.—The authority found in this subsection may not be used at U.S. Customs and Border Protection-serviced air ports of entry to enter into reimbursable fee agreements for costs other than payment of overtime and the salaries, training and benefits of individuals employed by U.S. Customs and Border Protection to support U.S. Customs and Border Protection officers in performing law enforcement functions at ports of entry, including primary and secondary processing of passengers.

(C) The authority found in this subsection may not be used to enter into new preclearance agreements or begin to provide U.S. Customs and Border Protection services outside of the United States.

(D) The authority found in this subsection shall be limited with respect to U.S. Customs and Border Protection-serviced air ports of entry to ~~five~~ *ten* pilots per year.

(4) FEE.—

(A) IN GENERAL.—The amount of the fee to be charged pursuant to an agreement authorized under paragraph (1) shall be paid by each private sector and government entity requesting U.S. Customs and Border Protection services, and shall include the salaries and expenses of individuals employed by U.S. Customs and Border Protection to provide such services and other costs incurred by U.S. Customs and Border Protection relating to such services, such

as temporary placement or permanent relocation of such individuals.

(B) OVERSIGHT OF FEES.—The Commissioner shall develop a process to oversee the activities reimbursed by the fees charged pursuant to an agreement authorized under paragraph (1) that includes the following:

(i) A determination and report on the full costs of providing services, including direct and indirect costs, including a process for increasing such fees as necessary.

(ii) Establishment of a monthly remittance schedule to reimburse appropriations.

(iii) Identification of overtime costs to be reimbursed by such fees.

(5) DEPOSIT OF FUNDS.—Funds collected pursuant to any agreement entered into under paragraph (1) shall be deposited as offsetting collections and remain available until expended, without fiscal year limitation, and shall directly reimburse each appropriation for the amount paid out of that appropriation for any expenses incurred by U.S. Customs and Border Protection in providing U.S. Customs and Border Protection services and any other costs incurred by U.S. Customs and Border Protection relating to such services.

(6) TERMINATION.—The Commissioner shall terminate the provision of services pursuant to an agreement entered into under paragraph (1) with a private sector or government entity that, after receiving notice from the Commissioner that a fee imposed under paragraph (4) is due, fails to pay such fee in a timely manner. In the event of such termination, all costs incurred by U.S. Customs and Border Protection, which have not been reimbursed, will become immediately due and payable. Interest on unpaid fees will accrue based on current Treasury borrowing rates. Additionally, any private sector or government entity that, after notice and demand for payment of any fee charged under paragraph (4), fails to pay such fee in a timely manner shall be liable for a penalty or liquidated damage equal to two times the amount of such fee. Any amount collected pursuant to any agreement entered into under paragraph (1) shall be deposited into the account specified under paragraph (5) and shall be available as described therein.

(7) NOTIFICATION.—The Commissioner shall notify the Congress 15 days prior to entering into any agreement under paragraph (1) and shall provide a copy of such agreement.

(f) DONATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), the Commissioner and the Administrator may, during the pilot program described in subsection (a), accept a donation of real or personal property (including monetary donations) or nonpersonal services from any private sector or government entity with which U.S. Customs and Border Protection has entered into a partnership.

(2) ALLOWABLE USES OF DONATIONS.—The Commissioner and the Administrator, with respect to any donation provided pursuant to paragraph (1), may—

(A) use such donation for necessary activities related to the construction, alteration, operation, or maintenance of

an existing port of entry facility under the jurisdiction, custody, and control of the Commissioner, including expenses related to—

- (i) land acquisition, design, construction, repair and alteration;
- (ii) furniture, fixtures, and equipment;
- (iii) the deployment of technology and equipment; and
- (iv) operations and maintenance; or

(B) transfer such property or services to the Administrator for necessary activities described in subparagraph (A) related to a new or existing port of entry under the jurisdiction, custody, and control of the Administrator, subject to chapter 33 of title 40, United States Code. Such transfer shall not be required for personal property, including furniture, fixtures, and equipment.

(3) CONSULTATION AND BUDGET.—

(A) WITH THE PRIVATE SECTOR OR GOVERNMENT ENTITY.—To accept a donation described in paragraph (1), the Commissioner and the Administrator shall—

(i) consult with the appropriate stakeholders and the private sector or government entity that is providing the donation and provide such entity with a description of the intended use of such donation; and

(ii) submit to the Committee on Appropriations, the Committee on Homeland Security, and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Environment and Public Works of the Senate a report not later than one year after the date of enactment of this Act, and annually thereafter, that describes—

(I) the accepted donations received under this subsection;

(II) the ports of entry that received such donations; and

(III) how each donation helped facilitate the construction, alternation, operation, or maintenance of a new or existing land port of entry.

(B) SAVINGS PROVISION.—Nothing in this paragraph may be construed to—

(i) create any right or liability of the parties referred to in subparagraph (A); or

(ii) affect any consultation requirement under any other law.

(4) EVALUATION PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Commissioner, in consultation with the Administrator, shall establish procedures for evaluating a proposal submitted by a private sector or government entity to make a donation of real or personal property (including monetary donations) or nonpersonal services under paragraph (1) relating to a port of entry under the jurisdiction, custody and control of the Commissioner or the Administrator and make any such evaluation criteria publicly available.



(5) CONSIDERATIONS.—In determining whether or not to approve a proposal referred to in paragraph (4), the Commissioner or the Administrator shall consider—

(A) the impact of such proposal on the port of entry at issue and other ports of entry on the same border;

(B) the potential of such proposal to increase trade and travel efficiency through added capacity;

(C) the potential of such proposal to enhance the security of the port of entry at issue;

(D) the funding available to complete the intended use of a donation under this subsection, if such donation is real property;

(E) the costs of maintaining and operating such donation;

(F) whether such donation, if real property, satisfies the requirements of such proposal, or whether additional real property would be required;

(G) an explanation of how such donation, if real property, was secured, including if eminent domain was used;

(H) the impact of such proposal on staffing requirements; and

(I) other factors that the Commissioner or Administrator determines to be relevant.

(6) UNCONDITIONAL MONETARY DONATIONS.—A monetary donation shall be made unconditionally, although the donor may specify—

(A) the port of entry facility or facilities to be benefitted from such donation; and

(B) the timeframe during which such donation shall be used.

(7) SUPPLEMENTAL FUNDING.—Real or personal property (including monetary donations) or nonpersonal services donated pursuant to paragraph (1) may be used in addition to any other funding (including appropriated funds), property, or services made available for the same purpose.

(8) RETURN OF DONATIONS.—If the Commissioner or the Administrator does not use the real property or monetary donation donated pursuant to paragraph (1) for the specific port of entry facility or facilities designated by the donor or within the timeframe specified by the donor, such donated real property or money may be returned to the donor. No interest shall be owed to the donor with respect to any donation of funding provided under such paragraph (1) that is returned pursuant to this paragraph.

(9) SAVINGS PROVISION.—Nothing in this subsection may be construed to affect or alter the existing authority of the Commissioner or the Administrator to construct, alter, operate, and maintain port of entry facilities.

(g) ANNUAL REPORTS.—The Commissioner, in collaboration with the Administrator, shall annually submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Environment and Public Works of the Senate a report on the

pilot program and activities undertaken pursuant thereto in accordance with this Act.

(h) DEFINITIONS.—In this section—

(1) the term “private sector entity” means any corporation, partnership, trust, association, or any other private entity, or any officer, employee, or agent thereof;

(2) the term “Commissioner” means the Commissioner of U.S. Customs and Border Protection; and

(3) the term “Administrator” means the Administrator of General Services.

(i) ROLE OF GENERAL SERVICES ADMINISTRATION.—Under this section, collaboration with the Administrator of General Services is required only with respect to partnerships at land ports of entry.

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## IMMIGRATION AND NATIONALITY ACT

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### TITLE II—IMMIGRATION

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#### CHAPTER 2—QUALIFICATIONS FOR ADMISSION OF ALIENS; TRAVEL CONTROL OF CITIZENS AND ALIENS

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##### ADMISSION OF NONIMMIGRANTS

SEC. 214. (a)(1) The admission to the United States of any alien as a nonimmigrant shall be for such time and under such conditions as the Attorney General may by regulations prescribe, including when he deems necessary the giving of a bond with sufficient surety in such sum and containing such conditions as the Attorney General shall prescribe, to insure that at the expiration of such time or upon failure to maintain the status under which he was admitted, or to maintain any status subsequently acquired under section 248, such alien will depart from the United States. No alien admitted to Guam or the Commonwealth of the Northern Mariana Islands without a visa pursuant to section 212(l) may be authorized to enter or stay in the United States other than in Guam or the Commonwealth of the Northern Mariana Islands or to remain in Guam or the Commonwealth of the Northern Mariana Islands for a period exceeding 45 days from date of admission to Guam or the Commonwealth of the Northern Mariana Islands. No alien admitted to the United States without a visa pursuant to section 217 may be authorized to remain in the United States as a nonimmigrant visitor for a period exceeding 90 days from the date of admission.

(2)(A) The period of authorized status as a nonimmigrant described in section 101(a)(15)(O) shall be for such period as the Attorney General may specify in order to provide for the event (or events) for which the nonimmigrant is admitted.

(B) The period of authorized status as a nonimmigrant described in section 101(a)(15)(P) shall be for such period as the Attorney

General may specify in order to provide for the competition, event, or performance for which the nonimmigrant is admitted. In the case of nonimmigrants admitted as individual athletes under section 101(a)(15)(P), the period of authorized status may be for an initial period (not to exceed 5 years) during which the nonimmigrant will perform as an athlete and such period may be extended by the Attorney General for an additional period of up to 5 years.

(b) Every alien (other than a nonimmigrant described in subparagraph (L) or (V) of section 101(a)(15), and other than a nonimmigrant described in any provision of section 101(a)(15)(H)(i) except subclause (b1) of such section) shall be presumed to be an immigrant until he establishes to the satisfaction of the consular officer, at the time of application for a visa, and the immigration officers, at the time of application for admission, that he is entitled to a nonimmigrant status under section 101(a)(15). An alien who is an officer or employee of any foreign government or of any international organization entitled to enjoy privileges, exemptions, and immunities under the International Organizations Immunities Act, or an alien who is the attendant, servant, employee, or member of the immediate family of any such alien shall not be entitled to apply for or receive an immigrant visa, or to enter the United States as an immigrant unless he executes a written waiver in the same form and substance as is prescribed by section 247(b).

(c)(1) The question of importing any alien as a nonimmigrant under subparagraph (H), (L), (O), or (P)(i) of section 101(a)(15) (excluding nonimmigrants under section 101(a)(15)(H)(i)(b1)) in any specific case or specific cases shall be determined by the Attorney General, after consultation with appropriate agencies of the Government, upon petition of the importing employer. Such petition shall be made and approved before the visa is granted. The petition shall be in such form and contain such information as the Attorney General shall prescribe. The approval of such a petition shall not, of itself, be construed as establishing that the alien is a nonimmigrant. For purposes of this subsection with respect to nonimmigrants described in section 101(a)(15)(H)(ii)(a), the term "appropriate agencies of Government" means the Department of Labor and includes the Department of Agriculture. The provisions of section 218 shall apply to the question of importing any alien as a nonimmigrant under section 101(a)(15)(H)(ii)(a).

(2)(A) The Attorney General shall provide for a procedure under which an importing employer which meets requirements established by the Attorney General may file a blanket petition to import aliens as nonimmigrants described in section 101(a)(15)(L) instead of filing individual petitions under paragraph (1) to import such aliens. Such procedure shall permit the expedited processing of visas for admission of aliens covered under such a petition.

(B) For purposes of section 101(a)(15)(L), an alien is considered to be serving in a capacity involving specialized knowledge with respect to a company if the alien has a special knowledge of the company product and its application in international markets or has an advanced level of knowledge of processes and procedures of the company.

(C) The Attorney General shall provide a process for reviewing and acting upon petitions under this subsection with respect to

nonimmigrants described in section 101(a)(15)(L) within 30 days after the date a completed petition has been filed.

(D) The period of authorized admission for—

(i) a nonimmigrant admitted to render services in a managerial or executive capacity under section 101(a)(15)(L) shall not exceed 7 years, or

(ii) a nonimmigrant admitted to render services in a capacity that involves specialized knowledge under section 101(a)(15)(L) shall not exceed 5 years.

(E) In the case of an alien spouse admitted under section 101(a)(15)(L), who is accompanying or following to join a principal alien admitted under such section, the Attorney General shall authorize the alien spouse to engage in employment in the United States and provide the spouse with an “employment authorized” endorsement or other appropriate work permit.

(F) An alien who will serve in a capacity involving specialized knowledge with respect to an employer for purposes of section 101(a)(15)(L) and will be stationed primarily at the worksite of an employer other than the petitioning employer or its affiliate, subsidiary, or parent shall not be eligible for classification under section 101(a)(15)(L) if—

(i) the alien will be controlled and supervised principally by such unaffiliated employer; or

(ii) the placement of the alien at the worksite of the unaffiliated employer is essentially an arrangement to provide labor for hire for the unaffiliated employer, rather than a placement in connection with the provision of a product or service for which specialized knowledge specific to the petitioning employer is necessary.

(3) The Attorney General shall approve a petition—

(A) with respect to a nonimmigrant described in section 101(a)(15)(O)(i) only after consultation in accordance with paragraph (6) or, with respect to aliens seeking entry for a motion picture or television production, after consultation with the appropriate union representing the alien’s occupational peers and a management organization in the area of the alien’s ability, or

(B) with respect to a nonimmigrant described in section 101(a)(15)(O)(ii) after consultation in accordance with paragraph (6) or, in the case of such an alien seeking entry for a motion picture or television production, after consultation with such a labor organization and a management organization in the area of the alien’s ability.

In the case of an alien seeking entry for a motion picture or television production, (i) any opinion under the previous sentence shall only be advisory, (ii) any such opinion that recommends denial must be in writing, (iii) in making the decision the Attorney General shall consider the exigencies and scheduling of the production, and (iv) the Attorney General shall append to the decision any such opinion. The Attorney General shall provide by regulation for the waiver of the consultation requirement under subparagraph (A) in the case of aliens who have been admitted as nonimmigrants under section 101(a)(15)(O)(i) because of extraordinary ability in the arts and who seek readmission to perform similar services within 2 years after the date of a consultation under such subparagraph.

Not later than 5 days after the date such a waiver is provided, the Attorney General shall forward a copy of the petition and all supporting documentation to the national office of an appropriate labor organization.

(4)(A) For purposes of section 101(a)(15)(P)(i)(a), an alien is described in this subparagraph if the alien—

(i)(I) performs as an athlete, individually or as part of a group or team, at an internationally recognized level of performance;

(II) is a professional athlete, as defined in section 204(i)(2);

(III) performs as an athlete, or as a coach, as part of a team or franchise that is located in the United States and a member of a foreign league or association of 15 or more amateur sports teams, if—

(aa) the foreign league or association is the highest level of amateur performance of that sport in the relevant foreign country;

(bb) participation in such league or association renders players ineligible, whether on a temporary or permanent basis, to earn a scholarship in, or participate in, that sport at a college or university in the United States under the rules of the National Collegiate Athletic Association; and

(cc) a significant number of the individuals who play in such league or association are drafted by a major sports league or a minor league affiliate of such a sports league;

or

(IV) is a professional athlete or amateur athlete who performs individually or as part of a group in a theatrical ice skating production; and

(ii) seeks to enter the United States temporarily and solely for the purpose of performing—

(I) as such an athlete with respect to a specific athletic competition; or

(II) in the case of an individual described in clause (i)(IV), in a specific theatrical ice skating production or tour.

(B)(i) For purposes of section 101(a)(15)(P)(i)(b), an alien is described in this subparagraph if the alien—

(I) performs with or is an integral and essential part of the performance of an entertainment group that has (except as provided in clause (ii)) been recognized internationally as being outstanding in the discipline for a sustained and substantial period of time,

(II) in the case of a performer or entertainer, except as provided in clause (iii), has had a sustained and substantial relationship with that group (ordinarily for at least one year) and provides functions integral to the performance of the group, and

(III) seeks to enter the United States temporarily and solely for the purpose of performing as such a performer or entertainer or as an integral and essential part of a performance.

(ii) In the case of an entertainment group that is recognized nationally as being outstanding in its discipline for a sustained and substantial period of time, the Attorney General may, in consider-

ation of special circumstances, waive the international recognition requirement of clause (i)(I).

(iii)(I) The one-year relationship requirement of clause (i)(II) shall not apply to 25 percent of the performers and entertainers in a group.

(II) The Attorney General may waive such one-year relationship requirement for an alien who because of illness or unanticipated and exigent circumstances replaces an essential member of the group and for an alien who augments the group by performing a critical role.

(iv) The requirements of subclauses (I) and (II) of clause (i) shall not apply to alien circus personnel who perform as part of a circus or circus group or who constitute an integral and essential part of the performance of such circus or circus group, but only if such personnel are entering the United States to join a circus that has been recognized nationally as outstanding for a sustained and substantial period of time or as part of such a circus.

(C) A person may petition the Attorney General for classification of an alien as a nonimmigrant under section 101(a)(15)(P).

(D) The Attorney General shall approve petitions under this subsection with respect to nonimmigrants described in clause (i) or (iii) of section 101(a)(15)(P) only after consultation in accordance with paragraph (6).

(E) The Attorney General shall approve petitions under this subsection for nonimmigrants described in section 101(a)(15)(P)(ii) only after consultation with labor organizations representing artists and entertainers in the United States.

(F)(i) No nonimmigrant visa under section 101(a)(15)(P)(i)(a) shall be issued to any alien who is a national of a country that is a state sponsor of international terrorism unless the Secretary of State determines, in consultation with the Secretary of Homeland Security and the heads of other appropriate United States agencies, that such alien does not pose a threat to the safety, national security, or national interest of the United States. In making a determination under this subparagraph, the Secretary of State shall apply standards developed by the Secretary of State, in consultation with the Secretary of Homeland Security and the heads of other appropriate United States agencies, that are applicable to the nationals of such states.

(ii) In this subparagraph, the term “state sponsor of international terrorism” means any country the government of which has been determined by the Secretary of State under any of the laws specified in clause (iii) to have repeatedly provided support for acts of international terrorism.

(iii) The laws specified in this clause are the following:

(I) Section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or successor statute).

(II) Section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)).

(III) Section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)).

(G) The Secretary of Homeland Security shall permit a petition under this subsection to seek classification of more than 1 alien as a nonimmigrant under section 101(a)(15)(P)(i)(a).

(H) The Secretary of Homeland Security shall permit an athlete, or the employer of an athlete, to seek admission to the United States for such athlete under a provision of this Act other than section 101(a)(15)(P)(i) if the athlete is eligible under such other provision.

(5)(A) In the case of an alien who is provided nonimmigrant status under section 101(a)(15)(H)(i)(b) or 101(a)(15)(H)(ii)(b) and who is dismissed from employment by the employer before the end of the period of authorized admission, the employer shall be liable for the reasonable costs of return transportation of the alien abroad.

(B) In the case of an alien who is admitted to the United States in nonimmigrant status under section 101(a)(15)(O) or 101(a)(15)(P) and whose employment terminates for reasons other than voluntary resignation, the employer whose offer of employment formed the basis of such nonimmigrant status and the petitioner are jointly and severally liable for the reasonable cost of return transportation of the alien abroad. The petitioner shall provide assurance satisfactory to the Attorney General that the reasonable cost of that transportation will be provided.

(6)(A)(i) To meet the consultation requirement of paragraph (3)(A) in the case of a petition for a nonimmigrant described in section 101(a)(15)(O)(i) (other than with respect to aliens seeking entry for a motion picture or television production), the petitioner shall submit with the petition an advisory opinion from a peer group (or other person or persons of its choosing, which may include a labor organization) with expertise in the specific field involved.

(ii) To meet the consultation requirement of paragraph (3)(B) in the case of a petition for a nonimmigrant described in section 101(a)(15)(O)(ii) (other than with respect to aliens seeking entry for a motion picture or television production), the petitioner shall submit with the petition an advisory opinion from a labor organization with expertise in the skill area involved.

(iii) To meet the consultation requirement of paragraph (4)(D) in the case of a petition for a nonimmigrant described in section 101(a)(15)(P)(i) or 101(a)(15)(P)(iii), the petitioner shall submit with the petition an advisory opinion from a labor organization with expertise in the specific field of athletics or entertainment involved.

(B) To meet the consultation requirements of subparagraph (A), unless the petitioner submits with the petition an advisory opinion from an appropriate labor organization, the Attorney General shall forward a copy of the petition and all supporting documentation to the national office of an appropriate labor organization within 5 days of the date of receipt of the petition. If there is a collective bargaining representative of an employer's employees in the occupational classification for which the alien is being sought, that representative shall be the appropriate labor organization.

(C) In those cases in which a petitioner described in subparagraph (A) establishes that an appropriate peer group (including a labor organization) does not exist, the Attorney General shall adjudicate the petition without requiring an advisory opinion.

(D) Any person or organization receiving a copy of a petition described in subparagraph (A) and supporting documents shall have no more than 15 days following the date of receipt of such documents within which to submit a written advisory opinion or com-

ment or to provide a letter of no objection. Once the 15-day period has expired and the petitioner has had an opportunity, where appropriate, to supply rebuttal evidence, the Attorney General shall adjudicate such petition in no more than 14 days. The Attorney General may shorten any specified time period for emergency reasons if no unreasonable burden would be thus imposed on any participant in the process.

(E)(i) The Attorney General shall establish by regulation expedited consultation procedures in the case of nonimmigrant artists or entertainers described in section 101(a)(15)(O) or 101(a)(15)(P) to accommodate the exigencies and scheduling of a given production or event.

(ii) The Attorney General shall establish by regulation expedited consultation procedures in the case of nonimmigrant athletes described in section 101(a)(15)(O)(i) or 101(a)(15)(P)(i) in the case of emergency circumstances (including trades during a season).

(F) No consultation required under this subsection by the Attorney General with a nongovernmental entity shall be construed as permitting the Attorney General to delegate any authority under this subsection to such an entity. The Attorney General shall give such weight to advisory opinions provided under this section as the Attorney General determines, in his sole discretion, to be appropriate.

(7) If a petition is filed and denied under this subsection, the Attorney General shall notify the petitioner of the determination and the reasons for the denial and of the process by which the petitioner may appeal the determination.

(8) The Attorney General shall submit annually to the Committees on the Judiciary of the House of Representatives and of the Senate a report describing, with respect to petitions under each subcategory of subparagraphs (H), (O), (P), and (Q) of section 101(a)(15) the following:

(A) The number of such petitions which have been filed.

(B) The number of such petitions which have been approved and the number of workers (by occupation) included in such approved petitions.

(C) The number of such petitions which have been denied and the number of workers (by occupation) requested in such denied petitions.

(D) The number of such petitions which have been withdrawn.

(E) The number of such petitions which are awaiting final action.

(9)(A) The Attorney General shall impose a fee on an employer (excluding any employer that is a primary or secondary education institution, an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a), a nonprofit entity related to or affiliated with any such institution, a nonprofit entity which engages in established curriculum-related clinical training of students registered at any such institution, a nonprofit research organization, or a governmental research organization) filing before a petition under paragraph (1)—

(i) initially to grant an alien nonimmigrant status described in section 101(a)(15)(H)(i)(b);



(ii) to extend the stay of an alien having such status (unless the employer previously has obtained an extension for such alien); or

(iii) to obtain authorization for an alien having such status to change employers.

(B) The amount of the fee shall be \$1,500 for each such petition except that the fee shall be half the amount for each such petition by any employer with not more than 25 full-time equivalent employees who are employed in the United States (determined by including any affiliate or subsidiary of such employer).

(C) Fees collected under this paragraph shall be deposited in the Treasury in accordance with section 286(s).

(10) An amended H-1B petition shall not be required where the petitioning employer is involved in a corporate restructuring, including but not limited to a merger, acquisition, or consolidation, where a new corporate entity succeeds to the interests and obligations of the original petitioning employer and where the terms and conditions of employment remain the same but for the identity of the petitioner.

(11)(A) Subject to subparagraph (B), the Secretary of Homeland Security or the Secretary of State, as appropriate, shall impose a fee on an employer who has filed an attestation described in section 212(t)—

(i) in order that an alien may be initially granted nonimmigrant status described in section 101(a)(15)(H)(i)(b1); or

(ii) in order to satisfy the requirement of the second sentence of subsection (g)(8)(C) for an alien having such status to obtain certain extensions of stay.

(B) The amount of the fee shall be the same as the amount imposed by the Secretary of Homeland Security under paragraph (9), except that if such paragraph does not authorize such Secretary to impose any fee, no fee shall be imposed under this paragraph.

(C) Fees collected under this paragraph shall be deposited in the Treasury in accordance with section 286(s).

(12)(A) In addition to any other fees authorized by law, the Secretary of Homeland Security shall impose a fraud prevention and detection fee on an employer filing a petition under paragraph (1)—

(i) initially to grant an alien nonimmigrant status described in subparagraph (H)(i)(b) or (L) of section 101(a)(15); or

(ii) to obtain authorization for an alien having such status to change employers.

(B) In addition to any other fees authorized by law, the Secretary of State shall impose a fraud prevention and detection fee on an alien filing an application abroad for a visa authorizing admission to the United States as a nonimmigrant described in section 101(a)(15)(L), if the alien is covered under a blanket petition described in paragraph (2)(A).

(C) The amount of the fee imposed under subparagraph (A) or (B) shall be \$500.

(D) The fee imposed under subparagraph (A) or (B) shall only apply to principal aliens and not to the spouses or children who are accompanying or following to join such principal aliens.

(E) Fees collected under this paragraph shall be deposited in the Treasury in accordance with section 286(v).

(13)(A) In addition to any other fees authorized by law, the Secretary of Homeland Security shall impose a fraud prevention and detection fee on an employer filing a petition under paragraph (1) for nonimmigrant workers described in section 101(a)(15)(H)(ii)(b).

(B) The amount of the fee imposed under subparagraph (A) shall be \$150.

(14)(A) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a substantial failure to meet any of the conditions of the petition to admit or otherwise provide status to a nonimmigrant worker under section 101(a)(15)(H)(ii)(b) or a willful misrepresentation of a material fact in such petition—

(i) the Secretary of Homeland Security may, in addition to any other remedy authorized by law, impose such administrative remedies (including civil monetary penalties in an amount not to exceed \$10,000 per violation) as the Secretary of Homeland Security determines to be appropriate; and

(ii) the Secretary of Homeland Security may deny petitions filed with respect to that employer under section 204 or paragraph (1) of this subsection during a period of at least 1 year but not more than 5 years for aliens to be employed by the employer.

(B) The Secretary of Homeland Security may delegate to the Secretary of Labor, with the agreement of the Secretary of Labor, any of the authority given to the Secretary of Homeland Security under subparagraph (A)(i).

(C) In determining the level of penalties to be assessed under subparagraph (A), the highest penalties shall be reserved for willful failures to meet any of the conditions of the petition that involve harm to United States workers.

(D) In this paragraph, the term “substantial failure” means the willful failure to comply with the requirements of this section that constitutes a significant deviation from the terms and conditions of a petition.

(d)(1) A visa shall not be issued under the provisions of section 101(a)(15)(K)(i) until the consular officer has received a petition filed in the United States by the fiancée or fiancé of the applying alien and approved by the Secretary of Homeland Security. The petition shall be in such form and contain such information as the Secretary of Homeland Security shall, by regulation, prescribe. Such information shall include information on any criminal convictions of the petitioner for any specified crime described in paragraph (3)(B) and information on any permanent protection or restraining order issued against the petitioner related to any specified crime described in paragraph (3)(B)(i). It shall be approved only after satisfactory evidence is submitted by the petitioner to establish that the parties have previously met in person within 2 years before the date of filing the petition, have a bona fide intention to marry, and are legally able and actually willing to conclude a valid marriage in the United States within a period of ninety days after the alien’s arrival, except that the Secretary of Homeland Security in his discretion may waive the requirement that the parties have previously met in person. In the event the marriage with the petitioner does not occur within three months after the admission of the said alien and minor children, they shall be re-

quired to depart from the United States and upon failure to do so shall be removed in accordance with sections 240 and 241.

(2)(A) Subject to subparagraphs (B) and (C), the Secretary of Homeland Security may not approve a petition under paragraph (1) unless the Secretary has verified that—

(i) the petitioner has not, previous to the pending petition, petitioned under paragraph (1) with respect to two or more applying aliens; and

(ii) if the petitioner has had such a petition previously approved, 2 years have elapsed since the filing of such previously approved petition.

(B) The Secretary of Homeland Security may, in the Secretary's discretion, waive the limitations in subparagraph (A) if justification exists for such a waiver. Except in extraordinary circumstances and subject to subparagraph (C), such a waiver shall not be granted if the petitioner has a record of violent criminal offenses against a person or persons.

(C)(i) The Secretary of Homeland Security is not limited by the criminal court record and shall grant a waiver of the condition described in the second sentence of subparagraph (B) in the case of a petitioner described in clause (ii).

(ii) A petitioner described in this clause is a petitioner who has been battered or subjected to extreme cruelty and who is or was not the primary perpetrator of violence in the relationship upon a determination that—

(I) the petitioner was acting in self-defense;

(II) the petitioner was found to have violated a protection order intended to protect the petitioner; or

(III) the petitioner committed, was arrested for, was convicted of, or pled guilty to committing a crime that did not result in serious bodily injury and where there was a connection between the crime and the petitioner's having been battered or subjected to extreme cruelty.

(iii) In acting on applications under this subparagraph, the Secretary of Homeland Security shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Secretary.

(3) In this subsection:

(A) The terms "domestic violence", "sexual assault", "child abuse and neglect", "dating violence", "elder abuse", and "stalking" have the meaning given such terms in section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005.

(B) The term "specified crime" means the following:

(i) Domestic violence, sexual assault, child abuse and neglect, dating violence, elder abuse, stalking, or an attempt to commit any such crime.

(ii) Homicide, murder, manslaughter, rape, abusive sexual contact, sexual exploitation, incest, torture, trafficking, peonage, holding hostage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, or an attempt to commit any of the crimes described in this clause.

(iii) At least three convictions for crimes relating to a controlled substance or alcohol not arising from a single act.

(e)(1) Notwithstanding any other provision of this Act, an alien who is a citizen of Canada and seeks to enter the United States under and pursuant to the provisions of Annex 1502.1 (United States of America), Part C—Professionals, of the United States–Canada Free–Trade Agreement to engage in business activities at a professional level as provided for therein may be admitted for such purpose under regulations of the Attorney General promulgated after consultation with the Secretaries of State and Labor.

(2) An alien who is a citizen of Canada or Mexico, and the spouse and children of any such alien if accompanying or following to join such alien, who seeks to enter the United States under and pursuant to the provisions of Section D of Annex 1603 of the North American Free Trade Agreement (in this subsection referred to as “NAFTA”) to engage in business activities at a professional level as provided for in such Annex, may be admitted for such purpose under regulations of the Attorney General promulgated after consultation with the Secretaries of State and Labor. For purposes of this Act, including the issuance of entry documents and the application of subsection (b), such alien shall be treated as if seeking classification, or classifiable, as a nonimmigrant under section 101(a)(15). The admission of an alien who is a citizen of Mexico shall be subject to paragraphs (3), (4), and (5). For purposes of this paragraph and paragraphs (3), (4), and (5), the term “citizen of Mexico” means “citizen” as defined in Annex 1608 of NAFTA.

(3) The Attorney General shall establish an annual numerical limit on admissions under paragraph (2) of aliens who are citizens of Mexico, as set forth in Appendix 1603.D.4 of Annex 1603 of the NAFTA. Subject to paragraph (4), the annual numerical limit—

(A) beginning with the second year that NAFTA is in force, may be increased in accordance with the provisions of paragraph 5(a) of Section D of such Annex, and

(B) shall cease to apply as provided for in paragraph 3 of such Appendix.

(4) The annual numerical limit referred to in paragraph (3) may be increased or shall cease to apply (other than by operation of paragraph 3 of such Appendix) only if—

(A) the President has obtained advice regarding the proposed action from the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155);

(B) the President has submitted a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that sets forth—

(i) the action proposed to be taken and the reasons therefor, and

(ii) the advice obtained under subparagraph (A);

(C) a period of at least 60 calendar days that begins on the first day on which the President has met the requirements of subparagraphs (A) and (B) with respect to such action has expired; and

(D) the President has consulted with such committees regarding the proposed action during the period referred to in subparagraph (C).

(5) During the period that the provisions of Appendix 1603.D.4 of Annex 1603 of the NAFTA apply, the entry of an alien who is a citizen of Mexico under and pursuant to the provisions of Section D of Annex 1603 of NAFTA shall be subject to the attestation requirement of section 212(m), in the case of a registered nurse, or the application requirement of section 212(n), in the case of all other professions set out in Appendix 1603.D.1 of Annex 1603 of NAFTA, and the petition requirement of subsection (c), to the extent and in the manner prescribed in regulations promulgated by the Secretary of Labor, with respect to sections 212(m) and 212(n), and the Attorney General, with respect to subsection (c).

(6) In the case of an alien spouse admitted under section 101(a)(15)(E), who is accompanying or following to join a principal alien admitted under such section, the Attorney General shall authorize the alien spouse to engage in employment in the United States and provide the spouse with an "employment authorized" endorsement or other appropriate work permit.

(f)(1) Except as provided in paragraph (3), no alien shall be entitled to nonimmigrant status described in section 101(a)(15)(D) if the alien intends to land for the purpose of performing service on board a vessel of the United States (as defined in section 2101(46) of title 46, United States Code) or on an aircraft of an air carrier (as defined in section 40102(a)(2) of title 49, United States Code) during a labor dispute where there is a strike or lockout in the bargaining unit of the employer in which the alien intends to perform such service.

(2) An alien described in paragraph (1)—

(A) may not be paroled into the United States pursuant to section 212(d)(5) unless the Attorney General determines that the parole of such alien is necessary to protect the national security of the United States; and

(B) shall be considered not to be a bona fide crewman for purposes of section 252(b).

(3) Paragraph (1) shall not apply to an alien if the air carrier or owner or operator of such vessel that employs the alien provides documentation that satisfies the Attorney General that the alien—

(A) has been an employee of such employer for a period of not less than 1 year preceding the date that a strike or lawful lockout commenced;

(B) has served as a qualified crewman for such employer at least once in each of 3 months during the 12-month period preceding such date; and

(C) shall continue to provide the same services that such alien provided as such a crewman.

(g)(1) The total number of aliens who may be issued visas or otherwise provided nonimmigrant status during any fiscal year (beginning with fiscal year 1992)—

(A) under section 101(a)(15)(H)(i)(b), may not exceed—

- (i) 65,000 in each fiscal year before fiscal year 1999;
- (ii) 115,000 in fiscal year 1999;
- (iii) 115,000 in fiscal year 2000;
- (iv) 195,000 in fiscal year 2001;
- (v) 195,000 in fiscal year 2002;
- (vi) 195,000 in fiscal year 2003; and
- (vii) 65,000 in each succeeding fiscal year; or

(B) under section 101(a)(15)(H)(ii)(b) may not exceed 66,000.

(2) The numerical limitations of paragraph (1) shall only apply to principal aliens and not to the spouses or children of such aliens.

(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.

(4) In the case of a nonimmigrant described in section 101(a)(15)(H)(i)(b), the period of authorized admission as such a nonimmigrant may not exceed 6 years.

(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b) who—

(A) is employed (or has received an offer of employment) at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity;

(B) is employed (or has received an offer of employment) at a nonprofit research organization or a governmental research organization; or

(C) has earned a master's or higher degree from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), until the number of aliens who are exempted from such numerical limitation during such year exceeds 20,000.

(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5).

(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.

(8)(A) The agreements referred to in section 101(a)(15)(H)(i)(b1) are—

(i) the United States-Chile Free Trade Agreement; and

(ii) the United States-Singapore Free Trade Agreement.

(B)(i) The Secretary of Homeland Security shall establish annual numerical limitations on approvals of initial applications by aliens for admission under section 101(a)(15)(H)(i)(b1).

(ii) The annual numerical limitations described in clause (i) shall not exceed—

(I) 1,400 for nationals of Chile (as defined in article 14.9 of the United States-Chile Free Trade Agreement) for any fiscal year; and

(II) 5,400 for nationals of Singapore (as defined in Annex 1A of the United States-Singapore Free Trade Agreement) for any fiscal year.

(iii) The annual numerical limitations described in clause (i) shall only apply to principal aliens and not to the spouses or children of such aliens.

(iv) The annual numerical limitation described in paragraph (1)(A) is reduced by the amount of the annual numerical limitations established under clause (i). However, if a numerical limitation established under clause (i) has not been exhausted at the end of a given fiscal year, the Secretary of Homeland Security shall adjust upwards the numerical limitation in paragraph (1)(A) for that fiscal year by the amount remaining in the numerical limitation under clause (i). Visas under section 101(a)(15)(H)(i)(b) may be issued pursuant to such adjustment within the first 45 days of the next fiscal year to aliens who had applied for such visas during the fiscal year for which the adjustment was made.

(C) The period of authorized admission as a nonimmigrant under section 101(a)(15)(H)(i)(b1) shall be 1 year, and may be extended, but only in 1-year increments. After every second extension, the next following extension shall not be granted unless the Secretary of Labor had determined and certified to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed with the Secretary of Labor an attestation under section 212(t)(1) for the purpose of permitting the nonimmigrant to obtain such extension.

(D) The numerical limitation described in paragraph (1)(A) for a fiscal year shall be reduced by one for each alien granted an extension under subparagraph (C) during such year who has obtained 5 or more consecutive prior extensions.

(9)(A) Subject to subparagraphs (B) and (C), an alien who has already been counted toward the numerical limitation of paragraph (1)(B) during fiscal year **2004, 2005, or 2006 shall not again be counted toward such limitation during fiscal year 2007.** *2013, 2014, or 2015 shall not again be counted toward such limitation during fiscal year 2016.* Such an alien shall be considered a returning worker.

(B) A petition to admit or otherwise provide status under section 101(a)(15)(H)(ii)(b) shall include, with respect to a returning worker—

(i) all information and evidence that the Secretary of Homeland Security determines is required to support a petition for status under section 101(a)(15)(H)(ii)(b);

(ii) the full name of the alien; and

(iii) a certification to the Department of Homeland Security that the alien is a returning worker.

(C) An H-2B visa or grant of nonimmigrant status for a returning worker shall be approved only if the alien is confirmed to be a returning worker by—

(i) the Department of State; or

(ii) if the alien is visa exempt or seeking to change to status under section 101 (a)(15)(H)(ii)(b), the Department of Homeland Security.

(10) The numerical limitations of paragraph (1)(B) shall be allocated for a fiscal year so that the total number of aliens subject to such numerical limits who enter the United States pursuant to a visa or are accorded nonimmigrant status under section 101(a)(15)(H)(ii)(b) during the first 6 months of such fiscal year is not more than 33,000.

(11)(A) The Secretary of State may not approve a number of initial applications submitted for aliens described in section 101(a)(15)(E)(iii) that is more than the applicable numerical limitation set out in this paragraph.

(B) The applicable numerical limitation referred to in subparagraph (A) is 10,500 for each fiscal year.

(C) The applicable numerical limitation referred to in subparagraph (A) shall only apply to principal aliens and not to the spouses or children of such aliens.

(h) The fact that an alien is the beneficiary of an application for a preference status filed under section 204 or has otherwise sought permanent residence in the United States shall not constitute evidence of an intention to abandon a foreign residence for purposes of obtaining a visa as a nonimmigrant described in subparagraph (H)(i)(b) or (c), (L), or (V) of section 101(a)(15) or otherwise obtaining or maintaining the status of a nonimmigrant described in such subparagraph, if the alien had obtained a change of status under section 248 to a classification as such a nonimmigrant before the alien's most recent departure from the United States.

(i)(1) Except as provided in paragraph (3), for purposes of section 101(a)(15)(H)(i)(b), section 101(a)(15)(E)(iii), and paragraph (2), the term "specialty occupation" means an occupation that requires—

(A) theoretical and practical application of a body of highly specialized knowledge, and

(B) attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation in the United States.

(2) For purposes of section 101(a)(15)(H)(i)(b), the requirements of this paragraph, with respect to a specialty occupation, are—

(A) full state licensure to practice in the occupation, if such licensure is required to practice in the occupation,

(B) completion of the degree described in paragraph (1)(B) for the occupation, or

(C)(i) experience in the specialty equivalent to the completion of such degree, and (ii) recognition of expertise in the specialty through progressively responsible positions relating to the specialty.

(3) For purposes of section 101(a)(15)(H)(i)(b1), the term "specialty occupation" means an occupation that requires—

(A) theoretical and practical application of a body of specialized knowledge; and

(B) attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation in the United States.

(j)(1) Notwithstanding any other provision of this Act, an alien who is a citizen of Canada or Mexico who seeks to enter the United



States under and pursuant to the provisions of Section B, Section C, or Section D of Annex 1603 of the North American Free Trade Agreement, shall not be classified as a nonimmigrant under such provisions if there is in progress a strike or lockout in the course of a labor dispute in the occupational classification at the place or intended place of employment, unless such alien establishes, pursuant to regulations promulgated by the Attorney General, that the alien's entry will not affect adversely the settlement of the strike or lockout or the employment of any person who is involved in the strike or lockout. Notice of a determination under this paragraph shall be given as may be required by paragraph 3 of article 1603 of such Agreement. For purposes of this paragraph, the term "citizen of Mexico" means "citizen" as defined in Annex 1608 of such Agreement.

(2) Notwithstanding any other provision of this Act except section 212(t)(1), and subject to regulations promulgated by the Secretary of Homeland Security, an alien who seeks to enter the United States under and pursuant to the provisions of an agreement listed in subsection (g)(8)(A), and the spouse and children of such an alien if accompanying or following to join the alien, may be denied admission as a nonimmigrant under subparagraph (E), (L), or (H)(i)(b1) of section 101(a)(15) if there is in progress a labor dispute in the occupational classification at the place or intended place of employment, unless such alien establishes, pursuant to regulations promulgated by the Secretary of Homeland Security after consultation with the Secretary of Labor, that the alien's entry will not affect adversely the settlement of the labor dispute or the employment of any person who is involved in the labor dispute. Notice of a determination under this paragraph shall be given as may be required by such agreement.

(k)(1) The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S)(i) in any fiscal year may not exceed 200. The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S)(ii) in any fiscal year may not exceed 50.

(2) The period of admission of an alien as such a nonimmigrant may not exceed 3 years. Such period may not be extended by the Attorney General.

(3) As a condition for the admission, and continued stay in lawful status, of such a nonimmigrant, the nonimmigrant—

(A) shall report not less often than quarterly to the Attorney General such information concerning the alien's whereabouts and activities as the Attorney General may require;

(B) may not be convicted of any criminal offense punishable by a term of imprisonment of 1 year or more after the date of such admission;

(C) must have executed a form that waives the nonimmigrant's right to contest, other than on the basis of an application for withholding of removal, any action for removal of the alien instituted before the alien obtains lawful permanent resident status; and

(D) shall abide by any other condition, limitation, or restriction imposed by the Attorney General.

(4) The Attorney General shall submit a report annually to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate concerning—

- (A) the number of such nonimmigrants admitted;
- (B) the number of successful criminal prosecutions or investigations resulting from cooperation of such aliens;
- (C) the number of terrorist acts prevented or frustrated resulting from cooperation of such aliens;
- (D) the number of such nonimmigrants whose admission or cooperation has not resulted in successful criminal prosecution or investigation or the prevention or frustration of a terrorist act; and
- (E) the number of such nonimmigrants who have failed to report quarterly (as required under paragraph (3)) or who have been convicted of crimes in the United States after the date of their admission as such a nonimmigrant.

(1)(1) In the case of a request by an interested State agency, or by an interested Federal agency, for a waiver of the 2-year foreign residence requirement under section 212(e) on behalf of an alien described in clause (iii) of such section, the Attorney General shall not grant such waiver unless—

(A) in the case of an alien who is otherwise contractually obligated to return to a foreign country, the government of such country furnishes the Director of the United States Information Agency with a statement in writing that it has no objection to such waiver;

(B) in the case of a request by an interested State agency, the grant of such waiver would not cause the number of waivers allotted for that State for that fiscal year to exceed 30;

(C) in the case of a request by an interested Federal agency or by an interested State agency—

(i) the alien demonstrates a bona fide offer of full-time employment at a health facility or health care organization, which employment has been determined by the Attorney General to be in the public interest; and

(ii) the alien agrees to begin employment with the health facility or health care organization within 90 days of receiving such waiver, and agrees to continue to work for a total of not less than 3 years (unless the Attorney General determines that extenuating circumstances exist, such as closure of the facility or hardship to the alien, which would justify a lesser period of employment at such health facility or health care organization, in which case the alien must demonstrate another bona fide offer of employment at a health facility or health care organization for the remainder of such 3-year period); and

(D) in the case of a request by an interested Federal agency (other than a request by an interested Federal agency to employ the alien full-time in medical research or training) or by an interested State agency, the alien agrees to practice primary care or specialty medicine in accordance with paragraph (2) for a total of not less than 3 years only in the geographic area or areas which are designated by the Secretary of Health and Human Services as having a shortage of health care professionals, except that—

(i) in the case of a request by the Department of Veterans Affairs, the alien shall not be required to practice medicine in a geographic area designated by the Secretary;

(ii) in the case of a request by an interested State agency, the head of such State agency determines that the alien is to practice medicine under such agreement in a facility that serves patients who reside in one or more geographic areas so designated by the Secretary of Health and Human Services (without regard to whether such facility is located within such a designated geographic area), and the grant of such waiver would not cause the number of the waivers granted on behalf of aliens for such State for a fiscal year (within the limitation in subparagraph (B)) in accordance with the conditions of this clause to exceed 10; and

(iii) in the case of a request by an interested Federal agency or by an interested State agency for a waiver for an alien who agrees to practice specialty medicine in a facility located in a geographic area so designated by the Secretary of Health and Human Services, the request shall demonstrate, based on criteria established by such agency, that there is a shortage of health care professionals able to provide services in the appropriate medical specialty to the patients who will be served by the alien.

(2)(A) Notwithstanding section 248(a)(2), the Attorney General may change the status of an alien who qualifies under this subsection and section 212(e) to that of an alien described in section 101(a)(15)(H)(i)(b). The numerical limitations contained in subsection (g)(1)(A) shall not apply to any alien whose status is changed under the preceding sentence, if the alien obtained a waiver of the 2-year foreign residence requirement upon a request by an interested Federal agency or an interested State agency.

(B) No person who has obtained a change of status under subparagraph (A) and who has failed to fulfill the terms of the contract with the health facility or health care organization named in the waiver application shall be eligible to apply for an immigrant visa, for permanent residence, or for any other change of nonimmigrant status, until it is established that such person has resided and been physically present in the country of his nationality or his last residence for an aggregate of at least 2 years following departure from the United States.

(3) Notwithstanding any other provision of this subsection, the 2-year foreign residence requirement under section 212(e) shall apply with respect to an alien described in clause (iii) of such section, who has not otherwise been accorded status under section 101(a)(27)(H), if—

(A) at any time the alien ceases to comply with any agreement entered into under subparagraph (C) or (D) of paragraph (1); or

(B) the alien's employment ceases to benefit the public interest at any time during the 3-year period described in paragraph (1)(C).

(m)(1) An alien may not be accorded status as a nonimmigrant under clause (i) or (iii) of section 101(a)(15)(F) in order to pursue a course of study—

(A) at a public elementary school or in a publicly funded adult education program; or

(B) at a public secondary school unless—

(i) the aggregate period of such status at such a school does not exceed 12 months with respect to any alien, and

(ii) the alien demonstrates that the alien has reimbursed the local educational agency that administers the school for the full, unsubsidized per capita cost of providing education at such school for the period of the alien's attendance.

(2) An alien who obtains the status of a nonimmigrant under clause (i) or (iii) of section 101(a)(15)(F) in order to pursue a course of study at a private elementary or secondary school or in a language training program that is not publicly funded shall be considered to have violated such status, and the alien's visa under section 101(a)(15)(F) shall be void, if the alien terminates or abandons such course of study at such a school and undertakes a course of study at a public elementary school, in a publicly funded adult education program, in a publicly funded adult education language training program, or at a public secondary school (unless the requirements of paragraph (1)(B) are met).

(n)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

(A) who has been lawfully admitted into the United States;

(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

(C) who, subsequent to such lawful admission, has not been employed without authorization in the United States before the filing of such petition.

(o)(1) No alien shall be eligible for admission to the United States under section 101(a)(15)(T) if there is substantial reason to believe that the alien has committed an act of a severe form of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000).

(2) The total number of aliens who may be issued visas or otherwise provided nonimmigrant status during any fiscal year under section 101(a)(15)(T) may not exceed 5,000.

(3) The numerical limitation of paragraph (2) shall only apply to principal aliens and not to the spouses, sons, daughters, siblings, or parents of such aliens.

(4) An unmarried alien who seeks to accompany, or follow to join, a parent granted status under section 101(a)(15)(T)(i), and who was under 21 years of age on the date on which such parent applied

for such status, shall continue to be classified as a child for purposes of section 101(a)(15)(T)(ii), if the alien attains 21 years of age after such parent's application was filed but while it was pending.

(5) An alien described in clause (i) of section 101(a)(15)(T) shall continue to be treated as an alien described in clause (ii)(I) of such section if the alien attains 21 years of age after the alien's application for status under such clause (i) is filed but while it is pending.

(6) In making a determination under section 101(a)(15)(T)(i)(III)(aa) with respect to an alien, statements from State and local law enforcement officials that the alien has complied with any reasonable request for assistance in the investigation or prosecution of crimes such as kidnapping, rape, slavery, or other forced labor offenses, where severe forms of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000) appear to have been involved, shall be considered.

(7)(A) Except as provided in subparagraph (B), an alien who is issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(T) may be granted such status for a period of not more than 4 years.

(B) An alien who is issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(T) may extend the period of such status beyond the period described in subparagraph (A) if—

(i) a Federal, State, or local law enforcement official, prosecutor, judge, or other authority investigating or prosecuting activity relating to human trafficking or certifies that the presence of the alien in the United States is necessary to assist in the investigation or prosecution of such activity;

(ii) the alien is eligible for relief under section 245(l) and is unable to obtain such relief because regulations have not been issued to implement such section; or

(iii) the Secretary of Homeland Security determines that an extension of the period of such nonimmigrant status is warranted due to exceptional circumstances.

(C) Nonimmigrant status under section 101(a)(15)(T) shall be extended during the pendency of an application for adjustment of status under section 245(l).

(p) REQUIREMENTS APPLICABLE TO SECTION 101(a)(15)(U) VISAS.—

(1) PETITIONING PROCEDURES FOR SECTION 101(a)(15)(U) VISAS.—The petition filed by an alien under section 101(a)(15)(U)(i) shall contain a certification from a Federal, State, or local law enforcement official, prosecutor, judge, or other Federal, State, or local authority investigating criminal activity described in section 101(a)(15)(U)(iii). This certification may also be provided by an official of the Service whose ability to provide such certification is not limited to information concerning immigration violations. This certification shall state that the alien “has been helpful, is being helpful, or is likely to be helpful” in the investigation or prosecution of criminal activity described in section 101(a)(15)(U)(iii).

(2) NUMERICAL LIMITATIONS.—

(A) The number of aliens who may be issued visas or otherwise provided status as nonimmigrants under section 101(a)(15)(U) in any fiscal year shall not exceed 10,000.

(B) The numerical limitations in subparagraph (A) shall only apply to principal aliens described in section 101(a)(15)(U)(i), and not to spouses, children, or, in the case of alien children, the alien parents of such children.

(3) DUTIES OF THE ATTORNEY GENERAL WITH RESPECT TO “U” VISA NONIMMIGRANTS.—With respect to nonimmigrant aliens described in subsection (a)(15)(U)—

(A) the Attorney General and other government officials, where appropriate, shall provide those aliens with referrals to nongovernmental organizations to advise the aliens regarding their options while in the United States and the resources available to them; and

(B) the Attorney General shall, during the period those aliens are in lawful temporary resident status under that subsection, provide the aliens with employment authorization.

(4) CREDIBLE EVIDENCE CONSIDERED.—In acting on any petition filed under this subsection, the consular officer or the Attorney General, as appropriate, shall consider any credible evidence relevant to the petition.

(5) NONEXCLUSIVE RELIEF.—Nothing in this subsection limits the ability of aliens who qualify for status under section 101(a)(15)(U) to seek any other immigration benefit or status for which the alien may be eligible.

(6) DURATION OF STATUS.—The authorized period of status of an alien as a nonimmigrant under section 101(a)(15)(U) shall be for a period of not more than 4 years, but shall be extended upon certification from a Federal, State, or local law enforcement official, prosecutor, judge, or other Federal, State, or local authority investigating or prosecuting criminal activity described in section 101(a)(15)(U)(iii) that the alien’s presence in the United States is required to assist in the investigation or prosecution of such criminal activity. The Secretary of Homeland Security may extend, beyond the 4-year period authorized under this section, the authorized period of status of an alien as a nonimmigrant under section 101(a)(15)(U) if the Secretary determines that an extension of such period is warranted due to exceptional circumstances. Such alien’s nonimmigrant status shall be extended beyond the 4-year period authorized under this section if the alien is eligible for relief under section 245(m) and is unable to obtain such relief because regulations have not been issued to implement such section and shall be extended during the pendency of an application for adjustment of status under section 245(m). The Secretary may grant work authorization to any alien who has a pending, bona fide application for nonimmigrant status under section 101(a)(15)(U).

(7) AGE DETERMINATIONS.—

(A) CHILDREN.—An unmarried alien who seeks to accompany, or follow to join, a parent granted status under section 101(a)(15)(U)(i), and who was under 21 years of age on the date on which such parent petitioned for such status, shall continue to be classified as a child for purposes of section 101(a)(15)(U)(ii), if the alien attains 21 years of age after such parent’s petition was filed but while it was pending.

(B) PRINCIPAL ALIENS.—An alien described in clause (i) of section 101(a)(15)(U) shall continue to be treated as an alien described in clause (ii)(I) of such section if the alien attains 21 years of age after the alien's application for status under such clause (i) is filed but while it is pending.

(q)(1) In the case of a nonimmigrant described in section 101(a)(15)(V)—

(A) the Attorney General shall authorize the alien to engage in employment in the United States during the period of authorized admission and shall provide the alien with an “employment authorized” endorsement or other appropriate document signifying authorization of employment; and

(B) the period of authorized admission as such a nonimmigrant shall terminate 30 days after the date on which any of the following is denied:

(i) The petition filed under section 204 to accord the alien a status under section 203(a)(2)(A) (or, in the case of a child granted nonimmigrant status based on eligibility to receive a visa under section 203(d), the petition filed to accord the child's parent a status under section 203(a)(2)(A)).

(ii) The alien's application for an immigrant visa pursuant to the approval of such petition.

(iii) The alien's application for adjustment of status under section 245 pursuant to the approval of such petition.

(2) In determining whether an alien is eligible to be admitted to the United States as a nonimmigrant under section 101(a)(15)(V), the grounds for inadmissibility specified in section 212(a)(9)(B) shall not apply.

(3) The status of an alien physically present in the United States may be adjusted by the Attorney General, in the discretion of the Attorney General and under such regulations as the Attorney General may prescribe, to that of a nonimmigrant under section 101(a)(15)(V), if the alien—

(A) applies for such adjustment;

(B) satisfies the requirements of such section; and

(C) is eligible to be admitted to the United States, except in determining such admissibility, the grounds for inadmissibility specified in paragraphs (6)(A), (7), and (9)(B) of section 212(a) shall not apply.

(r)(1) A visa shall not be issued under the provisions of section 101(a)(15)(K)(ii) until the consular officer has received a petition filed in the United States by the spouse of the applying alien and approved by the Attorney General. The petition shall be in such form and contain such information as the Attorney General shall, by regulation, prescribe. Such information shall include information on any criminal convictions of the petitioner for any specified crime described in paragraph (5)(B) and information on any permanent protection or restraining order issued against the petitioner related to any specified crime described in subsection (5)(B)(i).

(2) In the case of an alien seeking admission under section 101(a)(15)(K)(ii) who concluded a marriage with a citizen of the United States outside the United States, the alien shall be considered inadmissible under section 212(a)(7)(B) if the alien is not at the time of application for admission in possession of a valid non-

immigrant visa issued by a consular officer in the foreign state in which the marriage was concluded.

(3) In the case of a nonimmigrant described in section 101(a)(15)(K)(ii), and any child of such a nonimmigrant who was admitted as accompanying, or following to join, such a nonimmigrant, the period of authorized admission shall terminate 30 days after the date on which any of the following is denied:

(A) The petition filed under section 204 to accord the principal alien status under section 201(b)(2)(A)(i).

(B) The principal alien's application for an immigrant visa pursuant to the approval of such petition.

(C) The principal alien's application for adjustment of status under section 245 pursuant to the approval of such petition.

(4)(A) The Secretary of Homeland Security shall create a database for the purpose of tracking multiple visa petitions filed for fiancé(e)s and spouses under clauses (i) and (ii) of section 101(a)(15)(K). Upon approval of a second visa petition under section 101(a)(15)(K) for a fiancé(e) or spouse filed by the same United States citizen petitioner, the petitioner shall be notified by the Secretary that information concerning the petitioner has been entered into the multiple visa petition tracking database. All subsequent fiancé(e) or spouse nonimmigrant visa petitions filed by that petitioner under such section shall be entered in the database.

(B)(i) Once a petitioner has had two fiancé(e) or spousal petitions approved under clause (i) or (ii) of section 101(a)(15)(K), if a subsequent petition is filed under such section less than 10 years after the date the first visa petition was filed under such section, the Secretary of Homeland Security shall notify both the petitioner and beneficiary of any such subsequent petition about the number of previously approved fiancé(e) or spousal petitions listed in the database.

(ii) To notify the beneficiary as required by clause (i), the Secretary of Homeland Security shall provide such notice to the Secretary of State for inclusion in the mailing to the beneficiary described in section 833(a)(5)(A)(i) of the International Marriage Broker Regulation Act of 2005 (8 U.S.C. 1375a(a)(5)(A)(i)).

(5) In this subsection:

(A) The terms "domestic violence", "sexual assault", "child abuse and neglect", "dating violence", "elder abuse", and "stalking" have the meaning given such terms in section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005.

(B) The term "specified crime" means the following:

(i) Domestic violence, sexual assault, child abuse and neglect, dating violence, elder abuse, stalking, or an attempt to commit any such crime.

(ii) Homicide, murder, manslaughter, rape, abusive sexual contact, sexual exploitation, incest, torture, trafficking, peonage, holding hostage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, or an attempt to commit any of the crimes described in this clause.



(iii) At least three convictions for crimes relating to a controlled substance or alcohol not arising from a single act.

\* \* \* \* \*

#### COMPLIANCE WITH RULE XIII, CLAUSE 3(f)(1)(A)

Pursuant to clause 3(f)(1) of rule XIII of the Rules of the House of Representatives, the Committee has inserted at the appropriate place in the report a description of the effects of provisions proposed in the accompanying bill which may be considered, under certain circumstances, to change the application of existing law, either directly or indirectly.

The bill provides, in some instances, funding of agencies and activities where legislation has not yet been finalized. In addition, the bill carries language, in some instances, permitting activities not authorized by law. Additionally, the Committee includes a number of general provisions.

### TITLE I—DEPARTMENT MANAGEMENT AND OPERATIONS

#### OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

Language providing funds for the Office of the Secretary and Executive Management (OSEM) offices, including funds for official reception and representation expenses.

#### OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

Language providing funds for reception and representation expenses; for costs necessary to consolidate headquarters operations, including tenant improvements and relocation costs; and for the human resources information technology program.

#### OFFICE OF THE CHIEF FINANCIAL OFFICER

Language providing funds for the Chief Financial Officer requires submission of a Future Years Homeland Security Program concurrent with the budget request.

#### OFFICE OF THE CHIEF INFORMATION OFFICER

Language providing funds for the Chief Information Officer and for the development and acquisition of information technology equipment, software, services, and related activities.

#### ANALYSIS AND OPERATIONS

Language providing funds for information analysis and operations coordination activities, including funding for official representation expenses.

#### OFFICE OF INSPECTOR GENERAL

Language providing funds for the Office of Inspector General as well as certain confidential operational expenses, including the payment of informants.

## TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

### U.S. CUSTOMS AND BORDER PROTECTION

#### SALARIES AND EXPENSES

Language making funds available for border security, immigration, customs, and agricultural inspections and regulatory activities; purchase or lease of vehicles; contracting with individuals for personal services; Harbor Maintenance Fee collections; official reception and representation expenses; Customs User Fee collections; payment of rental space in connection with preclearance operations; and compensation of informants.

Language regarding overtime compensation and requires Border Patrol to maintain an active duty force of 21,370 agents.

#### AUTOMATION MODERNIZATION

Language making funds available for automated systems.

#### BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

Language making funds available for border security fencing, infrastructure, and technology.

#### AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

Language making funds available for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, the Air and Marine Operations Center, and other equipment; travel; and assistance to other law enforcement agencies and humanitarian efforts.

Language prohibiting the transfer of aircraft and related equipment out of CBP unless certain conditions are met.

Language is included allowing CBP to increase operations in Puerto Rico and the U.S. Virgin Islands.

#### CONSTRUCTION AND FACILITIES MANAGEMENT

Language making funds available for the planning, acquisition, construction, renovating, equipping, and maintaining of buildings and facilities.

### U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

#### SALARIES AND EXPENSES

Language making funds available to conduct investigations of criminal violations of Federal law relating to border security, customs and trade, immigration and naturalization, and travel and transportation; for the civil enforcement of the immigration and customs laws, including the detention and removal of immigration status violators; special operations; official reception and representation expenses; for compensation to informants; promotion of public awareness to counter child exploitation; for enforcement of law against forced child labor; for the facilitation of section 287(g); and for the reimbursement of other Federal agencies for certain costs.

Language withholding funds from Salaries and Expenses, limiting overtime compensation, a minimum number of detention bed spaces, the Visa Security Program, the operations of the National Intellectual Property Rights Coordination Center, for transportation of unaccompanied alien children, and for Custody Operations.

Language that requires the Secretary to identify illegal aliens who have been convicted of a crime or who pose a serious risk to public safety or National security who are eligible for removal.

The delegation of law enforcement authority for the 287(g) program if terms of the agreement have been materially violated.

Language prohibiting funds to continue any contract for detention services if two recent evaluations are less than adequate and authorizes the Secretary to reprogram and transfer funds within and into this appropriation for the purposes of detaining aliens prioritized for removal.

#### AUTOMATION MODERNIZATION

Language making funds available for automated systems.

#### TRANSPORTATION SECURITY ADMINISTRATION

##### AVIATION SECURITY

Language making funds available for civil aviation security and establishes conditions under which security fees are collected and credited.

Language providing funds for reception and representation expenses.

Language limiting staffing to 45,000 full-time equivalent screeners, not including part-time hires, and requires a report on passenger and baggage screening technology.

Language clarifying a variety of people are not exempt from screening.

##### SURFACE TRANSPORTATION SECURITY

Language providing funds for TSA's surface transportation security activities.

##### INTELLIGENCE AND VETTING PROGRAMS

Language providing funds for intelligence and vetting activities.

##### TRANSPORTATION SECURITY SUPPORT

Language providing funds for TSA's transportation security support programs.

#### COAST GUARD

##### OPERATING EXPENSES

Language regarding passenger motor vehicles, small boats, repairs and service life-replacements, minor shore construction projects, recreation and welfare, and the Oil Spill Liability Trust Fund.

Language on reception and representation expenses and reprogrammings.

## ENVIRONMENTAL COMPLIANCE AND RESTORATION

Language providing funds for environmental compliance and restoration of the Coast Guard.

## RESERVE TRAINING

Language providing funds for the Coast Guard reserve, including maintenance and operation of the reserve program, personnel and training costs, equipment and services.

## ACQUISITIONS, CONSTRUCTION AND IMPROVEMENTS

Language providing for funds for the Coast Guard acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, housing, vessels, and aircraft as well as for maintenance, rehabilitation, lease and operations of facilities and equipment.

Language requiring a capital investment plan for future appropriations years with certain conditions.

## RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Language providing funds for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease and operation of facilities and equipment.

Language allowing funds to remain available until September 30, 2018; authorizing funds to be derived from the Oil Spill Liability Trust Fund; and authorizing funds received from State and local governments, other public authorities, private sources, and foreign countries to be credited to this account and used for certain purposes.

## RETIRED PAY

Language providing funds for retired pay and medical care for the Coast Guard's retired personnel and their dependents and makes these funds available until expended.

## UNITED STATES SECRET SERVICE

## OPERATING EXPENSES

Language providing funds for the purchase and replacement of vehicles; the hire of aircraft; purchase of motorcycles; services of expert witnesses as may be necessary; rental of certain buildings; improvements to buildings as may be necessary for protective missions; per diem and subsistence allowances; firearms matches; presentation of awards; protective travel; research and development; grants for behavioral research; official reception and representation expenses; technical assistance and equipment to foreign law enforcement organizations; advance payment for commercial accommodations; and uniforms.

Language providing for two-year availability of funds for protective travel.

Language authorizing the obligation of funds in anticipation of reimbursements for training, under certain conditions.

Language restricting the obligation of funds to compensate employees for overtime in an annual amount in excess of \$35,000 except under certain conditions.

Language permitting some funds may be transferred between PPAs.

Language prohibiting funds to be available for the protection of the head of a Federal agency other than the Secretary of Homeland Security unless the Secret Service has entered into a reimbursable agreement.

#### ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

Language providing funds for the acquisition, construction, improvement, and related expenses of Secret Service facilities.

### TITLE III—PREPAREDNESS AND RECOVERY

#### NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

##### MANAGEMENT AND ADMINISTRATION

Language providing funds for the Office of the Under Secretary for National Protection and Programs Directorate as well as to support business operations and information technology.

Language providing funds for official reception and representation expenses.

##### INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

Language making funds available for cybersecurity activities and infrastructure protection, of which certain funds are available until September 30, 2017.

##### FEDERAL PROTECTIVE SERVICE

Language making funds available until expended for the operations of the Federal Protective Service

##### OFFICE OF BIOMETRIC IDENTITY MANAGEMENT

Language making funds available for the Office of Biometric Identity Management.

##### OFFICE OF HEALTH AFFAIRS

Language making funds available for health affairs, biosurveillance, BioWatch, medical readiness planning, and chemical defense.

#### FEDERAL EMERGENCY MANAGEMENT AGENCY

##### SALARIES AND EXPENSES

Language that provides funds for salaries and expenses.

Language providing funds for reception and representation expenses, Urban Search and Rescue Response System, Mount Weather Emergency Operations Center.

Language limiting administrative costs for Urban Search and Rescue Teams.

##### STATE AND LOCAL PROGRAMS

Language providing funds for grants, contracts, cooperative agreements, other activities, including grants to State and local governments for terrorism prevention.

Language identifying the amount of funds available for Operation Stonegarden and for National Programs.

Language specifying the conditions under which both applications and grants are made to certain grants made in the Act.

Language specifying the conditions for distribution of certain grants and provides authority for the procurement of land.

#### FIREFIGHTER ASSISTANCE GRANTS

Language providing funds for grants.

#### EMERGENCY MANAGEMENT PERFORMANCE GRANTS

Language providing funds for grants.

#### RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

Language regarding charges assessed for the radiological emergency preparedness program, including conditions and methodology for the assessment and collection of fees.

#### UNITED STATES FIRE ADMINISTRATION

Language that provides funds for expenses of the U.S. Fire Administration.

#### DISASTER RELIEF

Language making funds available until expended and requires a variety of reporting requirements.

#### FLOOD HAZARD MAPPING AND RISK ANALYSIS

Language making funds available for flood hazard mapping, including administrative costs.

#### NATIONAL FLOOD INSURANCE FUND

Language limiting funds available for salaries and expenses and language making funds available for flood hazard mitigation floodplain management available until September 30, 2015. The Committee includes provisions limiting operating expenses; for interest on Treasury borrowings; for agents' commissions and taxes; for fees collected and available for floodplain management; and for flood mitigation activities associated with sections of the National Flood Insurance Act of 1968.

Language permitting additional fees collected be credited as an offsetting collection and available for floodplain management and language providing that not to exceed four percent of the total appropriation is available for administrative costs and that funds are available for the Flood Advocate.

#### NATIONAL PREDISASTER MITIGATION FUND

Language authorizing grant awards to be available until expended.

#### EMERGENCY FOOD AND SHELTER

Language making funds available until expended and limiting total administrative costs to 3.5 percent of the total appropriation.

## TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

### UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

Language making funds available for the E-Verify program, permitting replacement of vehicles and official reception and representation.

### FEDERAL LAW ENFORCEMENT TRAINING CENTER

#### SALARIES AND EXPENSES

Language making funds available for official representation expenses; purchase of police type pursuit vehicles; student athletic and related recreational activities; conducting and participating in firearms matches; public awareness and community support; room and board; services authorized by 5 U.S.C. 3109; law enforcement accreditation; reimbursements for certain mobile phone expenses.

Language authorizing the training of certain law enforcement personnel; authorizes the use of appropriations and reimbursements for such training and establishes a cap on total obligations.

Language authorizing funds for the compensation of accreditation costs for participating agencies; and on the scheduling of basic or advanced law enforcement training.

#### ACQUISITION, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

Language making funds available for real property and facilities and authorizes reimbursement from government agencies requesting construction of special use facilities.

### SCIENCE AND TECHNOLOGY

#### MANAGEMENT AND ADMINISTRATION

Language providing funds for management and administration, including funds for official reception and representation expenses.

#### RESEARCH, DEVELOPMENT, ACQUISITION AND OPERATIONS

Language making funds available for science and technology research, development, test and evaluation, acquisition, and operations.

Language providing funds for operation and construction of laboratory facilities.

### DOMESTIC NUCLEAR DETECTION OFFICE

#### MANAGEMENT AND ADMINISTRATION

Language that provides funds for management and administration, including funds for reception and representation expenses.

#### RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

Language making funds available for radiological and nuclear research, development, testing, evaluation, and operations.

## SYSTEMS ACQUISITION

Language making funds available for the purchase and deployment of radiation detection equipment.

## TITLE V—GENERAL PROVISIONS

Language limiting the availability of any appropriation for obligation beyond the current year unless expressly provided.

Language permitting unexpended balances of prior appropriations to be merged with new appropriation accounts and used for the same purpose, subject to reprogramming guidelines.

Language providing reprogramming authority for funds within an account and limiting the percent that can be transferred between appropriations accounts with the requirement for a 15-day advance Congressional notification. A detailed funding table identifying each Congressional control level for reprogramming purposes is included at the end of this Report. These reprogramming guidelines shall be complied with by all agencies funded by the Department of Homeland Security Appropriations Act, 2016, for obligation and deobligation of funds.

Language prohibiting funds appropriated or otherwise made available to the Department to make payment to the WCF, except for activities and amounts allowed in the President's fiscal year 2016 request. Funds provided to the WCF are available until expended. The Department can only charge components for direct usage of the WCF and these funds may be used only for the purposes consistent with the contributing component. Any funds paid in advance or reimbursed must reflect the full cost of each service. The WCF shall be subject to the requirements of section 503 of this Act.

Language providing that not to exceed 50 percent of unobligated balances remaining at the end of fiscal year 2016 from appropriations made for salaries and expenses remain available through fiscal year 2017 subject to reprogramming guidelines.

Language providing that funds for intelligence activities are deemed to be specifically authorized during fiscal year 2016 until the enactment of an Act authorizing intelligence activities for fiscal year 2016.

Language requiring notification of the Committees on Appropriations three days before grant allocations, grant awards, contract awards, other transactional agreements, letter of intents, or task or delivery order on a multiple contract award totaling \$1,000,000 or more, or a task order greater than \$10,000,000 from multiyear funds, is announced by the Department, including contracts covered by the Federal Acquisition Regulation or sole source grant award. The Department is required to brief the Committees on Appropriations five full business days prior to announcing the intention to make a grant under State and Local Programs.

Language prohibiting any agency from purchasing, constructing, or leasing additional facilities for Federal law enforcement training without advance approval of the Committees on Appropriations.

Language prohibiting funds to be used for any construction, repair, alteration, and acquisition project for which a prospectus, if required under chapter 33 of title 40, United States Code, has not been approved.



Language consolidating, by reference, prior year statutory bill language into one provision. These provisions relate to contracting officer's technical representative training; sensitive security information; and the use of funds in conformance with Section 303 of the Energy Policy Act of 1992. The language eliminates statutory reporting requirements for SSI.

Language prohibiting funds being used in contravention of the Buy American Act.

Language maintaining the use of the oath of allegiance required by Section 337 of the Immigration and Nationality Act.

Language requiring the Chief Financial Officer to submit monthly budget execution and staffing reports within 45 days after the close of each month. The Committee also directs the submission of obligation and expenditure plans annually and quarterly for specified programs.

Language directing that any funds appropriated or transferred to TSA "Aviation Security", "Administration", and "Transportation Security Support" in fiscal years 2004 and 2005, which are recovered or deobligated, shall be available only for procurement and installation of explosive detection systems for air cargo, baggage, and checkpoint screening systems. The Committee also requires quarterly reports on recovered or deobligated funds.

Language limiting the use of A-76 competitions by USCIS.

Language requiring any funds appropriated to the Coast Guard's 110-123 foot patrol boat conversion that are recovered, collected, or otherwise received as a result of negotiation, mediation, or litigation, be available until expended for the Fast Response Cutter program.

Language classifying the functions of the instructor staff at FLETC as inherently governmental for purposes of the Federal Activities Inventory Reform Act.

Language requires the Inspector General to review Departmental contracts awarded noncompetitively and report on the results to the Committees.

Language prohibiting funding for any position designated as a Principal Federal Official during a Stafford Act declared disaster or emergency.

Language precluding DHS from using funds in this Act to carry out reorganization authority unless authorized by Congress.

Language prohibiting funding to grant an immigration benefit to any individual unless the results of background checks required in statute be completed prior to the grant of the benefit have been received by DHS.

Language relating to the use of transactional authority by DHS through fiscal year 2016.

Language requiring the Secretary to link all contracts that provide award fees to successful acquisition outcomes.

Language requiring notification of any request for waivers of navigation and vessel-inspection laws pursuant to 46 U.S.C. 501(b).

Language regarding prescription drugs.

Language requiring the Secretary, in conjunction with the Secretary of Treasury, to notify the Committees of any proposed transfers from the Department of Treasury Forfeiture Fund to any agency within DHS. No funds may be obligated until the Subcommittees approve the proposed transfers.

Language prohibiting funds for the planning, testing, piloting or developing a National identification card.

Language directing that any official required by this Act to report or certify to the Committees on Appropriations may not delegate any authority unless expressly authorized to do so in this Act.

Language prohibiting the use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.

Language prohibiting funds in this Act to be used for first-class travel.

Language prohibiting funds to be used to employ illegal workers as described in Section 274A(h)(3) of the Immigration and Nationality Act.

Language prohibiting funds appropriated or otherwise made available by this Act to pay for award or incentive fees for contractors with below satisfactory performance or performance that fails to meet the basic requirements of the contract.

Language requiring any new processes developed to screen aviation passengers and crews for transportation or National security to consider privacy and civil liberties, consistent with applicable laws, regulations, and guidance.

Language making immigration examination fee collections explicitly available for immigrant integration grants, not to exceed \$10,000,000, in fiscal year 2016.

Language providing funding for the Department headquarters consolidation project.

Language prohibiting funds appropriated or otherwise made available by this Act from being used to enter into Federal contracts unless in accordance with the Federal Property and Administrative Services Act or the Federal Acquisition Regulation, unless otherwise authorized by statute.

Language providing funds for Financial Systems Modernization efforts across the Department.

Language permitting the Secretary to transfer up to \$20,000,000 to address immigration emergencies notwithstanding section 503 of this Act.

Language regarding disposal of Service Processing Centers or other ICE owned detention facilities.

Language requiring the Secretary to enforce existing immigration laws.

Language prohibiting funds made available in this Act from being used to establish or maintain computer networks unless such networks block pornography.

Language regarding the transfer of firearms by Federal law enforcement personnel.

Language prohibiting funds for the implementation of the National Preparedness Grant Program or any successor grant program.

Language prohibiting funds for the position of Public Advocate or successor position within ICE.

Language increasing public private partnership initiatives from five to ten.

Language regarding funding restrictions and reporting requirements regarding conferences occurring outside of the United States.

Language prohibiting the reimbursement of funds to any Federal Department or agency for its participation in a NSSE

Language prohibiting pre-clearance locations unless CBP meets certain conditions and conducts the necessary analysis and reporting.

Language prohibiting funds from being used to require airport operators to provide airport-financed staffing to monitor exit points at which TSA provided such monitoring as of December 1, 2013.

Language pertaining to the temporary reemployment of administrative law judges for arbitration dispute resolution.

Language regarding the availability of COBRA fee revenue.

Language directing the inclusion of budget justification for any structural pay reform that affects more than 100 FTE employee positions or costs more than \$5,000,000.

Language requiring DHS to post Committee-required reports on a DHS public website under certain circumstances.

Language allowing the costs of providing humanitarian relief to unaccompanied alien children and to alien adults and their minor children to be an eligible use for certain Homeland Security grants.

Language providing TSA additional authority to reprogram or transfer funds within particular PPAs.

Language directing that all DHS acquisition programs meet established acquisition documentation requirements.

Language withholding acquisition funds from particular accounts in CBP, Coast Guard, and FEMA until these components meet specified acquisition requirements.

Language directing DHS fiscal year 2017 budget request and accompanying justification material be reorganized to follow a common appropriation structure, as specified.

Language prohibiting funds from being used by DHS to approve, license, facilitate, authorize, or allow the trafficking or import of property confiscated by the Cuban Government.

Language prohibiting funds to expand or implement certain immigration programs while the injunctive order of Civ. No. B-14-254 remains in effect.

Language amending 8 U.S.C. 1184(g)(9)(A).

Language prohibiting funds for the creation or continued use of badges resembling law enforcement badges by the Transportation Security Administration.

Language prohibiting ICE from paying for abortions except in certain circumstances.

Language prohibiting ICE from requiring any person to perform an abortion.

Language authorizing ICE to escort female detainees outside the detention facilities.

Language prohibiting the release of particularly categorized aliens as defined in the Secretary of Homeland Security's memorandum dated November 20, 2014.

Language prohibiting the granting of certain FEMA funds to state or political subdivisions if they inhibit Federal immigration law enforcement efforts, as determined by the Secretary of Homeland Security.

Language rescinding unobligated balances from specified programs.

Language rescinding specified funds from the Treasury Forfeiture Fund.

Language rescinding unobligated balances from the FEMA DRF.

Language prohibiting new budget authority from exceeding the budget allocation in fiscal year 2016.

APPROPRIATIONS NOT AUTHORIZED BY LAW

Pursuant to clause 3(f)(1) of rule XIII of the Rules of the House of Representatives, the following table lists the appropriations in the accompanying bill that are not authorized by law:

FY 2016 Schedule of Unauthorized Appropriations

(Gross Discretionary - Dollars in thousands)

Agency/Program	Last Year of Authorization	Authorized Level	Appropriation in Last Year of Authorization	Appropriations in this bill
Customs and Border Protection, Salaries and Expenses	2004 <sup>1</sup>	\$3,083,259 <sup>2</sup>	\$4,396,750 <sup>3</sup>	\$8,695,238 <sup>4</sup>
Customs and Border Protection, International Cargo Screening	2010 <sup>5</sup>	\$153,300	\$162,000	\$68,148
Customs and Border Protection, Customs-Trade Partnership Against Terrorism (C-TPAT)	2010/2012 <sup>6</sup>	\$75,600/\$21,000	\$62,612/\$44,979 <sup>7</sup>	\$41,121 <sup>8</sup>
Customs and Border Protection, Automated Targeting Systems	2010 <sup>9</sup>	\$37,485	\$34,560	\$122,640
Customs and Border Protection, Automated Commercial Environment	2004 <sup>10</sup>	\$308,000	\$318,690	\$153,614
Customs and Border Protection, Air and Marine Interdiction, Operations, Maintenance, and Procurement	2004 <sup>11</sup>	\$175,000	\$240,200	\$784,934 <sup>12</sup>
Immigration and Customs Enforcement, Salaries and Expenses	2003 <sup>13</sup>	\$4,131,000	N/A	\$5,736,286
Transportation Security Administration, Aviation Security	2011 <sup>14</sup>	Such sums	\$3,119,546 <sup>15</sup>	\$3,428,923 <sup>15</sup>
Transportation Security Administration, EDS/ETD Systems	2007 <sup>16</sup>	\$400,000	\$524,400	\$363,705
Transportation Security Administration, Surface Transportation Security, Surface Transportation Security Inspectors and Canines/Enforcement	2011 <sup>17</sup>	\$22,800	\$105,961 <sup>18</sup>	\$78,565

<sup>1</sup> P. L. 107-210, Sec. 311

<sup>2</sup> P. L. 107-210 authorized what was formerly U. S. Customs Service (does not include Border Patrol).

<sup>3</sup> U.S. Customs Service operations only (does not include Border Patrol).

<sup>4</sup> Funding recommended for fiscal year 2016 is for Customs and Border Protection.

<sup>5</sup> P. L. 109-347, Sec. 205(m)

<sup>6</sup> P. L. 109-347, Sec. 223(a) authorized operations for fiscal year 2010 and personnel through fiscal year 2012.

<sup>7</sup> Funding provided for fiscal year 2010 and for fiscal year 2012 include personnel and operations.

<sup>8</sup> Funding recommended for fiscal year 2016 includes personnel and operations.

<sup>9</sup> P. L. 109-347, Sec. 203(g)

<sup>10</sup> P. L. 107-210, Sec. 311(b)(2)

<sup>11</sup> P. L. 107-210, Sec. 311

<sup>12</sup> This account has been renamed Air and Marine Operations.

<sup>13</sup> P. L. 107-273, Sec. 101-102

<sup>14</sup> P. L. 110-53, Sec. 1618

<sup>15</sup> Net appropriations after offsetting fees collections (non-mandatory)

<sup>16</sup> P. L. 108-458, Sec. 4019

<sup>17</sup> P. L. 110-53, Sec. 1304(j)

<sup>18</sup> Funding level includes staffing and operations.

Transportation Security Administration, Transportation Threat Assessment and Credentialing	2005 <sup>19</sup>	Such sums	\$115,000 <sup>20</sup>	\$216,203 <sup>21</sup>
Transportation Security Administration, Federal Air Marshal Service	2007 <sup>22</sup>	\$83,000	\$699,294	\$805,076 <sup>23</sup>
United States Coast Guard, Operating Expenses	2014 <sup>24</sup>	\$6,981,040	\$6,784,807 <sup>25</sup>	\$6,899,288
United States Coast Guard, Environmental Compliance and Restoration	2014 <sup>24</sup>	\$16,701	\$13,164	\$13,269
United States Coast Guard, Reserve Training	2014 <sup>24</sup>	\$140,016	\$120,000	\$110,614
United States Coast Guard, Acquisition, Construction, and Improvements	2014 <sup>24</sup>	\$1,546,448	\$1,375,635	\$1,301,289
United States Coast Guard, Research, Development, Test, and Evaluation	2014 <sup>24</sup>	\$19,980	\$19,200	\$18,135
NPPD, Infrastructure Protection and Information Security	2012 <sup>26</sup>	Such sums	\$888,243	\$1,245,000
FEMA, Salaries and Expenses	2010 <sup>27</sup>	\$375,342	\$797,650	\$955,963
FEMA, State and Local Programs				
Port Security Grants	2011 <sup>28</sup>	\$400,000	\$250,000	\$100,000
Rail/Mass Transit Grants	2011 <sup>29</sup>	\$1,108,000	\$250,000	\$100,000
Amtrak Security	2011 <sup>30</sup>	\$175,000	\$20,000	\$10,000
Over the Road Bus Security	2011 <sup>31</sup>	\$25,000	\$5,000	\$5,000
National Domestic Preparedness Consortium	2011 <sup>32</sup>	\$25,500	N/A	\$98,000

<sup>19</sup> P.L. 107-71, Sec. 118

<sup>20</sup> Includes the Maritime and Land Security PPA and Credentialing Activities PPA.

<sup>21</sup> Funding recommended for the Intelligence and Vetting appropriation.

<sup>22</sup> P.L. 108-458, Sec. 4016

<sup>23</sup> The Federal Air Marshals appropriation is realigned into a single PPA within the Aviation Security appropriation in fiscal year 2015.

<sup>24</sup> P.L. 112-213

<sup>25</sup> Amounts for Coast Guard Operating Expenses excludes amounts appropriated for Overseas Contingency Operations/Global War on Terror.

<sup>26</sup> P.L. 110-53, Sec. 541.

<sup>27</sup> P.L. 109-295, Sec. 699

<sup>28</sup> P.L. 109-347, Sec. 112

<sup>29</sup> P.L. 110-53

<sup>30</sup> P.L. 110-53, Sec. 1514(d)

<sup>31</sup> 6 U.S.C. 1182

<sup>32</sup> P.L. 110-53, Sec. 1204

Center for Domestic Preparedness	2011 <sup>32</sup>	\$66,000	N/A	\$64,991
FEMA, Urban Search and Rescue Response System	2008 <sup>33</sup>	\$45,000	\$36,700	\$35,180
FEMA, Emergency Management Performance Grants	2012 <sup>34</sup>	\$950,000	\$350,000	\$350,000
FEMA, National Predisaster Mitigation Fund	2013 <sup>35</sup>	\$200,000	\$25,000	\$25,000
FEMA, Emergency Food and Shelter	1994 <sup>36</sup>	\$188,000	N/A	\$120,000

<sup>33</sup> P.L. 109-295, Sec. 634

<sup>34</sup> P.L. 110-53, Sec. 201

<sup>35</sup> P.L. 109-139, Sec. 2

<sup>36</sup> P.L. 102-550, Sec. 1431

## COMPARISON WITH BUDGET RESOLUTION

Section 308(a)(1)(A) of the Congressional Budget Act requires the report accompanying a bill providing new budget authority to contain a statement comparing the levels in the bill to the suballocations submitted under section 302(b) of the Act for the most recently agreed to concurrent resolution on the budget for the applicable fiscal year. That information is provided in the table headed “Comparison of Reported Bill to Section 302(b) Suballocation.”

[in millions of dollars]

	302(b) allocation		This bill	
	Budget Authority	Outlays	Budget Authority	Outlays
General purpose discretionary .....	39,333	49,169	39,333	<sup>1</sup> 44,561
Disaster-designated <sup>2</sup> .....			6,713	336
Mandatory .....	1,604	1,583	1,604	1,583

<sup>1</sup> Includes outlays from prior-year authority.

<sup>2</sup> The amounts in this bill are technically in excess of the subcommittee section 302(b) suballocation as a result of including \$6,713 million for the Disaster Relief Fund and designated for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985. However, because such adjustments are authorized for this funding, the Committee on Appropriations expects the Chairman of the Committee on the Budget to provide the Committee on Appropriations an increase of \$6,713 million to its section 302(a) general purpose discretionary allocation, and the Committee on Appropriations would report appropriately revised 302(b)s that reflects the suballocation of this funding, prior to any floor consideration. These actions will eliminate the technical difference.

## FIVE YEAR OUTLAY PROJECTIONS

In compliance with section 308(a)(1)(B) of the Congressional Budget Act of 1974 (Public Law 93–344), as amended, the following table contains five-year projections associated with the budget authority provided in the accompanying bill:

	Millions
Outlays:	
2016 .....	<sup>1</sup> 27,283
2017 .....	9,461
2018 .....	5,788
2019 .....	2,796
2020 and future years .....	2,199

<sup>1</sup> Excludes outlays from prior-year budget authority.

## ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

In accordance with section 308(a)(1)(C) of the Congressional Budget Act of 1974 (Public Law 93–344), as amended, the financial assistance to State and local governments is as follows:

	Millions
Budget Authority .....	6,020
Fiscal Year 2016 outlays resulting therefrom .....	<sup>1</sup> 359

<sup>1</sup> Excludes outlays from prior-year budget authority.

## PROGRAM DUPLICATION

No provision of this bill establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.



DIRECTED RULE MAKING

The bill does not contain any provision that specifically directs the promulgation or completion of a rule.

DETAILED EXPLANATIONS IN REPORT

The following table contains detailed funding recommendations at the program, project, and activity (PPA) level.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>DEPARTMENT OF HOMELAND SECURITY</b>					
<b>TITLE I - DEPARTMENTAL MANAGEMENT AND OPERATIONS</b>					
Departmental Operations					
Office of the Secretary and Executive Management:					
Immediate Office of the Secretary.....	7,939	8,932	8,923	+984	-9
Immediate Office of the Deputy Secretary.....	1,740	1,758	1,748	+8	-10
Office of the Chief of Staff.....	2,782	2,716	2,696	-86	-20
Executive Secretary.....	5,589	5,640	5,601	+12	-39
Office of Policy.....	38,073	39,339	36,577	-1,496	-2,762
Office of Public Affairs.....	5,591	5,510	5,472	-119	-38
Office of Legislative Affairs.....	5,403	5,405	5,363	-40	-42
Office of Intergovernmental Affairs / Partnership and Engagement.....	9,848	10,025	9,966	+118	-59
Office of General Counsel.....	19,950	19,625	19,472	-478	-153
Office for Civil Rights and Civil Liberties.....	21,800	20,954	21,800	---	+846
Citizenship and Immigration Services Ombudsman....	5,825	6,312	6,272	+447	-40
Privacy Officer.....	8,033	8,031	7,969	-64	-62
Subtotal.....	132,573	134,247	131,859	-714	-2,388
Office of the Under Secretary for Management:					
Immediate Office of the Under Secretary for Management.....	2,740	3,411	3,393	+653	-18
Office of the Chief Security Officer.....	64,308	66,538	68,200	+3,892	+1,662

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of the Chief Procurement Officer.....	60,107	58,989	60,630	+523	+1,641
Subtotal.....	127,155	128,938	132,223	+5,068	+3,285
Office of the Chief Human Capital Officer:					
Salaries and Expenses.....	20,944	24,390	21,698	+754	-2,692
Human Resources Information Technology.....	6,000	9,578	9,559	+3,559	-19
Subtotal.....	26,944	33,968	31,257	+4,313	-2,711
Office of the Chief Readiness Support Officer:					
Salaries and Expenses.....	28,911	27,350	27,235	-1,676	-115
Nebraska Avenue Complex (NAC).....	4,493	2,931	2,931	-1,562	---
Subtotal.....	33,404	30,281	30,166	-3,238	-115
Subtotal, Office of the Under Secretary for Management.....	187,503	193,187	193,646	+6,143	+459
DHS Headquarters Consolidation:					
Mission support.....	---	11,545	---	---	-11,545
St. Elizabeths.....	---	204,277	---	---	-204,277
Total, DHS Headquarters Consolidation.....	---	215,822	---	---	-215,822

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of the Chief Financial Officer.....	52,020	53,798	56,420	+4,400	+2,622
Office of the Chief Information Officer:					
Salaries and Expenses.....	99,028	105,307	104,957	+5,929	-350
Information Technology Services.....	68,298	106,270	94,512	+26,214	-11,758
Infrastructure and Security Activities.....	52,640	54,087	54,087	+1,447	--
Homeland Secure Data Network.....	68,156	54,932	54,932	-13,224	--
Subtotal.....	288,122	320,596	308,488	+20,366	-12,108
Analysis and Operations.....	255,804	269,090	264,898	+9,094	-4,192
Total, Departmental Operations.....	916,022	1,186,740	955,311	+39,289	-231,429
Office of Inspector General:					
Operating Expenses.....	118,617	142,284	141,188	+22,571	-1,096
(by transfer from Disaster Relief).....	(24,000)	(24,000)	(24,000)	--	--
Total, Office of Inspector General.....	142,617	166,284	165,188	+22,571	-1,096
Total, title I, Departmental Management and Operations.....	1,034,639	1,329,024	1,096,499	+61,860	-232,525
(by transfer).....	(24,000)	(24,000)	(24,000)	--	--

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>TITLE II - SECURITY, ENFORCEMENT, AND INVESTIGATIONS</b>					
<b>U.S. Customs and Border Protection</b>					
Salaries and Expenses:					
Headquarters, Management, and Administration:					
Commissioner.....	27,151	30,950	12,301	-14,850	-18,649
Chief Counsel.....	45,483	49,786	48,792	+3,309	-994
Congressional Affairs.....	2,504	2,978	2,880	+376	-98
Internal Affairs.....	139,493	170,024	166,121	+26,628	-3,903
Public Affairs.....	13,009	14,464	14,350	+1,341	-114
Training and Development.....	71,585	80,466	79,965	+8,380	-501
Tech, Innovation, Acquisition.....	25,277	29,658	27,359	+2,082	-2,299
Intelligence/Investigative Liaison.....	62,235	78,402	73,482	+11,247	-4,920
Administration.....	382,870	420,238	404,041	+21,171	-16,197
Rent.....	598,593	629,046	629,046	+30,453	-
Subtotal.....	1,368,200	1,506,012	1,458,337	+90,137	-47,675
<b>Border Security Inspections and Trade Facilitation:</b>					
Inspections, Trade, and Travel Facilitation					
at Ports of Entry.....	2,810,524	3,077,568	2,898,419	+87,895	-179,149
Harbor Maintenance Fee Collection (trust fund)...	3,274	3,274	3,274	-	-
International Cargo Screening.....	68,902	69,851	68,148	-754	-1,703
Other International Programs.....	25,548	24,935	24,713	-835	-222
Customs-Trade Partnership Against Terrorism (C-TPAT).....	41,619	41,420	41,121	-498	-299

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
Trusted Traveler Programs.....	5,811	5,811	5,811	---	---
Inspection and Detection Technology Investments.....	122,811	209,273	209,199	+86,388	-74
National Targeting Center.....	74,623	79,514	78,880	+4,257	-634
Training.....	33,880	48,714	48,052	+14,172	-662
Subtotal.....	3,186,992	3,560,360	3,377,617	+190,625	-182,743
Border Security and Control Between Ports of Entry:					
Border Security and Control.....	3,848,074	3,921,393	3,806,101	-41,973	-115,292
Unaccompanied Children Contingency Fund.....	---	79,000	---	---	-79,000
Training.....	56,391	57,505	53,183	-3,208	-4,322
Subtotal.....	3,904,465	4,057,898	3,859,284	-45,181	-198,614
Subtotal, Salaries and Expenses.....	8,459,657	9,124,270	8,695,238	+235,581	-429,032
Appropriations.....	(8,456,383)	(9,120,996)	(8,691,964)	(+235,581)	(-429,032)
Harbor Maintenance Trust Fund.....	(3,274)	(3,274)	(3,274)	---	---
Small Airport User Fee (permanent indefinite discretionary appropriation).....	9,000	9,097	9,097	+97	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
Automation Modernization:					
Information Technology.....	362,084	399,027	378,134	+16,040	-20,893
Automated Targeting Systems.....	109,230	122,669	122,640	+13,410	-29
Automated Commercial Environment/International					
Trade Data System (ITDS).....	140,970	153,736	153,614	+12,644	-122
Current Operations Protection and Processing					
Support (COPPS).....	195,875	191,879	191,857	-4,018	-22
Subtotal.....	808,169	867,311	846,245	+38,076	-21,066
Border Security Fencing, Infrastructure, and					
Technology (BSFIT):					
Operations and Maintenance.....	256,872	273,931	247,891	-8,981	-26,040
Development and Deployment.....	125,594	99,530	191,539	+65,945	+92,009
Subtotal.....	382,466	373,461	439,430	+56,964	+65,969
Air and Marine Operations:					
Salaries and Expenses.....	299,800	306,253	291,765	-8,035	-14,488
Operations and Maintenance.....	397,669	395,169	409,969	+12,300	+14,800
Procurement.....	53,000	46,000	83,200	+30,200	+37,200
AMOC.....	---	---	---	---	---
Subtotal.....	750,469	747,422	784,934	+34,465	+37,512

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
-----	-----	-----	-----	-----	-----
Construction and Facilities Management:					
Facilities Construction and Sustainment.....	205,393	255,378	270,853	+65,460	+15,475
Program Oversight and Management.....	83,428	86,165	70,503	-12,925	-15,662
Subtotal.....	288,821	341,543	341,356	+52,535	-187
-----	-----	-----	-----	-----	-----
Total, U.S. Customs and Border Protection	10,698,582	11,463,104	11,116,300	+417,718	-346,804
Direct Appropriations.....					
Fee Accounts:					
Immigration Inspection User Fee.....	(630,218)	(652,699)	(652,699)	(+22,481)	---
Immigration Enforcement Fines.....	(752)	(633)	(633)	(-119)	---
Electronic System for Travel Authorization Fee.....	(54,929)	(57,332)	(57,332)	(+2,403)	---
Land Border Inspection Fee.....	(43,931)	(34,724)	(34,724)	(-9,207)	---
COBRA Passenger Inspection Fee.....	(482,501)	(506,877)	(506,877)	(+24,376)	---
APHIS Inspection Fee.....	(464,514)	(515,810)	(515,810)	(+51,296)	---
Global Entry User Fee.....	(91,192)	(91,789)	(91,789)	(+597)	---
Puerto Rico Collections.....	(98,076)	(99,058)	(99,058)	(+982)	---
Virgin Island Fee.....	(11,789)	(11,867)	(11,867)	(+78)	---
Customs Unclaimed Goods.....	(5,992)	(5,992)	(5,992)	---	---
Subtotal, Fee Accounts.....	(1,883,894)	(1,976,781)	(1,976,781)	(+92,887)	---
-----	-----	-----	-----	-----	-----
Total, U.S. Customs and Border Protection.....	12,582,476	13,439,885	13,093,081	+510,605	-346,804
Appropriations.....	(10,698,582)	(11,463,104)	(11,116,300)	(+417,718)	(-346,804)
Fee Accounts.....	(1,883,894)	(1,976,781)	(1,976,781)	(+92,887)	---



COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
-----	-----	-----	-----	-----	-----
U.S. Immigration and Customs Enforcement					
Salaries and Expenses:					
Headquarters Management and Administration:					
Personnel Compensation and Benefits, Services					
and Other Costs.....	197,002	195,950	148,738	-48,264	-47,212
Headquarters Managed IT Investment.....	150,419	146,046	145,957	-4,462	-89
	-----	-----	-----	-----	-----
Subtotal.....	347,421	341,996	294,695	-52,726	-47,301
Legal Proceedings.....	217,393	248,096	231,214	+13,821	-16,882
Investigations:					
Domestic Investigations.....	1,699,811	1,766,654	1,727,716	+27,905	-38,938
International Investigations:					
International Operations.....	110,682	107,931	103,566	-7,116	-4,365
Visa Security Program.....	49,526	30,749	32,561	-16,965	+1,812
	-----	-----	-----	-----	-----
Subtotal.....	160,208	138,680	136,127	-24,081	-2,553
	-----	-----	-----	-----	-----
Subtotal, Investigations.....	1,860,019	1,905,334	1,863,843	+3,824	-41,491
Intelligence.....	76,479	80,041	79,768	+3,289	-273
Enforcement and Removal Operations:					
Custody Operations.....	2,532,593	2,406,744	2,388,603	-143,990	-18,141
Fugitive Operations.....	142,615	129,438	128,072	-14,543	-1,366
Criminal Alien Program.....	327,223	320,267	317,177	-10,046	-3,090

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
Alternatives to Detention.....	109,740	122,481	109,740	---	-12,741
Transportation and Removal Program.....	319,273	324,152	323,174	+3,901	-978
Unaccompanied Children Contingency Fund.....	---	8,000	---	---	-8,000
Subtotal.....	3,431,444	3,311,082	3,266,766	-164,678	-44,316
Subtotal, Salaries and Expenses.....	5,932,756	5,886,549	5,736,286	-196,470	-150,263
Automation Modernization:					
IT Investment: Consolidated Financial System & Technical Refresh.....	5,000	27,000	27,000	+22,000	---
TECS Modernization.....	21,000	21,500	21,500	+500	---
ICE Operational Data Store.....	---	6,500	6,500	+6,500	---
Tactical Communications.....	---	18,500	18,500	+18,500	---
Subtotal.....	26,000	73,500	73,500	+47,500	---
Construction.....	---	5,000	5,000	+5,000	---
Total, U.S. Immigration and Customs Enforcement Direct Appropriations.....	5,958,756	5,965,049	5,814,786	-143,970	-150,263

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>Fee Accounts:</b>					
Immigration Inspection User Fee.....	(135,000)	(135,000)	(135,000)	---	---
Breached Bond/Detention Fund.....	(65,000)	(42,000)	(42,000)	(-23,000)	---
Student Exchange and Visitor Fee.....	(145,000)	(145,000)	(145,000)	---	---
Subtotal.....	345,000	322,000	322,000	-23,000	---
<b>Total, U.S. Immigration and Customs Enforcement.</b>	<b>6,303,756</b>	<b>6,287,049</b>	<b>6,136,786</b>	<b>-166,970</b>	<b>-150,263</b>
Appropriations.....	(5,958,756)	(5,965,049)	(5,814,786)	(-143,970)	(-150,263)
Fee Accounts.....	(345,000)	(322,000)	(322,000)	(-23,000)	---
<b>Transportation Security Administration</b>					
<b>Aviation Security:</b>					
Screening Partnership Program.....	166,666	166,928	166,928	+262	---
Screening Personnel, Compensation, and Benefits.....	2,923,890	2,872,070	2,843,305	-80,585	-28,765
Screening Training and Other.....	225,442	226,551	222,539	-2,903	-4,012
Checkpoint Support.....	88,469	97,265	96,339	+7,870	-926
EDS Procurement/Installation.....	83,933	83,380	83,196	-737	-184
Screening Technology Maintenance.....	294,509	280,509	280,509	-14,000	---
Aviation Regulation and Other Enforcement.....	349,821	349,013	345,083	-4,738	-3,930
Airport Management and Support.....	587,657	596,233	589,278	+1,621	-6,955

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Flight Deck Officer and Flight Crew					
Training.....	22,365	20,095	21,456	-909	+1,361
Air Cargo.....	106,343	105,978	105,214	-1,129	-764
Federal Air Marshals.....	790,000	816,745	805,076	+15,076	-11,669
Aviation Security Capital Fund (mandatory).....	(250,000)	(250,000)	(250,000)	---	---
Total, Aviation Security (gross).....	5,639,095	5,614,767	5,558,923	-80,172	-55,844
Aviation Security Fees (offsetting collections).....	-2,065,000	-2,130,000	-2,130,000	-65,000	---
Additional Offsetting Collections (leg. proposal).....	---	15,000	---	---	-15,000
Total, Aviation Security (net, discretionary)....	3,574,095	3,499,767	3,428,923	-145,172	-70,844
Surface Transportation Security:					
Staffing and Operations.....	29,230	28,510	28,329	-901	-181
Surface Inspectors and VIPR.....	94,519	95,318	78,565	-15,954	-16,753
Subtotal.....	123,749	123,828	106,894	-16,855	-16,934

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
Intelligence and Vetting:					
Intelligence.....	51,545	51,977	48,205	-3,340	-3,772
Secure Flight.....	99,569	105,637	101,072	+1,503	-4,565
Other Vetting Programs.....	68,052	70,084	66,926	-1,126	-3,158
TWIC Fee.....	(34,832)	(82,267)	(82,267)	(+47,435)	---
Hazardous Material Fee.....	(12,000)	(21,083)	(21,083)	(+9,083)	---
General Aviation at DCA Fee.....	(350)	(400)	(400)	(+50)	---
Commercial Aviation and Airport Fee.....	(6,500)	(6,500)	(6,500)	---	---
Other Security Threat Assessments Fee.....	(50)	(50)	(50)	---	---
Air Cargo/Certified Cargo Screening Program Fee.....	(7,173)	(3,500)	(3,500)	(-3,673)	---
TSA Precheck Application Program Fee.....	(13,700)	(80,153)	(80,153)	(+66,453)	---
Alien Flight School Fee.....	(5,000)	(5,200)	(5,200)	(+200)	---
Subtotal.....	298,771	426,851	415,356	+116,585	-11,495
Direct Appropriations.....	(219,166)	(227,698)	(216,203)	(-2,963)	(-11,495)
Fee Funded Programs.....	(79,605)	(199,153)	(199,153)	(+119,548)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
Transportation Security Support:					
Headquarters Administration.....	269,100	276,930	256,953	-12,147	-19,977
Information Technology.....	449,000	452,385	446,950	-2,050	-5,435
Human Capital Services.....	199,126	202,164	197,539	-1,587	-4,625
Subtotal.....	917,226	931,479	901,442	-15,784	-30,037
Total, Transportation Security Administration...	7,228,841	7,346,925	7,232,615	+3,774	-114,310
Offsetting Collections.....	(-2,065,000)	(-2,115,000)	(-2,130,000)	(-65,000)	(-15,000)
Aviation Security Capital Fund (mandatory).....	(250,000)	(250,000)	(250,000)	---	---
Fee Funded Programs.....	(79,605)	(199,153)	(199,153)	(+119,548)	---
Total, Transportation Security Administration (net).....	4,834,236	4,782,772	4,653,462	-180,774	-129,310
Coast Guard					
Operating Expenses:					
Military Pay and Allowances.....	3,449,782	3,466,088	3,486,751	+36,969	+20,663
Civilian Pay and Benefits.....	781,517	799,816	792,229	+10,712	-7,587
Training and Recruiting.....	198,279	205,825	206,332	+8,053	+507
Operating Funds and Unit Level Maintenance.....	1,008,682	1,010,317	1,019,263	+10,581	+8,946
Centrally Managed Accounts.....	335,556	329,684	329,849	-5,707	+165

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
Intermediate and Depot Level Maintenance.....	1,056,502	1,009,773	1,084,864	+8,362	+55,091
Overseas Contingency Operations/ Global War on Terrorism.....	213,000	---	---	-213,000	---
Tricare (leg. proposal).....	---	1,000	---	---	-1,000
Subtotal.....	7,043,318	6,822,503	6,899,288	-144,030	+76,785
(Defense).....	(553,000)	(340,000)	(340,000)	(-213,000)	---
(Nondefense).....	(6,490,318)	(6,482,503)	(6,559,288)	(+68,970)	(+76,785)
Environmental Compliance and Restoration.....	13,197	13,269	13,269	+72	---
Reserve Training.....	114,572	110,614	110,614	-3,958	---
Acquisition, Construction, and Improvements:					
Vessels:					
Survey and Design-Vessel and Boats.....	500	9,000	9,000	+8,500	---
In-Service Vessel Sustainment.....	49,000	68,000	68,000	+19,000	---
National Security Cutter.....	632,847	91,400	103,400	-529,447	+12,000
Offshore Patrol Cutter.....	20,000	18,500	89,000	+69,000	+70,500
Fast Response Cutter.....	110,000	340,000	340,000	+230,000	---
Cutter Boats.....	4,000	3,000	3,000	-1,000	---
Polar Ice Breaking Vessel.....	---	4,000	4,000	+4,000	---
Polar Icebreaker Preservation.....	8,000	---	---	-8,000	---
Subtotal.....	824,347	533,900	616,400	-207,947	+82,500

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>Aircraft:</b>					
H-60 Airframe Replacement.....	12,000	---	---	-12,000	---
HC-144 Conversion/Sustainment.....	15,000	3,000	3,000	-12,000	---
HC-27J Conversion/Sustainment.....	20,000	102,000	102,000	+82,000	---
HC-130J Acquisition/Conversion/Sustainment.....	103,000	55,000	150,000	+47,000	+95,000
HH-65 Conversion/Sustainment.....	30,000	40,000	40,000	+10,000	---
Subtotal.....	180,000	200,000	295,000	+115,000	+95,000
<b>Other Acquisition Programs:</b>					
Program Oversight and Management.....	18,000	20,000	20,000	+2,000	---
C4ISR.....	36,300	36,600	36,600	+300	---
CG-Logistics Information Management System.....	5,000	8,500	11,320	+6,320	+2,820
Subtotal.....	59,300	65,100	67,920	+8,620	+2,820
<b>Shore Facilities and Aids to Navigation:</b>					
Major Construction; Housing; ATON; and Survey and Design.....	19,580	41,900	124,600	+105,020	+82,700
Major Acquisition Systems Infrastructure.....	16,000	54,500	54,500	+38,500	---
Minor Shore.....	5,000	5,000	5,000	---	---
Subtotal.....	40,580	101,400	184,100	+143,520	+82,700



COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
Military Housing.....	6,000	---	21,000	+15,000	+21,000
Personnel and Related Support:					
Direct Personnel Costs.....	114,996	116,869	116,869	+1,873	---
Subtotal.....	114,996	116,869	116,869	+1,873	---
Subtotal, Acquisition, Construction, and Improvements.....	1,225,223	1,017,269	1,301,289	+76,066	+284,020
Research, Development, Test, and Evaluation.....	17,892	18,135	18,135	+243	---
Health Care Fund Contribution (permanent indefinite discretionary appropriation).....	176,970	169,306	169,306	-7,664	---
Retired Pay (mandatory).....	1,450,626	1,604,000	1,604,000	+153,374	---
Total, Coast Guard.....	10,041,798	9,755,096	10,115,901	+74,103	+360,805
Appropriations.....	(9,828,798)	(9,755,096)	(10,115,901)	(+287,103)	(+360,805)
Overseas Contingency Operations/Global War on Terrorism.....	(213,000)	---	---	(-213,000)	---
(mandatory).....	(1,450,626)	(1,604,000)	(1,604,000)	(+153,374)	---
(discretionary).....	(8,591,172)	(8,151,096)	(8,511,901)	(-79,271)	(+360,805)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>United States Secret Service</b>					
<b>Salaries and Expenses:</b>					
<b>Protection:</b>					
Protection of Persons and Facilities.....	892,685	1,009,246	976,655	+83,970	-32,591
Protective Intelligence Activities.....	67,536	72,806	63,614	-3,922	-9,192
National Special Security Event Fund.....	4,500	4,500	4,500	---	---
Presidential Candidate Nominee Protection.....	25,500	203,687	203,687	+178,187	---
Subtotal.....	990,221	1,290,239	1,248,456	+258,235	-41,783
<b>Investigations:</b>					
Domestic Field Operations.....	338,295	291,139	294,523	-43,772	+3,384
International Field Office Administration, Operations and Training.....	34,195	34,168	33,008	-1,187	-1,160
Support for Missing and Exploited Children.....	8,366	---	8,366	---	+8,366
Subtotal.....	380,856	325,307	335,897	-44,959	+10,590
Headquarters, Management and Administration.....	188,380	194,680	193,199	+4,819	-1,481
Rowley Training Center.....	55,378	56,170	54,204	-1,174	-1,966
Information Integration and Technology Transformation.....	1,025	1,057	1,057	+32	---
Subtotal, Salaries and Expenses.....	1,615,860	1,867,453	1,832,813	+216,953	-34,640

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
Acquisition, Construction, Improvements, and Related Expenses:					
Facilities.....	5,380	26,432	29,432	+24,052	+3,000
Next Generation Limo.....	---	---	8,500	+8,500	+8,500
Information Integration and Technology Transformation.....	44,555	45,237	34,887	-9,668	-10,350
Subtotal.....	49,935	71,669	72,819	+22,884	+1,150
Total, United States Secret Service.....	1,665,795	1,939,122	1,905,632	+239,837	-33,490
Total, title II, Security, Enforcement, and Investigations.....	33,199,167	33,905,143	33,606,081	+406,914	-299,062
Appropriations.....	(32,986,167)	(33,905,143)	(33,606,081)	(+619,914)	(-299,062)
Overseas Contingency Operations/Global War on Terrorism.....	(213,000)	---	---	(-213,000)	---
(Fee Accounts).....	(2,308,499)	(2,497,934)	(2,497,934)	(+189,435)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE III - PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY					
National Protection and Programs Directorate					
Management and Administration.....	61,651	64,191	56,127	-5,524	-8,064
Infrastructure Protection and Information Security:					
Infrastructure Protection:					
Infrastructure Analysis and Planning.....	64,494	75,969	63,872	-622	-12,097
Sector Management and Governance.....	64,981	71,311	62,312	-2,649	-8,999
Regional Field Operations.....	56,550	52,755	50,740	-5,810	-2,015
Infrastructure Security Compliance.....	85,027	94,877	75,133	-9,894	-19,744
Subtotal, Infrastructure Protection.....	271,032	294,912	252,057	-18,975	-42,855
Cybersecurity and Communications:					
Cybersecurity:					
Cybersecurity Coordination.....	4,311	4,318	4,294	-17	-24
US Computer Emergency Readiness Team (US-CERT) Operations.....	98,573	98,642	92,186	-6,387	-6,456
Federal Network Security.....	171,000	131,202	127,547	-43,453	-3,655
Network Security Deployment.....	377,000	479,760	474,073	+97,073	-5,687
Global Cybersecurity Management.....	25,873	20,321	19,304	-6,569	-1,017

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
Critical Infrastructure Cyber Protection and Awareness.....	70,919	77,584	74,381	+3,462	-3,203
Business Operations.....	5,524	6,516	6,256	+732	-260
Subtotal, Cybersecurity.....	753,200	818,343	798,041	+44,841	-20,302
Communications:					
Office of Emergency Communications.....	37,335	33,025	32,105	-5,230	-920
Priority Telecommunications Services.....	53,324	63,649	62,505	+9,181	-1,144
Next Generation Networks.....	53,293	80,102	79,981	+26,688	-121
Programs to Study and Enhance Telecommunications.....	10,092	10,418	10,276	+184	-142
Critical Infrastructure Protection Programs....	10,403	11,240	10,035	-368	-1,205
Subtotal, Communications.....	164,447	198,434	194,902	+30,455	-3,532
Subtotal, Cybersecurity and Communications....	917,647	1,016,777	992,943	+75,296	-23,834
Subtotal, Infrastructure Protection and Information Security.....	1,188,679	1,311,689	1,245,000	+56,321	-66,689
Federal Protective Service:					
Basic Security.....	275,763	275,763	275,763	---	---
Building-specific Security.....	600,615	665,121	665,121	+64,506	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
Reimbursable Security Fees (Contract Guard Services).....	466,228	502,565	502,565	+36,337	---
Subtotal, Federal Protective Service.....	1,342,606	1,443,449	1,443,449	+100,843	---
Offsetting Collections.....	-1,342,606	-1,443,449	-1,443,449	-100,843	---
Office of Biometric Identity Management.....	252,056	283,533	283,473	+31,417	-60
Total, National Protection and Programs Directorate (gross).....	2,844,992	3,102,862	3,028,049	+183,057	-74,813
(Defense).....	(1,188,679)	(1,311,689)	(1,245,000)	(+56,321)	(-66,689)
(Nondefense).....	(313,707)	(347,724)	(339,600)	(+25,893)	(-8,124)
Offsetting Collections.....	(-1,342,606)	(-1,443,449)	(-1,443,449)	(-100,843)	---
Total, National Protection and Programs Directorate (net).....	1,502,386	1,659,413	1,584,600	+82,214	-74,813
Office of Health Affairs					
BioWatch.....	86,891	83,278	82,078	-4,813	-1,200
National Biosurveillance Integration Center.....	10,500	8,000	10,500	---	+2,500
Chemical Defense Program.....	824	824	824	---	---
Planning and Coordination.....	4,995	4,957	4,957	-38	---
Salaries and Expenses.....	26,148	27,010	26,857	+709	-153
Total, Office of Health Affairs.....	129,358	124,069	125,216	-4,142	+1,147

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
-----					
Federal Emergency Management Agency					
-----					
Salaries and Expenses:					
Administrative and Regional Offices.....	244,183	243,323	243,323	-860	---
Office of National Capital Region Coordination..	(3,400)	---	---	(-3,400)	---
Preparedness and Protection.....	180,797	190,928	190,928	+10,131	---
Response.....	175,986	168,466	176,133	+147	+7,667
Urban Search and Rescue Response System.....	(35,180)	---	(35,180)	---	(+35,180)
Recovery.....	55,789	51,472	51,472	-4,317	---
Mitigation.....	28,876	25,753	25,753	-3,123	---
Mission Support.....	145,316	168,437	172,437	+27,121	+4,000
Centrally Managed Accounts.....	103,449	100,917	95,917	-7,532	-5,000
-----					
Subtotal, Salaries and Expenses.....	934,396	949,296	955,963	+21,567	+6,667
(Defense).....	(72,000)	(74,000)	(74,000)	(+2,000)	---
(Nondefense).....	(862,396)	(875,296)	(881,963)	(+19,567)	(+6,667)
-----					
Grants and Training:					
State and Local Programs:					
Discretionary Grants:					
State Homeland Security Grant Program.....	467,000	---	467,000	---	+467,000
Operation Stonegarden.....	(55,000)	---	(55,000)	---	(+55,000)
National Preparedness Grant Program.....	---	1,043,200	---	---	-1,043,200

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
Urban Area Security Initiative.....	600,000	---	600,000	---	+600,000
Nonprofit Security Grants.....	(13,000)	---	(13,000)	---	(+13,000)
Public Transportation Security Assistance and Railroad Security Assistance.....	100,000	---	100,000	---	+100,000
Amtrak Security.....	(10,000)	---	(10,000)	---	(+10,000)
Over-Road Bus Security.....	(3,000)	---	(3,000)	---	(+3,000)
Port Security Grants.....	100,000	---	100,000	---	+100,000
Subtotal, Discretionary Grants.....	1,267,000	1,043,200	1,267,000	---	+223,800
Education, Training, and Exercises:					
Emergency Management Institute.....	20,569	19,523	20,569	---	+1,046
Center for Domestic Preparedness.....	64,991	62,860	64,991	---	+2,131
National Domestic Preparedness Consortium.....	98,000	42,000	98,000	---	+56,000
National Exercise Program.....	19,919	25,841	19,919	---	-5,922
Continuing Training Grants/Center for Homeland Defense & Security .....	29,521	18,000	29,521	---	+11,521
Subtotal, Education, Training and Exercises.....	233,000	168,224	233,000	---	+64,776
Emergency Management Performance Grants.....	---	350,000	---	---	-350,000
Fire Grants.....	---	670,000	---	---	-670,000
Subtotal, State and Local Programs.....	1,500,000	2,231,424	1,500,000	---	-731,424



COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
Firefighter Assistance Grants:					
Fire Grants.....	340,000	---	340,000	---	+340,000
Staffing for Adequate Fire and Emergency Response (SAFER) Act Grants.....	340,000	---	340,000	---	+340,000
Subtotal.....	680,000	---	680,000	---	+680,000
Emergency Management Performance Grants.....	350,000	---	350,000	---	+350,000
Subtotal, Grants and Training.....	2,530,000	2,231,424	2,530,000	---	+298,576
Radiological Emergency Preparedness Program.....	-1,815	-305	-305	+1,510	---
United States Fire Administration.....	44,000	41,582	44,000	---	+2,418
Disaster Relief Fund:					
Base Disaster Relief.....	595,672	661,740	661,740	+66,068	---
Disaster Relief Category.....	6,437,793	6,712,953	6,712,953	+275,160	---
Subtotal, Disaster Relief Fund.....	7,033,465	7,374,693	7,374,693	+341,228	---
(transfer out to Inspector General).....	(-24,000)	(-24,000)	(-24,000)	---	---
Subtotal, Disaster Relief Fund (net).....	7,009,465	7,350,693	7,350,693	+341,228	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
Flood Hazard Mapping and Risk Analysis Program.....	100,000	278,625	100,000	---	-178,625
National Flood Insurance Fund:					
Salaries and Expenses.....	23,759	25,299	25,299	+1,540	---
Flood Plain Management and Mapping.....	155,535	155,899	155,899	+364	---
Subtotal.....	179,294	181,198	181,198	+1,904	---
Offsetting Fee Collections.....	-179,294	-181,198	-181,198	-1,904	---
National Predisaster Mitigation Fund.....	25,000	200,001	25,000	---	-175,001
Emergency Food and Shelter.....	120,000	100,000	120,000	---	+20,000
Total, Federal Emergency Management Agency.....	10,785,046	11,175,316	11,149,351	+364,305	-25,965
(Appropriations).....	(4,347,253)	(4,462,363)	(4,436,398)	(+89,145)	(-25,965)
(Disaster Relief Category).....	(6,437,793)	(6,712,953)	(6,712,953)	(+275,160)	---
(Transfer out).....	(-24,000)	(-24,000)	(-24,000)	---	---
Total, title III, Protection, Preparedness, Response and Recovery.....	12,416,790	12,958,798	12,859,167	+442,377	-99,631
Appropriations.....	(5,978,997)	(6,245,845)	(6,146,214)	(+167,217)	(-99,631)
Disaster Relief Category.....	(6,437,793)	(6,712,953)	(6,712,953)	(+275,160)	---
(Transfer out).....	(-24,000)	(-24,000)	(-24,000)	---	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
-----					
TITLE IV - RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES					
-----					
United States Citizenship and Immigration Services					
Appropriations:					
E-Verify Program.....	124,435	119,671	119,671	-4,764	---
Immigrant Integration Programs.....	---	10,000	---	---	-10,000
Subtotal.....	124,435	129,671	119,671	-4,764	-10,000
-----					
Fee Accounts:					
Adjudication Services:					
District Operations.....	(1,565,903)	(1,916,344)	(1,615,409)	(+49,506)	(-300,935)
(Immigrant Integration Grants).....	(10,000)	---	---	(-10,000)	---
Service Center Operations.....	(542,449)	(694,306)	(669,891)	(+127,442)	(-24,415)
Asylum, Refugee and International Operations....	(239,065)	(268,042)	(259,042)	(+19,977)	(-9,000)
Records Operations.....	(93,209)	(124,177)	(124,177)	(+30,968)	---
Business Transformation.....	(184,923)	(226,380)	(226,380)	(+41,457)	---
Subtotal.....	(2,625,549)	(3,229,249)	(2,894,899)	(+269,350)	(-334,350)
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COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
Information and Customer Services:					
Operating Expenses.....	(98,888)	(142,565)	(124,041)	(+25,173)	(-18,524)
Administration:					
Operating Expenses.....	(342,308)	(415,132)	(384,585)	(+42,277)	(-30,547)
Systematic Alien Verification for Entitlements (SAVE).....	(30,259)	(27,021)	(27,021)	(-3,238)	---
Subtotal, Fee Accounts.....	(3,096,984)	(3,813,967)	(3,430,546)	(+333,562)	(-383,421)
H1-B Visa Fee Account:					
Adjudication Services:					
Service Center Operations.....	---	(15,000)	(15,000)	(+15,000)	---
H1-B and L Fraud Prevention Fee Account:					
Adjudication Services:					
District Operations.....	---	(29,523)	(29,523)	(+29,523)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
Asylum and Refugee Operating Expenses.....	---	(308)	(308)	(+308)	---
Service Center Operations.....	---	(15,169)	(15,169)	(+15,169)	---
Subtotal.....	---	(45,000)	(45,000)	(+45,000)	---
Total, Fee Accounts.....	(3,096,984)	(3,873,967)	(3,490,546)	(+393,562)	(-383,421)
Total, United States Citizenship and Immigration Services.....	(3,221,419)	(4,003,638)	(3,610,217)	(+388,798)	(-393,421)
Appropriations.....	(124,435)	(129,671)	(119,671)	(-4,764)	(-10,000)
Fee Accounts.....	(3,096,984)	(3,873,967)	(3,490,546)	(+393,562)	(-383,421)
(Immigration Examination Fee Account).....	(3,042,484)	(3,819,467)	(3,436,046)	(+393,562)	(-383,421)
(H1-B Visa Fee Account).....	(13,500)	(13,500)	(13,500)	---	---
(H1-B and L Fraud Prevention Fee Account).....	(41,000)	(41,000)	(41,000)	---	---
Federal Law Enforcement Training Center					
Salaries and Expenses:					
Law Enforcement Training.....	202,122	209,507	182,124	-19,998	-27,383
Management and Administration.....	27,080	28,323	28,075	+995	-248
Accreditation.....	1,295	1,311	1,303	+8	-8
Subtotal.....	230,497	239,141	211,502	-18,995	-27,639

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
Acquisitions, Construction, Improvements, and Related Expenses.....	27,841	27,553	27,553	-288	---
Total, Federal Law Enforcement Training Center...	258,338	266,694	239,055	-19,283	-27,639
Science and Technology					
Management and Administration.....	129,993	132,115	131,531	+1,538	-584
Research, Development, Acquisition, and Operations:					
Research, Development, and Innovation.....	457,499	434,850	434,850	-22,649	---
Laboratory Facilities.....	434,989	133,921	133,731	-301,258	-190
Acquisition and Operations Support.....	41,703	47,102	47,102	+5,399	---
University Programs.....	39,724	31,000	39,724	---	+8,724
Subtotal.....	973,915	646,873	655,407	-318,508	+8,534
Total, Science and Technology.....	1,103,908	778,988	786,938	-316,970	+7,950
Domestic Nuclear Detection Office					
Management and Administration.....	37,339	38,316	38,109	+770	-207

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
Research, Development, and Operations:					
Systems Engineering and Architecture.....	17,000	17,000	17,000	---	---
Systems Development.....	21,400	22,000	22,000	+600	---
Transformational Research and Development.....	69,500	68,000	68,000	-1,500	---
Assessments.....	38,000	38,000	38,000	---	---
Operations Support.....	31,000	31,000	31,000	---	---
National Technical Nuclear Forensics Center.....	21,000	20,000	20,000	-1,000	---
Subtotal.....	197,900	196,000	196,000	-1,900	---
Systems Acquisition:					
Radiological and Nuclear Detection Equipment (RDE)					
Acquisition.....	---	101,011	101,011	+101,011	---
Radiation Portal Monitor Program.....	5,000	---	---	-5,000	---
Securing the Cities.....	19,000	22,000	22,000	+3,000	---
Human Portable Radiation Detection Systems.....	48,603	---	---	-48,603	---
Subtotal.....	72,603	123,011	123,011	+50,408	---
Total, Domestic Nuclear Detection Office.....	307,842	357,327	357,120	+49,278	-207
Total, title IV, Research and Development, Training, and Services.....	1,794,523	1,532,680	1,502,784	-291,739	-29,896
(Fee Accounts).....	(3,096,984)	(3,873,967)	(3,490,546)	(+393,562)	(-383,421)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE V - GENERAL PROVISIONS					
DHS Consolidated Headquarters Project.....	48,600	---	43,886	-4,714	+43,886
Financial Systems Modernization.....	34,072	42,977	52,977	+18,905	+10,000
Colombia Free Trade Act Collections.....	138,000	180,000	180,000	+42,000	---
H2B Returning Worker.....	---	---	1,000	+1,000	+1,000
FEMA Disaster Assistance Direct Loan Program (rescission) .....	---	---	---	---	---
CBP BSFIT (70x0533) (rescission) .....	---	-5,000	-27,338	-27,338	-22,338
CBP BSFIT P.L. 114-4 (rescission) .....	---	---	-66,600	-66,600	-66,600
TSA Aviation Security (rescission) (P.L. 114-4) .....	---	---	-31,950	-31,950	-31,950
TSA Surface Transportation Security (rescission) (P.L. 114-4) .....	---	---	-30,000	-30,000	-30,000
TSA Intelligence and Vetting (rescission) (P.L. 114-4) TSA Transportation Security Support (rescission) (P.L. 114-4) .....	---	---	-22,000	-22,000	-22,000
Coast Guard AC&I (rescission) (P.L. 113-6) .....	---	---	-8,000	-8,000	-8,000
Coast Guard AC&I (rescission) (P.L. 113-6) .....	-16,349	---	-26,000	-26,000	-26,000
Coast Guard AC&I (rescission) (P.L. 113-76) .....	-30,643	---	-4,742	+11,607	-4,742
USSS, ACI, IIT (P.L. 114-4) (rescission) .....	---	---	-12,542	+18,101	-12,542
S&T RDA&O - P.L. 114-4 (rescission) .....	---	---	-2,305	-2,305	-2,305
S&T RDA&O - P.L. 113-6 (rescission) .....	---	---	-9,100	-9,100	-9,100
S&T RDA&O - P.L. 113-76 (rescission) .....	---	---	-393	-393	-393
S&T RDA&O - P.L. 114-4 (rescission) .....	---	---	-8,500	-8,500	-8,500
Treasury Asset Forfeiture Fund (rescission) .....	---	---	-1,107	-1,107	-1,107
FEMA Disaster Relief Fund (rescission) .....	-175,000	---	-176,000	-1,000	-176,000
U-Visa immigration proposal .....	-375,000	-250,000	-1,265,864	-890,864	-1,015,864
CBP BSFIT (rescission) .....	---	21,000	---	---	-21,000
CBP OAM (rescission) (P.L. 113-76) .....	-5,000	---	---	+5,000	---
	-8,000	---	---	+8,000	---



COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2015  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2016  
(Amounts in thousands)

	FY 2015 Enacted	FY 2016 Request	Bill	Bill vs. Enacted	Bill vs. Request
-----	-----	-----	-----	-----	-----
CBP Construction and Facilities Management					
(rescission).....	-10,000	---	---	+10,000	---
TSA Aviation Security (70 x 0550) (rescission).....	-15,300	---	---	+15,300	---
TSA Aviation Security (rescission) (P.L. 113-76).....	-187,000	---	---	+187,000	---
Coast Guard AC&I (rescission) (P.L. 112-10).....	-2,550	---	---	+2,550	---
Coast Guard AC&I (rescission) (P.L. 112-74).....	-12,095	---	---	+12,095	---
FEMA Predisastr Mitigation (70 x 0716) (rescission)....	-24,000	---	---	+24,000	---
S&T RDA&O (70 x 0800) (rescission).....	-16,627	---	---	+16,627	---
Rescission of Legacy Funds (rescission).....	-1,476	---	---	+1,476	---
Rescission of Unobligated Balances (nondefense).....	-14,653	---	---	+14,653	---
Rescission of Unobligated Balances (defense).....	-679	---	---	+679	---
=====	=====	=====	=====	=====	=====
Total, title V, General Provisions.....	-673,700	-11,023	-1,414,578	-740,878	-1,403,555
Fee Accounts.....	---	---	---	---	---
Appropriations.....	(220,672)	(243,977)	(277,863)	(+57,191)	(+33,886)
Rescissions.....	(-894,372)	(-255,000)	(-1,692,441)	(-798,069)	(-1,437,441)
=====	=====	=====	=====	=====	=====
Grand Total.....	47,771,419	49,714,622	47,649,953	-121,466	-2,064,669
Appropriations.....	(42,014,998)	(43,256,669)	(42,629,441)	(+614,443)	(-627,226)
Rescissions.....	(-894,372)	(-255,000)	(-1,692,441)	(-798,069)	(-1,437,441)
Overseas Contingency Operations/Global War on Terrorism.....	(213,000)	---	---	(-213,000)	---
Disaster Relief Category.....	(6,437,793)	(6,712,953)	(6,712,953)	(+275,160)	---
(Fee Funded Programs).....	(5,405,483)	(6,371,901)	(5,988,480)	(+582,997)	(-383,421)
(by transfer).....	(24,000)	(24,000)	(24,000)	---	---
(transfer out).....	(-24,000)	(-24,000)	(-24,000)	---	---

MINORITY VIEWS OF NITA LOWEY  
AND LUCILLE ROYBAL-ALLARD

We want to commend the Subcommittee Chairman for the extent to which he considered our comments, suggestions, and proposals in the development of his mark, for accommodating us when he could, and for reaching compromises whenever possible.

The chairman's mark reflected his serious approach in supporting the Department of Homeland Security's (DHS) important security mission while also holding it accountable. It is unfortunate that the subcommittee's bipartisan work was ultimately tainted by two partisan, poison pill amendments related to immigration policy that were offered and adopted by the Committee Majority.

302(b) Allocation

At \$2,064,669,000 below the budget request and \$337,000,000 below the fiscal year 2015 level, the bill's allocation is significantly below the amount required to address the country's most critical homeland security priorities. For instance, with a higher allocation, the bill could provide \$200,000,000, the frill request level, for Pre-Disaster Mitigation (PDM) grants, instead of only \$25 million. The Committee report makes clear the importance of PDM grants to the resiliency of communities across the country:

PDM grants are one of the only sources of Federal mitigation funding for communities prior to a disaster. It has been repeatedly demonstrated that these types of investments lead to significant savings by mitigating risks and reducing damage from future disasters.

The PDM program has bipartisan support because not only does it work, it prevents costly and potentially deadly damages when disasters strike. The program supports a broad range of projects meant to mitigate disasters, including flood risk reduction; retrofitting of existing buildings to withstand earthquakes and hurricanes; safe room construction to protect from tornadoes and hurricanes; soil stabilization to protect from landslides; and wildfire mitigation. For every dollar the Federal government invests in PDM, the Nation avoids \$3 in losses. So for an investment of \$200 million, we could avoid \$600 million in future losses, including losses to the flood insurance program and the Disaster Relief Fund, without counting the number of lives saved and injuries avoided.

Another prime example of the overall inadequacy of the allocation is that the bill provides only \$100,000,000 for Flood Hazard Mapping and Risk Analysis, which is \$178,600,000 below the amount requested. By failing to recommend the requested funding level for this program, the Committee would prevent the Federal Emergency Management Agency (FEMA) from reaching its goal of

having flood maps based on valid or current data for 80 percent of stream miles by 2019. Currently, FEMA has “technically credible data” for only 53 percent of its flood map inventory, which means that 47 percent of flood maps may be inaccurate and unreliable as a basis for setting flood insurance premiums, predicting damage from flooding events, or informing private sector investments.

Terrain and weather patterns change, and our toleration for and understanding of risk have also certainly changed since Hurricane Katrina. We are failing to prepare the country for major disasters if we do not properly update flood maps. The funding requested for flood mapping in fiscal year 2016 would provide the benefit of current flood maps to an additional 9.4 million Americans. Without this investment, those Americans will make decisions about home ownership and insurance purchases based on outdated and unreliable information that could unfairly increase their flood insurance premiums or leave them with a false sense of security.

A higher allocation would also allow the Committee to recommend the requested finding level for the DHS headquarters consolidation project, which is already under construction on the St. Elizabeths campus in Southeast Washington, DC. The Coast Guard fully occupied its new facility there in late 2013. Restoration work for the Center Building, which will house the Office of the Secretary and Executive Management, began in early 2015, with an expected move-in date in 2017.

Earlier this year, the Department revised its plan for St. Elizabeths to consolidate the footprint, reduce costs, and accelerate the construction schedule. It makes no sense to build half of a headquarters. Further delays will only cost the taxpayers more in the long run as the Department is forced to extend costly leases in more than 50 locations scattered across the Washington, DC, metropolitan area. On both fiscal grounds and to improve the cohesiveness of DHS operations, we must continue to make timely progress on the headquarters project.

#### Bipartisan Funding Priorities

Despite an inadequate allocation, the bill does address a number of bipartisan priorities, including maintaining the current funding levels for all first responder and antiterrorism grants. It is our hope that these programs will be increased under a better allocation. It also maintains level funding for the Office for Civil Rights and Civil Liberties, including support for continued oversight of DHS partnerships with state and local law enforcement entities. In addition, the bill increases support for critical Coast Guard acquisitions; fully funds the proposed increase for the Secret Service to begin addressing Protective Mission Panel recommendations; provides additional funding for U.S. Immigration and Customs Enforcement (ICE) investigations into child exploitation, human trafficking, financial crimes, and drug smuggling; and restores funding for University Centers of Excellence.

While providing level funding of \$120,000,000 for the Emergency Food and Shelter Program (EFSP), the bill again omits the proposed authority to transfer EFSP to the Department of Housing and Urban Development (HUD). Instead, the Committee continues to make clear, on a bipartisan basis, that any future potential

transfer must be premised on consultation with program stakeholders, appropriate justification, and a fully developed plan for transition.

#### Departmental Management

We continue to fully endorse the Chairman's efforts to push the Department to develop and institutionalize more rigorous, consistent, and comprehensive processes for planning, budgeting, acquisition, evaluation, joint requirements, hiring, and operational coordination. While this kind of oversight and support does not often generate the biggest headlines, it is critically important and is the foundation of the Committee's most basic responsibility.

#### Immigration Detention and Enforcement

Immigration detention is civil detention. It is not intended to be a punishment and should only be used when required by law, or for those determined to be a significant flight risk or a danger to public safety. It is inappropriate that the bill continues a provision setting an arbitrary minimum of 34,000 available ICE detention beds, which limits ICE's flexibility to use cheaper, alternative forms of supervision when appropriate. We should not eliminate the discretion of ICE law enforcement personnel to make custody determinations that are consistent with legal requirements, and should not foreclose the use of less expensive, non-custody forms of supervision when appropriate.

Perhaps the most significant area of disagreement on funding in the bill is its support for the continued use of family detention. Members of the House who have visited ICE's two largest family detention facilities, including Ranking Member Roybal-Allard, report that facilities like Karnes and Dilley are clearly not appropriate places for families. The women and children incarcerated are not flight risks or dangers to our communities. Most have come to the United States fleeing violence or persecution to intentionally submit an application for asylum for themselves and their children, in accordance with our immigration laws. Some will qualify for asylum and some will not, but detaining them for the duration of the adjudication process is unnecessary and inappropriate.

Instead of detention, we should utilize less costly, non-detention forms of supervision, such as the Alternatives to Detention program or release on bond or parole. We are encouraged by the Department's recent decision to adopt a general policy of releasing families from detention if they are seeking asylum.

The bill also includes a new general provision that we believe to be unhelpful and unnecessary. It would prohibit U.S. Citizenship and Immigration Services (USCIS) from implementing the Deferred Action for Parents of Americans program and the expanded Deferred Action for Childhood Arrivals program while a related federal court injunction remains in place. Since USCIS has no intention of violating that injunction, the need for this provision is unclear.

## Cuba

It is disappointing that the Committee rejected the Farr Amendment, which would have stricken a provision in the bill (Sec. 559) intended to reverse the President's modest loosening of the trade embargo with Cuba. Congress, of course, has a role to play with regard to Cuba policy, but the executive branch takes the lead on diplomatic relations with other countries, and President Obama should have the chance to try a more productive approach that better serves our country and the interests of the Cuban people.

Section 559 is tied to claims of property confiscated by the Cuban government, which are important and must be fairly resolved. But change does not happen all at once, and those claims will certainly never be resolved without further improvements in the bilateral relationship.

While it is unclear whether the language of Sec. 559 would actually have the intended impact, we should not prohibit individuals returning to the United States from Cuba from bringing back up to \$400 worth of merchandise, as current policy allows. In fact, we believe that the more interaction Cubans have with the United States, the more they will come to appreciate the benefits of a more open economy.

## Availability of Reproductive Health Services for Women

Over strong Democratic objections, the Full Committee once again adopted an unnecessary amendment related to the availability of reproductive health services for women detained by ICE. Restrictions on the use of federal funds for abortion procedures are already applicable to ICE and the Department of Homeland Security by President Obama's Executive Order 13535, issued on March 24, 2010, and are specifically formalized in Part 4.4 of ICE's 2011 Performance Based National Detention Standards. While many of us believe that those restrictions are excessive, they are a settled matter, and so we again fail to see the point of interjecting this divisive issue into a Homeland Security finding bill.

Before a similar amendment was offered three years ago, this bill had never touched on the topic of abortion because it is not relevant to DES and falls far outside the lines of jurisdiction of the Committee. We will continue to work to remove the amendment's unnecessary provisions from the bill.

## Poison Pill Immigration Riders

In recent years, there has been an expectation that some member of the majority would offer an extreme immigration amendment on the House floor that, if passed, would disrupt the otherwise broad bipartisan support for the DHS funding bill. The conventional wisdom was that most members, including most members of the majority, would prefer to avoid consideration of, and votes on, such riders on the floor, but the amendments were ultimately offered and approved on almost entirely partisan votes.

Now such immigration riders are being offered by members of the majority on this very Committee—and approved on a purely partisan basis—during Committee consideration of the bill. Given that there is perhaps no more controversial issue facing our coun-

try than immigration policy, it is disappointing, to say the least, that members of the Committee would jeopardize the bipartisan work of the Subcommittee and potentially jeopardize enactment of the finding bill for the Department. Have members already forgotten the disgraceful process that delayed enactment of the Department's annual funding bill for fiscal year 2015 until nearly half the year had already elapsed, or that the delay was caused by the majority's unrealistic insistence on including extreme immigration provisions?

One amendment adopted by the Committee would categorically prohibit the release from custody of any individual meeting the definition of a level 1 or 2 enforcement priority. Unfortunately, there is a broad misconception that level 1 and 2 priorities are defined exclusively as individuals with serious criminal records. In reality, level 1 and 2 priorities include individuals recently apprehended at or near the border who were not legally admitted; anyone without documentation who cannot demonstrate that they have been in the country since January 1, 2014; and individuals who have records of at least three prior misdemeanor convictions.

The Immigration and Nationality Act provides a number of avenues for such individuals to seek relief from removal, including processes for seeking defensive asylum. But under the amendment adopted by the Committee, even asylum seekers would be precluded from the possibility of parole, release on bond, or alternatives to detention. Such a requirement would also clog up expensive detention facilities with individuals who pose no threat to our communities and whose flight risk—if any—could be easily managed with non-detention forms of supervision.

Further, the amendment's restriction violates the *Zadvydas v. Davis* decision of the Supreme Court, which held that the indefinite detention of immigrants is unconstitutional, and therefore removable immigrants whose home country refuses to accept their return cannot continue to be detained.

There is no disagreement that those who pose a danger to the community should remain in custody, and that is clearly ICE's current policy and practice. But individuals and families who come to the United States fleeing violence and persecution should have the opportunity to seek asylum without being further traumatized by unnecessary incarceration.

Perhaps even more egregious was an amendment offered to prohibit the award of anti-terrorism and preparedness grants to states and local communities who have policies that limit their interactions with ICE for purposes of enforcing federal immigration laws. These policies can be based on disagreements with federal immigration policy; concerns about liability if someone is held in custody without legal authority to facilitate a detainer-based transfer to ICE; or the chilling effect on a local law enforcement agency's relationships in a community if people are afraid to work with them.

In an attempt to resolve the growing impasse between ICE and many jurisdictions regarding the use of detainers, Secretary Johnson announced last November the establishment of the Priority Enforcement Program (PEP). Instead of the routine issuance of detainers, PEP will normally involve ICE asking local law enforce-

ment agencies to *voluntarily* notify them about the planned release of individuals whom ICE has clearly identified as enforcement priorities, based on a conviction for specific types of crimes, participation in criminal gang activity, or being a danger to national security.

Resolving state and local concerns about cooperation with ICE does not have to be an all or nothing proposition. We think there is room for agreement on making sure that local law enforcement agencies can work cooperatively with ICE to transfer custody of serious criminals who are immigration enforcement priorities. We should give the Department's PEP program a chance to work before punishing state and local jurisdictions for establishing policies that reflect the concerns of the citizens of their own communities and that are their legal right to determine.

We should also think more than twice about injecting politics into how the Department allocates anti-terrorism grant dollars, which now are based primarily on assessments of threats, vulnerabilities, and consequences. These homeland security grants are not boondoggles for states and local communities; they are vital resources that help communities prepare for, respond to, and recover from the most serious threats we face.

#### Conclusion

In closing, we want to underscore our appreciation for the efforts of the Chairman and his staff to work with the minority throughout the development of this bill to responsibly sustain our frontline homeland security operations while holding the Department accountable for its performance. As the appropriations process continues, we look forward to working with the majority to develop final legislation that is both free of controversial, extraneous policy riders and based on an adequate funding allocation.

NITA M. LOWEY.  
LUCILLE ROYBAL-ALLARD.

