

DEPARTMENT OF HOMELAND SECURITY
APPROPRIATIONS BILL, 2017

JULY 6, 2016.—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

ADDITIONAL VIEWS

[To accompany H.R. 5634]

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 September 30, 2017.

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OVERVIEW AND SUMMARY OF THE BILL

The accompanying bill contains recommendations for new budget (obligational) authority for fiscal year 2017 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 2016:

[In thousands of dollars]

Title	New Budget (obligational) authority, Fiscal Year 2016	Budget Esti- mates of new (obligational) au- thority, Fiscal Year 2017	Recommended by the House	House Compared With	
				New budget au- thority, Fiscal Year 2016	Budget estimate, Fiscal Year 2017
Title I: Departmental Management, Operations, Intelligence, and Oversight	1,102,874	1,434,374	1,267,194	+164,320	– 167,180
Title II: Security, Enforcement, and Investigations	34,596,597	33,694,229	34,282,684	– 313,913	+588,455
Title III: Protection, Preparedness, Response, and Recovery	13,090,421	12,418,357	13,170,613	+80,192	+752,256
Title IV: Research, Development, Training, and Services	1,498,767	1,631,845	1,632,984	+134,217	+1,139
Title V: General Provisions	– 865,801	– 189,265	– 936,950	– 71,149	– 747,685
Grand Total	49,422,858	48,989,540	49,416,525	– 1,333	+431,985
Total, Net Discretionary	40,955,000	40,623,015	41,050,000	+100,000	+431,985

The Committee recommends total appropriations of \$49,416,525,000 for DHS for fiscal year 2017, \$426,985,000 more than the budget request. Of this amount, \$47,759,000,000 is for discretionary programs, including \$6,709,000,000 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. Excluding the DRF, \$41,050,000,000 is recommended, of which \$39,245,000,000 is for non-defense programs and \$1,805,000,000 is for defense programs.

The bill adopts a new appropriations structure, as proposed in the budget request. For purposes of consistency, fiscal year 2016 enacted levels are displayed as if they had been appropriated in the new structure.

Overview

As a consequence of dedicated leadership and hard work, significant progress has been made to strengthen and institutionalize DHS management processes at both the headquarters and component levels. The Committee applauds these initiatives—especially the establishment of an appropriations framework that supports and standardizes budgeting and programming across DHS; the development of a Joint Requirements Council (JRC); and the chartering of a joint operations capability—and is encouraged that the Department recognizes that these endeavors are works-in-progress that require continued attention to reach maturity.

In particular, the Committee supports the Department's efforts to strengthen financial management by further refining its financial management policy manual and improving planning, programming, and budgeting. As part of that effort, DHS should continue to define key budget concepts, standardize the application of those concepts, and enforce their use across the enterprise. Of particular importance, DHS must further clarify the definition of each appropriation type and standardize its period of availability; provide clear guidance to components on the definitions of “positions” and “full-time equivalents” and how each should be used for budget planning and justification exhibits; and ensure the consistent appli-

cation of appropriate definitions of “adjustments to base,” “program changes,” and “acquisition program.”

The budget justification materials require significant improvement. While the fiscal year 2017 materials were clearer and better organized than in the past for some components, they are inconsistent across the Department, provide incomplete descriptions of the cost drivers for each account, often include inaccurate payroll costing and hiring assumptions, and lack adequate acquisition program details. In addition, the justification materials include unnecessary general background information that should be removed to streamline the material and ensure components are focused on providing the necessary detail justifying the requested budget.

Eighty-five percent of DHS’s discretionary budget consists of personnel costs, yet the Department cannot link its mission requirements to the number of people required to carry them out effectively and efficiently. After two years of underexecuting personnel funding, it is now more critical than ever for DHS to identify the operational missions DHS personnel are expected to perform, the outcomes they must achieve, the attributes and capabilities the forces must possess, and the type and size of force needed to successfully execute objectives. Otherwise, the Committee will be forced to consider permanent cuts to personnel.

Critical to better budgeting and more informed investment decisions is the establishment and institutionalization of a robust requirements process. The Department should: perform an assessment of what processes and resources each component has in place for developing and prioritizing requirements; research best practices; identify gaps and redundancies; and develop and execute a strategy to ensure that operational and resource decisions are fundamentally driven and supported by validated requirements.

The recent experience of the Transportation Security Administration (TSA) serves as a leading example of an organizational failure to establish and implement a rigorous requirements process. The security gaps in TSA’s passenger screening processes identified by DHS Office of Inspector General (OIG) covert testing in 2015, along with the more recent spike in passenger volume resulting in unacceptably long wait times in screening lines at some of the nation’s airports, are due to the lack of a comprehensive understanding of the agency’s operational requirements. Similarly, TSA’s ever-evolving technology acquisition plan is further evidence of an inadequate requirements process.

The Department has made some progress in assessing cross-component requirements. Established in 2014, the JRC is charged with evaluating cross-component program requirements, identifying redundancies and capability gaps across DHS, and determining when an enterprise solution is more appropriate and cost effective. Since its inception, the JRC has analyzed and validated capability plans, mission needs statements, and operational requirements documents. It has provided guidance and direction to 11 Acquisition Review Boards that will inform acquisition decisions and underpin future budget requests. The next step is for the components to adopt this joint requirements process and improve their ability to provide improved life cycle cost estimates and to better justify component-specific investment items.

Institutionalizing a requirements process requires federal personnel with skills in cost analysis, modeling, and statistics, which are in small supply at DHS. Consequently, DHS leadership should emphasize the importance of these skills and ensure that they are present throughout the budget and acquisition management disciplines across DHS. The Department should consider conducting a DHS-wide skill and capability analysis to determine whether it has adequate resources dedicated to these functions, with an initial focus on payroll and acquisition programs. The Department must also recognize that the private sector is a critical partner in filling capability gaps, and that a successful partnership depends on DHS being transparent, reliable, and consistent.

In addition to looking more holistically at its requirements gathering processes, the Department must continue to strive for more unity in its operations. The Southern Border and Approaches Campaign Plan is the first significant, national multi-component effort undertaken by DHS. Aimed at leveraging the full range of unique departmental roles, authorities, responsibilities, and capabilities, the Campaign's goal is to enhance the integration of component operations, intelligence, and resources to secure the southern land and maritime borders of the United States.

The Department must persist in sustaining and enhancing this long-overdue effort, despite any cultural resistance, and firmly establish this joint approach within each component's lexicon, operations, and strategic plans. DHS's components will have to overcome longstanding parochial instincts in order to better integrate into joint command-and-control structures and to plan, program, and budget for joint requirements such as training and communications. But it is the Committee's belief that a cultural shift is necessary because leveraging the power of joint capabilities is vital to protecting the homeland.

Unfortunately, these worthwhile process reforms are undermined when budget requests are not permitted to truly reflect requirements, as was the case with the fiscal year 2017 budget request. The Administration's proposal willfully underfunded vital national security programs across the Department in the face of ever increasing threats. For example, the TSA budget assumed funding for security screening processes by relying on over \$880,000,000 in new, unauthorized fees that are not within the jurisdiction of this Committee and are unlikely to be enacted into law. Given the escalating global threat to aviation security, historic growth in air travel causing significant airport wait times, and known understaffing of TSA screeners, such budgetary gimmicks are reckless and put national security at risk.

Similarly, the Administration slashed FEMA's State Homeland Security Grant Program by 57 percent and Urban Area Security Initiative grants by 45 percent—stripping crucial resources from state and local law enforcement initiatives aimed at combating terrorism at a time when terrorists have killed hundreds in attacks in the United States and abroad.

Finally, United States Immigration and Customs Enforcement (ICE) detention beds were reduced by almost ten percent based on the Administration's use of an artificially low data point, despite knowing the average daily detention rate for the year would likely far exceed the estimate selected. The Administration's submission

of such a disturbingly flawed budget request defies credulity, and is an abdication of responsibility to provide for the nation.

While the Committee notes that a new Administration will bring a different perspective with new initiatives in 2017, the Committee hopes it will support the reforms and efforts cited above and foster their continued improvement. With regard to future budget requests, the Committee expects the next Administration to request funding levels that reflect the true cost of adequately funding critical national security requirements.

Common Appropriations

Pursuant to Public Law 114–113, the fiscal year 2017 budget was presented in a new structure that included four common appropriations accounts for every DHS component. Establishing and implementing this structure required significant time and effort by the entire financial management staff of DHS and its components, for which they are to be commended. As the use of this new structure matures and becomes more disciplined, the Committee believes the agency’s leadership, as well as congressional stakeholders, will be better positioned to: 1) conduct more effective oversight of DHS components; 2) better track the life cycle costs of DHS acquisition programs; and, 3) recommend more informed trade-offs among programs when faced with limited resources.

Summary of the Bill

Title I contains funds for departmental management activities. Title II ensures the Department’s frontline operational components have adequate resources to effectively carry out 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 supports law enforcement training; citizenship, immigration, and employment eligibility verification services; chemical, biological, nuclear and radiological detection; and research and development functions. Title V includes basic general provisions for oversight, reprogramming guidance, reports, and funding limitations.

REFERENCES

The Committee report refers to the following law as follows: the Implementing Recommendations of the 9/11 Commission Act of 2007, Public Law 110–53, is referenced 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, OPERATIONS, INTELLIGENCE, AND OVERSIGHT

DEPARTMENTAL MANAGEMENT AND OPERATIONS

Appropriation, fiscal year 2016	\$700,672,000
Budget request, fiscal year 2017	1,011,511,000
Recommended in the bill	844,331,000
Bill compared with:	
Appropriation, fiscal year 2016	+143,659,000
Budget request, fiscal year 2017	– 167,180,000

Mission

The mission of Departmental Management and Operations is to provide efficient leadership and services to DHS, and policy guidance and directives to DHS components. The offices support Departmental efforts to achieve strategic goals and to deliver quality administrative support services for human resources; to manage facilities, property, equipment, and other material resources; to ensure safety, health, and environmental protection; and to identify and track performance measurements relating to the Department's responsibilities.

OPERATIONS AND SUPPORT

Appropriation, fiscal year 2016	\$680,217,000
Budget request, fiscal year 2017	864,222,000
Recommended in the bill	822,992,000
Bill compared with:	
Appropriation, fiscal year 2016	+142,775,000
Budget request, fiscal year 2017	– 41,230,000

Recommendation

The Committee recommends \$822,992,000 for Operations and Support, \$41,230,000 below the amount requested and \$142,775,000 above the amount provided in fiscal year 2016. Of the total amount recommended, \$136,436,000 is for the Office of the Secretary and Executive Management and \$686,556,000 is for the Office of the Under Secretary for Management. Not more than \$32,000 may be spent for official reception and representation expenses.

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

	Budget request	Recommended
Operations and Support:		
Management and Administration:		
Office of the Secretary and Executive Management:		
Immediate Office of the Secretary	\$12,428,000	\$8,899,000
Immediate Office of the Deputy Secretary	1,734,000	1,734,000
Office of the Chief of Staff	2,644,000	2,644,000
Executive Secretary	5,481,000	5,481,000
Office of Policy	37,049,000	35,881,000
Office of Public Affairs	5,384,000	5,384,000
Office of Legislative Affairs	5,287,000	5,287,000
Office of Partnership and Engagement	11,692,000	15,206,000
Office of General Counsel	19,298,000	19,298,000
Office for Civil Rights and Civil Liberties	21,403,000	22,571,000
Citizenship and Immigration Services Ombudsman	6,200,000	6,200,000
Office of Privacy	7,851,000	7,851,000

	Budget request	Recommended
Subtotal, Office of the Secretary and Executive Management	136,451,000	136,436,000
Office of the Under Secretary for Management:		
Immediate Office of the Under Secretary for Management	3,758,000	3,758,000
Office of the Chief Readiness Support Officer	128,177,000	128,177,000
Office of the Chief Human Capital Officer	36,446,000	39,426,000
Office of the Chief Procurement Officer	101,450,000	99,200,000
Office of the Chief Security Officer	61,723,000	60,993,000
Office of the Chief Financial Officer	100,041,000	58,826,000
Office of the Chief Information Officer	258,778,000	258,778,000
Subtotal, Office of the Under Secretary for Management	690,373,000	649,158,000
Subtotal, Management and Administration	826,824,000	785,594,000
Integrated Operations		
Office of the Under Secretary for Management:		
Office of the Chief Information Officer	37,398,000	37,398,000
Subtotal, Office of the Under Secretary for Management	37,398,000	37,398,000
Subtotal, Integrated Operations	37,398,000	37,398,000
Total, Operations and Support	\$864,222,000	\$822,992,000
(Office of the Secretary and Executive Management)	(\$136,451,000)	(\$136,436,000)
(Office of the Under Secretary for Management)	(\$727,771,000)	(\$686,556,000)

Management and Administration

The Committee recommends \$785,594,000 for Management and Administration, \$41,230,000 below the amount requested and \$142,894,000 above the amount provided in fiscal year 2016. The decrease to the request is primarily due to moving \$41,230,000 for financial systems modernization to the general provisions in title V of the bill.

Office of the Secretary and Executive Management

Immediate Office of the Secretary. The Committee recommends \$8,899,000 for the Immediate Office of the Secretary, \$3,529,000 below the amount requested and \$23,000 below the amount provided in fiscal year 2016. The reduction to the request is attributable to the continued funding of countering violent extremism activities in the Office of Partnership and Engagement instead of in the Immediate Office of the Secretary, which the Department requested. Official reception and representation funds are decreased from the proposed \$45,000 to \$30,000 because of DHS's continued failure to fill the position of Assistant Secretary for Policy despite repeated congressional directives, and because the budget request assumed the enactment of new TSA fees totaling \$880,000,000 that will almost certainly be unavailable as offsetting collections. DHS should be prepared for significant decrements to headquarters accounts and priorities should future budget requests include similar gimmicks.

As requested, the recommendation includes \$5,075,000 for the Joint Requirements Council (JRC). DHS is directed to provide quarterly briefings to the Committee on the Council's activities.

Quarterly travel reports shall be provided to the Committee not later than 30 days after the end of each fiscal quarter. The report shall detail all direct and indirect costs of official and nonofficial

travel by the Secretary and Deputy Secretary within each appropriation.

The Committee remains concerned about the various component-level processes for the public to submit complaints, compliments, and other feedback about DHS services and operations. As directed by House Report 113–481, DHS provided the Committee with a plan to implement a Universal Complaint System that could serve as a Department-wide portal for the submission of complaints or other feedback. While the proposed centralized intake approach has merit, it would require significant additional resources to support a multi-lingual intake capability without obviating the need for similar component-level capabilities.

The Committee has also become aware of efforts at the component level to improve customer service, including a promising U.S. Customs and Border Protection (CBP) pilot program to standardize how public complaints are registered and how feedback is provided to the public; track cases through resolution; and develop analytics and reporting mechanisms to improve training and address systemic issues.

To leverage efforts already underway at CBP and other components, the Committee directs the Secretary to convene a Public Complaint and Feedback System working group comprised of representatives of DHS components with public-facing operations to support the sharing of best practices and, as appropriate, the standardization of feedback mechanisms, processes, customer service metrics, and reporting across the Department. In conjunction with this working group, the Secretary is directed to:

1. Develop a DHS-wide “as-is” assessment of the various public complaint and feedback intake and resolution processes and systems currently in place, to include an evaluation of the public’s awareness of how to successfully provide feedback to DHS, along with component-level policies, practices, and capabilities for providing timely responses, reporting results, and incorporating feedback into policy development and training;
2. Research best practices for public feedback intake, processing, resolution, and reporting, as well as for improving public awareness of the process;
3. Identify gaps and redundancies within each component’s processes and systems;
4. Develop and disseminate guidance that communicates requirements for component-level public complaint and feedback intake and resolution systems, processes, and reporting capabilities;
5. Establish processes for centrally compiling and reporting component-level public complaint and feedback data at the Department level; and
6. Determine whether aspects of the overall DHS public complaint and feedback process should be supported with headquarters resources.

Not later than 90 days after the date of enactment of this Act and semiannually thereafter, the Department shall update the Committee on its findings and progress.

The Department should continue to provide assistance, as appropriate, to state police crime labs to ensure that federal requirements do not burden state resources. DHS shall report annually on

its use of and partnerships with state crime labs, including funding associated with such use and partnerships, and should fully reimburse state crime labs it uses. The Committee notes that the Department's partnerships with crime labs are particularly important in border states.

Senate Report 114–68 required DHS to work with the Office of Management and Budget to report to the Committees within 60 days after the date of enactment of Public Law 114–53 on the steps DHS has taken or will take to reduce printing volume and costs, and on the estimated or actual savings that have resulted. The Committee looks forward to receipt of this overdue report as soon as possible.

Immediate Office of the Deputy Secretary. As requested, the Committee recommends \$1,734,000 for the Immediate Office of the Deputy Secretary, which is \$14,000 below the amount provided in fiscal year 2016.

Office of the Chief of Staff. As requested, the Committee recommends \$2,644,000 for the Office of the Chief of Staff, which is \$52,000 below the amount provided in fiscal year 2016.

Executive Secretary. As requested, the Committee recommends \$5,481,000 for the Executive Secretary, which is \$120,000 below the amount provided in fiscal year 2016.

Office of Policy. The Committee recommends \$35,881,000 for the Office of Policy, \$1,168,000 below the amount requested and \$3,196,000 below the amount provided in fiscal year 2016. The \$1,168,000 reduction is because of DHS's continued failure to fill the position of Assistant Secretary for Policy.

Progress is being made—albeit slowly—towards developing a valid methodology that measures the security of the border. The Committee urges DHS to continue its efforts and to provide periodic updates as appropriate.

On January 19, 2016, DHS released the Entry/Exit Overstay Report for fiscal year 2015, the first such report delivered to Congress since 1994. The report provides data on departures and overstays, by country, for foreign visitors who were admitted into the United States for specific, temporary purposes but overstayed their lawful admission period. While the Department should be commended for its increased transparency, the issued report provides an incomplete picture, in large part because it focuses solely on B1/B2 business and tourist nonimmigrant visitors and Visa Waiver Program visitors who entered the United States through an air or sea port. The Committee directs subsequent reporting to include other visa categories, such as students, as well as data from entrants at all ports of entry, including the land environment. In addition, the Committee believes subsequent reports should include an estimate of the average duration of overstay to provide greater context as to the extent of the problem. The Department is directed to submit a report to the Committee for all fiscal year 2016 visa overstays, not later than 30 days after the end of fiscal year 2016.

In developing future budget requests for its international activities, the Office of Policy is directed to use the findings of the International Engagement Strategy footprint review, as well as objectives included in its Plan of Action and Milestones. By not later than February 15, 2017, the office shall provide a comprehensive review to the Committee of the number and locations of all DHS

personnel deployed overseas; the amount of resources supporting the deployment; identifiable capability gaps including training; and how these assignments support DHS strategic objectives.

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 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, and to report back to the Committee within 180 days of the date of enactment of this Act on progress made in this regard.

On May 2, 2016, the Secretary renewed a two-year waiver on the requirement in Public Law 109–347 for 100 percent scanning of maritime cargo prior to arriving from foreign seaports. While DHS has made efforts to comply with this requirement, the continuation of the waivers demonstrates 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. The Committee is aware that, in coordination with the waiver extension, the Department released a Request for Information (RFI) soliciting proposals to improve maritime cargo security and make progress towards achieving the 100 percent overseas scanning requirement for radiological and nuclear threats. The Department, along with CBP, the Chemical, Biological, Radiological, Nuclear, and Explosives (CBRNE) Office, and the Science & Technology Directorate (S&T), shall brief the Committee within 90 days after the date of enactment of this Act, on the results of the RFI, including any promising proposals, best practices, and pilots that could be realistically implemented within the next two years.

Office of Public Affairs. As requested, the Committee recommends \$5,384,000 for the Office of Public Affairs, \$88,000 below the amount provided in fiscal year 2016.

Office of Legislative Affairs. As requested, the Committee recommends \$5,287,000 for the Office of Legislative Affairs, \$76,000 below the amount provided in fiscal year 2016.

Office of Partnership and Engagement. The Committee recommends \$15,206,000 for the Office of Partnership and Engagement, \$3,514,000 above the request and \$2,132,000 above the amount provided in fiscal year 2016. As requested, the recommendation includes \$1,000,000 to address issues of cybersecurity by developing of a public service awareness campaign similar to the “If You See Something, Say Something” campaign. In addition, and as noted above, the total includes \$3,514,000 for the operations of the Office of Countering Violent Extremism (CVE).

The Committee is pleased the Administration has taken steps to define a governance structure for DHS efforts to counter violent extremism. Greater clarity and planning is needed, however, about how grants will be provided to community organizations that work to help prevent radicalization. Likewise, DHS must articulate how it will measure the effectiveness of programs funded as part of this effort. Therefore, the recommendation does not include the addi-

tional funds requested for a grant program to counter violent extremism. Further discussion on this subject is included in the FEMA section of this report.

The Office is directed to provide a detailed report on department-wide CVE programs and initiatives, including personnel and funding levels, not later than 60 days after the date of enactment of this Act.

The recommendation includes \$819,000 for permanent staffing and external engagement in support of DHS's Blue Campaign program, a Department-wide effort to combat human trafficking. In prior years, the Blue Campaign's costs have been entirely supported by more than \$3,000,000 in unbudgeted, end-of-year assessments on DHS components, a practice which creates uncertainty for the program and an unexpected bill for the components. While the proposed amount for fiscal year 2017 provides the first dedicated funding for the program, the Committee understands that the full cost of current services requires continued reliance on component assessments. In justification materials that accompany future budget requests, DHS is directed to account for and fully fund a comprehensive budget for the Blue Campaign program.

Office of General Counsel. As requested, the Committee recommends \$19,298,000 for the Office of General Counsel, \$174,000 below the amount provided in fiscal year 2016. The recommendation includes an increase of \$100,000, as requested, for a financial disclosure system.

Office for Civil Rights and Civil Liberties. The Committee recommends \$22,571,000 for the Office for Civil Rights and Civil Liberties (OCRCL), \$1,168,000 above the amount requested and \$771,000 more than the amount provided in fiscal year 2016. The increase above the request is intended to support enhancements within the Compliance Branch in recognition that the number of opened complaints addressed by OCRCL has increased by 180 percent since fiscal year 2012, while the funding level requested for fiscal year 2017 is \$1,097,000 below the fiscal year 2012 funding level. The Compliance Branch works collaboratively with DHS components to improve policies, practices, standards, and training related to civil rights and civil liberties while also supporting homeland security missions. 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. As requested, the Committee recommends \$6,200,000 for the Citizenship and Immigration Services Ombudsman, \$72,000 below the amount provided in fiscal year 2016.

Office of Privacy. As requested, the Committee recommends \$7,851,000 for the Office of Privacy, \$118,000 below the amount provided in fiscal year 2016.

As the entity primarily responsible for the Department's Freedom of Information Act (FOIA) compliance, the Office of Privacy is expected to respond to FOIA requests sufficiently and in a timely manner. FOIA offices should also pursue the timely and proactive public disclosure of documents that are most commonly requested, including detention contracts and inspection reports.

Office of the Under Secretary for Management

Immediate Office of the Under Secretary for Management. The Committee recommends \$3,758,000 for the Immediate Office of the Under Secretary for Management (USM), the same as the amount requested and \$365,000 above the amount provided in fiscal year 2016. As directed in a title I administrative provision, USM shall continue to provide updates on the hiring corrective plan and the development of hiring metrics, as detailed in the explanatory statement accompanying Public Law 114–113.

The Committee directs the Department's Chief Acquisition Officer to provide a briefing of summary ratings for all Level 1 and 2 programs on a quarterly basis.

The Committee understands that CBP and the Coast Guard are evaluating the use of tactical aerostats as a gap-filler solution in the event of the retirement of the existing tethered aerostat radar systems. Not later than 30 days after the date of enactment of this Act, the Department shall brief the Committee on the evaluation, to include estimates for cost and schedule and how the Air and Marine Operations Center will be utilized as a part of any demonstration of the capability.

Office of the Chief Readiness Support Officer. The Committee recommends \$128,177,000 for the Office of the Chief Readiness Support Officer (OCRSO), the same as the amount requested and \$96,486,000 above the amount provided in fiscal year 2016. Of the total amount, \$2,931,000 is for repairs to the Nebraska Avenue Complex and \$99,582,000 is for headquarters consolidation mission support and construction management.

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.

From real estate to vehicle fleets, DHS field offices do not work together to determine whether co-locating could result in efficiencies, despite the findings of a pilot program that found savings could be achieved by consolidating DHS personnel. Not later than 90 days after the date of enactment of this Act, DHS shall provide a plan to the Committee requiring all component-level field offices to consolidate space, services, and assets. This plan shall include a description of the departmental mechanisms used to direct the field offices to conduct these reviews such as existing and desired legislative authorities, management directives, and regional working groups, and a description of the methods the Department plans to use to ensure compliance.

In September 2014, GAO released a report that expressed concern with the cost and schedule for construction of the new DHS headquarters facility on the St. Elizabeths campus in southeast Washington, DC, and recommended revisions to the existing plan. In response, DHS and GSA released an enhanced plan to reduce the overall costs of the project, decrease the size of the campus, and conclude construction efforts in a more timely fashion. The Committee believes the enhanced plan, especially the reconfiguration of the Coast Guard headquarters, is a step in the right direction. In addition, however, DHS should fully meet the requirements of its formal major acquisition processes and fully address all of GAO's recommendations.

In December 2015, the DHS OIG released a report highlighting serious concerns regarding gross mismanagement of DHS's vehicle fleet, specifically that of the Federal Protective Service (FPS). The OIG found that FPS did not adequately justify its needs for acquiring more vehicles than officers, having costly SUVs instead of sedans, and leasing numerous administrative vehicles for mission support functions. DHS's inability to justify the size and content of its vehicle fleet wastes taxpayer dollars. The Committee directs DHS to brief the Committee not later than 60 days after the date of enactment of this Act on the Department's progress in addressing recent OIG recommendations.

Office of the Chief Human Capital Officer. The Committee recommends \$39,426,000 for the Office of the Chief Human Capital Officer (OCHCO), \$2,980,000 above the amount requested and \$9,729,000 above the amount provided in fiscal year 2016. The recommendation includes a reduction of \$240,000 due to hiring delays.

To help ensure the recruitment and development of future cybersecurity professionals, the Committee recommends an increase of \$3,220,000 to transition the Cyber Student Volunteer Initiative into a DHS Cybersecurity Internship Program.

The Committee continues to be concerned about hiring across the Department. While departmental components have taken steps to make their hiring processes more efficient and take less time, most components are still unable to meet their hiring goals, particularly when faced with continued high attrition levels. Despite the improvements already made, the length of the hiring process continues to result in losing the most capable applicants to other employers and discouraging potential recruits from applying for employment at DHS in the first place.

The Committee directs DHS to take the following actions to help improve its hiring processes:

- a. Conduct any necessary polygraph examinations as early as possible in the personnel security process in order to avoid unnecessary background investigation, medical clearance, and other hiring-related expenses;
- b. Reevaluate current polygraph disqualifiers;
- c. Maximize the use of existing background investigations for applicants who are current federal employees or members of the U.S. Military unless specific fitness factors precluded the acceptance of a previous suitability/fitness determination;
- d. Reevaluate fitness factors to improve consistency across the Department, as appropriate, and better promote current reciprocity in acceptance of existing security clearances.

The Under Secretary for Management shall brief the Committees within 90 days of the day of enactment of this Act on the progress it has made towards meeting these requirements; on other steps the Department is taking or plans to take to improve hiring under its existing authorities; and on any new authorities that would further improve the ability to hire.

Office of the Chief Procurement Officer. The Committee recommends \$99,200,000 for the Office of the Chief Procurement Officer, \$2,250,000 below the amount requested and \$38,570,000 above the amount provided in fiscal year 2016. The increase above the prior year is due to the movement to the OCPO of activities previously funded through departmental components; commensurate

reductions were imposed on component appropriations. The recommendation also includes a reduction of \$2,250,000 due to hiring delays.

Office of the Chief Security Officer. The Committee recommends \$60,993,000 for the Office of the Chief Security Officer, \$730,000 below the amount requested and \$8,127,000 below the amount provided in fiscal year 2016. The recommendation includes a reduction of \$730,000 due to hiring delays.

Office of the Chief Financial Officer (OCFO). The Committee recommends \$58,826,000 for OCFO, \$41,215,000 below the amount requested and \$2,406,000 above the amount provided in fiscal year 2016. The reduction to the request is the result of the Committee's recommendation to include an appropriation for the Financial Systems Modernization (FSM) program in title V of this bill, consistent with prior years.

As noted above, DHS has been working to develop a strategic, outcome-based approach for assessing its border security performance and more constructively informing decisions about resource allocation. This initiative, on which the Department is collaborating with a diverse group of outside researchers, will employ data on apprehensions, removals, consequence delivery, and other factors, along with survey-based estimates of the probability of apprehension and the effect of deterrence on recidivism. The primary goal is the development of an analytic method for accurately measuring the illegal entry of individuals, illicit drugs, and other contraband that is as rigorous and reliable as the econometric models the country relies on for measuring inflation, the gross domestic product, and the unemployment rate. Once complete and validated, this methodology will allow DHS to more precisely target resources and investments to the right mix of personnel, technology, and tactical infrastructure along each section of the border and accurately measure the resulting effect on outcomes.

The Committee supports this approach and expects the Department to develop a methodology for optimizing the allocation of resources based on the outcomes measured, and to employ that methodology in the development of future budget requests. The Department shall provide a briefing to the Committee not later than 90 days after the date of enactment of this Act on the development of such a methodology.

Some of the budget materials and exhibits justifying the President's request reflect improvements directed by the Committees, while others continue to lack clarity and completeness. In general, the exhibits fail to provide the level of detail required by Division F of Public Law 114–113 for investment items and procurement accounts. As a consequence, a general provision is included in title V of the bill withholding 20 percent of funds from all DHS component Operations and Support accounts until fiscal year 2018 budget exhibits are submitted with the specified level of detail.

An increase of \$3,000,000 was provided in fiscal year 2016 to improve oversight of DHS financial management activities relating to programs, operations, and budget requests. By January 15, 2017, the Department is directed to provide to the Committee a full accounting of the use of the funding, the improvements made, a prioritized list of remaining gaps that the Department believes must be addressed, and a plan to close those gaps.

Bill language is retained requiring that Monthly Budget Execution and Staffing reports be submitted to the Committee 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, as modified by section 513 of Public Law 114–113. Beginning on October 1, 2016, all required reports shall be submitted to the Committee in the new appropriations structure, as applicable, including the Monthly Budget Execution and Staffing reports and quarterly obligation plan updates. The Committee directs the CFO to provide periodic briefings on the status of maturing the Financial Management Policy Manual and expanding a professional development program for financial management professionals across DHS.

Within 60 days of the date of enactment of this Act, the Committee directs the CFO to provide, by component, the total cost of migrating to a shared financial services provider. These costs shall be broken down by fiscal year and major cost driver, including discovery, configuration, program management, implementation, and infrastructure and system sustainment for the total life cycle of the project, including obligations to date.

The Committee notes that the Appropriations Liaison Office within the OCFO is beneficial to the Committee, and directs that the office be maintained to ensure the continued productive exchange of information on key policies, programs, initiatives, and budget line items.

Office of the Chief Information Officer (OCIO). The Committee recommends \$258,778,000, the same as the amount requested. The recommendation includes funding for the following initiatives: DHS Data Framework; Single Sign-on; several security initiatives; the Human Resources Information Technology program; the Federal Risk and Authorization Management Program; and the Infrastructure Transformation Program.

House Report 114–215 directed OCIO to provide quarterly updates to the Committee on the enterprise architecture to achieve the strategic objectives outlined in the DHS Information Technology Strategic Plan (FY 2015–2018), including acquisition strategies that support rapid deployment, agile development, shared technologies, and the adoption of a consumption-based business model; these briefings have yet to occur. In addition to satisfying this overdue requirement for fiscal year 2016, the Committee directs OCIO to provide a briefing on the status of meeting these objectives within 30 days after the date of enactment of this Act and quarterly thereafter.

In House Report 114–215, the Committee made clear its concerns regarding the lack of interoperable communications among DHS components and required a briefing on a plan for closing interoperability gaps. Despite this requirement, and numerous OIG reports identifying shortcomings and providing recommendations, there continue to be numerous communications gaps. Consistent with previous direction, the Committee urges the Department to examine, and to the greatest extent practicable, support existing local, state, and federal interoperable communications partnerships currently in use. These systems potentially increase the availability of interoperable communications to all levels of first responders and,

while not a total solution, may serve as a key link for daily operations.

The Committee is concerned that, although DHS has been implementing the Human Resources Information Technology (HRIT) system for over 12 years, it has completed only one out of 15 improvement areas identified in the Department's Human Capital Segment Architecture Blueprint. In February 2016, GAO reported that the delays in HRIT implementation were due to a lack of oversight from DHS's executive steering committee, which met only once between September 2013 and July 2015. As a result, DHS did not complete key governance steps, including the approval of critical acquisition documents. Although DHS has recently made notable progress in certain HRIT improvement areas, the Committee remains concerned that without proper oversight, established timeframes, and key acquisition documents, DHS will continue to falter in implementing this important IT system. Consequently, the Department is directed to provide a briefing to the Committee on the status of addressing GAO's recommendations within 180 days of the date of enactment of this Act.

Integrated Operations

Office of the Under Secretary for Management

Office of the Chief Information Officer. As requested, the Committee recommends \$37,398,000 for OCIO, \$119,000 below the amount provided in fiscal year 2016.

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

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

Appropriation, fiscal year 2016	\$17,955,000
Budget request, fiscal year 2017	144,789,000
Recommended in the bill	18,839,000
Bill compared with:	
Appropriation, fiscal year 2016	+884,000
Budget request, fiscal year 2017	– 125,950,000

Recommendation

The Committee recommends \$18,839,000, \$125,950,000 below the request and \$884,000 above the amount provided in fiscal year 2016.

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

	Budget Request	Recommended
Procurement, Construction, and Improvements		
Management and Administration	\$139,364,000	\$13,414,000
Integrated Operations	5,425,000	5,425,000
Total, Procurement, Construction, and Improvements	\$144,789,000	\$18,839,000

Management and Administration

The Committee recommends \$13,414,000 for Management and Administration, \$125,950,000 below the request and \$866,000 above the amount provided in fiscal year 2016. Due to resource constraints, the Committee does not recommend funds for the next phase of construction at St. Elizabeths.

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 information technology investments.

Integrated Operations

The Committee recommends \$5,425,000 for Integrated Operations, the same as the request, and \$18,000 above the amount provided in fiscal year 2016.

RESEARCH AND DEVELOPMENT

Appropriation, fiscal year 2016	\$2,500,000
Budget request, fiscal year 2017	2,500,000
Recommended in the bill	2,500,000
Bill compared with:	
Appropriation, fiscal year 2016	---
Budget request, fiscal year 2017	---

Recommendation

The Committee recommends \$2,500,000 for Research and Development, the same as the request and the same as fiscal year 2016.

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

	Budget Request	Recommended
Research and Development		
Management and Administration	\$2,500,000	\$2,500,000
Total, Research and Development	\$2,500,000	\$2,500,000

Management and Administration

The recommended funding is for the Digital Innovation Program to procure, test, and adopt digital technology products and services to leverage the most effective, currently available technology solutions that are critical to the Department's missions.

ANALYSIS AND OPERATIONS

Mission

The Analysis and Operations (A&O) appropriation supports the Office of Intelligence and Analysis, which collects, evaluates, and disseminates intelligence information, and the Office of Operations Coordination, which provides incident management and operational coordination.

Appropriation, fiscal year 2016	\$264,714,000
Budget request, fiscal year 2017	265,719,000
Recommended in the bill	265,719,000
Bill compared with:	
Appropriation, fiscal year 2016	+1,005,000
Budget request, fiscal year 2017	— —

Recommendation

As requested, the Committee recommends \$265,719,000 for A&O, \$1,005,000 above the amount provided in fiscal year 2016.

The Committee supports the effort to provide security clearances to appropriate state and local law enforcement personnel and other first responders. Not later than 60 days after the date of enactment of this Act, A&O is directed to brief the Committee on the number of state and local personnel sponsored for security clearances.

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

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 is charged with deterring, identifying, and addressing fraud, abuse, mismanagement, and waste of taxpayer funds invested in DHS.

Appropriation, fiscal year 2016 *	\$137,488,000
Budget request, fiscal year 2017 *	157,144,000
Recommended in the bill*	157,144,000
Bill compared with:	
Appropriation, fiscal year 2016	+19,656,000
Budget request, fiscal year 2017	— —

* Does not include a directed transfer of \$24,000,000 to the OIG from the FEMA Disaster Relief Fund.

Recommendation

The Committee recommends \$157,144,000 for the OIG, the same as the budget request and \$19,656,000 above the amount provided in fiscal year 2016. The Committee also continues the practice of transferring \$24,000,000 from the FEMA Disaster Relief Fund (DRF) to the OIG for disaster-related audits and investigations.

The OIG is expected to continue monitoring and assessing component oversight of the use of force by law enforcement agents and officers, including making recommendations on how such oversight can be used to improve training.

The Committee is aware that OIG has initiated a review of ICE and CBP detention facilities, including unannounced inspections, and is directed to keep the Committees up to date on the status of its review, including interim findings that might constructively inform funding action for fiscal year 2017.

Title I—Administrative Provisions

Section 101. 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 102. The Committee continues a provision regarding grants or contracts awarded by means other than full and open competition and requires the Inspector General to review them and report the results to the Committees.

Section 103. The Committee continues a provision requiring the Secretary to link award fees to successful acquisition outcomes for all contracts that provide for such fees.

Section 104. The Committee continues a provision requiring the Secretary of Homeland Security, in conjunction with the Secretary of the Treasury, to notify the Committees of any proposed transfers from the Department of the Treasury Forfeiture Fund to any agency at DHS. No funds may be obligated prior to such notification.

Section 105. The Committee continues a provision requiring DHS to submit the Comprehensive Acquisition Status Report (CASR) with the budget request and provide quarterly updates. All programs shall be displayed by appropriation and PPA.

TITLE II—SECURITY ENFORCEMENT AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

Appropriation, fiscal year 2016	\$11,048,249,000
Budget request, fiscal year 2017	11,664,348,000
Recommended in the bill	11,206,240,000
Bill compared with:	
Appropriation, fiscal year 2016	+157,991,000
Budget request, fiscal year 2017	– 458,108,000

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, facilitate the flow of legitimate trade and travel, and ensure all persons and cargo enter the U.S. legally and safely through official checkpoints at ports of entry.

OPERATIONS AND SUPPORT

Appropriation, fiscal year 2016	\$10,674,505,000
Budget request, fiscal year 2017	11,340,958,000
Recommended in the bill	10,945,357,000
Bill compared with:	
Appropriation, fiscal year 2016	+270,852,000
Budget request, fiscal year 2017	– 395,601,000

Recommendation

The Committee recommends \$10,945,357,000 for Operations and Support, \$395,601,000 below the amount requested and \$270,852,000 above the amount provided in fiscal year 2016. Included in the total is \$3,274,000 derived from the Harbor Maintenance Trust Fund.

For the past several years, CBP's inability to hire and maintain personnel at the funded levels has resulted in tens of millions of dollars appropriated for salaries and benefits being diverted to un-

planned and unbudgeted activities with insufficient congressional oversight. While the Committee supports the growth in urgently needed personnel, it is uncertain if the new hiring for which funding was requested can be achieved on schedule. As a result, the recommendation supports hiring most of the new positions, but reduces overall personnel funding by \$112,700,000 based on an assumption that, as in past years, hiring during the course of the year will not occur as quickly as planned. This decrease includes a general reduction of \$42,781,000 to the request for an additional 1,500 mission support personnel.

Within the total, \$1,362,683,000 is available until September 30, 2019. This two years of funding availability is with the period of availability for these purposes in prior years. In future years, however, the Committee intends to transition all Operations and Support appropriations across the Department to a single year of availability, with very limited exceptions for sub-appropriation amounts when additional flexibility is fully justified. CBP should attempt to obligate all of its Operations and Support funding during fiscal year 2017 and should budget for fiscal year 2018 under an assumption of a single year of availability of funds.

The recommendation does not support the requested decrease in the number of mandated Border Patrol agents due to the lack of a validated requirement. Until the Department is able to define a personnel requirement that takes into account all aspects of border security investments, the Committee is unable to support any planned reduction in the number of agents. As addressed in title I of this report, DHS shall develop a requirements process that will drive future resourcing within all components.

The fiscal year 2017 President's Budget proposed transferring the Office of Biometric Identity Management (OBIM) from the National Protection and Programs Directorate (NPPD) to CBP. The Committee will not support the requested transfer until Congress authorizes the reorganization. Accordingly, the recommendation continues to fund biometric identity management activities through NPPD.

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

	Budget request	Recommended
Operations and Support		
Management and Administration		
External and Intergovernmental Affairs	\$44,266,000	\$48,066,000
Business Oversight and Execution	1,075,739,000	1,067,542,000
Personnel Oversight and Management	444,136,000	443,927,000
Subtotal, Management and Administration	1,564,141,000	1,559,535,000
Integrated Operations		
Air and Marine Operations	302,431,000	302,431,000
Operational Coordination and Information	236,607,000	239,607,000
Infrastructure and Support	58,072,000	58,072,000
Mission Integration	154,024,000	153,831,000
Subtotal, Integrated Operations	751,134,000	753,941,000
Securing America's Borders		
Border Security Operations	3,862,834,000	3,857,862,000
(Unaccompanied Children Contingency)	(13,000,000)	0
Air and Marine Operations	466,392,000	448,892,000
Infrastructure and Support	266,212,000	266,212,000

	Budget request	Recommended
Subtotal, Securing America's Borders	4,595,438,000	4,572,966,000
Securing and Expediting Trade and Travel		
Domestic Operations	2,916,488,000	2,584,139,000
International Operations	197,460,000	197,460,000
Targeting	292,016,000	295,816,000
Trade Administration	550,183,000	550,183,000
Infrastructure and Support	474,098,000	474,098,000
Subtotal, Securing and Expediting Trade and Travel	4,430,245,000	4,101,696,000
Mission Support Personnel (ATB Reduction)		—42,781,000
Total, Operations and Support	\$11,340,958,000	\$10,945,357,000

Management and Administration

The Committee recommends \$1,559,535,000 for Management and Administration, \$4,606,000 below the amount requested and \$107,877,000 above the amount provided in fiscal year 2016. The reduction to the request is a result of retaining OBIM in NPPD. The Committee recommends an additional \$3,800,000 for a Central American messaging campaign to better inform Central American children and families about the dangers of undertaking the dangerous journey to the United States and to counter the narrative of smuggling organizations. In addition, \$2,000,000 above the request is recommended for additional acquisition professionals to strengthen Chief Acquisition Executive oversight of acquisition programs across CBP.

To improve oversight on the execution of personnel funding, the Committee expects CBP to continue 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.

With regard to direction on the submission of expenditure plans provided under the Office of the Chief Financial Officer heading in title I of this report, the Committee directs that CBP's plan also include obligation and budget execution data by PPA, sub-PPA, project, and subproject or severable end item for multi-year funding appropriated in prior years, anticipated carryover, and the planned obligation of carryover in future years until all funds are obligated.

The Committee includes the requested increase of \$3,195,000 to expand Spanish language support capabilities for the public at the CBP Information Center and encourages CBP to expand the amount of its overall website content available in Spanish.

A GAO report released in July 2015 (GAO-15-521) made several recommendations for improving CBP compliance with William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPPRA), Public Law 110-457 requirements related to unaccompanied children, including improvements in training and guidance for officers and agents; revisions to indicators or questions used to conduct TVPPRA assessments; and documenting the basis for decisions when assessing screening criteria. GAO also recommended that CBP better document the care provided to unaccompanied children and the time such children spend in CBP custody. A more recent GAO report (GAO-16-514) recommended that CBP improve the collection of data on time in custody, and develop mechanisms for registering and tracking complaints and analyzing complaint trends. The Committee directs CBP to report, within 90 days of en-

actment of this Act, on its progress in implementing the recommendations of GAO-15-521 and GAO-16-514.

CBP plays a critical role in identifying potential human trafficking victims as they enter the United States. The Committee encourages CBP to actively participate in the Blue Campaign, including its efforts to work with nonprofit stakeholder organizations and victim service providers to improve officer and agent training on identifying human trafficking victims, providing appropriate referrals to victim service organizations, and the use of an overall victim-centered approach.

Given the diverse backgrounds of human trafficking victims, the Committee urges CBP to incorporate culturally sensitive training and language-accessible translated materials into its academy curricula. The Committee also expects CBP to continue posting the National Human Trafficking Resource Center hotline, email address, text messaging number, and website information at all U.S. ports of entry.

As requested, the Committee recommends an increase of \$6,872,000 for the Office of Professional Responsibility to hire 30 additional criminal investigators—an increase of 20 percent—to investigate use of force incidents and allegations of criminal and serious, non-criminal misconduct by CBP personnel and contractors. The Committee notes that CBP has expanded its public reporting of use of force incidents and urges the agency to include information about the findings of the Use of Force Review Board on use of force incidents, along with any planned or implemented changes to CBP's use of force policies, tactics, or training. The Committee also notes that CBP is in the process of implementing recommendations from an independent review, initiated by the Commissioner, on the agency's processes for handling allegations of employee misconduct, and expects CBP to provide regular updates on the status of its progress.

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 that CBP has taken a number of steps to improve how it addresses the needs of unaccompanied children in its custody, including increasing the number of designated Juvenile Coordinators at certain Border Patrol facilities; developing an automated referral process for more expeditious placement of unaccompanied children into the Department of Health and Human Services (HHS) custody; mandating annual training for all Border Patrol agents on the requirements of the Prison Rape Elimination Act

(PREA), the *Flores v. Reno* settlement, and TVPRA; and developing a tracking system to better ensure compliance under *Flores*.

The Committee 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 accordance with the new CBP National Standards on Transport, Escort, Detention, and Search (TEDS).

The Committee is concerned by reports of the separation of some family units after apprehension by CBP or prior to crossing the border. While CBP should attempt to verify that individuals presenting as family units are in fact related, it should avoid the separation of children from a parent, extended relative, or other primary caregiver whenever possible. It should also ensure that separated family units are reunited prior to removal, release from CBP custody, or transfer to ICE or ORR custody. CBP should establish affirmative mechanisms for reunifying families as part of its TEDS standards and consider the development of a Parental Interests Directive (PID) policy focused on family unity, modeled on ICE's PID. Within 60 days of the date of enactment of this Act, CBP shall report to the Committees on its efforts to comply with TEDS requirements, including training activities, oversight mechanisms, and mechanisms to support family reunification.

Within 90 days of enactment of this Act, CBP shall report to the Committees on the feasibility, cost, and benefits of developing and deploying an online detainee locator system.

The Committee directs the Department to continue issuing statistics on the number of individuals held in custody by CBP, as directed in House Report 114–215.

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 PREA. As part of its budget justification for fiscal year 2018, 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. House Report 114–215 directed CBP to 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 Public Law 114–113. The Committee directs CBP to immediately comply with this overdue requirement.

As requested, the Committee recommends an increase of \$5,000,000 to continue efforts to improve the integration of camera technology into CBP's operational environment, including the expanded use of fixed camera systems, mobile cameras, and body-worn cameras. The Committee expects CBP to provide regular updates on the status of developing a comprehensive plan and implementation schedule for camera technology.

DHS shall return all money and nonperishable personal property confiscated from removable migrants prior to their repatriation, in coordination with other state and federal agencies as appropriate.

Integrated Operations

The Committee recommends \$753,941,000 for Integrated Operations, \$2,807,000 above the amount requested and \$51,312,000 above the amount provided for fiscal year 2016. The total includes a reduction due to the realignment of OBIM from CBP back to NPPD. The Committee recommends an additional \$3,000,000 to support deployment of law enforcement personnel to key international locations, including the European Counterterrorism Center, to partner with foreign police organizations on foreign terrorist fighter threats.

Many Americans worry that unmanned aircraft systems (UAS) can be used inappropriately to monitor, track, or surveil their movements without the benefit of a warrant. The Committee notes that DHS uses an oversight framework and procedures that ensure compliance with privacy and civil liberty laws and standards. Furthermore, Federal Aviation Administration (FAA) requirements and CBP policies and procedures limit UAS operations. 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, and encourages DHS to make this information publicly available.

Securing America's Borders

The Committee recommends \$4,572,966,000 for Securing America's Borders, \$22,472,000 below the amount requested and \$96,291,000 above the amount provided for fiscal year 2016. The total includes a reduction of \$17,500,000 for personnel, which reflects a more accurate hiring rate projection for Air and Marine Interdiction agents, and a reduction of \$13,000,000 due to the denial of contingency funds for the care of unaccompanied children. The recommendation includes an additional \$4,028,000 for blue force tracking to support an initial deployment of capabilities for tracking law enforcement personnel in the field for officer safety.

The Committee recommends an additional \$4,000,000 for small UAS. While small UAS technology has the potential to be a force-multiplier for border security operations, the Committee recognizes that the technology must be utilized safely within the national air space. Currently, S&T and CBP are working together on an evaluation of small UAS through the Robotic Aircraft for Public Safety project, which will eventually be utilized in the development of operational requirements and a concept of operations. CBP and S&T are directed to brief the Committee prior to the obligation of funds on the status of the program, to include the operational requirement, the concept of operations, and the continuous evaluation plan that will inform how the technology will be incorporated into the CBP mission space.

Unattended ground sensors (UGS) serve as valuable tools for protecting the northern and southern U.S. borders. The Committee is aware that the S&T recognized the availability of technology ad-

vanced beyond the capabilities of the current UGS and developed updated algorithms, and continues to develop and test next-generation UGS technology. A planned 2011 request for proposal (RFP) for next generation UGS was abruptly cancelled, in part because of alleged spectrum issues. In response, Congress provided funding for a spectrum study, which is scheduled to be completed by summer 2016. Within 30 days after the date of enactment of this Act, the Committee directs the Department to provide a report on the outcome of the spectrum study, detailed analysis of the current state of deployed UGS on the northern and southern U.S. borders, and an update on the ongoing deployment of next generation UGS.

The statement accompanying Division F of Public Law 114–113 included by reference directives from House Report 114–215 requiring CBP to provide a report on its search and rescue efforts during fiscal year 2015 and to brief the Committee on the feasibility and cost effectiveness of using commercially available services, including airships and fixed wing or rotary-wing aircraft to complement border surveillance activities. CBP is directed to comply immediately with these directives. In addition, CBP is directed to provide a report on its search and rescue activities during fiscal year 2016 within 60 days of enactment of this Act, as detailed in House Report 114–215. In addition, the report should address, to the extent possible, the cause of death for each migrant and the federal costs related to search and rescue efforts, including any costs related to the identification of deceased individuals; the return or transfer of remains; and the notification of family members.

In response to a requirement in the joint explanatory statement accompanying Public Law 114–113, CBP recently updated the Committee on its efforts to work with S&T, the U.S. Department of Agriculture (USDA), the Texas State Soil and Water Conservation Board (TSSWCB), and other stakeholders to control the growth of carrizo cane along the Southwest border. CBP reports that it is exploring an integrated strategy that combines mechanical topping with bio-control agents, with potentially promising results. The Committee expects CBP to provide regular updates on its collaboration with S&T, USDA, and the TSSWCB, and its efforts to develop a comprehensive approach for carrizo cane control.

Securing and Expediting Trade and Travel

The Committee recommends \$4,101,696,000 for Securing and Expediting Trade and Travel, \$328,549,000 below the amount requested and \$58,153,000 above the amount provided for fiscal year 2016. The recommendation includes a reduction of \$69,919,000 due to hiring rates that continue to be well below projections and a reduction of \$30,000,000 due to the expected availability in fiscal year 2017 of multi-year funding provided in fiscal year 2016. The Committee realigns \$236,430,000 to NPPD for OBIM. Additionally, the Committee recommends an increase of \$3,800,000 for analytics and expert support for the integration of classified and unclassified data into multiple targeting systems, including those focused on counterterrorism, alien smuggling, and trade enforcement.

The workload staffing model used by CBP indicates the need for 2,000 additional officers. The Department has proposed increases to immigration inspection fees to support these required officers, but they have not been approved by Congress. Fiscal constraints

prevent funding these additional personnel with discretionary resources.

To help address the workload challenges of the Office of Field Operations, the Committee has recommended several initiatives, including a general provision in this title that removes the limitation on the number of reimbursable fee agreements that CBP may enter into at air ports of entry. The Committee expects agreements that increase or enhance operational capacity to be based on available staffing and projected workload and to avoid shifting the baseline costs of current services funded by appropriations in the bill or unduly or permanently impacting services. The recommendation also includes an increase in the overtime limitation to \$45,000 to allow officers to work additional overtime, including in the context of reimbursable agreements.

The Committee directs the Commissioner to provide a detailed expenditure plan to the Committees not later than 90 days after the date of enactment of this Act, regarding the expenditure of funds available in the 9/11 Response and Biometric Exit Account established in Division O of Public Law 114–113, for the purpose of implementing the biometric entry and exit data system required by section 7208 of the Intelligence Reform and Terrorism Prevention Act. The plan should include information on the timeline for deployment of a biometric exit system, as well as a description of the capability that this funding can procure and support. Further, the plan should include a realistic cost estimate for full implementation. In addition, the Committee directs the Commissioner of CBP and the Under Secretary for S&T to brief the Committee on the results of the Apex Air Entry/Exit Re-engineering (AEER) program, and the degree to which AEER has informed the biometric solution slated for operational testing in fiscal year 2017.

Under Section 1313(j)(2) of title 19 of the U.S. Code, CBP is required to refund any duties, taxes, and fees imposed on imported products if they are later exported or destroyed, or if commercially interchangeable products manufactured in the United States are subsequently exported. The Committee is concerned that the agency has adopted a policy that disallows drawback claims under section 1313(j)(2) for refund of taxes imposed on certain imported products on the pretext that such claims must be filed exclusively under title 26 of the U.S. Code, and that similarly disallows such drawback where the taxes are collected by a federal agency other than CBP. Not later than 60 days after the date of enactment of this Act, CBP shall provide a report to the Committee explaining why drawback claims for taxes imposed on certain imported products, whether paid to CBP or to another federal agency, are disallowed under section 1313(j)(2) of title 19 and why drawback claims are not treated consistently across all categories of imported merchandise.

Section 559 of Division F of Public Law 113–76 provided CBP with the authority, in partnership with the General Services Administration, to engage in a pilot program to accept donations, including real or personal property, from private sector and government entities to facilitate the construction, alteration, operation, or maintenance of a new or existing land port of entry. The Committee reminds CBP that this authorization requires the agencies to take into account the impact of each donation proposal on other

ports of entry on the same border; the costs of maintaining and operating such donation; and the impact of the proposed donation on staffing requirements. In particular, the Committee does not intend that this pilot program have the effect of diverting resources, including CBP officers, to one port of entry at the expense of another.

The Committee recognizes that the CBP's fee for service regime was originally meant to facilitate international passengers who fly into or out of small airports. However, in some instances, fee for service has been used for many years by medium-sized airports that have a consistently large volume of international passengers, despite their attempts to receive port of entry designation. This situation is of particular concern to the Committee because these airports' passengers are essentially charged twice for the same service: once through federal fees paid when their airline ticket is purchased, and again through the CBP fee for service costs that are charged directly to the airport and inevitably passed along to the passengers. The Committee strongly encourages CBP to address this issue by giving priority consideration to an application for port of entry status submitted by any commercial airport if such airport served at least 75,000 deplaned international passengers in the previous calendar year.

Within 180 days of the date of enactment of this Act, CBP shall report to the Committee on the following for all ports of entry: the methodology for allocating officer overtime resources; the overtime funding levels for fiscal years 2014, 2015, and 2016 at the national, field office, and port of entry levels; the number of officers who received overtime pay in those years; and the number that reached overtime caps in those years, at the national, field office, and port of entry levels. The report should also address the process for determining official hours of operation at a port of entry, and any process for changing the allocation of overtime hours to accommodate airport and airline schedules.

The Committee is pleased that the Border Security Deployment Program (BSDP), an integrated surveillance and intrusion detection system for land ports of entry, was approved as a program of record in fiscal year 2015. While funding for BSDP was not included in fiscal year 2015, the Committee supported a reprogramming of \$10,100,000 in fiscal year 2015 funds for the program and Congress appropriated an additional \$11,100,000 for it in fiscal year 2016. The Committee recommends \$15,100,000 for BSDP in fiscal year 2017, \$4,000,000 above the request.

The Land Border Integration (LBI) program has successfully utilized innovative technologies and processes to provide efficiencies at our land border ports of entry. The program, which now covers 95 percent of travelers at the land border, has also facilitated travel and enhanced the entry process by decreasing wait times through improved traveler processing and improved information sharing. The Committee commends CBP on these efforts and fully funds the fiscal year 2017 request for LBI. The Committee is also pleased that CBP continues to improve the program by refreshing aging equipment. CBP is encouraged to prioritize and replace those technologies nearing the end of their life cycles. The Committee directs CBP to provide a briefing on these efforts not later than 60 days after the date of enactment of this Act.

The explanatory statement accompanying the fiscal year 2016 DHS Appropriations Act provided significant direction concerning the required content of budget justification materials for Non-Intrusive Inspection (NII) technology. To date, however, CBP has not provided a multi-year investment and management plan, as directed. The Committee expects CBP to comply quickly with the requirement for this plan, and to make it publicly available. In addition, the Committee expects CBP to adhere to its planned NII procurement schedule so that vendors can effectively manage their operations and CBP can minimize procurement costs.

The Trade Facilitation and Trade Enforcement Act (Public Law 114–125) included a provision to repeal the “consumptive demand” exception to the 1930 Tariff Act prohibition on the importation of goods made with forced or child labor. The Committee directs CBP and ICE to jointly brief the Committees, within 120 days of the enactment of this Act, on their individual and coordinated efforts to ensure the effective enforcement of this prohibition.

While CBP’s resource allocation model has greatly improved its ability to make informed staffing decisions, the Committee understands that CBP must routinely update the model to account for new trade and travel data and to address any newly identified gaps, including airport expansions. Any modifications to the model shall be described in the fiscal year 2018 budget. To avoid law enforcement and security sensitivities, CBP is encouraged to provide staffing requirements at the Field Office level and to continue to work with expanding airports on options to alleviate wait times.

The budget justification states that CBP’s share of Agriculture Quarantine and Inspection (AQI) user fee collections for fiscal year 2017 will recover 100 percent of the cost of its anticipated AQI activities. According to CBP’s Agriculture Specialist Resource Allocation Model (AgRAM), however, the agency requires 3,048 Agriculture Specialists for fiscal year 2017, several hundred more than will be supported by CBP’s share of AQI revenue. The explanatory statement for Public Law 114–113 directed CBP to brief the Committees within 90 days of enactment of this Act on a plan to address staffing needs identified by the AgRAM. The Committee looks forward to receiving this overdue briefing, including an explanation of the apparent discrepancy between fee revenue and staffing needs, as soon as possible.

The Committee recognizes personnel constraints placed on ports of entry, particularly those on the U.S.-Mexico border, with regard to phytosanitary certifications for exported goods. While understanding the shortage of agriculture specialists within CBP, the Committee encourages CBP to work with the U.S. Department of Agriculture to explore how existing staff can be leveraged to better address the agriculture inspection workload, such as through the authorization of additional work hours or dual certification.

The Committee is aware of continued concerns that CBP may not be applying its rules consistently 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 again urges CBP to work with private sector stakeholders to ensure that the classification approach is both fair and objective.

In response to a reporting requirement in the explanatory statement accompanying Public Law 114–113, CBP recently updated the Committee on its efforts to improve the safety of working conditions for CBP officers at the West Rail facility near Brownsville, Texas, including working to minimize the number of inbound trains during low-light conditions; conducting more inspections at the Olmito Railyard; and installing a new security camera system. The Committee urges CBP to continue to enhance officer safety at the facility by negotiating a free space lease agreement with the Union Pacific Railroad that would permit CBP to fund and install fixed lighting along areas of the rail line where CBP officers conduct inspections.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

Appropriation, fiscal year 2016	\$373,744,000
Budget request, fiscal year 2017	323,390,000
Recommended in the bill	260,883,000
Bill compared with:	
Appropriation, fiscal year 2016	– 112,861,000
Budget request, fiscal year 2017	– 62,507,000

Recommendation

The Committee recommends \$260,883,000 for Procurement, Construction, and Improvements, \$62,507,000 below the amount requested and \$112,861,000 below the amount provided for fiscal year 2016.

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

	Budget Request	Recommended
Procurement, Construction, and Improvements:		
Securing America's Borders:		
Border Security Operations	\$45,942,000	\$26,942,000
Air and Marine Operations	68,617,000	83,617,000
Infrastructure and Support	25,000,000	25,000,000
Subtotal, Securing America's Borders	139,559,000	135,559,000
Securing and Expediting Trade and Travel:		
Domestic Operations	113,322,000	54,815,000
Trade Administration	55,734,000	55,734,000
Infrastructure and Support	14,775,000	14,775,000
Subtotal, Securing and Expediting Trade and Travel	183,831,000	125,324,000
Total, Procurement, Construction, and Improvements	\$323,390,000	\$260,883,000

Securing America's Borders

The Committee recommends \$135,559,000 for Securing America's Borders, \$4,000,000 below the amount requested and \$38,762,000 below the amount provided in fiscal year 2016.

CBP has informed the Committee that funds requested for a new Border Patrol station in fiscal year 2017 are insufficient to cover the construction costs for the facility and that moving forward with the project requires the remainder of the funding to be appro-

priated in fiscal year 2018. The Committee does not approve of this incremental funding approach. As noted in multiple DHS appropriations reports, components should only request funding that can realistically be executed in the budget year. Accordingly, the recommendation provides \$6,000,000 for planning and design efforts for this facility, an amount that is executable during fiscal year 2017.

The Committee provides \$15,000,000 above the request to ensure the entire UAS fleet has the same upgraded configuration.

The Committee recommends \$43,459,000 for the continued deployment of Integrated Fixed Towers (IFT), including the replacement of SBInet Block 1 towers with IFT in the TUS-1 and AJO-1 Areas of Responsibility.

The recommendation includes a rescission of \$55,000,000 from prior year funds from the legacy Border Security, Fencing, Infrastructure, and Technology account due to program delays.

Securing and Expediting Trade and Travel

The Committee recommends \$125,324,000 for Securing and Expediting Trade and Travel, \$58,507,000 below the amount requested and \$49,099,000 below the amount provided for fiscal year 2016. The reduction is a result of the realignment of OBIM back to NPPD.

UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

Appropriation, fiscal year 2016	\$5,832,041,000
Budget request, fiscal year 2017	5,912,253,000
Recommended in the bill	5,904,380,000
Bill compared with:	
Appropriation, fiscal year 2016	+72,339,000
Budget request, fiscal year 2017	-7,873,000

Mission

United States Immigration and Customs Enforcement (ICE) enforces federal laws governing border control, customs, trade, and immigration to promote homeland security and public safety.

OPERATIONS AND SUPPORT

Appropriation, fiscal year 2016	\$5,779,041,000
Budget request, fiscal year 2017	5,862,023,000
Recommended in the bill	5,871,580,000
Bill compared with:	
Appropriation, fiscal year 2016	+92,539,000
Budget request, fiscal year 2017	+9,557,000

Recommendation

The Committee recommends \$5,871,580,000 for Operations and Support, \$9,557,000 above the amount requested and \$92,539,000 above the amount provided for fiscal year 2016. The recommendation reflects the continued shortfall in ICE's efforts to improve hiring and retention, resulting in a personnel end strength for fiscal year 2016 that is expected to be only slightly ahead of fiscal year 2015. The recommended funding level supports 19,029 FTE, an achievable increase in personnel.

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—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. The recommendation also addresses the Department's failure to properly budget for and fund Enforcement and Removal Operations (ERO).

The Committee is deeply troubled by the ever-increasing gap between apprehensions of illegal aliens by CBP and removals and returns by ICE. Removals and returns exceeded apprehensions in 2011 and 2012. However, in 2013 and 2014, apprehensions increased by 15 and 16 percent, respectively, while removals and returns decreased inversely by 10 and 14 percent, respectively. During 2015, there was a 30 percent decrease in apprehensions and a 25 percent decrease in removals and returns. Enforcement of the law is a deterrent in and of itself. ICE is a law enforcement agency and the Committee expects ICE to execute the enforcement of the nation's immigration laws to the fullest extent practicable with the resources provided.

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

	Budget request	Recommended
Operations and Support:		
Management and Administration:		
Personnel Compensation and Benefits	\$203,015,000	\$202,895,000
Headquarters-Managed IT	161,474,000	161,638,000
Subtotal, Management and Administration	364,489,000	364,533,000
Enforcement and Removal:		
Custody Operations	2,178,963,000	2,269,250,000
Fugitive Operations	133,133,000	120,926,000
Criminal Alien Program	347,455,000	337,028,000
Alternatives to Detention	125,966,000	125,883,000
Transportation and Removal Program	322,694,000	318,359,000
Unaccompanied Children Contingency	7,000,000	-- --
Subtotal, Enforcement and Removal	3,108,211,000	3,171,446,000
Homeland Security Investigations:		
Domestic Investigations	1,892,183,000	1,831,017,000
International Investigations	114,255,000	111,317,000
Visa Security Program	32,496,000	50,946,000
Intelligence	81,996,000	81,928,000
Subtotal, Homeland Security Investigations	2,120,930,000	2,075,208,000
Office of Principal Legal Advisor	268,393,000	260,393,000
Total, Operations and Support	\$5,862,023,000	\$5,871,580,000

Management and Administration

The Committee recommends \$364,533,000 for Management and Administration, \$44,000 above the amount requested and \$24,696,000 above the amount provided in fiscal year 2016.

Enforcement and Removal Operations

The Committee recommends \$3,171,446,000 for ERO, \$63,235,000 above the amount requested and \$46,496,000 below the amount provided in fiscal year 2016. The recommendation includes reductions for projected underexecution of personnel funds. Additionally, the recommendation does not include the proposed contingency funding for the transportation and removal of unaccompanied children.

In November 2014, the Department replaced Secure Communities with the Priority Enforcement Program (PEP). PEP was designed to alleviate many of the concerns and legal uncertainties of Secure Communities 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. Prior to establishing PEP, 377 jurisdictions refused to honor some or all ICE detainers. As of June 2016, according to ICE, 280 of those jurisdictions (74 percent) have agreed to participate in the PEP program by responding to ICE requests for notification, honoring detainer requests, or both. The Committee is encouraged by these results and urges continued public outreach by senior ICE and DHS officials and ICE's field-based senior managers to further expand the number of jurisdictions participating in the program. The Committee directs ICE to provide monthly data on PEP, including the numbers of custody transfers to ICE by jurisdiction, immigration status, gender, country of citizenship, enforcement priority category and subcategory, and type of I-247 form used, and encourages the agency to make this information publicly available on its website.

Custody Operations. The Committee recommends \$2,269,250,000 for Custody Operations, \$90,287,000 above the request and \$47,494,000 below fiscal year 2016. Within the total, \$1,472,203,000 is included to maintain an average of 34,000 daily detention beds, an increase of \$142,489,000 over the amount requested. The recommendation also reflects a reduction of \$52,202,000 for projected underexecution of personnel funds and includes a rescission of \$45,000,000 from fiscal year 2015 due to inability to execute.

ICE requested funding sufficient to support a daily average of—at most—only 30,913 detention beds during fiscal year 2017, without any serious justification for how it developed this requirement. Congress mandates 34,000 detention beds every year because the Department cannot demonstrate why reducing the number of available detention beds is appropriate and would have no harmful effects on immigration enforcement.

The statement accompanying the fiscal year 2015 DHS Appropriations Act warned the Department against employing misleading and operationally harmful budgeting gimmicks in its request for detention beds, a warning the Department failed to heed in its fiscal year 2017 budget submission. ICE leadership attempted to justify the reduction with a flawed projection based on a seasonally low data point for average daily population, knowing full well that the historical trend supported a higher annual detention bed requirement. Further, the daily bed rate used to calculate the funding requirement for family detention was developed with-

out a market survey or input from industry, and reflected a best case cost that may not be realistic or achievable.

Not only does a budget based on wishful thinking lack credibility, it borders on neglect by forcing the Committee to rectify the shortfall at considerable expense to other critical ICE and DHS priorities. Consequently, an increase of \$142,489,000 above the request is required to maintain 33,040 adult and 960 family beds.

For fiscal year 2018, DHS is expected to present a budget request utilizing accurate population and cost estimates, and to include details in the budget justification material that rigorously support those estimates. Additionally, the Committee expects ICE to continue to budget for a minimum of 34,000 beds until it can convincingly demonstrate that a different number of beds is needed for immigration enforcement.

The Committee understands that much of ICE's detention bed capacity is provided by contract or through Inter-Governmental Service Agreements (IGSAs) with state and local governments and law enforcement agencies. The Committee is concerned that ICE is not managing its detainee population in the most fiscally responsible manner possible; therefore, ICE is directed to provide a report not later than 90 days after enactment of this Act detailing the number and type of detention contracts and IGSAs in effect, and all costs associated with them. The data provided should include, but not be limited to, transportation, including ground transportation options and travel from the point of apprehension to and from all detention centers; health care; construction; maintenance; security; education services; personnel; and all other costs that are relevant to the performance of the IGSA or contract. The report shall specify all so-called "burdened costs" and shall support those claims with specific billing information from detention providers. The report shall also determine and apply standardized methodologies, which ensure that the same costs are measured in the same ways across various IGSA's and contracts.

Further, ICE is encouraged to utilize facilities in locations with a cost per detainee that is below the average of the previous fiscal year.

ICE is directed to notify the Committee prior to releasing any illegal immigrants in custody due to budgetary reasons, including an explanation of how ICE assessed the potential risk to the community and the risk of absconding associated with the release.

The Committee is concerned by reports of the separation of some family units after apprehension by CBP. ICE is expected to ensure that individuals being transferred from CBP to ICE custody, in ICE custody, or under ICE supervision have opportunities to report family separation incidents and to verify the status, location, and disposition of family members. ICE should also ensure that field officers are appropriately trained on the requirements of ICE's Parental Interest Directive and on mechanisms to reunite family units.

The Committee has included language under the OIG heading directing updates on its ongoing review of ICE and CBP detention facilities, including unannounced inspections. The Committee notes that ICE is working collaboratively with OCRCL to improve detention facility conditions, standards, inspections, and healthcare services; provide guidance on the use of segregation; improve disability

accommodations; and ensure the safety and well-being of vulnerable populations. The Committee expects ICE to continue working with OCRCL to proactively improve detention facility conditions and oversight.

The Committee is aware of concerns that a significant proportion of detention facility inspection results have been considered “pending” for lengthy periods of time over the last several years. ICE is reminded that it must comply with the requirements of section 211 of this Act regarding substandard performance by contract detention facilities. Within 90 days of enactment of this Act, ICE shall brief the Committee on its processes for ensuring that it does not continue to contract with detention facilities with repeated substandard performance.

The Committee urges DHS and ICE to submit all immigration detention facility inspections and reviews—including inspections and reviews following the death of a detainee in ICE custody—directly to the OIG prior to any changes, corrections, or edits made by ICE personnel, including inspections conducted by ERO, the Office of Detention Oversight, and private contractors. The Committee also directs ICE to post links to the contracts and contract modifications for contract detention facilities on its website.”

Within 30 days of the date of enactment of this Act, and semi-annually thereafter, ICE shall provide an update on its oversight of family detention facilities, including recommendations for improvements made by the Advisory Committee on Family Residential Centers or as a result of ICE’s community liaison initiative.

Within 45 days after the date of enactment of this Act, ICE shall report on its progress in implementing the 2011 Prison Based National Detention Standards (PBNDS) and requirements related to the Prison Rape Elimination Act (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 IGSAAs that do not require adherence to the PREA and 2011 PBNDS standards. In addition, the Committee again encourages ICE to consider collaborating with the National PREA Resource Center, which is supported by the Department of Justice, to help facilitate PREA compliance.

House Report 114–215 directed ICE to brief the Committee on its policies and practices for ensuring the safety of vulnerable populations in immigration detention facilities, along with recommendations for further improvements to better protect these detainees. The Committee looks forward to receiving this overdue briefing as soon as possible.

Fugitive Operations. The Committee recommends \$120,926,000 for Fugitive Operations, \$12,207,000 below the request and \$35,646,000 below fiscal year 2016. The recommendation includes a reduction due to projected underexecution of personnel funds but fully supports the current operational level of Fugitive Operations teams. The Committee expects fugitive operations to continue to prioritize the apprehension and removal of individuals who pose a risk to public safety.

Criminal Alien Program. The Committee recommends \$337,028,000 for the Criminal Alien Program (CAP), \$10,427,000 below the amount requested and \$19,851,000 above the amount

provided in fiscal year 2016. The recommendation includes reductions due to projected underexecution of personnel funding. The Committee expects CAP to continue to prioritize the removal of individuals who pose a risk to public safety.

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 \$24,321,000 to support the program. The Committee is aware that at least 10 new localities have expressed interest in participating in the program and strongly 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 degrees of supervision or electronic monitoring, in lieu of detention, to ensure their appearance at immigration hearings and for removal. ICE operates two forms of ATD: an intensive case management program and an electronic monitoring program. The Committee recommends \$125,883,000 for ATD, \$83,000 below the amount requested and \$11,608,000 above the amount provided for fiscal year 2016. The recommendation supports an average daily population of 53,000 participants in the program.

The Committee supports the use of effective alternatives to detention for appropriate detainee populations. However, the lack of timely data on participant compliance with release conditions impedes the Committee's ability to assess the effectiveness of the program and make recommendations on continuing or expanding the program. Therefore, ICE is directed to provide the Committee a statistical analysis for each type of alien supervision (electronic, GPS, and family case management) and category of enrollee (single adult/head of a family unit) to determine the effectiveness of the program with regards to compliance and removal and to better understand what characteristics uniquely support removal outcomes. The results must be reported to the Committee not later than July 1st and December 1st of each year. ICE shall also provide projected removal numbers for the post-removal order population for each type of supervision and actual numbers for the six month period just completed. The first report will serve as the benchmark for future reports.

In general, ICE should give priority for participation in ATD to vulnerable populations for whom ICE determines that ATD could mitigate risk more effectively than less restrictive forms of release. The Committee notes that the Violence Against Women Reauthorization Act of 2013 (Public Law 114-4) requires that minors transferred to ICE from Office of Refugee Resettlement (ORR) custody after reaching the age of 18 be considered for placement in the

least restrictive setting possible, and that supervision of such individuals may include placement with an individual or organizational sponsor, or in a supervised group home.

The Committee is aware that ICE initiated a family case management pilot within the ATD program with the goal of improving compliance with release conditions, including any required reporting to ICE Enforcement and Removal officers, attendance at immigration court hearings, and compliance with any final orders of removal, while allowing them to remain in the community and maintain access to community services during the removal process. The Committee was disappointed to learn that ICE reduced the number of participants in the pilot program from 1,500 to 800 because of higher than anticipated contractor costs, particularly because ICE did not inform the Committee about the change until several months after the start of the pilot. While acknowledging that variations from preliminary cost estimates are to be expected in the context of a pilot, the degree of variance in this case suggests a lack of rigor in the evaluation of contract proposals that must be corrected for future efforts.

Preliminary results from the pilot indicate the potential for improving compliance rates, but costs must be more effectively estimated and managed for this new approach to be affordable. ICE is directed to provide the Committee with regular updates on the pilot, including any additional changes to preliminary cost assumptions, and to brief the Committee at the conclusion of the pilot on its assessment of whether to adopt this approach on a broader, more permanent basis in the future. In the context of any future case management program, ICE should consider working with community-based organizations that directly provide case management services.

Transportation and Removal Program. The Committee recommends \$318,359,000 for TRP, \$4,335,000 below the amount requested and \$5,185,000 above the amount provided in fiscal year 2016. The recommendation does not include the requested contingency funding for the transportation and removal of unaccompanied children in numbers that significantly exceed the Department's current estimate.

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.

Consistent with prior years, ICE shall continue submitting semi-annual reports to the Committees on the removal of parents of U.S. citizen minors.

Homeland Security Investigations

The Committee recommends \$2,075,208,000 for Homeland Security Investigations (HSI), \$45,722,000 below the request and

\$93,840,000 above fiscal year 2016. The recommendation includes reductions due to projected underexecution of funds for personnel.

The Committee is concerned about HSI's current shortfall of more than 1,000 field specialty support positions and the resulting unbalanced ratio of investigative support staff to agents. For instance, the ratio of Computer Forensic Analysts to agents is 308 to 1 and the ratio of Victim Witness Coordinators to agents is 222 to 1, when ideal ratios would be 15 to 1 and 100 to 1, respectively. An unbalanced ratio of agents to support staff translates into an inefficient use of resources, as agents must either wait for investigative support or carry out support duties themselves, both to the detriment of investigations. The Committee urges ICE to more expeditiously right-size its support staffing levels and to include a more balanced hiring plan as part of its fiscal year 2018 budget request.

Domestic Investigations. The Committee recommends \$1,831,017,000 for Domestic Investigations, \$61,166,000 below the request due to projected underexecution of personnel and \$69,188,000 above fiscal year 2016. The recommendation includes \$5,000,000 above the request for Operation Angel Watch and the Child Exploitation Investigations Unit at the Cyber Crimes Center, of which not less than \$2,000,000 shall be for training, hiring, innovation, and technology for the Child Victim Identification Section.

The Committee notes that the request includes funding to annualize investigation enhancements provided in fiscal year 2016, including dedicated personnel and program funding for the Human Exploitation Rescue Operative (HERO) Child-Rescue Corps program and funding for 37 Computer Forensic Analyst positions focused on child exploitation investigations. The Committee supports plans to train at least two HERO training classes in fiscal year 2017, and to offer HERO graduates employment as Forensic Analysts upon completion of their internship. The Committee understands that ICE and HERO Program partners—U.S. Special Operations Command and the National Association to Protect Children—are evaluating the feasibility and costs of instituting a paid apprenticeship in lieu of the current unpaid internship for HERO participants. The Committee strongly supports this concept and encourages the parties to make a recommendation in time to inform the fiscal year 2018 budget request.

ICE plays a critical role in investigating criminal organizations trafficking individuals into and within the United States. The Committee encourages ICE to actively participate in the Blue Campaign, including working 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 non-governmental 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 National Intellectual Property Rights Coordination Center (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, and directs ICE to provide specific details in its fiscal year 2018 budget request on the resources proposed for these activities.

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.

The Trade Facilitation and Trade Enforcement Act (Public Law 114–125) included a provision to repeal the “consumptive demand” exception to the 1930 Tariff Act prohibition on the importation of goods made with forced or child labor. The Committee directs ICE and CBP to jointly brief the Committee, within 120 days after the date of the enactment of this Act, on their individual and coordinated efforts to ensure the effective enforcement of this prohibition to ensure that access to U.S. markets is not used to import such goods.

International Investigations. The Committee recommends \$111,317,000 for International Investigations, \$2,938,000 below the request and \$4,107,000 above fiscal year 2016. The recommendation includes reductions due to projected underexecution of funds for personnel.

This funding enables HSI agents in 62 offices in 46 countries to conduct law enforcement activities and provide investigative support to domestic offices in combating transnational crime focusing on human smuggling and trafficking; trafficking of narcotics, money, weapons and sensitive technologies; and sexual exploitation of children, including child sex tourism. HSI partners with foreign and domestic counterparts to conduct international law enforcement operations and to support removals from the United States.

Visa Security Program. The Committee recommends \$50,946,000 for the Visa Security Program (VSP), \$18,450,000 above the request and \$18,385,000 above fiscal year 2016.

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. There is a significant and positive synergistic effect at posts with Visa Security Units where ICE agents collaborate with their security and intelligence partners to enhance existing information and identify previously unknown threats, instead of solely denying travel to suspect travelers.

VSP currently screens at 26 visa-issuing posts in 20 countries. The recommendation includes \$13,000,000 to annualize the cost of operating at current locations and \$5,450,000 to open new offices

in two additional high-threat locations in fiscal year 2017. ICE is directed to fully program and budget for this increased level of operations in its fiscal year 2018 budget request.

The Committee understands ICE is conducting a pilot for remote operations at posts that will inform its plan on how and where to expand. The Committee directs ICE to brief the Committee, not later than 30 days after the date of enactment of this Act, on the results of this pilot and its plans to continue expanding the VSP to at least two additional locations per year.

Intelligence. The Committee recommends \$81,928,000 for the Office of Intelligence, \$68,000 below the amount requested and \$2,160,000 above the amount provided in fiscal year 2016.

Office of Principal Legal Advisor

The Committee recommends \$260,393,000 for the Office of Principal Legal Advisor, \$8,000,000 below the amount requested and \$20,499,000 above the amount provided in fiscal year 2016. The recommendation funds the agency's request to annualize the cost of 229 additional attorneys funded in fiscal year 2016 to help reduce the backlog on the detained and non-detained dockets.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

Appropriation, fiscal year 2016	\$53,000,000
Budget request, fiscal year 2017	50,230,000
Recommended in the bill	32,800,000
Bill compared with:	
Appropriation, fiscal year 2016	– 20,200,000
Budget request, fiscal year 2017	– 17,430,000

Recommendation

The Committee recommends \$32,800,000 for Procurement, Construction, and Improvements, \$17,430,000 below the amount requested and \$20,200,000 below the amount provided in fiscal year 2016. The recommendation includes \$21,000,000 for TECS Modernization and \$11,800,000 for the Consolidated ICE Financial Solution.

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.

TRANSPORTATION SECURITY ADMINISTRATION

Appropriation, fiscal year 2016	\$7,440,096,000
Budget request, fiscal year 2017	7,581,230,000
Recommended in the bill	7,603,069,000
Bill compared with:	
Appropriation, fiscal year 2016	+162,973,000
Budget request, fiscal year 2017	+21,839,000

Mission

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

OPERATIONS AND SUPPORT

Appropriation, fiscal year 2016	\$6,786,219,000
Budget request, fiscal year 2017	6,914,937,000
Recommended in the bill	6,936,776,000
Bill compared with:	
Appropriation, fiscal year 2016	+150,557,000
Budget request, fiscal year 2017	+21,839,000

Recommendation

The Committee recommends \$6,936,776,000 for Operations and Support, \$21,839,000 above the amount requested and \$150,557,000 above the amount provided in fiscal year 2016. Funds within this account are partially offset through the collection of aviation security fees.

The fiscal year 2017 President's budget request assumed \$880,000,000 in new revenue collections generated by unauthorized aviation security fees as an offset to TSA's discretionary appropriations. The recommendation does not reflect the implementation of the Administration's proposal, as it requires new authorization legislation that has not been enacted and is not under the jurisdiction of the Committee.

The bill provides for two years of funding availability for Operations and Support, consistent with the period of availability in prior years. In the future, however, the Committee intends to transition all Operations and Support appropriations across the Department to a single year of availability, with very limited exceptions for sub-appropriation amounts when additional flexibility is fully justified. TSA should attempt to obligate all of its Operations and Support funding during fiscal year 2017, and should budget for fiscal year 2018 under an assumption of a single year of availability of funds.

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

	Budget Request	Recommended
Operations and Support:		
Transportation Screening Operations:		
Passenger and Baggage Screening	\$4,893,766,000	\$4,892,466,000
National Explosives Detection Canine Team Program	131,391,000	152,830,000
Vetting Programs	65,751,000	65,751,000
Subtotal, Transportation Screening Operations	5,090,908,000	5,111,047,000
Transportation Assessment and Enforcement:		
Compliance Enforcement and Response	374,649,000	374,649,000
In-Flight Security	835,086,000	836,786,000
Intelligence Operations at TSOC	83,520,000	83,520,000
Reviews and Assessments	193,827,000	193,827,000
Subtotal, Transportation Assessment and Enforcement	1,487,082,000	1,488,782,000
Management and Administration:		
Agency Operations and Management	336,947,000	336,947,000
Subtotal, Management and Administration	336,947,000	336,947,000
Total, Operations and Support	\$6,914,937,000	\$6,936,776,000

Transportation Screening Operations

The Committee recommends \$5,111,047,000 for Transportation Screening Operations, \$20,139,000 above the amount requested and \$95,250,000 above the amount provided in fiscal year 2016.

Passenger and Baggage Screening. The Committee recommends \$4,892,466,000 for Passenger and Baggage Screening, \$1,300,000 below the amount requested and \$73,317,000 above the amount provided in fiscal year 2016. The decrease is for Secure Flight router costs that were included in the request but were funded in fiscal year 2016.

In fiscal year 2016, Congress provided TSA with additional funding to address gaps in TSA's passenger screening operations identified by OIG covert testing. Within this funding was an increase of \$101,769,000 to fund Transportation Security Officer (TSO) staffing that the President's budget had proposed to eliminate, and an increase of \$12,500,000 to ensure the centralized and consistent training of the TSO workforce. While the fiscal year 2017 budget proposed to further increase TSO staffing, it failed to fully account for the nearly five percent growth in passenger volume observed between fiscal years 2014 to 2015—an upward trend that has continued in fiscal year 2016.

In House Report 114–215, the Committee expressed concerns that TSA's multi-layered, risk-based security approach to aviation security was not premised on a clear, comprehensive understanding of the risk mitigation provided by each security layer individually or combined—a concern that extends to TSA's overall understanding of its operational requirements. TSA is directed to conduct a comprehensive assessment of operational requirements to improve both the security and efficiency of passenger and baggage screening processes. This assessment shall include:

1. TSO staffing requirements, based on accurate assumptions regarding projected passenger growth and attrition rates, and factoring in the full range of resources and initiatives available to support screening operations;
2. The allocation of Behavior Detection Officers (BDOs), including an evaluation of the potential operational benefits of redeploying BDOs to active passenger screening positions at the checkpoint in order to reduce resource concerns and alleviate wait times;
3. The use of canine teams;
4. Efforts to increase the population of vetted travelers, including leveraging airport operators and the private sector to increase enrollment in PreCheck;
5. Potential expansion of the Screening Partnership Program, including consideration of using contract screeners to supplement federal screeners during peak travel periods;
6. Statutory authority that may improve the execution of TSA's aviation security mission, such as the authority to enter into reimbursable agreements with airport operators for expanded screener overtime during peak travel periods; and
7. More efficient and effective checkpoint and checked baggage security screening equipment.

The Committee commends the Administrator for taking aggressive action to address TSA's immediate operational challenges and

exploring long-term solutions to improve passenger and baggage screening processes. However, absent an in-depth, critical assessment and documented requirements for TSA's aviation security mission, the recommendation funds TSA passenger and baggage screening operations at the requested level. To the extent that TSA's personnel requirement for fiscal year 2017 will require additional resources, the Committee expects the Secretary to identify existing resources within TSA and across the Department to supplement this funding. Not later than September 15, 2016, the Administrator is directed to update the Committee on TSA's progress in developing a comprehensive assessment of its requirements.

The Committee is aware of concerns that TSA personnel are not consistently complying with TSA guidelines on the treatment of breast milk, infant formula, related cooling accessories, and breast pumps at screening checkpoints. Not later than 90 days after the date of enactment of this Act, TSA is directed to update the Committee on its efforts to ensure TSOs are consistently following these guidelines, including the number of traveler complaints received as a consequence of TSO failure to follow them.

House Report 113-481 directed TSA to provide a report to the Committees on the evidence demonstrating that behavioral indicators can be used to identify passengers who may pose a threat to aviation security and TSA's plans to collect additional performance data. In its August 2015 report entitled "Scientific Substantiation of Behavioral Indicators," TSA described a plan to implement a new behavior detection protocol and subsequent test strategies. TSA reports that it is currently piloting these revised indicators at four airports and plans to expand to six additional sites to achieve a sufficient sample size for statistical analysis. The Committee expects TSA to provide regular updates on its formal evaluation of the use of the revised indicators, which is scheduled to begin in September 2016.

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.

TSA is also 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.

National Explosives Detection Canine Team Program. The Committee recommends \$152,830,000 for the National Explosives Detection Canine Team Program, \$21,439,000 above the amount requested and \$31,121,000 above the amount provided in fiscal year 2016.

The Committee has long supported the use of explosives detection canine teams and consistently added funding to expand TSA's deployment of these effective assets. The recommendation includes \$19,753,000 above the request to hire, train, certify, and deploy 50 new canine teams, including the necessary kennel space, training labs, training specialists, and program staff to support a total of 1,047 teams. The Committee expects TSA to ensure that appropriate facilities are available in which canines can rest while on-duty.

In fiscal year 2016, the Committee directed TSA to review the feasibility and costs of conducting a pilot program to assess the use

of private sector canine teams in TSA passenger screening operations. Based on TSA's analysis and proposed execution plan, the recommendation includes \$4,186,000 above the request for TSA to conduct a third party passenger screening canine pilot in fiscal year 2017. Not later than 60 days after the date of enactment of this Act, TSA shall brief the Committee on its timeline for executing the pilot. Pending the results of this pilot, TSA should further examine the benefit of utilizing private sector canine teams for screening in the cargo environment, including the feasibility and costs of conducting a pilot program in this environment.

Vetting Programs. The Committee recommends \$65,751,000 for Vetting Programs, the same as the amount requested and \$9,188,000 below the amount provided in fiscal year 2016. The recommendation includes \$1,650,000 to support TSA's implementation of FBI Rap Back service and \$1,500,000 for other enhanced criminal vetting for aviation workers, as requested, to continually monitor individuals for criminal activity and more quickly identify those individuals who may pose a threat to transportation security.

Transportation Assessment and Enforcement

The Committee recommends \$1,488,782,000 for Transportation Assessment and Enforcement, \$1,700,000 above the amount requested and \$57,036,000 above the amount provided in fiscal year 2016.

Compliance Enforcement and Response. As requested, the Committee recommends \$374,649,000 for Compliance Enforcement and Response, \$15,093,000 above the amount provided in fiscal year 2016.

TSA recently submitted a report to Congress required by section 3 of the Gerardo Hernandez Airport Security Act of 2015 (Public Law 114-50) regarding airport response plans for security incidents, including plans for establishing a unified law enforcement command; an evaluation of how emergency calls placed by persons inside the perimeter of an airport will reach airport police in an expeditious manner; an evacuation strategy; a strategy, where feasible, for providing airport law enforcement with access to certain airport security video; and, to the extent practicable, a projected maximum timeframe for law enforcement response to an incident. The Committee urges TSA to continue working with airports on improving airport response plans in these and the other areas detailed in the report.

In-Flight Security. The Committee recommends \$836,786,000 for In-Flight Security, \$1,700,000 above the amount requested and \$10,952,000 above the amount provided in fiscal year 2016. Within the recommendation is \$21,473,000 for the Federal Flight Deck Officer and Flight Crew Training (FFDO) program, an increase of \$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.

The Federal Air Marshals Service (FAMS) grew rapidly in the aftermath of 9/11. However, threats to aviation security have evolved since that time, and Congress has appropriated billions of dollars for advanced screening equipment, tens of thousands of TSOs to staff airports across the country, and the expansion of

preclearance operations into some of the world's busiest airports. The Committee is concerned that TSA has not adequately assessed the role of FAMS in the overall strategy for aviation security, and continues to await the submission of an assessment of FAMS staffing requirements to fulfill its mission.

Intelligence Operations at TSOC. As requested, the recommendation includes \$83,520,000 for Intelligence Operations at TSOC, \$5,534,000 above the amount provided in fiscal year 2016.

Reviews and Assessments. As requested, the recommendation includes \$193,827,000 for Reviews and Assessments, \$25,457,000 above the amount provided in fiscal year 2016.

Section 1554(a)(1) of the 9/11 Commission Act of 2007 requires TSA to develop a program to facilitate the tracking of highway security-sensitive materials (HSSM). In fiscal year 2015, the Committee directed TSA to proceed with the development of an interim emergency-ready Tier 1 HSSM tracking system to provide the capability to quickly inject tighter security control in the hazmat supply chain if needed. The Committee commends TSA for focusing its efforts on the development of shipment tracking and chain-of-custody functionality as an interim step toward completion of a Tier 1 HSSM emergency-ready system. However, further action is needed to complete current Phase 2 activities and to develop and test an emergency-ready system. The Committee directs TSA to proceed with the development of an emergency-ready system consistent with the concept of operations presented in the section 1554(a)(2)(C) cost/technology study, and to test the system in a large-scale, voluntary field test involving Tier 1 HSSM shippers, carriers, and consignees. Not later than July 29, 2016, TSA is directed to brief the Committee on its progress towards completing Phase 2 efforts. Upon completion of Phase 2, TSA shall brief the Committee on its results, including an examination of the benefit of a Tier 1 HSSM safety/security program implemented in collaboration with DOT, and the next steps for the HSSM program going forward.

Management and Administration

As requested, the Committee recommends \$336,947,000 for Management and Administration, \$1,729,000 below the amount provided in fiscal year 2016.

The TSA Contact Center is an important tool for interacting with the traveling public. As passenger volume and wait times at the checkpoint have increased, call volumes to the TSA Contact Center have also increased dramatically without a commensurate growth in staff, resulting in long hold times and unanswered calls. TSA must ensure adequate resources to support Contact Center activities, including the timely credentialing of new personnel, and enable appropriate and timely responses to increasing call volume.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

Appropriation, fiscal year 2016	\$199,724,000
Budget request, fiscal year 2017	206,093,000
Recommended in the bill	206,093,000
Bill compared with:	
Appropriation, fiscal year 2016	+6,369,000
Budget request, fiscal year 2017	— — —

Recommendation

The Committee recommends \$206,093,000 for Procurement, Construction, and Improvements, the same as the amount requested and \$6,369,000 above the amount provided in fiscal year 2016.

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

	Budget Request	Recommended
Procurement, Construction, and Improvements:		
Transportation Screening Operations:		
Passenger and Baggage Screening	\$199,793,000	\$199,793,000
Vetting Programs	6,300,000	6,300,000
Total, Procurement, Construction, and Improvements	\$206,093,000	\$206,093,000
Aviation Security Capital Fund (Mandatory) ¹	(\$250,000,000)	(\$250,000,000)

¹ The Aviation Security Capital Fund is a mandatory appropriation not included in the subtotal for Procurement, Construction, and Improvements because its resources come entirely from Aviation Security Passenger Fees, the budget authority for which is not provided through annual appropriations.

Passenger and Baggage Screening. As requested, the Committee recommends \$199,793,000 for Passenger and Baggage Screening, \$4,169,000 above the amount provided in fiscal year 2016. The President's fiscal year 2017 budget requested \$49,199,000 for the procurement and installation of next generation Advanced Technology X Ray systems (AT-2) for screening of carry-on baggage at the checkpoint. Subsequent to the budget submission, TSA informed the Committee that it no longer plans to procure AT-2s in fiscal year 2017 or in future years, and instead plans to use the proposed funding for a different technology that has neither been tested at the checkpoint nor is a validated requirement. The bill withholds \$49,199,000 from obligation until the DHS USM certifies to the Committee, not later than 15 days in advance, that the funds will be expended for transportation security equipment with a validated requirement and an approved acquisition program baseline.

The Committee has long expressed concerns with TSA's ability to manage complex technology acquisitions and create a strategic vision for long-term security needs. TSA's complete course change in its fiscal year 2017 acquisition plan for checkpoint screening equipment, mere months after the submission of the budget request, is the result of an inadequate requirements process within the organization. The Committee is aware, however, that the Administrator is focused on reforming TSA's acquisition process, including establishing a requirements process and linking requirements to requested funding. TSA is directed to brief the Committee not later than 90 days after the date of enactment of this Act, on its progress on acquisition process reform.

A general provision is included in title V of this Act rescinding \$12,200,000 from amounts provided in fiscal year 2016 for Checkpoint Support due to the continued delays in the acquisition schedule for Credential Authentication Technology.

The explanatory statement accompanying Public Law 114-113 directed TSA to develop a process to review and validate reimbursement claims from airports for in-line baggage screening systems installed prior to 2008, and submit a plan for the reimbursement of validated claims. The Committee expects TSA to implement the required review process in fiscal year 2017 and urges the

agency to propose sufficient funding to begin reimbursement to airports in the fiscal year 2018 budget.

The Committee recognizes the significant investments made by the private sector to assist in reducing TSA security checkpoint wait times this summer, such as installation of innovative new checkpoint technologies and processes intended to improve both security and passenger throughput. The Committee encourages TSA to leverage its partnerships with private sector entities, including airports and airlines, and take these investments into consideration when making deployment decisions for new and innovative checkpoint equipment.

Vetting Programs. As requested, the Committee recommends \$6,300,000 for Vetting Programs, \$2,200,000 above the amount provided in fiscal year 2016. TSA is directed to brief the Committee not later than 15 days after approval of the Technology Infrastructure Modernization program rebaselining, currently scheduled for June 2016.

RESEARCH AND DEVELOPMENT

Appropriation, fiscal year 2016	\$5,000,000
Budget request, fiscal year 2017	5,000,000
Recommended in the bill	5,000,000
Bill compared with:	
Appropriation, fiscal year 2016	---
Budget request, fiscal year 2017	---

Recommendation

As requested, the Committee recommends \$5,000,000 for Research and Development, the same as the amount provided in fiscal year 2016. TSA is exploring the development of open architecture platforms to drive standardization into the screening equipment capability development process, with the intent of expanding opportunities for innovation and providing faster delivery of these capabilities to the front lines. Not later than 60 days after the date of enactment of this Act, TSA is directed to brief the Committee on these efforts, including descriptions of how TSA plans to incorporate these initiatives into its acquisition planning process; its efforts to ensure new capability improvements are efficiently delivered in the interim to support enhanced screening and security; and its engagement with industry on the open architecture program.

COAST GUARD

Appropriation, fiscal year 2016	\$10,921,819,000
Budget request, fiscal year 2017	10,110,479,000
Recommended in the bill	10,221,846,000
Bill compared with:	
Appropriation, fiscal year 2016	- 699,973,000
Budget request, fiscal year 2017	+111,367,000

Mission

The Coast Guard is the principal federal agency charged with maritime safety, security, and stewardship.

OPERATING EXPENSES

Appropriation, fiscal year 2016 ¹	\$7,061,490,000
Budget request, fiscal year 2017 ²	6,986,815,000
Recommended in the bill ³	6,977,815,000
Bill compared with:	
Appropriation, fiscal year 2016	– 83,675,000
Budget request, fiscal year 2017	– 9,000,000

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

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

³Does not include funding for GWOT/OCO.

Recommendation

The Committee recommends a total appropriation of \$6,977,815,000 for Operating Expenses, \$9,000,000 below the amount requested and \$83,675,000 below the amount provided in fiscal year 2016. The total includes a reduction of \$10,000,000 to reflect a more realistic funding level for Military Pay and Allowances.

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

	Budget request	Recommended
Operating Expenses:		
Military Pay and Allowances	\$3,597,319,000	\$3,587,319,000
Civilian Pay and Benefits	817,324,000	817,324,000
Training and Recruiting	198,605,000	199,605,000
Operating Funds and Unit Level Maintenance	996,204,000	996,204,000
Centrally Managed Accounts	329,099,000	329,099,000
Intermediate and Depot Level Maintenance	1,048,264,000	1,048,264,000
Total, Operating Expenses	\$6,986,815,000	\$6,977,815,000

The Committee notes that in January 2016, the Commandant published the Coast Guard Human Capital Strategy, which called for increasing the size of the service to meet growing mission requirements; however, current attrition, accession, and retention rates are challenging the Coast Guard's ability to meet its current manpower targets, especially within the enlisted ranks. Further, the budget request for fiscal year 2017 did not reflect realistic hiring assumptions, which, in turn, led to incorrect average cost assumptions for requested FTE. The Coast Guard is directed to ensure that only realistic FTE and associated funding assumptions are used to develop future budget requests. The Committee understands the Coast Guard will conduct a Manpower Requirements Analysis (MRA), as directed by the Coast Guard Authorization Act of 2015, to determine the size of the force needed. The Coast Guard is directed to provide an update to the Committee on its progress for completing the MRA when it submits the fiscal year 2018 request.

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 during the same period.

The Coast Guard is authorized to provide capacity building assistance to partner nation maritime governance agencies in support of national security and foreign policy objectives via resources provided by the Department of Defense or the Department of State. The Committee urges the Coast Guard to seek such funding to help improve the capacity of partner nations in the South China Sea region to enforce international and relevant maritime laws, combat illegal fishing, secure the sea lines of communication, and respond to increasingly aggressive Chinese coast guard activities intended to assert sovereignty over South China Sea waters. The Committee also directs the Coast Guard to make recommendations to the Secretary of State for the transfer of Excess Defense Articles to allies and partners in the region.

Within 180 days after the date of enactment of this Act, the Coast Guard shall brief the Committee on its progress, working with the Department of Commerce, to implement the Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015 (Public Law 114–81). The Coast Guard should address its current capability to limit access to U.S. ports by vessels found to be in violation of fishing laws, including any related technological or resource limitations it faces.

The Committee is aware that the U.S. Navy has replaced many of its on-board ship water purification systems that rely on bromine as an antimicrobial agent, and encourages the Coast Guard to explore the use of alternative, non-toxic water purification technologies for its ships.

The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended by the National Invasive Species Act of 1996, grants authority to the Coast Guard to establish and enforce regulations designed to prevent the introduction and spread of aquatic nuisance species in the waters of the United States through the discharge of ballast water. The Committee understands the Coast Guard's standards mirror the International Maritime Organization guidelines for approving ballast water management systems but notes with concern that the Coast Guard has yet to approve a single system, despite having published its final rule establishing standards for U.S. type approval of Ballast Water Management Systems (BWMS) in 2012.

The Committee understands that up to 20 BWMS are undergoing testing at Coast Guard certified independent laboratories, which may result in type approval of one or more systems by the end of the calendar year. The Committee encourages the Coast Guard to move with alacrity while maintaining its published standards and to report to the Committee on the status of BWMS testing and approval not later than 60 days after the date of enactment of this Act.

The recommendation includes \$1,000,000 to carry out a pilot fishing safety training program, as authorized by section 309 of the Coast Guard Reauthorization Act of 2014 (Public Law 113–281) and as generally described in the report to the Committees entitled “Fishing Safety: Pilot Training Program” dated April 28, 2016.

The Committee recognizes the Coast Guard's current efforts to partner with communities to promote STEM education standards in nontraditional classroom settings, and encourages further expan-

sion of the Partnership in Education Program, particularly through the participation of Coast Guard Academy cadets.

The Committee is aware of the Coast Guard's plans to shift from year round operations of some Great Lakes boat stations to seasonal operations, maintaining a shore-based response capability as weather and boating activity warrants. Not later than 60 days prior to initiating seasonal operations for current, fulltime boat stations, the Coast Guard is directed to brief the Committee on plans to ensure there is no reduction in service or response times for affected communities. The briefing should detail resources that will be available, both civil and Coast Guard assets, such as law enforcement, search and rescue, and aviation units, and include projected response times.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

Appropriation, fiscal year 2016	\$13,221,000
Budget request, fiscal year 2017	13,315,000
Recommended in the bill	13,315,000
Bill compared with:	
Appropriation, fiscal year 2016	+94,000
Budget request, fiscal year 2017	---

Recommendation

The Committee recommends \$13,315,000 for Environmental Compliance and Restoration, the same as the amount requested and \$94,000 above the amount provided in fiscal year 2016.

RESERVE TRAINING

Appropriation, fiscal year 2016	\$110,614,000
Budget request, fiscal year 2017	112,302,000
Recommended in the bill	112,302,000
Bill compared with:	
Appropriation, fiscal year 2016	+1,688,000
Budget request, fiscal year 2017	---

Recommendation

The Committee recommends \$112,302,000 for Reserve Training, the same as the amount requested and \$1,688,000 above the amount provided in fiscal year 2016.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

Appropriation, fiscal year 2016	\$1,945,169,000
Budget request, fiscal year 2017	1,136,788,000
Recommended in the bill	1,257,155,000
Bill compared with:	
Appropriation, fiscal year 2016	-688,014,000
Budget request, fiscal year 2017	+120,367,000

Recommendation

The Committee recommends \$1,257,155,000 for Acquisition, Construction, and Improvements (AC&I), \$120,367,000 above the amount requested and \$688,014,000 below the amount provided in fiscal year 2016.

The Committee recommends the following rescissions in title V of this bill from prior year accounts: \$4,200,000 from funds provided in fiscal year 2013; \$19,300,000 from funds provided in fiscal

year 2014; and \$16,500,000 from funds provided in fiscal year 2015.

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

	Budget request	Recommended
Acquisition, Construction, and Improvements:		
Vessels:		
Survey and Design—Vessels and Boats	\$6,500,000	\$6,500,000
In-service Vessel Sustainment	79,000,000	79,000,000
National Security Cutter (NSC)	127,000,000	157,000,000
Offshore Patrol Cutter (OPC)	100,000,000	100,000,000
Fast Response Cutter (FRC)	240,000,000	325,000,000
Cutter Boats	4,000,000	4,000,000
Polar Ice Breaking Vessel	147,600,000	37,578,000
Subtotal, Vessels	704,100,000	709,078,000
Aircraft:		
HH-65 Acquisition/Conversion/Sustainment	25,000,000	25,000,000
HC-130J Acquisition/Conversion/Sustainment	20,800,000	115,800,000
HC-144A Conversion/Sustainment	25,500,000	25,500,000
HC-27J Conversion/Sustainment	130,000,000	130,000,000
Subtotal, Aircraft	201,300,000	296,300,000
Other Acquisition Programs:		
Other Equipment and Systems	8,055,000	8,055,000
Government Program Management	20,000,000	20,000,000
CG-LIMS	7,000,000	7,000,000
C4ISR	24,300,000	24,300,000
Subtotal, Other Acquisition Programs	59,355,000	59,355,000
Shore Facilities and Aids to Navigation:		
Major/Minor construction; Housing; ATON; and Survey & Design	18,100,000	38,489,000
Major Acquisition Systems Infrastructure	28,000,000	28,000,000
Minor Shore	5,000,000	5,000,000
Subtotal, Shore Facilities and Aids to Navigation	71,100,000	71,489,000
Personnel and Related Support:		
Direct Personnel Costs	120,933,000	120,933,000
Subtotal, Personnel and Related Support	120,933,000	120,933,000
Total, Acquisition, Construction, and Improvements	\$1,136,788,000	\$1,257,155,000

The Coast Guard 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.

National Security Cutter. The Committee recommends \$157,000,000 for the National Security Cutter (NSC) program, \$30,000,000 above the amount requested and \$586,400,000 below the amount provided in fiscal year 2016. The additional \$30,000,000 will be used for Structural Enhancement Dry-dock Availability for the second NSC.

Offshore Patrol Cutter. The Committee recommends \$100,000,000 for the Offshore Patrol Cutter (OPC), the same as the amount requested and \$11,000,000 above the amount provided in fiscal year 2016. The Coast Guard is directed to provide a program briefing to the Committee not later than 30 days after award of the Detailed Design contract.

Fast Response Cutter. The Committee recommends \$325,000,000 to acquire six Fast Response Cutters (FRCs).

Polar Ice Breaking Vessel. The Committee is encouraged by and strongly supports the Administration's efforts to accelerate the ac-

quisition of a new heavy icebreaker, which is urgently needed to ensure accessibility to the Arctic and Antarctic regions for the Coast Guard and other stakeholder agency missions.

While the Coast Guard is making progress on this acquisition program, it has not sufficiently developed a comprehensive procurement strategy, validated resource requirements, or planned activities beyond fiscal year 2018 to justify the full amount requested for fiscal year 2017. Therefore, the Committee recommends \$37,578,000 for the polar ice breaking program, \$110,022,000 below the request and \$31,578,000 above the amount provided in fiscal year 2016. This funding level will allow the Coast Guard to aggressively continue its acquisition activities during fiscal year 2017 and through early fiscal year 2018.

The Committee expects the Coast Guard to deliver a complete acquisition strategy along with the submission of the fiscal year 2018 budget request to ensure continued acceleration of the acquisition plan.

Consistent with the explanatory statement accompanying Public Law 114–113, the Committee continues to believe that funding responsibility for the heavy icebreaker should be shared among the various stakeholder agencies whose requirements will significantly increase the total cost of the asset.

HC–130J Aircraft. The Committee recommends \$115,800,000 for the HC–130J aircraft program, \$95,000,000 above the request and \$34,200,000 below the amount provided in fiscal year 2016. The additional \$95,000,000 will be used to procure the Coast Guard’s fourteenth HC–130J.

The Committee is disappointed that the President’s budget request for the Coast Guard fails to support the continued recapitalization of the Long-Range Surveillance Aircraft (LRSAs) fleet. Despite a validated requirement for 22 HC–130J aircraft, the Administration has failed to request funding for recapitalization of the fleet since 2012 even though it is less expensive to operate and more operationally capable than the aging HC–130H fleet.

The Committee understands that the Coast Guard is currently updating its aviation fleet mix analysis to account for the transfer of 14 HC–27Js from the U.S. Air Force. Beginning with the fiscal year 2018 budget request, the Secretary is expected to include adequate funding to normalize the recapitalization of the LRSAs fleet in order to improve mission capability and avoid unnecessary and expensive service life extension upgrades for the HC–130H.

Major/Minor Construction; Housing; ATON; and survey and Design. The Committee recommends \$38,489,000 for Major/Minor Construction, Housing, Aids to Navigation, and Survey and Design, \$20,389,000 above the request and \$86,111,000 below the amount provided in fiscal year 2016. The amount above the request is for construction, improvement, and relocation projects on the Coast Guard’s unfunded priorities list.

The Commandant of the Coast Guard shall brief the Committees on the execution plan for each of these projects at least five days prior to obligating funds.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Appropriation, fiscal year 2016	\$18,019,000
Budget request, fiscal year 2017	18,319,000
Recommended in the bill	18,319,000
Bill compared with:	
Appropriation, fiscal year 2016	+300,000
Budget request, fiscal year 2017	— —

Recommendation

The Committee recommends \$18,319,000 for Research, Development, Test, and Evaluation, which is equal to the amount requested and \$300,000 above the amount provided in fiscal year 2016.

MEDICARE ELIGIBLE RETIREE HEALTH CARE FUND CONTRIBUTION ¹

Appropriation, fiscal year 2016	\$169,306,000
Budget request, fiscal year 2017	176,000,000
Recommended in the bill	176,000,000
Bill compared with:	
Appropriation, fiscal year 2016	+6,694,000
Budget request, fiscal year 2017	— —

¹ This is a permanent indefinite discretionary appropriation.

Recommendation

While this account requires no annual action by Congress, the Committee affirms the expenditure of \$176,000,000 for the Medicare-eligible retiree health care fund contribution, \$6,694,000 above the amount funded in fiscal year 2016 and consistent with the CBO-estimated requirement for fiscal year 2017.

RETIRED PAY

Appropriation, fiscal year 2016	\$1,604,000,000
Budget request, fiscal year 2017	1,666,940,000
Recommended in the bill	1,666,940,000
Bill compared with:	
Appropriation, fiscal year 2016	+62,940,000
Budget request, fiscal year 2017	— —

Recommendation

The Committee recommends \$1,666,940,000 for Retired Pay, the same as the amount requested and \$62,940,000 above the amount provided in fiscal year 2016. 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

Appropriation, fiscal year 2016	\$1,933,545,000
Budget request, fiscal year 2017	1,891,119,000
Recommended in the bill	1,932,349,000
Bill compared with:	
Appropriation, fiscal year 2016	— 1,196,000
Budget request, fiscal year 2017	+41,230,000

Mission

The United States Secret Service (USSS) has statutory authority to carry out two primary missions: protecting the nation's leaders

and investigating 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.

OPERATIONS AND SUPPORT

Appropriation, fiscal year 2016	\$1,850,612,000
Budget request, fiscal year 2017	1,773,123,000
Recommended in the bill	1,839,722,000
Bill compared with:	
Appropriation, fiscal year 2016	- 10,890,000
Budget request, fiscal year 2017	+66,599,000

Recommendation

The Committee recommends \$1,839,722,000 for Operations and Support, \$66,599,000 above the amount requested and \$10,890,000 below the amount provided in fiscal year 2016.

The Committee recommends that \$36,966,000 remain available until September 30, 2018, of which \$5,557,000 is for the James J. Rowley Training Center, \$8,909,000 is for Operational Mission Support, \$18,000,000 is for protective travel, and \$4,500,000 is for NSSEs. This two years of funding availability is consistent with the period of availability for these purposes in prior years. In the future, however, the Committee intends to transition all Operations and Support appropriations across the Department to a single year of availability, with very limited exceptions for sub-appropriation amounts when additional flexibility is fully justified. USSS should attempt to obligate all of its Operations and Support funding during fiscal year 2017, and should budget for fiscal year 2018 under an assumption of a single year of availability of funds.

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

	Budget request	Recommended
Operations and Support:		
Protection	\$734,547,000	\$782,277,000
Criminal Investigations	49,865,000	68,734,000
Integrated Operations	842,995,000	842,995,000
Management and Administration	145,716,000	145,716,000
Total, Operations and Support	\$1,773,123,000	\$1,839,722,000

Protection

The Committee recommends \$782,277,000 for Protection, \$47,730,000 above the request and \$29,265,000 above the fiscal year 2016 level.

The USSS continues to be unable to hire and maintain personnel at funded levels. As a result, the recommendation supports hiring of the requested number of new positions, but reduces the number of FTE and overall personnel funding by \$13,750,000 based on the assumption that, as in past years, hiring during the course of the year will not occur as quickly as planned. Further, the recommendation includes a reduction of \$4,000,000 from the request for additional operational mission support personnel due to similar concerns about the pace of hiring.

In an attempt to stem attrition, the recommendation includes an additional \$39,895,000 above the request for retention initiatives, to include: \$16,395,000 for permanent change of station moves that were severely underfunded in the budget request; \$3,000,000 for student loan repayments; \$3,000,000 for tuition assistance; \$13,500,000 to support the temporary reemployment of retired agents and officers; and \$4,000,000 for child care subsidies. The Committee expects periodic briefings from the USSS on the implementation of these initiatives.

Additionally, the recommendation includes \$25,585,000 above the request to close capability gaps in the audio countermeasures program.

Criminal Investigations

The Committee recommends \$68,734,000 for Criminal Investigations, \$21,781,000 above the fiscal year 2016 level and \$18,869,000 above the request. The amount includes \$12,869,000 for continued support of electronic crimes investigations and training through the Electronic Crimes Special Agent Program, its network of Electronic Crimes Task Forces, and the National Computer Forensics Institute (NCFI). Although the request proposed funding the NCFI within a new Federal Assistance appropriation, these activities are more appropriately aligned to the Operations and Support appropriation.

Additionally, the recommendation includes \$8,366,000 for investigations of missing and exploited children, equal to the fiscal year 2016 level, including \$2,366,000 for forensic and investigative support and \$6,000,000 above the request for grants related to investigations.

The United States Secret Service continues to show significant results from its efforts to stop the counterfeiting of U.S. currency in concert with its law enforcement counterparts in Colombia and Peru, and is building on this effort in its international field offices. The Committee expects the United States Secret Service, in conjunction with the DHS Office of Policy, to keep it informed of developments related to counterfeiting and other international investigative mission areas.

Integrated Operations

The Committee recommends \$842,995,000 for Integrated Operations, which is the level requested and \$34,164,000 below the fiscal year 2016 level.

Management and Administration

The Committee recommends \$145,716,000 for Management and Administration, which is the level requested and \$27,772,000 below the fiscal year 2016 level.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

Appropriation, fiscal year 2016	\$63,899,000
Budget request, fiscal year 2017	110,627,000
Recommended in the bill	90,127,000
Bill compared with:	
Appropriation, fiscal year 2016	+26,228,000
Budget request, fiscal year 2017	-20,500,000

Recommendation

The Committee recommends \$90,127,000, \$20,500,000 below the request and \$26,228,000 above the amount provided in fiscal year 2016.

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

	Budget request	Recommended
Procurement, Construction, and Improvements:		
Protection	\$47,737,000	\$37,237,000
Integrated Operations	62,890,000	52,890,000
Total, Procurement, Construction, and Improvements	\$110,627,000	\$90,127,000

Protection

The Committee recommends \$37,237,000 for Protection, \$10,500,000 below the request and \$26,237,000 above the amount provided in fiscal year 2016. The reduction below the request is attributable to concerns about the ability of the USSS to fully execute the proposed funding level for White House structures, which is significantly larger than prior years. The recommendation includes \$8,500,000, as requested, for the next generation limousine, which will fund the third and fourth vehicles.

Integrated Operations

The Committee recommends \$52,890,000 for Integrated Operations, \$10,000,000 below the request, and \$9,000 below the amount provided in fiscal year 2016. The reduction below the request is proportional to the planned carryover of prior year appropriations that will remain available for obligation during fiscal year 2017.

RESEARCH AND DEVELOPMENT

Appropriation, fiscal year 2016	\$250,000
Budget request, fiscal year 2017	2,500,000
Recommended in the bill	2,500,000
Bill compared with:	
Appropriation, fiscal year 2016	+2,250,000
Budget request, fiscal year 2017	- - -

Recommendation

The Committee recommends \$2,500,000 for Research and Development, the same as the request and \$2,250,000 above fiscal year 2016.

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

	Budget request	Recommended
Research and Development:		
Protection	\$2,250,000	\$2,250,000
Integrated Operations	250,000	250,000
Total, Research and Development	\$2,500,000	\$2,500,000

FEDERAL ASSISTANCE

Appropriation, fiscal year 2016	\$18,784,000
Budget request, fiscal year 2017	4,869,000
Recommended in the bill	— —
Bill compared with:	
Appropriation, fiscal year 2016	— 18,784,000
Budget request, fiscal year 2017	— 4,869,000

Recommendation

In lieu of the requested \$4,869,000 for a Federal Assistance appropriation, the Committee recommends funding the proposed activities through the Operations and Support appropriation.

Title II—Administrative Provisions

Section 201. The Committee continues and modifies a provision regarding overtime compensation.

Section 202. The Committee continues a provision requiring the Border Patrol to maintain an active duty force of 21,370 agents.

Section 203. The Committee continues a provision allowing CBP to increase operations in Puerto Rico.

Section 204. The Committee continues a provision prohibiting the transfer of aircraft and related equipment out of CBP unless certain conditions are met.

Section 205. The Committee amends a provision from Public Law 113–76 allowing for public-private partnerships.

Section 206. The Committee continues a provision directing the Secretary of Homeland Security to prioritize the identification and removal of aliens convicted of a crime by the severity of that crime.

Section 207. The Committee continues a provision affirming the legal authorities of ICE agents during operations pertaining to aliens convicted of a crime.

Section 208. The Committee continues a provision allowing the Secretary to reprogram and transfer funds within and into “United States Immigration and Customs Enforcement—Operations and Support” to ensure the detention of aliens prioritized for removal.

Section 209. The Committee continues a provision prohibiting funds made available in this Act for the position of Public Advocate, or a successor position, within United States Immigration and Customs Enforcement.

Section 210. The Committee continues a provision prohibiting use of funds provided under the heading “Immigration and Cus-

toms Enforcement—Operations and Support” for the delegation of law enforcement authority under the 287(g) program if the terms of the agreement governing the delegation of authority have been materially violated.

Section 211. The Committee continues a provision prohibiting use of funds provided under the heading “Immigration and Customs Enforcement—Operations and Support” to contract for detention services if a facility receives less than “adequate” ratings in two consecutive performance evaluations.

Section 212. The Committee includes a new provision prohibiting the obligation of funds under “Transportation Security Administration—Procurement, Construction, and Improvements,” unless a certification is made by the USM at least 15 days in advance.

Section 213. The Committee continues a provision clarifying that certain elected and appointed officials are not exempt from federal passenger and baggage screening.

Section 214. The Committee continues a provision that limits TSA screening personnel to 45,000 FTE, not including part-time employees.

Section 215. The Committee continues a provision that directs TSA to award explosives detection systems based on risk.

Section 216. The Committee continues a provision authorizing TSA to use funds from the Aviation Security Capital Fund for the procurement and installation of explosives detection systems or for other purposes authorized by law.

Section 217. The Committee continues a provision that requires TSA to submit a report on TSA passenger and baggage screening.

Section 218. The Committee continues a provision prohibiting the use of funds in abrogation of the statutory requirement for TSA to monitor airport exit points.

Section 219. The Committee continues a provision prohibiting the use of funds made available by this Act under the heading “Coast Guard—Operating Expenses” for recreational vessel expenses, except to the extent fees are collected from owners of yachts and credited to this appropriation.

Section 220. The Committee continues a provision withholding funds provided under the heading “Coast Guard—Operating Expenses”, until a future-years capital investment plan for fiscal years 2017 through 2021 is submitted to the Committee.

Section 221. The Committee continues a provision allowing up to \$10,000,000 to be reprogrammed to or from “Coast Guard, Operating Expenses, Military Pay and Allowances”.

Section 222. The Committee continues a provision that recovered funds appropriated to “Coast Guard—Acquisition, Construction, and Improvements” in prior years for the 110–123 foot patrol boat conversion that are recovered, shall be available for the Fast Response Cutter program.

Section 223. The Committee continues a provision allowing the Secret Service to obligate funds in anticipation of reimbursement for personnel receiving training.

Section 224. The Committee continues a provision prohibiting funds made available to the Secret Service for the protection of the head of a federal agency other than the Secretary of Homeland Security, except where the Director has entered into an agreement.

Section 225. The Committee continues a provision limiting the opening of domestic and international field offices by the Secret Service.

Section 226. The Committee continues and modifies a provision allowing for the reprogramming of funds provided under the heading “United State’s Secret Service—Operations and Support”.

TITLE III—PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

Appropriation, fiscal year 2016	\$1,635,605,000
Budget request, fiscal year 2017	1,588,768,000
Recommended in the bill	1,756,062,000
Bill compared with:	
Appropriation, fiscal year 2016	+120,457,000
Budget request, fiscal year 2017	+167,294,000

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.

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. Secure infrastructure is essential for national security, economic vitality, and public health and safety.

The Committee notes that the President’s budget request reflected a reorganization of NPPD that has not been authorized. Therefore, funding for the Office of Biometric Identity Management (OBIM) totaling \$305,536,000 is included in the recommendation for NPPD, instead of CBP. The Committee will not support changes to appropriations language until Congress authorizes the reorganization. Until then, NPPD’s leadership is urged to focus its energy and resources on critical infrastructure security and resilience efforts that address all hazards, from terrorism and other criminal activities to natural disasters and cyber threats.

The Committee notes that NPPD continues to suffer from an inability to fill key vacancies, but recognizes that the agency is committing significant resources and effort to improving its hiring and retention and has made some progress in this regard. Difficulties remain, however, especially in hiring and retaining personnel with the requisite cyber skills. Therefore, the recommendation includes all funding requested for special cyber pay and bonuses but reduces the request by \$5,570,780 and 345 FTE due to the expected under-execution of funding for new personnel.

The recommended funding level is further reduced below the request by \$132,672,000 due to budget constraints.

OPERATIONS AND SUPPORT

Appropriation, fiscal year 2016	\$1,296,763,000
Budget request, fiscal year 2017	1,147,502,000
Recommended in the bill	1,356,289,000
Bill compared with:	
Appropriation, fiscal year 2016	+59,526,000
Budget request, fiscal year 2017	+208,787,000

Recommendation

The NPPD Operations and Support (O&S) appropriation funds core operations to enhance the security and resilience of infrastructure against terrorist attacks, cyber events, natural disasters, and other large-scale incidents. The O&S appropriation funds the costs of necessary operations, mission support, and associated management and administration activities to execute these programs.

The Committee recommends \$1,356,289,000 for Operations and Support, \$208,787,000 above the amount requested and \$59,526,000 above the amount provided in fiscal year 2016. The increase above the request is primarily due to the continued funding of OBIM in NPPD.

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

	Budget request	Recommendation
Operations and Support:		
Infrastructure Analysis:		
Critical Infrastructure Technology and Architecture	\$19,889,000	\$19,558,000
Cyber and Infrastructure Analysis	32,712,000	32,712,000
Cyber Integration and Coordination	28,867,000	26,906,000
Cyber Readiness and Response	180,875,000	157,563,000
Emergency Communications Preparedness	4,740,000	4,740,000
Cyber and Infrastructure Awareness and Reporting	14,724,000	13,928,000
Subtotal, Infrastructure Analysis	281,807,000	255,407,000
Management and Administration	90,042,000	90,042,000
Infrastructure Capacity Building:		
Critical Infrastructure Partnerships	9,245,000	8,967,000
Critical Cyber Infrastructure Resilience	26,423,000	25,666,000
Emergency Communications Preparedness	34,727,000	34,727,000
Enhanced Cybersecurity Services	19,286,000	19,286,000
Federal Network Resilience	36,136,000	36,136,000
National Infrastructure Protection Plan Management	11,560,000	11,432,000
Protective Service Advisors	32,290,000	29,382,000
Sector Specific Agency Management	25,190,000	24,581,000
Stakeholder Engagement and Requirements	18,106,000	16,444,000
Cybersecurity Education, Outreach, and Awareness	8,020,000	8,020,000
Vulnerability Assessments	19,317,000	19,317,000
Subtotal, Infrastructure Capacity Building	240,300,000	233,958,000
Protect Infrastructure:		
Continuous Diagnostics and Mitigation	7,830,000	7,830,000
Infrastructure Security Compliance	77,867,000	72,367,000
National Cybersecurity Protective System	388,787,000	388,787,000
Priority Telecommunications Services	60,869,000	60,869,000
Subtotal, Protect Infrastructure	535,353,000	529,853,000
Biometric Identity Management	— — —	247,029,000
Total, Operations and Support	\$1,147,502,000	\$1,356,289,000

Infrastructure Analysis

The recommendation includes \$255,407,000 for Infrastructure Analysis, \$26,400,000 below the amount requested and \$25,193,000 above the amount provided in fiscal year 2016.

The Infrastructure Analysis PPA funds activities that ensure the security and resilience of critical infrastructure by assisting security partners with identifying and mitigating vulnerabilities and assessing the impact of risk management efforts. Likewise, the PPA ensures decision-makers have a full understanding of poten-

tial impacts from all hazards through comprehensive consequence analysis during both steady-state and crisis action. In addition, the PPA funds activities to provide a situational awareness capability that includes integrated, actionable information about emerging trends, imminent threats, and the status of incidents that may impact critical infrastructure.

While it is important to look at cyber and physical risks to critical infrastructure holistically, the Committee is concerned with the operational value that end users receive from information provided by the Office for Critical Information and Analysis. In particular, the Committee is concerned that the office may be focusing too heavily on broad challenges at the expense of more granular analyses of both cyber and physical risks. NPPD is directed to brief the Committees not later than 30 days after the date of enactment of this Act on how it is addressing this concern.

The Committee recognizes the importance of the National Cybersecurity and Communications Integration Center (NCCIC) and strongly supports NPPD's plans to expand its capabilities. Due to budget constraints, however, NCCIC operations under the Infrastructure Analysis PPA are funded at \$184,885,000, a reduction of \$26,400,000.

Section 404(a) of the Cybersecurity Act of 2015 requires the Department to "establish a process by which a Statewide Interoperability Coordinator may report data on any cybersecurity risk or incident involving any information system or network used by emergency response providers." The Committee is aware that from June 2015 through early 2016, NPPD collaborated with the California Governor's Office of Emergency Services under a Memorandum of Agreement on a visualization dashboard enabling near-real-time analysis of public safety communications call flows into 911 Public Safety Answering Points (PSAPs).

Further, the Committee notes that the DHS review of this initial demonstration recommended conducting a multi-state demonstration for coordination of PSAP data intrusion detection and intrusion prevention systems and creating a real-time communications infrastructure monitoring system within the NCCIC. The Committee directs NPPD to develop a plan for such a multi-state program demonstration/pilot, and to brief the Committee on the plan not later than 90 days after the date of enactment of this Act.

Cyber Readiness and Response. An additional \$500,000 is provided in Cyber Readiness and Response to reflect an updated cost estimate for the federal contribution to the Multi-State Information Sharing and Analysis Center.

State governments are a key cybersecurity customer for NPPD. To most effectively serve state governments, NPPD requires clearly defined roles and a cohesive model for exchanging cybersecurity threat, vulnerability, and incident information with its various state-level partners. Within 120 days of enactment of this Act, NPPD shall brief the Committee on a plan to maximize the effectiveness of cybersecurity information sharing with state governments, including descriptions of current activities; the identification of key state-level information sharing partners; guidance for states on how to most effectively participate in NPPD's information sharing programs; a description of information sharing limitations; goals and metrics for the timely sharing of information; and other

near-term and strategic steps that NPPD will undertake to improve the effectiveness of information sharing. The plan should incorporate feedback from consultation with representatives of state government entities and other stakeholders identified in the plan. In particular, the Committee notes the importance of regulators, fusion centers, governors, and relevant information sharing and analysis centers and organizations in improving the cybersecurity of state governments and critical infrastructure within each state.

Management and Administration

The Committee recommends \$90,042,000 for Management and Administration, the same as the amount requested and \$140,000 below the amount provided in fiscal year 2016.

Infrastructure Capacity Building

The Committee recommends \$233,958,000 for Infrastructure Capacity Building, \$6,342,000 below the amount requested and \$12,794,000 below the amount provided in fiscal year 2016.

The Committee recognizes that the country's highly integrated electrical grid is vulnerable to cyber-attacks and natural disasters, and 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 address these risks and develop comprehensive mitigation strategies. The Committee directs NPPD to provide semiannual briefings outlining NPPD's plans to engage private sector owners and operators in order to better understand and respond to the full range of critical risks, including details on current and planned actions to prepare for and protect against cyber and physical risks to electrical grids and other critical infrastructure.

While the Committee supports NPPD's mission to protect critical infrastructure and work with owners and operators, it questions whether the Protective Security Advisor (PSA) and Cybersecurity Advisor (CSA) programs sufficiently contribute to this NPPD mission. The Committee understands that for the majority of programs, private sector participation is voluntary, but has received mixed feedback on the quality of outreach and value the PSA and CSA programs are providing. In addition, NPPD has been unable to provide the Committee with detailed metrics on such outreach. To better understand the value these programs bring to the organization, NPPD is directed to brief the Committee not later than 30 days after the date of enactment of this Act on the concerns outlined above, including metrics used to evaluate both programs.

Protect Infrastructure

The Committee recommends \$529,853,000 for Protect Infrastructure, \$5,500,000 below the amount requested and \$17,711,000 above the amount provided in fiscal year 2016. The recommendation supports the continued deployment of Continuous Diagnostics and Mitigation (CDM) technology and the National Cybersecurity Protection System (NCPS), also known as "EINSTEIN."

The Committee applauds NPPD's efforts to raise the level of awareness about explosive chemical precursors that can be used to manufacture homemade explosives and improvised explosive devices, and to help manufacturers and distributors take voluntary steps to ensure these precursors are only sold for legitimate uses. The Committee also fully supports NPPD's ongoing effort to develop a more comprehensive approach for securing explosive precursor chemicals, including but not limited to ammonium nitrate. In order to work effectively, such an approach must be tailored precisely to prevent the misuse of precursors while minimizing the burden on legitimate commerce. In particular, it must avoid unnecessary requirements that are inconsistent with or duplicative of the requirements of regulatory programs of other agencies. The Committee understands that NPPD expects to develop a specific proposal for an explosive chemical precursor program, and directs the agency to brief the Committee on its progress not later than 120 days after the date of enactment of this Act.

Biometric Identity Management

The fiscal year 2017 request proposed the transfer of OBIM from NPPD to CBP. As noted previously, Congress has not authorized any reorganization of the Directorate and, therefore, funding for Biometric Identity Management remains in NPPD as a new PPA under the Operations and Support appropriation. The Committee recommends \$247,029,000 for Biometric Identity Management, the same as the amount requested and \$29,556,000 above the amount provided in fiscal year 2016.

Because of concerns that OBIM is not adequately addressing departmental stakeholder concerns regarding requirements and priorities, the Committee withholds \$122,253,000 from obligation until a new governance structure is in place that will ensure stakeholder mission requirements are prioritized as detailed in Section 301 of the bill. This structure should include management of and prioritization of requests for all OBIM services and an executive stakeholder review process.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

Appropriation, fiscal year 2016	\$332,723,000
Budget request, fiscal year 2017	436,797,000
Recommended in the bill	393,304,000
Bill compared with:	
Appropriation, fiscal year 2016	+60,581,000
Budget request, fiscal year 2017	-43,493,000

Recommendation

The Committee recommends \$393,304,000 for Procurement, Construction and Improvements, \$43,493,000 below the amount requested and \$60,581,000 above the amount provided in fiscal year 2016.

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

	Budget request	Recommendation
Procurement, Construction, and Improvements:		
Protect Infrastructure:		
Continuous Diagnostics and Mitigation	\$266,971,000	\$164,971,000
National Cybersecurity Protection Service	81,771,000	81,771,000
Priority Telecommunications Services	88,055,000	88,055,000
Subtotal, Protect Infrastructure	436,797,000	334,797,000
Biometric Identity Management	— — —	58,507,000
Total, Procurement, Construction and Improvements	\$436,797,000	\$393,304,000

Protect Infrastructure

Continuous Diagnostics and Mitigation. The Committee supports NPPD's plan to accelerate the deployment of CDM across the entire civilian federal domain. Given budget constraints and likely delays in the planned acquisition schedule for CDM Phase 4, however, the Committee reduces the request for CDM by \$102,000,000. Recognizing the ever-changing cybersecurity landscape and increased vulnerabilities at the data level, the Committee agrees with NPPD's program strategy to evolve CDM beyond network protections to also include data protections. The Committee urges NPPD to incorporate and accelerate these new capabilities in Phase 3 and Phase 4 of CDM to the greatest extent practicable to further enhance protection of high value digital assets across all federal civilian agencies.

Biometric Identity Management

As noted previously, funding for Biometric Identity Management remains in NPPD. The recommendation includes \$58,507,000, the amount requested, for planning and acquisition of Increment 2 of the Homeland Advanced Recognition Technology (HART) system. The Committee directs OBIM to accelerate the multi-modal biometric capability Increment 2 will provide and withholds \$29,254,000 from obligation until OBIM briefs the Committee on plans to accelerate this development.

RESEARCH AND DEVELOPMENT

Appropriation, fiscal year 2016	\$6,119,000
Budget request, fiscal year 2017	4,469,000
Recommended in the bill	6,469,000
Bill compared with:	
Appropriation, fiscal year 2016	+350,000
Budget request, fiscal year 2017	+2,000,000

Recommendation

The Committee recommends \$6,469,000 for Research and Development, \$2,000,000 above the amount requested and \$350,000 above the amount provided in fiscal year 2016.

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

	Budget request	Recommendation
Research and Development:		
Infrastructure Capacity Building:		
Technology Advancements and Innovation	\$2,030,000	\$2,030,000

	Budget request	Recommendation
Sector Specific Agency Management	424,000	424,000
National Infrastructure Protection Plan Management	1,215,000	3,215,000
Subtotal, Infrastructure Capacity Building	3,669,000	5,669,000
Protect Infrastructure:		
Infrastructure Security Compliance	800,000	800,000
Subtotal, Protect Infrastructure	800,000	800,000
Total, Research and Development	\$4,469,000	\$6,469,000

Infrastructure Capacity Building

The Committee recommends \$5,669,000 for the Infrastructure Capacity Building PPA, \$2,000,000 above the amount requested and \$350,000 above the amount provided in fiscal year 2016.

National Infrastructure Protection Plan Management. The Committee supports NPPD's efforts to pursue new innovative technologies for rapid deployment, identify projects to solve resilient design challenges, develop tools to support infrastructure investment decisions, and create products that can aid in detecting malicious activity. Accordingly, of the amount provided for National Infrastructure Protection Plan Management, \$2,000,000 is designated for the Technology Development and Deployment Program 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.

Protect Infrastructure

Infrastructure Security Compliance. The recommendation includes \$800,000 for the Infrastructure Security Compliance PPA, equal to the amount requested and the amount provided in fiscal year 2016.

FEDERAL PROTECTIVE SERVICE

Appropriation, fiscal year 2016	\$1,443,449,000
Budget request, fiscal year 2017	1,451,078,000
Recommended in the bill	1,451,078,000
Bill compared with:	
Appropriation, fiscal year 2016	+7,629,000
Budget request, fiscal year 2017	--

Recommendation

The Committee recommends \$1,451,078,000 for the Federal Protective Service (FPS), the same as the amount requested and \$7,629,000 above the amount provided in fiscal year 2016. 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 FPS will be fully funded in fiscal year 2017 through the collection of security fees. Should insufficient fee revenue 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.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Appropriation, fiscal year 2016	\$11,329,447,000
Budget request, fiscal year 2017	10,829,589,000
Recommended in the bill	11,414,551,000
Bill compared with:	
Appropriation, fiscal year 2016	+85,104,000
Budget request, fiscal year 2017	+584,962,000

Note: Totals include funding 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.

Mission

The Federal Emergency Management Agency (FEMA) helps build, sustain, and improve the nation's capability to prepare for, protect against, respond to, recover from, and mitigate all hazards through disaster response and recovery programs and grant programs supporting first responders, emergency management, mitigation activities, and preparedness.

OPERATIONS AND SUPPORT

Appropriation, fiscal year 2016	\$801,109,000
Budget request, fiscal year 2017	927,524,000
Recommended in the bill	936,291,000
Bill compared with:	
Appropriation, fiscal year 2016	+135,182,000
Budget request, fiscal year 2017	+8,767,000

Recommendation

The Committee recommends \$936,291,000 for Operations and Support, \$8,767,000 above the amount requested and \$135,182,000 above the amount provided in fiscal year 2016. The increase above fiscal year 2016 is primarily attributable to a realignment of funding for steady-state operational activities to this account from the Disaster Relief Fund (DRF). Apart from this realignment, the increase above the fiscal year 2016 level is \$32,388,000, and consists primarily of inflationary adjustments, the increased costs of leases, replacement of tactical communications equipment, and increased funding for response and recovery activities.

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

	Budget request	Recommended
Operations and Support:		
Management and Administration	\$447,794,000	\$447,794,000
Integrated Operations	182,256,000	182,256,000
Mitigation	10,614,000	10,614,000
Preparedness and Protection	49,674,000	49,674,000
Response and Recovery	237,186,000	245,953,000
Total, Operations and Support	\$927,524,000	\$936,291,000

Management and Administration

The Committee recommends \$447,794,000 for Management and Administration, the same as the amount requested and \$94,660,000 above the amount provided in fiscal year 2016. In House Report 114–215, the Committee expressed a concern that certain disaster response capability expenses were being charged to the DRF, even though they did not support response and recovery

costs associated with particular disasters or emergencies. As a result, Congress directed FEMA to realign these expenses as part of its fiscal year 2017 budget request from the DRF to FEMA's steady-state operations account. Consistent with the budget request, the recommendation reflects the transfer of \$102,794,000 from the DRF to the Operations and Support appropriation.

FEMA utilizes or supports many geospatial information systems (GIS) technologies for response, planning, and mitigation. The Committee recognizes that GIS can provide critical information to first responders but also represents a vast amount of data that can complicate response efforts, particularly for federal, state, and local governments with inadequate access to GIS solutions. FEMA should work with federal, state, and local partners to integrate GIS platforms to better inform disaster response, government acquisition of GIS technologies, and improve the quality of GIS tools available to first responders.

According to a recent audit by the DHS OIG (OIG-16-10), FEMA's Emergency Operations Center (EOC) is not electronically interconnected with state EOCs, relying instead on an inefficient manual process that can cause delays in providing disaster assistance. The Committee expects FEMA to implement policies, procedures, and activities necessary to improve interconnectedness between FEMA and state EOCs, and directs FEMA to report on its progress not later than 180 days after the date of enactment of this Act.

The Emergency Alert System (EAS) is a cooperative arrangement among the Federal Communications Commission (FCC), FEMA, the National Weather Service, and the states that is used to communicate with the American public during a national emergency. FEMA provides direction and assistance for state and local emergency management officials to develop, implement, and maintain their EAS structure. The Committee is concerned that the EAS does not adequately serve vulnerable groups, including the elderly, the disabled, those with special needs, and limited English proficiency populations. FEMA is directed to work with its partners to improve the capabilities of the EAS to more effectively serve these populations.

Integrated Operations

The Committee recommends \$182,256,000 for Integrated Operations, the same as the amount requested and \$16,061,000 above the amount provided in fiscal year 2016. The recommendation includes the funds requested for replacement lease costs for regional offices.

Mitigation

The Committee recommends \$10,614,000 for Mitigation, the same as the amount requested and \$71,000 below the amount provided in fiscal year 2016.

In 2015, FEMA released a State Mitigation Plan Review Guide, which went into effect in early 2016. Maintaining a state mitigation plan, which must be updated every five years, is one of the conditions of eligibility for certain FEMA assistance, such as Public Assistance Categories C-G and Hazard Mitigation Assistance. 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.

Mitigation funds made available to states pursuant to the Robert T. Stafford disaster Relief and Emergency Assistance Act should be used for projects that will substantially reduce the risk of damage, hardship, loss, or suffering, as well as costs to the American taxpayer, in a future disaster. The Committee is aware of concerns that states may not be giving appropriate consideration to disaster mitigation projects proposed by counties when developing state mitigation plans that inform the allocation of post-disaster mitigation grants, or when submitting applications for pre-disaster mitigation grants to FEMA. Within 90 days of the date of enactment of this Act, FEMA shall brief the Committee on guidance it provides to states on the incorporation of local mitigation projects into state mitigation plans and applications for pre-disaster mitigation grants. The briefing should address, among other things, whether FEMA guidance supports appropriate consideration of local mitigation projects that benefit large population centers.

The Committee remains concerned about the adequacy of protective structures in tornado-prone areas of the country. Based on studies by the National Institute of Standards and Technology, model codes requiring community safe rooms for new school buildings and facilities associated with schools where people regularly assemble have been improved in recent years. Such changes may be insufficient, however, in light of the devastating storms and tornadoes that have ripped through Arkansas, Oklahoma, Kansas, and most recently the southern states, which have resulted in a tragic loss of human lives and caused millions of dollars in property damage. As part of its efforts to improve the resiliency of structures, the Committee recommends that FEMA consider the adoption of uniform national guidelines for safe room design and construction, as well as a requirement that safe rooms be incorporated into the design and construction of federally-funded structures located in areas prone to severe weather and hazards.

Preparedness and Protection

The Committee recommends \$49,674,000 for Preparedness and Protection, the same as the amount requested and \$966,000 above the amount provided in fiscal year 2016.

Response and Recovery

The Committee recommends \$245,953,000 for Response and Recovery, \$8,767,000 above the amount requested and \$23,566,000 above the amount provided in fiscal year 2016. Within the recommendation is \$36,280,000 for the Urban Search and Rescue Response System (USAR), \$8,767,000 above the request and \$1,100,000 above the amount provided in fiscal year 2016, to continue to support the 28 USAR Task Forces and ensure new teams are uniformly equipped.

FEMA is directed to assess the feasibility and costs of establishing national veterinary professional emergency teams, which would deploy with USAR teams to assist with veterinary care of

search and rescue canines, locating and treating companion animals and livestock, and other related response and recovery efforts. This assessment should include the impact on service hours of canine teams and how these veterinary teams would be integrated into response activities. FEMA shall brief the Committee on its assessment not later than 180 days after the date of enactment of this Act.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

Appropriation, fiscal year 2016	\$43,300,000
Budget request, fiscal year 2017	35,273,000
Recommended in the bill	35,273,000
Bill compared with:	
Appropriation, fiscal year 2016	– 8,027,000
Budget request, fiscal year 2017	– – –

Recommendation

The Committee recommends \$35,273,000 for Procurement, Construction, and Improvements, the same as the amount requested and \$8,027,000 below the amount provided in fiscal year 2016.

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

	Budget request	Recommended
Procurement, Construction, and Improvements:		
Response and Recovery	\$11,423,000	\$11,423,000
Preparedness and Protection	23,850,000	23,850,000
Total, Procurement, Construction, and Improvements	\$35,273,000	\$35,273,000

Response and Recovery

As requested, the Committee recommends \$11,423,000 for Response and Recovery, \$77,000 below the amount provided in fiscal year 2016. The recommendation for Response and Recovery provides funds to support the Grants Systems Management Modernization initiative.

Preparedness and Protection

As requested, the Committee recommends \$23,850,000 for Preparedness and Protection, \$7,950,000 below the amount provided in fiscal year 2016. The recommendation includes \$15,500,000 for the Mount Weather Emergency Operations Center facility, a reduction of \$12,000,000 below fiscal year 2016 due to a decrease in costs for land and structures associated with the completion of scheduled projects; an increase of \$4,050,000 for facility upgrades at the Center for Domestic Preparedness; \$2,800,000 for the Integrated Public Alert and Warning System; and \$1,500,000 for the National Emergency Training Center. Not later than 60 days after the date of enactment of this Act, FEMA shall provide an updated capital infrastructure investment plan for fiscal year 2016 through fiscal year 2021, consistent with the direction in House Report 114–215.

FEDERAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

Appropriation, fiscal year 2016	\$10,485,038,000
Budget request, fiscal year 2017	9,866,792,000
Recommended in the bill	10,442,987,000
Bill compared with:	
Appropriation, fiscal year 2016	– 42,051,000
Budget request, fiscal year 2017	+576,195,000

(Note: Totals include funding 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.)

Recommendation

The Committee recommends \$10,442,987,000 for Federal Assistance, \$576,195,000 above the amount requested and \$42,051,000 below the amount provided in fiscal year 2016. The recommendation for Federal Assistance includes funding for the Disaster Relief Fund (DRF) and the National Flood Insurance Fund (NFIF), which were requested under separate appropriations.

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

	Budget request	Recommended
Federal Assistance:		
Disaster Relief Fund:		
Base Disaster Relief	\$639,515,000	\$639,515,000
Major Disasters (BCA Cap)	6,709,000,000	6,709,000,000
Subtotal, Disaster Relief Fund	7,348,515,000	7,348,515,000
(transfer to DHS OIG)	– 24,000,000	– 24,000,000
Subtotal, Disaster Relief Fund (net)	7,324,515,000	7,324,515,000
Management and Administration:		
Mitigation	14,274,000	14,274,000
Preparedness and Protection	96,682,000	96,682,000
Subtotal, Management and Administration	110,956,000	110,956,000
Mitigation:		
National Predisaster Mitigation Fund	54,485,000	54,485,000
Flood Hazard Mapping and Risk Analysis	177,531,000	177,531,000
National Flood Insurance Fund:		
Flood Plain Management and Flood Mapping	168,363,000	168,363,000
Flood Management and Insurance Operations	13,436,000	13,436,000
Subtotal, National Flood Insurance Fund	181,799,000	181,799,000
Offsetting Fee Collections	– 181,799,000	– 181,799,000
Subtotal, Mitigation (net)	232,016,000	232,016,000
Preparedness and Protection:		
Grants and Training:		
State and Local Grants:		
State Homeland Security Grant Program	200,000,000	467,000,000
(Operation Stonegarden)	– – –	(55,000,000)
Urban Area Security Initiative	330,000,000	600,000,000
(Nonprofit Security)	– – –	(20,000,000)
Public Transportation and Railroad Security Assistance	85,000,000	100,000,000
(Amtrak Security)	– – –	(10,000,000)
Port Security Grant Program	93,000,000	100,000,000
CVE/Complex Coordinated Terrorist Attacks	49,000,000	49,000,000
Regional Competitive Grant Program	100,000,000	– – –
Subtotal, State and Local Grants	857,000,000	1,316,000,000
Assistance to Firefighter Grants	335,000,000	345,000,000
Staffing for Adequate Fire and Emergency Response Grants	335,000,000	345,000,000
Emergency Management Performance Grants	350,000,000	350,000,000

	Budget request	Recommended
Education, Training, and Exercises:		
National Exercise Program	19,911,000	19,919,000
Emergency Management Institute	19,643,000	20,569,000
Center for Domestic Preparedness	63,939,000	64,991,000
National Domestic Preparedness Consortium	36,000,000	98,000,000
Continuing Training	18,000,000	29,521,000
Subtotal, Education, Training, and Exercises	157,493,000	233,000,000
Subtotal, Grants and Training	2,034,493,000	2,589,000,000
United States Fire Administration	40,812,000	42,500,000
Subtotal, Preparedness and Protection	2,075,305,000	2,631,500,000
Response and Recovery:		
Emergency Food and Shelter	100,000,000	120,000,000
Subtotal, Response and Recovery	100,000,000	120,000,000
Total, Federal Assistance	9,866,792,000	10,442,987,000
(transfer to DHS OIG)	– 24,000,000	– 24,000,000
Total, Federal Assistance (net)	\$9,842,792,000	\$10,418,987,000

Disaster Relief Fund

The Committee recommends a total of \$7,348,515,000 for the DRF, including \$6,709,000,000 that 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 \$770,700,000 from amounts provided for non-major disaster programs in prior years due to the significant balances anticipated to be carried over from fiscal year 2016 into fiscal year 2017 and amounts recovered from previous disasters during project closeouts.

The Committee continues statutory requirements for annual and monthly DRF reporting. While prior year statutory requirements directing the posting of Public Assistance grants and mission assignments are not continued, the Committee expects FEMA to post such information to the Agency's website in the same manner as directed in Public Law 114–4.

The Committee notes that section 306 of the FEMA Disaster Assistance Reform Act of 2015 (H.R. 1471), which the House passed on February 29, 2016, would provide the FEMA Administrator with the authority to waive debts owed to the United States for disaster assistance, if such assistance was distributed based on an error by FEMA; there was no fault on the part of the debtor; the collection of the debt would be against equity and good conscience; and the debt does not involve fraud, the presentation of a false claim, or misrepresentation by the debtor or any party having an interest in the claim.

To help improve clarity and transparency in the disaster declaration process, the Committee directs FEMA to electronically publish the following data for all individual assistance requests: the requesting state or tribal nation; the state or tribe's population; the number of impacted homes, by county, categorized as either destroyed, major, minor, or affected; average income level by county;

the percent of residences insured within affected counties; non-federal resources made available; and the FEMA region to which the request was originally referred.

Currently, Public Assistance grants help cover sand, salt, equipment, and operational costs incurred during severe storm events in cases of record or near-record snowfalls. Events such as ice storms, however, often put a significant strain on state and municipal resources, especially those in rural areas, and should be given adequate consideration in determining the need for assistance. The Committee encourages FEMA to continue working with its state partners on developing emergency assistance criteria that take into consideration the impacts of both ice and snow events.

Management and Administration

The Committee recommends \$110,956,000 for Management and Administration, the same as the amount requested and \$6,889,000 below the amount provided in fiscal year 2016. Within this amount, \$14,274,000 is for Mitigation, including support for the National Earthquake Hazard Reduction Program and the National Dam Safety Program, and \$96,682,000 is for Preparedness and Protection, including an increase of \$1,000,000, as requested, to continue Joint Counter Terrorism Awareness Workshops in fiscal year 2017.

Mitigation

The Committee recommends \$232,016,000 for Mitigation, the same as the amount requested and \$57,984,000 below the amount provided in fiscal year 2016.

National Predisaster Mitigation Fund. Within the recommendation is \$54,485,000 for the National Predisaster Mitigation Fund (PDM), as requested. In addition to the recommendation, FEMA projects to have more than \$50,000,000 in carryover funding available in fiscal year 2017 from prior year appropriations. 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, reducing damage from future disasters, and lowering flood insurance premiums.

Flood Hazard Mapping and Risk Analysis. The recommendation includes \$177,531,000 for Flood Hazard Mapping and Risk Analysis, the same as the amount requested and \$12,469,000 below amount provided in fiscal year 2016. With the additional \$168,363,000 available for flood plain management and mapping activities within the National Flood Insurance Fund (NFIF), the combined amount available for flood mapping activities in fiscal year 2017 is equal to the comparable fiscal year 2016 level.

The U.S. Geological Survey (USGS) is leading the 3D Elevation Program (3DEP), a collaborative initiative to systematically collect accurate elevation data nationwide. FEMA is a key partner in 3DEP, and uses this elevation data to ensure flood maps accurately delineate the flood plain and provide more accurate assessments and understanding of flood risk. The Committee encourages FEMA to continue to support this critical effort.

FEMA is directed to allocate flood map funding to assist local governments and cooperating technical partners in acquiring the

data collection tools necessary to produce accurate, local data that meets FEMA's standards for use in the agency's modeling processes to re-map local jurisdictions. FEMA's data collection and modeling processes must be transparent from beginning to end and involve the active participation of local jurisdictions to ensure maps accurately reflect local conditions and minimize costs to local communities.

National Flood Insurance Fund. The Committee recommends \$13,436,000 for salaries and expenses associated with flood management and \$168,363,000 for flood plain management and flood mapping, as requested. Flood mitigation funds are available until September 30, 2018, and are offset by premium collections. In addition, the bill establishes obligation limitations on the use of mandatory National Flood Insurance Program (NFIP) collections, including \$175,061,000 for flood-mitigation and flood mitigation assistance grants and \$5,000,000 for the Office of the Flood Insurance Advocate (OFIA).

The Committee continues to support OFIA and 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)).

Following Hurricane Sandy, FEMA faced litigation alleging fraudulent and questionable activity within the NFIP, primarily allegations of fraudulent and questionable contract engineering practices that led to the underpayment of claims. In response, FEMA established a task force to review claims and pay policyholders any money owed and, to date, has paid more than \$220,000,000 in claims. FEMA is additionally implementing reforms within NFIP to ensure better oversight of Write Your Own (WYO) insurance companies and improve customer service. Not later than 60 days after the date of enactment of this Act, FEMA is directed to brief the Committees on its progress in implementing reforms to the NFIP, including its progress in implementing recommendations by the Office of Inspector General (OIG-16-47) and the status of complying with section 100224 of Public Law 112-141 (the Biggert-Waters Flood Insurance Reform Act of 2012), concerning appropriate expense reimbursement for WYO companies.

When providing directives or guidelines to WYO companies regarding the adjustment and payment of claims, the Committee affirms the imperative that FEMA apply certain core operating principles to ensure uniformity and consistency in the payment of claims from federal funds. Further, the Committee notes that FEMA must consistently apply and enforce statutory and regulatory NFIP requirements, and must ensure that standards for the payment of claims are objective, auditable, and transparent. The Committee directs FEMA to report on its efforts to achieve the foregoing objectives not later than December 31, 2017.

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 urges FEMA to support institutions of higher education, not-for-profit organiza-

tions, 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.

Flood Insurance Rate Maps (FIRMs) are the basis for establishing the floodplain management responsibilities of communities participating in the CRS program and for determining which properties require flood insurance coverage as a condition of receiving a mortgage from a federally regulated or insured lender. The Committee is aware that, as FEMA updates FIRMs across the country, it requests documentation from local communities and levee sponsors to demonstrate that levees meet or continue to meet the regulatory criteria for accreditation. According to a November 2014 Memorandum of Understanding between FEMA and the U.S. Army Corps of Engineers (USACE), levee inspection reports by USACE may satisfy certain criteria for FEMA accreditation. FEMA is directed to work with closely USACE to share information related to levee accreditation and avoid imposing unnecessary costs on levee sponsors or surrounding communities.

The Committee notes that FEMA has established one risk premium rate table under the NFIP that applies to all post-FIRM structures in AE and A1-30 zones across the United States. The Committee directs FEMA to investigate the cost and feasibility of revising and expanding this table to reflect the differences in risk between properties located in coastal areas and properties located inland, and report back to the Committee not later than 180 days after the date of enactment of this Act.

In many communities, particularly in coastal areas, there are often a relatively small number of high-value homes existing alongside far more modest homes and businesses that have been present for decades, with a commensurate disparity in household income and financial resources. The Committee is aware of concerns that the use of micro-simulation models in determining eligibility for NFIP vouchers would result in skewed assumptions regarding average home values and incomes of NFIP policy holders, resulting in the disqualification of some homeowners who truly need the vouchers. As a means to address affordability of the NFIP, it is critical that accurate data be used in determining eligibility for and distribution of vouchers. For the forthcoming statutorily mandated affordability framework in which vouchers are being considered, FEMA is directed to collaborate with the Department of Housing and Urban Development (HUD) and the U.S. Census Bureau to use actual data on home values and household income instead of simply relying on micro-simulation modeling.

Preparedness and Protection

The Committee recommends \$2,631,500,000 for Preparedness and Protection, \$556,195,000 above the amount requested and \$49,000,000 above the amount provided in fiscal year 2016.

State and Local Grants. The Committee recommends \$1,316,000,000 for State and Local Grants, \$459,000,000 above the amount requested and \$49,000,000 above the amount provided in fiscal year 2016. The Committee is alarmed by the Administration's proposed drastic cuts to FEMA's preparedness grant programs, which are integral to the safety and security of the American public. Due to resource constraints, the recommendation does not in-

clude the funds requested for a new Regional Competitive Grant Program.

In fiscal year 2016, Congress appropriated \$49,000,000 for countering violent extremism (CVE) and preparing for complex, coordinated, terrorist attacks (CCTA)—initiatives that were not part of the initial budget request. This funding was provided with two-year availability to enable DHS and FEMA to develop comprehensive execution plans to ensure the benefits of this investment could be effectively leveraged to reach the greatest number of communities and have a longterm, sustaining impact. The Committee is concerned, however, that DHS is rapidly charging ahead to execute funds provided for CVE without developing and articulating a clear strategy and evaluation framework, or understanding how the initiative will complement other CVE efforts within the Department and across the federal government. The recommendation includes \$49,000,000 for FEMA for CCTA/CVE, but directs the Department to defer additional investments in CVE during fiscal year 2017 until it can rigorously demonstrate how federal CVE investments are aligned with the DHS mission and can result in effective strategies that can be broadly applied to prevent radicalization. The Committee further notes that the activities funded through these grants are also eligible expenses under the State Homeland Security Grant Program and the Urban Areas Security Initiative (UASI).

Within the funds available for the State Homeland Security Grant Program, the Committee recommends \$55,000,000 for Operation Stonegarden grants, which should be awarded and administered consistent with direction in prior year reports. As part of the fiscal year 2018 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).

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, consistent with fiscal year 2016, the Department shall limit UASI funding to urban areas representing up to 85 percent of the national urban area risk. FEMA is directed to use the most current data available to determine the relative risk score for UASI grants and 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 Implementing Recommendations of the 9/11 Commission Act of 2007 requires the Administrator of FEMA to conduct an annual assessment of the relative threat, vulnerabilities, and consequences from acts of terrorism faced by each of the 100 most populous metropolitan statistical areas (MSA) in the U.S. Based on this assessment, the Administrator designates high-risk urban areas that are eligible for UASI grants. While the factors included in this assessment are defined in statute, the specific criteria that inform these factors and the methodology used to carry out the assessment are

at the discretion of the Secretary and the Administrator, who review them on an annual basis. The Committee is aware of the Secretary's commitment to conduct a thorough review of the methodology and criteria used to support the assessment and designation of high risk urban areas, and includes language in the bill requiring the Secretary to submit a classified report on the assessment of the relative threat, vulnerability, and consequences from acts of terrorism faced by each MSA. The Committee expects this report will reflect any changes, as appropriate, resulting from the Secretary's review, and that the assessment outlined in the report will be applied to the risk determinations for urban areas eligible for UASI grants.

The Committee notes that technologies that provide an alternative means of emergency evacuation from schools and other public buildings are considered an eligible expense under the State Homeland Security and UASI grant programs.

To support the upcoming transition to the National Public Safety Broadband Network, FEMA is encouraged to ensure the authorized equipment list includes Land Mobile Radio and Long Term Evolution capable equipment and systems that allow radio users to carry a single converged device.

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. The Committee recommends \$690,000,000 for firefighter assistance grants, of which \$345,000,000 is for the Assistance to Firefighters Grant program for firefighter equipment, training, vehicles and other resources, and \$345,000,000 is for firefighter jobs under the Staffing for Adequate Fire and Emergency Response program. The total amount is \$20,000,000 above the request and the same as the amount provided in fiscal year 2016. 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.

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 give high priority consideration to grants providing for planning, training, and equipment to firefighters for crude oil-by-rail and ethanol-by-rail derailment and incident response to help meet the needs of our most vulnerable communities and first responders.

Emergency Management Performance Grants. The Committee recommends \$350,000,000 for Emergency Management Performance Grants (EMPG), the same amount as requested and as provided in fiscal year 2016. The Committee continues to encourage FEMA to work with grantees to post on the Agency's website the specific amount of 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.

Education, Training, and Exercises. The Committee recommends \$233,000,000 for Education, Training, and Exercises, equal to the fiscal year 2016 level, \$75,507,000 above the amount requested, and for the same purposes as provided in fiscal year 2016. Continuing Training funding supports training related to: crisis management for school-based incidents; mass fatality planning and response; the development of emergency operations plans, including interagency communications and coordination and response planning for individuals with access and functional needs; 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 environmental health and hazardous materials incidents. Within the total, FEMA shall prioritize funding of not less than \$5,000,000, to be competitively awarded, for FEMA-certified rural and tribal training. Special emphasis should be given to filling rural training gaps identified in the National Needs Assessment that was completed in 2015.

United States Fire Administration. The Committee recommends \$42,500,000 for the United States Fire Administration, \$1,688,000 above the amount requested and the same as the amount provided in fiscal year 2016. In addition to the recommendation, \$1,500,000 is included under Procurement, Construction, and Improvements for National Fire Academy facility costs.

Response and Recovery

The Committee recommends \$120,000,000 for Response and Recovery, \$20,000,000 above the amount requested and the same as the amount provided in fiscal year 2016, to support the Emergency Food and Shelter National Board Program (EFSP). The fiscal year 2017 President's budget yet again requested the authority to transfer EFSP from FEMA to HUD instead of simply proposing funding for the program directly through the HUD budget. In addition, the Administration has not submitted a plan for transitioning the program from FEMA to HUD, as required by the fiscal year 2016 DHS Appropriations Act. Absent submission of a full transition plan informed by comprehensive stakeholder outreach, the Committee does not recommend transferring funds or administrative authority for EFSP to HUD.

Title III—Administrative Provisions

Section 301. The Committee includes a provision restricting obligations until a plan for modernizing the biometric identity management system is submitted.

Section 302. The Committee continues a provision limiting expenses for administration of FEMA grants.

Section 303. The Committee continues a provision specifying timeframes for FEMA grant applications and awards.

Section 304. The Committee continues a provision that addresses the availability of certain FEMA grant funds for the installation of communications towers.

Section 305. The Committee continues a provision that requires FEMA grantees to provide reports on the use of funds at the discretion of the Secretary.

Section 306. The Committee continues a provision that authorizes the use of funds for certain purposes pertaining to FEMA training facilities.

Section 307. The Committee continues a provision that requires the submission of a monthly DRF report.

Section 308. The Committee continues a provision regarding the availability of National Flood Insurance Fund revenue.

Section 309. The Committee continues a provision that requires five day advance notification for certain grant awards under “FEMA—Federal Assistance”.

Section 310. The Committee continues a provision prohibiting the use of funds for the National Preparedness Grant Program or any successor grant program unless authorized by Congress.

Section 311. The Committee continues a provision allowing reimbursements for 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.

TITLE IV—RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

Appropriation, fiscal year 2016	\$119,671,000
Budget request, fiscal year 2017	129,139,000
Recommended in the bill	119,139,000
Bill compared with:	
Appropriation, fiscal year 2016	– 532,000
Budget request, fiscal year 2017	– 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 a job applicant’s eligibility to work in the United States.

OPERATIONS AND SUPPORT

Appropriation, fiscal year 2016	\$107,001,000
Budget request, fiscal year 2017	103,912,000
Recommended in the bill	103,912,000
Bill compared with:	
Appropriation, fiscal year 2016	– 3,089,000
Budget request, fiscal year 2017	– – –

Recommendation

The Committee recommends \$103,912,000 in discretionary funding for Operations and Support, the same as the amount requested and \$3,089,000 below the amount provided in fiscal year 2016.

An administrative provision is included in title IV of this bill directing that none of the fees collected, including any deposits into the Immigration Examinations Fee Account, may be obligated to

expand the existing Deferred Action for Childhood Arrivals program or the proposed Deferred Action for Parents of Americans and Lawful Permanent Residents program, 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.

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.

The Committee directs DHS to administer the H-2B and H-2A programs in a manner consistent with the law and to continue processing applications.

The Committee is aware of concerns about the admission of H-2A workers into the United States who have been found to be in violation of the terms or conditions of a prior admission under the H-2A program. USCIS regulations maintain that foreign nationals found to be in violation of H-2A terms and conditions must be barred from participating in the program for five years. USCIS is directed to brief the Committee, jointly with CBP and ICE, on the enforcement of 8 CFR Part 214.2(5)(viii), related to violations of H-2A status, including the number of workers found to be in violation over the last five years, by category of violation; mechanisms in place to ensure that barred workers are not readmitted within a five-year period; a description of any exceptions to the five-year bar; and the number of workers admitted into the United States, if any, under such exceptions.

The Committee remains concerned about fraudulent applications for immigration benefits, including allegations of fraud related to Special Immigration Juvenile (SIJ) petitions, Asylum petitions, and O-1B and O-2 visa petitions. To address this concern, USCIS shall brief the Committee within 90 days of the date of enactment of this Act on its framework for prioritizing Immigration Benefit Fraud Assessments, including the agency's plan for conducting assessments in fiscal year 2017. The briefing should also address how the SIJ, Asylum, O-1B, O-2, and other programs are currently applying fraud prevention and detection techniques, including data on the number of fraudulent petitions identified during the past three fiscal years for each program, and assess whether additional fraud identification and prevention measures are needed.

The Committee strongly supports the efforts of the Monitoring and Compliance Division to ensure the appropriate use of E-Verify, and is aware that USCIS intends to finalize an independent review of E-Verify's accuracy and implement the Final Non-Confirmation (FNC) review process for E-Verify before the end of fiscal year 2016. USCIS is directed to include in its budget justification materials for fiscal year 2018, 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. The Committee also 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 looks forward to receiving the results of the GAO report directed by House Report 114–215 on the effectiveness of the Systematic Alien Verification for Entitlements (SAVE) system. The Committee expects USCIS to continue vigorous oversight of SAVE’s use by agencies through audits and ongoing monitoring.

Recognizing the special needs of victims of human trafficking and other crimes, the Committee encourages USCIS to find additional efficiencies to accelerate the processing of T–visas and U–visas.

Under the Freedom of Information Act (FOIA), federal agencies must respond within 20 working days of receiving a document request, with the possibility of a 10-day extension. According to USCIS, its National Records Center (NRC) has a backlog of 31,000 requests beyond the 20 day limit and experiences a growth in requests of approximately 10 to 15 percent each year.

The vast majority of USCIS information exists only in hard copy and includes potentially sensitive personally identifiable information that must be redacted prior to release, making it difficult to improve response times. In addition, most requested documents are part of active files, requiring field offices to transfer such reports to the NRC for scanning and processing.

USCIS reports that it is taking multiple steps to address the backlog and decrease response times for FOIA responses during fiscal year 2016, including increasing staff by 21 percent; working 43,000 overtime hours; exploring the use of greater automation in the FOIA process; and improving training for new personnel. The Committee expects USCIS to provide regular updates on its progress to improve the FOIA process and reduce response time.

The Committee continues to encourage USCIS to add 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.

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. In addition, the Committee 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.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

Appropriation, fiscal year 2016	\$12,670,000
Budget request, fiscal year 2017	15,227,000
Recommended in the bill	15,227,000
Bill compared with:	
Appropriation, fiscal year 2016	+2,557,000
Budget request, fiscal year 2017	— — —

The Committee recommends \$15,227,000 in discretionary funding for Procurement, Construction, and Improvements, the same as the request and \$2,557,000 above fiscal year 2016.

FEDERAL ASSISTANCE

Appropriation, fiscal year 2016	---
Budget request, fiscal year 2017	\$10,000,000
Recommended in the bill	---
Bill compared with:	
Appropriation, fiscal year 2016	---
Budget request, fiscal year 2017	- 10,000,000

In lieu of a discretionary appropriation for the Citizenship and Integration Grant Program, and consistent with prior years, an administrative provision is included at the end of title IV to permit USCIS to obligate not more than \$10,000,000 from user fee revenue to support grants to benefit individuals who are lawfully admitted into the United States. In addition to the fee revenue made available for this purpose, the Department has the authority to accept private donations to support activities that promote citizenship and integration. To facilitate the acceptance and use of such donations by USCIS, the bill establishes a Treasury account for that purpose.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

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.

OPERATIONS AND SUPPORT

Appropriation, fiscal year 2016	\$245,038,000
Budget request, fiscal year 2017	242,518,000
Recommended in the bill	242,518,000
Bill compared with:	
Appropriation, fiscal year 2016	- 2,520,000
Budget request, fiscal year 2017	---

Recommendation

The Committee recommends \$242,518,000 for Operations and Support, the same amount requested and \$2,520,000 below the amount provided in fiscal year 2016. The Committee strongly supports FLETC's initiative to incorporate data-driven decision-making into its core business processes and directs FLETC to provide semi-annual updates on this ongoing initiative.

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 provides fiscal advantages, leveraging economies of scale and shared resources. The Committee supports continued and expanded training efforts at FLETC to leverage its unique capabilities in support of the missions of its law enforcement training participants, and expects federal law enforcement agencies to utilize FLETC programs and facilities to the greatest extent practicable. To maximize the efficiency of training delivery, however, the Committee encourages FLETC to continue collaborating with regional training centers to

support the training needs of frontline law enforcement and other preparedness personnel.

The Committee is aware of FLETC's ongoing work to test and evaluate active shooter response technologies, as well as work in this area being conducted by the Science and Technology Directorate's Counter Terrorism Technology Evaluation Center (CTTEC). The Committee encourages FLETC and CTTEC to coordinate the testing and evaluation of this technology, including an assessment of improvements in response times and situational awareness and, if deemed beneficial, how the technology could be efficiently integrated into federal, state, and local law enforcement training programs and be leveraged among federal, state, and local law enforcement agencies.

FLETC is encouraged to conduct a review of the classification, pay, and fringe benefits of its workforce and to recommend to Congress any legislative changes, including changes to the compensation of FLETC personnel, deemed necessary to recruit and retain workers with the skills and experience required to effectively support FLETC's mission.

SCIENCE AND TECHNOLOGY

Appropriation, fiscal year 2016	\$786,938,000
Budget request, fiscal year 2017	758,743,000
Recommended in the bill	767,382,000
Bill compared with:	
Appropriation, fiscal year 2016	-19,556,000
Budget request, fiscal year 2017	+8,639,000

Mission

The mission of the Science and Technology Directorate (S&T) is to conduct and support research, development, developmental and operational testing and evaluation, and the timely transition of homeland security capabilities to federal, state, and local operational end users.

OPERATIONS AND SUPPORT

Appropriation, fiscal year 2016	\$272,492,000
Budget request, fiscal year 2017	278,733,000
Recommended in the bill	278,733,000
Bill compared with:	
Appropriation, fiscal year 2016	+6,241,000
Budget request, fiscal year 2017	--

Recommendation

The Committee recommends \$278,733,000 for Operations and Support, the same as the amount requested and \$6,241,000 above the amount provided in fiscal year 2016.

The Committee recommends that \$189,690,000 remain available until September 30, 2019, of which \$133,942,000 is for Laboratory Facilities and \$55,748,000 is for Acquisition and Operations Analysis. This three years of funding availability is consistent with the period of availability for these purposes in prior years. In the future, however, the Committee intends to transition all Operations and Support appropriations across the Department to a single year of availability, with very limited exceptions for sub-appropriation amounts when additional flexibility is fully justified. S&T should

attempt to obligate all of its Operations and Support funding during fiscal year 2017, and should budget for fiscal year 2018 under an assumption of a single year of availability of funds.

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

	Budget request	Recommended
Operations and Support:		
Management and Administration	\$89,043,000	\$89,043,000
Laboratory Facilities	133,942,000	133,942,000
Acquisition and Operations Analysis	55,748,000	55,748,000
Total, Operations and Support	\$278,733,000	\$278,733,000

Management and Administration

The Committee recommends \$89,043,000 for Management and Administration, the same as the amount requested and \$3,311,000 below the amount provided in fiscal year 2016.

Laboratory Facilities

The Committee recommends \$133,942,000 for Laboratory Facilities, the same as the amount requested and \$8,530,000 above the amount provided in fiscal year 2016. The recommendation includes the funds requested to support operational stand-up efforts at the National Bio- and Agro-defense Facility (NBAF) and bio-containment waste management activities at Plum Island Animal Disease Center. S&T is expected to keep the Committee informed on its plans regarding whether NBAF will be government- or contractor-operated.

Acquisition and Operations Analysis

The Committee recommends \$55,748,000 for Acquisition and Operations Analysis, the same as the amount requested and \$1,022,000 above the amount provided in fiscal year 2016.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

Appropriation, fiscal year 2016	\$17,942,000
Budget request, fiscal year 2017	10,141,000
Recommended in the bill	10,141,000
Bill compared with:	
Appropriation, fiscal year 2016	- 7,801,000
Budget request, fiscal year 2017	--

Recommendation

The Committee recommends \$10,141,000 for Procurement, Construction, and Improvements, the same as the amount requested and \$7,801,000 below the amount provided in fiscal year 2016, for Acquisition and Operations Analysis activities, including operational and developmental test and evaluation activities across the DHS acquisition enterprise. As requested, no funds are included for Laboratory Facilities, as S&T has no planned capital improvements in fiscal year 2017.

RESEARCH AND DEVELOPMENT

Appropriation, fiscal year 2016	\$496,504,000
Budget request, fiscal year 2017	469,869,000
Recommended in the bill	478,508,000
Bill compared with:	
Appropriation, fiscal year 2016	– 17,996,000
Budget request, fiscal year 2017	+8,639,000

Recommendation

The Committee recommends \$478,508,000 for Research and Development, \$8,639,000 above the amount requested and \$17,996,000 below the amount provided in fiscal year 2016.

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

	Budget request	Recommended
Research and Development:		
Research, Development, and Innovation	\$436,860,000	\$436,860,000
University Programs:		
Centers of Excellence	27,689,000	36,328,000
Minority Serving Institutions	3,396,000	3,396,000
UP Salaries and Benefits	1,924,000	1,924,000
Subtotal, University Programs	33,009,000	41,648,000
Total, Research and Development	\$469,869,000	\$478,508,000

Research, Development, and Innovation

The Committee recommends \$436,860,000 for Research, Development, and Innovation (RD&I), the same as the amount requested and \$18,023,000 below the amount provided in fiscal year 2016. 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 has long urged S&T to establish a formalized process for identifying, validating, and prioritizing technological capability gaps of DHS components, as well as ensuring that component-level R&D activities complement but do not duplicate S&T activities. The Committee is encouraged by the reconstitution of the Integrated Product Team (IPT) process, which centralizes awareness and prioritization of R&D activities across the Department and involves participation by senior departmental leadership. To ensure this process remains viable through future leadership changes, the Department is directed to institutionalize the IPT process through a DHS Management Directive establishing repeatable processes that directly link S&T projects to component-identified and validated technological capability gaps.

In addition to institutionalizing the IPT process, the Committee expects S&T to continue to develop and improve its capability to track all S&T-funded projects and activities, including how each project addresses a specific priority or capability gap. 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, whenever feasible, through their transition to components.

The Committee remains concerned by the absence of progress in the development of a next generation BioWatch system and supports efforts by S&T to develop bioassays for high priority threat agents, as well as to test and evaluate new solutions. The Committee is aware of ongoing work by the Department of Defense (DOD), including significant testing and evaluation conducted by the Joint Program Executive Office for Chemical and Biological Defense on biological identification systems. The Committee expects S&T to leverage existing testing and evaluation by DOD, including but not limited to real-time detection technology that has been tested with live agents.

The Committee is aware of new developments in the field of canine detection, including the potential for detection of biological threats, and encourages S&T to continue to conduct research to improve and validate canine detection capabilities.

The Committee encourages S&T to consider expanding efforts to identify, develop, test, and evaluate counterterrorism technologies that could help address security vulnerabilities of mass transit, passenger rail systems, and air cargo inspection, including volumetric computer tomography x-rays.

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, industry, and other federal government organizations, including the National Science Foundation's Cyber Scholars program.

The Committee supports innovation encouraged by S&T's Cyber Security Division, including the Transition to Practice program that takes advantage of existing research to support robust cyber tools nationwide and the new Silicon Valley Office aimed at cultivating a pipeline for non-traditional technology partners.

Not later than 90 days after the date of enactment of this Act, S&T shall brief the Committee on the use of technology accelerators piloted by S&T, including accelerators focused on cybersecurity, critical infrastructure, and first responders, to expedite the adoption of commercial technologies for use by the Department's operational components. The briefing shall address how S&T ensures these efforts are aligned with operational requirements.

The Committee supports S&T's efforts to develop, promote, and transfer open source software and other open technologies, including activities conducted through the DHS Homeland Open Security Technology (HOST) program and associated activities.

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.

S&T and the Coast Guard are encouraged to continue existing partnerships with museums and schools on oceanographic programs that support science, technology, engineering, and math education.

The Committee is disappointed that DHS has not yet completed and begun to implement a plan to provide public access to publica-

tions based on research it funds, in accordance with the guidance issued by the Office of Science and Technology Policy (OSTP). While progress has been made in selecting a repository through which to access these publications, S&T is still in the process of gathering requirements from components across the Department that fund work that results in publication. The Committee expects the Department to work expeditiously to finalize its plan for access to research publications, including notifying the Committee when the plan is submitted to OSTP for approval.

University Programs

The Committee recommends \$41,648,000 for University Programs, including \$36,328,000 for the Centers of Excellence (COE). The recommendation restores the proposed cuts to University Programs to ensure S&T's ability to maintain 10 COEs. The Committee is aware of S&T's plans to competitively award three COEs with new focus areas in fiscal years 2016 and 2017 to replace existing research areas supported by COEs with periods of performance expiring at the end of fiscal year 2016. The Committee expects S&T will consider past performance in award decisions for the new COEs.

CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR, AND EXPLOSIVES OFFICE

Appropriation, fiscal year 2016 ¹	---
Budget request, fiscal year 2017	\$501,445,000
Recommended in the bill	503,945,000
Bill compared with:	
Appropriation, fiscal year 2016	+503,945,000
Budget request, fiscal year 2017	+2,500,000

¹Funding for corresponding fiscal year 2016 activities was provided under the headings "Office of Health Affairs"; "Domestic Nuclear Detection Office"; "Science and Technology Directorate"; "National Protection and Programs Directorate"; and "Office of the Secretary and Executive Management."

Mission

The mission of the Chemical, Biological, Radiological, Nuclear, and Explosives Office (CBRNE) is to coordinate, strengthen, and provide strategy, policy, situational awareness, periodic threat and risk assessments, and contingency planning related to chemical, biological, radiological, nuclear, and explosive threats in support of homeland security.

OPERATIONS AND SUPPORT

Appropriation, fiscal year 2016 ¹	---
Budget request, fiscal year 2017	\$180,033,000
Recommended in the bill	182,533,000
Bill compared with:	
Appropriation, fiscal year 2016	+182,533,000
Budget request, fiscal year 2017	+2,500,000

¹Funding for corresponding fiscal year 2016 activities totaling \$172,416,000 was provided under the headings "Office of Health Affairs"; "Domestic Nuclear Detection Office"; "Science and Technology Directorate"; and "Office of the Secretary and Executive Management."

Recommendation

The Committee recommends \$182,533,000 for Operations and Support, \$2,500,000 above the amount requested.

As proposed in the President's budget and consistent with the Department of Homeland Security CBRNE Defense Act of 2015 (H.R. 3875), which the House passed on December 10, 2015, the recommendation reflects the proposed consolidation of the Office of Health Affairs (OHA); the Domestic Nuclear Detection Office (DNDO); the CBRNE threat awareness and risk assessment activities of the Science and Technology Directorate; the CBRNE functions of the Office of Policy and the Office of Operations Coordination; and the Office of Bombing Prevention from NPPD.

The Committee recommends that \$20,552,000 remain available until September 30, 2019, for programs and operations in support of the detection, forensics, and prevention of radiological and nuclear threats, and \$120,420,000 remain available until September 30, 2018, for programs and operations in support of the surveillance, detection, and response to chemical, biological, and emerging infectious disease threats. This funding availability is consistent with the period of availability for these purposes in prior years. In the future, however, the Committee intends to transition all Operations and Support appropriations across the Department to a single year of availability, with very limited exceptions for sub-appropriation amounts when additional flexibility is fully justified. The CBRNE Office should attempt to obligate all of its Operations and Support funding during fiscal year 2017, and should budget for fiscal year 2018 under an assumption of a single year of availability of funds.

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

	Budget request	Recommended
Operations and Support:		
Chemical, Biological, and Emerging Infectious Diseases Capability:		
Chemical and Biological Capability	\$94,862,000	\$94,862,000
Health and Emerging Infectious Diseases	9,951,000	9,951,000
Integrated Operations	13,107,000	15,607,000
Subtotal, Chemical, Biological, and Emerging Infectious Diseases Capability	117,920,000	120,420,000
Rad/Nuc Detection, Forensics, and Prevention Capability	20,552,000	20,552,000
Management and Administration	41,561,000	41,561,000
Total, Operations and Support	\$180,033,000	\$182,533,000

Chemical, Biological, and Emerging Infectious Diseases Capability

The Committee recommends \$120,420,000 for Chemical, Biological, and Emerging Infectious Diseases Capability, \$2,500,000 above the amount requested. These additional funds are intended to support the operationalization of successful pilot programs of the National Biosurveillance Integration Center or other high priority or emerging requirements. The Committee has been encouraged by NBIC's efforts to pilot programs that employ novel data sets and information, advanced analytic approaches and tools, and improved methods of collaboration.

As requested, the recommendation includes \$1,000,000 to continue the replacement and recapitalization of current generation BioWatch equipment. The Committee is concerned with recent GAO reports and the Blue Ribbon Study Panel for Biodefense re-

garding the effectiveness of BioWatch. Two years after the cancellation of BioWatch Gen-3, it does not appear that DHS has made any progress in determining the next steps for this program. The CBRNE Office and S&T must more clearly articulate future technology requirements for the program to the private sector and innovators who are being called upon to help address those needs.

The Committee continues to support the development of an anthrax vaccination program for first responders using vaccines from the Strategic National Stockpile, and is aware of the Department's efforts to begin implementation of a pilot by the end of fiscal year 2017. The Committee expects the fiscal year 2018 budget submission will identify the necessary resources to conduct the pilot. Not later than 60 days after the date of enactment of this Act, the CBRNE Office is directed to brief the Committee on the timeline and implementation plan for the anthrax vaccine pilot.

Radiological and Nuclear Detection, Forensics, and Prevention Capability

The Committee recommends \$20,552,000 for Radiological and Nuclear Detection, Forensics, and Prevention Capability, as requested.

Management and Administration

The Committee recommends \$41,561,000 for Management and Administration, as requested.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

Appropriation, fiscal year 2016 ¹	---
Budget request, fiscal year 2017	\$103,860,000
Recommended in the bill	103,860,000
Bill compared with:	
Appropriation, fiscal year 2016	+103,860,000
Budget request, fiscal year 2017	---

¹Funding for corresponding fiscal year 2016 activities totaling \$90,866,000 was provided under the heading "Domestic Nuclear Detection Office."

Recommendation

The Committee recommends \$103,860,000 for Procurement, Construction, and Improvements, as requested. Within this amount is \$53,709,000 for acquisition of large scale radiation and nuclear detection systems, including radiation portal monitors (RPMs), and \$48,644,000 for acquisition of Human Portable Radiation Detection Systems.

The Committee is aware of the Department's ongoing efforts to determine a path forward for the replacement of the existing fleet of aging RPMs through the RPM Replacement Program, and the planned expansion of this effort to include recapitalization of this equipment. The Committee directs the CBRNE Office, in coordination with CBP, to provide a briefing on the RPM recapitalization and modernization strategy not later than 60 days after the date of enactment of this Act.

RESEARCH AND DEVELOPMENT

Appropriation, fiscal year 2016 ¹	---
Budget request, fiscal year 2017	\$151,605,000
Recommended in the bill	151,605,000
Bill compared with:	
Appropriation, fiscal year 2016	+151,605,000
Budget request, fiscal year 2017	---

¹ Funding for corresponding fiscal year 2016 activities totaling \$156,899,000 was provided under the heading "Domestic Nuclear Detection Office."

Recommendation

The Committee recommends \$151,605,000 for Research and Development.

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

	Budget Request	Recommended
Research and Development:		
Rad/Nuc Detection, Forensics, and Prevention Capability:		
Transformational Research and Development	\$64,771,000	\$64,771,000
Detection Capability Development	21,536,000	21,536,000
Detection Capability Assessments	44,722,000	44,722,000
Nuclear Forensics	20,576,000	20,576,000
Subtotal, Rad/Nuc Detection, Forensics, and Prevention Capability	151,605,000	151,605,000
Total, Research and Development	\$151,605,000	\$151,605,000

FEDERAL ASSISTANCE

Appropriation, fiscal year 2016 ¹	---
Budget request, fiscal year 2017	\$65,947,000
Recommended in the bill	65,947,000
Bill compared with:	
Appropriation, fiscal year 2016	+65,947,000
Budget request, fiscal year 2017	---

¹ Funding for corresponding fiscal year 2016 activities totaling \$66,514,000 was provided under the headings "Domestic Nuclear Detection Office" and "National Protection and Programs Directorate."

Recommendation

As requested, the Committee recommends \$65,947,000 for Federal Assistance, of which \$14,263,000 is for Bombing Prevention and \$51,684,000 is for Radiological and Nuclear Detection, Forensics, and Prevention Capability, including \$21,135,000 for the Securing the Cities program.

Title IV—Administrative Provisions

Section 401. The Committee continues a provision allowing USCIS to acquire, operate, equip, and dispose of up to five vehicles under certain scenarios.

Section 402. The Committee continues a provision prohibiting USCIS from granting immigration benefits unless the results of background checks are completed prior to the granting of the benefit and the results do not preclude the granting of the benefit.

Section 403. The Committee includes a provision prohibiting funds to expand or implement certain deferred action programs while the injunctive order of Civ. No. B-14-254 remains in effect.

Section 404. The Committee continues a provision limiting the use of A-76 competitions by USCIS.

Section 405. The Committee continues a provision making immigration examination fee collections explicitly available for immigrant integration grants, not to exceed \$10,000,000, in fiscal year 2017 and allowing for donations.

Section 406. The Committee continues a provision authorizing FLETC to distribute funds for incurred training accreditation expenses.

Section 407. The Committee continues a provision authorizing FLETC to obligate funds in anticipation of reimbursements for training, except total obligation shall not exceed budgetary resources available at the end of the fiscal year.

Section 408. The Committee continues and modifies a provision authorizing FLETC to accept transfers and reimbursements from agencies for ongoing maintenance, minor facility improvements, and related expenses.

Section 409. The Committee continues and modifies a provision amending section 1202(a) of Public Law 107–206.

Section 410. The Committee continues a provision directing the Director of FLETC to ensure FLETC training facilities are operated at capacity throughout the fiscal year.

Section 411. The Committee continues a provision directing the FLETC Accreditation Board to lead the Federal law enforcement training accreditation process to measure and assess federal law enforcement training programs, facilities, and instructors.

Section 412. The Committee includes a new provision establishing a “Federal Law Enforcement Training Center—Procurement, Construction, and Improvements” appropriation account, and allowing for the acceptance of transfers and reimbursements from government agencies into this appropriation.

Section 413. The Committee continues a provision classifying FLETC instructor staff as inherently governmental for certain considerations.

TITLE V—GENERAL PROVISIONS

(INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

Section 501. The Committee continues a provision limiting the availability of appropriations to one year unless otherwise expressly provided.

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

Section 503. The Committee continues and modifies a provision limiting reprogramming authority for funds within an appropriation, and providing authority to transfer not more than 5 percent between appropriations accounts, with a requirement for a 30-day advance notification to the Committees on Appropriations. 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, 2017. In addition, the Department shall submit reprogramming requests on a timely basis and provide complete explanations of the reallocations proposed, including detailed jus-

tifications 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 should include a detailed table showing the proposed revisions at the account, program, project, and activity level to the funding and FTE levels for the current fiscal year and 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, and should only submit reprogramming or transfer requests in cases of unforeseeable and compelling circumstances that could not have been predicted when formulating the budget request for the current fiscal year. When the Department submits a reprogramming or transfer notification to the Committees and does not receive identical responses from the House and the Senate, it is expected to reconcile the House and the Senate differences before proceeding.

The Department is not to submit a reprogramming or transfer of funds after June 30 except in extraordinary circumstances that 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.

The Secretary is permitted to transfer up to \$20,000,000 to address immigration emergencies.

Section 504. The Committee continues a provision that prohibits the use of 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 2017 request; makes funds provided to the WCF available until expended; requires that charges to DHS components be commensurate with their direct usage of the WCF; limits the use of WCF funds to purposes consistent with the contributing component; requires any funds paid in advance or reimbursed to reflect the full cost of each service; and subjects the WCF to the requirements of section 503 of this Act.

Section 505. The Committee continues and modifies a provision providing that not to exceed 50 percent of unobligated balances from prior year appropriations for Operations and Support or Operating Expenses shall remain available through fiscal year 2018 subject to section 503 reprogramming requirements.

Section 506. The Committee continues a provision deeming that funds for intelligence activities are authorized during fiscal year 2017 until the enactment legislation that authorize intelligence activities for fiscal year 2017.

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.

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 by reference that prohibits funding for any position designated as a Principal Federal Official during a Stafford Act declared disaster or emergency.

Section 514. The Committee continues a provision relating to S&T's use of other transactional authority through fiscal year 2017.

Section 515. The Committee continues and modifies a provision that requires the Secretary to notify the Congress within two business days of any request for a waiver for the transport of oil from and to the Strategic Petroleum Reserve.

Section 516. The Committee continues a provision related to the importation of prescription drugs by an individual for personal use.

Section 517. The Committee continues a provision prohibiting funds for planning, testing, piloting, or developing a national identification card.

Section 518. 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 that authority unless expressly authorized to do so in this Act.

Section 519. The Committee continues a provision prohibiting the use of funds for the transfer or release of specified individuals detained at United States Naval Station, Guantanamo Bay, Cuba.

Section 520. The Committee continues a provision prohibiting funds in this Act to be used for first-class travel.

Section 521. 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 522. 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 523. 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 524. 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 525. The Committee continues and modifies a provision providing \$41,215,000 for Financial Systems Modernization efforts across the Department.

Section 526. The Committee continues a provision requiring the Secretary to enforce existing immigration laws.

Section 527. The Committee continues a provision regarding restrictions on electronic access to pornography, except for necessary law enforcement purposes.

Section 528. The Committee continues a provision regarding the transfer of firearms by federal law enforcement personnel.

Section 529. The Committee continues a provision regarding funding restrictions and reporting requirements related to conferences occurring outside of the United States.

Section 530. The Committee continues a provision prohibiting the reimbursement of funds to any federal department or agency for its participation in an NSSE.

Section 531. The Committee continues and modifies a provision regarding the availability of COBRA fee revenue.

Section 532. The Committee continues a provision directing a notification to Congress, including specified justification materials, prior to implementing any structural pay reform that affects more than 100 FTE employee positions or costs more than \$5,000,000.

Section 533. The Committee continues a provision requiring DHS to post Committee-required reports on a DHS public website under certain circumstances.

Section 534. The Committee continues a provision prohibiting the collection of new land border fees or the study of the imposition of such fees.

Section 535. The Committee continues and modifies a provision directing that the DHS fiscal year 2018 budget request and accompanying justification material be reorganized to follow a common appropriation structure, as specified.

Section 536. The Committee continues a provision related to the Arms Trade Treaty.

Section 537. The Committee continues and modifies a provision that allows CBP access to certain reimbursements for preclearance activities.

Section 538. The Committee includes a new provision regarding the obligation of funds in the common appropriations structure.

Section 539. The Committee continues a provision related to the official travel costs of the Department's Secretary and the Deputy Secretary.

Section 540. The Committee continues a 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 541. The Committee includes a new provision withholding funds from specified accounts until certain fiscal year 2018 budget justification materials are provided to the Committees in accordance with House Report 114–215.

Section 542. The Committee includes a new provision authorizing minor procurement, construction, and improvements under “Operations and Support” appropriations, as specified.

Section 543. The Committee continues a provision providing for the receipt and expenditure of fees collected for the REPP, as authorized by Public Law 105–276.

Section 544. The Committee includes a provision amending section 118 of the Treasury and General Government Appropriations Act, 2001, related to the overtime pay for Secret Service agents.

Section 545. The Committee includes a provision directing the Secretary to submit a report on ICE detention costs.

Section 546. The Committee includes a provision directing the Secretary to submit a classified report, at the time of the President’s fiscal year 2018 budget proposal submission, on the relative threats, vulnerabilities, and consequences from terrorist acts in eligible metropolitan areas, as required in section 2003 of Public Law 110–53.

Section 547. The Committee includes language prohibiting ICE from paying for abortions except in certain circumstances.

Section 548. The Committee includes language prohibiting ICE from requiring any person to perform an abortion.

Section 549. The Committee includes language to clarify ICE’s obligation to provide escort services outside the detention facility.

Section 550. The Committee includes language authorizing CBP to receive reimbursement for the full cost of up to five CBP officers at up to five airports.

Section 551. 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 552. The Committee includes a provision that amends 8 U.S.C. 1184(g)(9)(A).

Section 553. The Committee continues and modifies a provision rescinding unobligated balances from specified programs.

Section 554. The Committee continues and modifies a provision rescinding specified funds from the Treasury Forfeiture Fund.

Section 555. The Committee continues and modifies a provision rescinding unobligated balances from the FEMA DRF.

Section 556. The Committee includes a provision specifying the amount by which new budget authority in the bill is less than the fiscal year 2017 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 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: June 22, 2016

Measure: Homeland Security Appropriations Bill, FY 2017

Motion by: Mrs. Lowey

Description of Motion: To authorize the Attorney General to deny transfers of firearms to persons if she determines, when considering the totality of circumstances, that there is a reasonable suspicion the person is or has been engaged in conduct related to terrorism; to invoke a remedial and judicial review process for such persons after denial; and to require notification to the Attorney General of attempts to purchase firearms by individuals who are, or have been within the last 5 years, the subject of a terrorism investigation.

Results: Defeated 16 yeas to 31 nays.

Members Voting Yea

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

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. Fortenberry
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. 2

Date: June 22, 2016

Measure: Homeland Security Appropriations Bill, FY 2017

Motion by: Mrs. Lowey

Description of Motion: To provide emergency funds for the prevention, preparation, and response to the Zika outbreak.

Results: Defeated 18 yeas to 27 nays.

Members Voting Yea

Mr. Bishop
Mr. Cuellar
Mr. Farr
Mr. Honda
Mr. Jolly
Ms. Kaptur
Mr. Kilmer
Ms. Lee
Mrs. Lowey
Ms. McCollum
Mr. Price
Mr. Quigley
Ms. Roybal-Allard
Mr. Ruppersberger
Mr. Ryan
Mr. Serrano
Mr. Visclosky
Ms. Wasserman Schultz

Members Voting Nay

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
Mr. Jenkins
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: June 22, 2016

Measure: Homeland Security Appropriations Bill, FY 2017

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 29 yeas to 15 nays.

Members Voting Yea

Mr. Aderholt
Mr. Amodei
Mr. Calvert
Mr. Carter
Mr. Cole
Mr. Crenshaw
Mr. Cuellar
Mr. Culberson
Mr. Dent
Mr. Fleischmann
Mr. Fortenberry
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

Members Voting Nay

Mr. Bishop
Mr. Farr
Mr. Honda
Ms. Kaptur
Mr. Kilmer
Ms. Lee
Mrs. Lowey
Ms. McCollum
Mr. Price
Mr. Quigley
Ms. Roybal-Allard
Mr. Ruppersberger
Mr. Ryan
Mr. Serrano
Ms. Wasserman Schultz

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	\$95,000,000
Prior Year Funds, CBP, BSFIT	55,000,000
Public Law 114–4, ICE Custody Operations	45,000,000
Public Law 114–113, TSA, Aviation Security	12,200,000
Public Law 113–6, Coast Guard, AC&I	4,200,000
Public Law 113–76, Coast Guard, AC&I	19,300,000
Public Law 114–4, Coast Guard, AC&I	16,500,000
Treasury Asset Forfeiture Fund	187,000,000
FEMA Disaster Relief Fund (70–X-0702)	770,700,000

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>Account</i>	<i>Account from which transfer is to be made</i>	<i>Account</i>
Office of Inspector General	\$24,000,000	FEMA—Federal Assistance, 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 and existing law in which no change is proposed is shown in roman):

PUBLIC LAW 113–76

* * * * *

**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 10 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 Environ-

ment 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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ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT

* * * * *

TITLE VII—MISCELLANEOUS

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SEC. 705. DISASTER GRANT CLOSEOUT PROCEDURES.

(a) **STATUTE OF LIMITATIONS.**—

(1) **IN GENERAL.**—**[Except]** *Notwithstanding section 3716(e) of title 31, United States Code, and except as provided in paragraph (2), no administrative action to recover any payment made to a State or local government for [disaster or emergency] project completion as certified by the grantee assistance*

under this Act shall be initiated in any forum after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency.

(2) FRAUD EXCEPTION.—The limitation under paragraph (1) shall apply unless there is evidence of civil or criminal fraud.

(b) REBUTTAL OF PRESUMPTION OF RECORD MAINTENANCE.—

(1) IN GENERAL.—In any dispute arising under this section after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency, there shall be a presumption that accounting records were maintained that adequately identify the source and application of funds provided for financially assisted activities.

(2) AFFIRMATIVE EVIDENCE.—The presumption described in paragraph (1) may be rebutted only on production of affirmative evidence that the State or local government did not maintain documentation described in that paragraph.

(3) INABILITY TO PRODUCE DOCUMENTATION.—The inability of the Federal, State, or local government to produce source documentation supporting expenditure reports later than 3 years after the date of transmission of the final expenditure report shall not constitute evidence to rebut the presumption described in paragraph (1).

(4) RIGHT OF ACCESS.—The period during which the Federal, State, or local government has the right to access source documentation shall not be limited to the required 3-year retention period referred to in paragraph (3), but shall last as long as the records are maintained.

(c) BINDING NATURE OF GRANT REQUIREMENTS.—A State or local government shall not be liable for reimbursement or any other penalty for any payment made under this Act if—

(1) the payment was authorized by an approved agreement specifying the costs;

(2) the costs were reasonable; and

(3) the purpose of the grant was accomplished.

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PUBLIC LAW 107-206

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TITLE I

SUPPLEMENTAL APPROPRIATIONS

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CHAPTER 12—DEPARTMENT OF THE TREASURY

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GENERAL PROVISIONS—THIS CHAPTER

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SEC. 1202. (a) The Federal Law Enforcement Training Center may, for a period ending not later than [December 31, 2018] *December 31, 2019*, 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

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

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Subtitle D—Acquisitions

SEC. 831. RESEARCH AND DEVELOPMENT PROJECTS.

(a) AUTHORITY.—[Until September 30, 2016,] *Until September 30, 2017*, 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, 2016,** *September 30, 2017*, 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).

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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, sub-

sidiary, 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 consideration 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 comment 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 required 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 de-

scribed 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 ~~2013, 2014, or 2015~~ shall not again be counted toward such limitation during fiscal year 2016. *2014, 2015, or 2016 shall not again be counted toward such limitation during fiscal year 2017.* 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.

(l)(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 edu-

cation 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 pe-

riod 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 nonimmigrant 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.

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SECTION 118 OF THE TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2001

SEC. 118. Hereafter, funds made available by this or any other Act may be used to pay premium pay for protective services authorized by section 3056(a) of title 18, United States Code, without regard to the restrictions contained in section 5547 of title 5, United States Code, except that such premium pay shall not be payable to an employee to the extent that the aggregate of the employee's basic and premium pay **for the year would** *for calendar years 2016, would exceed the rate of basic pay payable for level III of the Executive Schedule, and for any other year, would* otherwise exceed the annual equivalent of that limitation. The term premium pay refers to the provisions of law cited in the first sentence of section 5547(a) of title 5, United States Code. Payment of additional premium pay payable under this section may be made in a lump sum on the last payday of the calendar year.

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, OPERATIONS, INTELLIGENCE, AND OVERSIGHT

DEPARTMENTAL MANAGEMENT AND OPERATIONS

OPERATIONS AND SUPPORT

The Committee includes language providing funds for management and administration, including funds for reception and representation expenses, salaries and benefits of operational and mission support personnel, and operations and maintenance necessary to sustain the daily effectiveness of equipment and facilities.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

The Committee includes language providing for funds for acquisition, construction, renovation, and improvement of facilities as well as for maintenance, rehabilitation, lease and operations of facilities and equipment.

RESEARCH AND DEVELOPMENT

The Committee includes language providing funds for applied scientific research, development, test, and evaluation; and for Department-wide technology investment.

ANALYSIS AND OPERATIONS

OPERATIONS AND SUPPORT

The Committee includes language providing funds for information analysis and operations coordination activities, including funding for official representation expenses.

OFFICE OF INSPECTOR GENERAL

OPERATIONS AND SUPPORT

The Committee includes language providing funds for the Office of Inspector General as well as certain confidential operational expenses, including the payment of informants.

Title I—Administrative Provisions

Language requiring the Chief Financial Officer to submit monthly budget execution and staffing reports within 30 days after the close of each month.

Language regarding grants or contracts awarded by means other than full and open competition and requires the Inspector General to review them and report the results to the Committees.

Language requiring the Secretary to link award fees to successful acquisition outcomes for all contracts that provide for such fees.

Language requiring the Secretary of Homeland Security, in conjunction with the Secretary of the Treasury, to notify the Committees of any proposed transfers from the Department of the Treasury Forfeiture Fund to any agency at DHS. No funds may be obligated prior to such notification.

Language requiring DHS to submit the Comprehensive Acquisition Status Report (CASR) with the budget request and provide quarterly updates. All programs shall be displayed by appropriation and PPA.

TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

OPERATIONS AND SUPPORT

The Committee includes language making funds available for border security, immigration, customs, and agricultural inspections and regulatory activities; air and marine assistance to other law enforcement agencies and humanitarian efforts; transportation of unaccompanied minor aliens; purchase or lease of vehicles; maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems; 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;

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

The Committee includes language providing funds for procurement, construction, and improvement of facilities and equipment to include procurements to buy, maintain, or operate aircraft and unmanned aircraft systems.

UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

OPERATIONS AND SUPPORT

The Committee includes language providing funds for management and administration, including funds for reception and representation expenses, salaries and benefits of operational and mission support personnel, and the operation and maintenance necessary to sustain the daily effectiveness of equipment and facilities. The Committee includes language making funds available for the civil enforcement of immigration and customs laws, including the detention and removal of immigration status violators; special operations; for compensation to informants; for the facilitation of section 287(g); for the reimbursement of other Federal agencies for certain costs; for a minimum number of detention bed spaces; and, for the Visa Security Program. The Committee prohibits the use of funds for the position of Public Advocate. The Committee prohibits

the delegation of law enforcement authority for the 287(g) program if terms of the agreement have been materially violated. The Committee prohibits 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.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

The Committee includes language providing funds for acquisition, construction, renovation, and improvement of facilities as well as for maintenance, rehabilitation, lease and operations of facilities and equipment.

TRANSPORTATION SECURITY ADMINISTRATION

OPERATIONS AND SUPPORT

The Committee includes language providing funds for civil aviation security services, surface transportation security, intelligence and vetting activities, and transportation security support, and establishes conditions under which security fees are collected and credited.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

The Committee includes language providing funds for procurement, construction, and improvements.

RESEARCH AND DEVELOPMENT

The Committee includes language providing funds for research and development.

COAST GUARD

OPERATING EXPENSES

The Committee includes a provision 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. The Committee also includes language on reception and representation expenses and reprogrammings.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

The Committee includes language providing funds for environmental compliance and restoration of the Coast Guard.

RESERVE TRAINING

The Committee includes 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

The Committee includes language providing 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 fa-

cilities and equipment. The Committee includes a provision requiring a capital investment plan for future appropriations years with certain conditions.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

The Committee includes language providing funds for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease and operation of facilities and equipment. The Committee includes 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

The Committee includes 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

OPERATIONS AND SUPPORT

The Committee includes language that provides funds for the purchase and replacement of vehicles; the hire of aircraft; purchase of motorcycles; 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; official reception and representation expenses; technical assistance and equipment to foreign law enforcement organizations; advance payment for commercial accommodations; and uniforms. The Committee provides for two-year availability of funds for protective travel. The Committee authorizes the obligation of funds in anticipation of reimbursements for training, under certain conditions.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

The Committee includes language providing funds for procurement, construction, and improvement of facilities.

RESEARCH AND DEVELOPMENT

The Committee includes language providing funds for research and development.

Title II—Administrative Provisions

Language regarding overtime compensation.

Language requiring the Border Patrol to maintain an active duty force of 21,370 agents.

Language allowing CBP to increase operations in Puerto Rico.

Language the transfer of aircraft and related equipment out of CBP unless certain conditions are met.

Language amending a provision from Public Law 113–76 allowing for public-private partnerships.

Language directing the Secretary of Homeland Security to prioritize the identification and removal of aliens convicted of a crime by the severity of that crime.

Language affirming the legal authorities of ICE agents during operations pertaining to aliens convicted of a crime.

Language the Secretary to reprogram and transfer funds within and into “United States Immigration and Customs Enforcement—Operations and Support” to ensure the detention of aliens prioritized for removal.

Language prohibiting funds made available in this Act for the position of Public Advocate, or a successor position, within United States Immigration and Customs Enforcement.

Language prohibiting use of funds provided under the heading “Immigration and Customs Enforcement—Operations and Support” for the delegation of law enforcement authority under the 287(g) program if the terms of the agreement governing the delegation of authority have been materially violated.

Language prohibiting use of funds provided under the heading “Immigration and Customs Enforcement—Operations and Support” to contract for detention services if a facility receives less than “adequate” ratings in two consecutive performance evaluations.

Language prohibiting the obligation of funds under “Transportation Security Administration—Procurement, Construction, and Improvements”, unless a certification is made by the USM at least 15 days in advance.

Language clarifying that certain elected and appointed officials are not exempt from federal passenger and baggage screening.

Language that limits TSA screening personnel to 45,000 FTE, not including part-time employees.

Language that directs TSA to award explosives detection systems based on risk.

Language authorizing TSA to use funds from the Aviation Security Capital Fund for the procurement and installation of explosives detection systems or for other purposes authorized by law.

Language requiring TSA to submit a report on TSA passenger and baggage screening.

Language prohibiting the use of funds in abrogation of the statutory requirement for TSA to monitor airport exit points.

Language prohibiting the use of funds made available by this Act under the heading “Coast Guard—Operating Expenses” for recreational vessel expenses, except to the extent fees are collected from owners of yachts and credited to this appropriation.

Language withholding funds provided under the heading “Coast Guard—Operating Expenses”, until a future-years capital investment plan for fiscal years 2018 through 2022 is submitted to the Committee.

Language allowing up to \$10,000,000 to be reprogrammed to or from “Coast Guard, Operating Expenses, Military Pay and Allowances”.

Language that recovered funds appropriated to “Coast Guard—Acquisition, Construction, and Improvements” in prior years for the 110–123 foot patrol boat conversion that are recovered, shall be available for the Fast Response Cutter program.

Language allowing the Secret Service to obligate funds in anticipation of reimbursement for personnel receiving training.

Language prohibiting funds made available to the Secret Service for the protection of the head of a federal agency other than the Secretary of Homeland Security, except where the Director has entered into an agreement.

Language limiting the opening of domestic and international field offices by the Secret Service.

Language allowing for the reprogramming of funds provided under the heading “United States Secret Service—Operations and Support”.

TITLE III—PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

OPERATIONS AND SUPPORT

The Committee includes language providing funds for management and administration, including funds for reception and representation expenses, salaries and benefits of operational and admission support personnel, and the operation and maintenance necessary to sustain the daily effectiveness of equipment and facilities. The Committee includes language making funds available for cybersecurity activities and infrastructure protection, of which certain funds are available until September 30, 2018. The Committee includes language making funds available until expended for the operations of the Federal Protective Service. The Committee includes language making funds available for Biometric Identity Management operations.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

The Committee includes language providing funds for acquisition, construction, renovation, and improvement of facilities as well as for maintenance, rehabilitation, lease and operations of facilities and equipment.

RESEARCH AND DEVELOPMENT

The Committee includes language providing funds for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease and operation of facilities and equipment.

FEDERAL PROTECTIVE SERVICE

The Committee includes language making funds available until expended for the operations of the Federal Protective Service.

FEDERAL EMERGENCY MANAGEMENT AGENCY

OPERATIONS AND SUPPORT

The Committee includes language providing funds for operations and support.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

The Committee includes language providing funds for procurement, construction, renovation, and improvements.

FEDERAL ASSISTANCE

The Committee includes language making funds available until expended for the Disaster Relief Fund. The Committee includes language providing funds for management and administration; predisaster mitigation grants, to be available until expended; flood hazard mapping, including administrative costs; programs and activities under the National Flood Insurance Fund, including flood hazard mitigation and flood plain management; grants, contracts, cooperative agreements, and other activities, including for terrorism prevention, public transportation and railroad security, port security; firefighter assistance grants; emergency management performance grants; education, training, exercises, and other programs; the United States Fire Administration; and the emergency food and shelter program.

Title III—Administrative Provisions

Language restricting obligations until a plan for modernizing the biometric identity management system is submitted.

Language limiting expenses for administration of FEMA grants.

Language specifying timeframes for FEMA grant applications and awards.

Language that addresses the availability of certain FEMA grant funds for the installation of communications towers.

Language that requires FEMA grantees to provide reports on the use of funds at the discretion of the Secretary.

Language that authorizes the use of funds for certain purposes pertaining to FEMA training facilities.

Language that requires the submission of a monthly DRF report.

Language regarding the availability of National Flood Insurance Fund revenue.

Language that requires five day advance notification for certain grant awards under “FEMA—Federal Assistance”.

Language prohibiting the use of funds for the National Preparedness Grant Program or any successor grant program unless authorized by Congress.

Language allowing reimbursements for 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.

TITLE IV—RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES

CITIZENSHIP AND IMMIGRATION SERVICES

OPERATIONS AND SUPPORT

The Committee includes language making funds available for the E-Verify program, permitting replacement of vehicles and official reception and representation.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

The Committee includes language making funds available for the E-Verify program for procurement of and improvements to physical and technological infrastructure.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

OPERATIONS AND SUPPORT

The Committee includes language making funds available for official representation expenses; materials and support costs of federal law enforcement basic training; 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.

SCIENCE AND TECHNOLOGY

OPERATIONS AND SUPPORT

The Committee includes language providing funds for operations and support for science and technology research and development, acquisition, and laboratory operations.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

The Committee includes language providing funds for science and technology test and evaluation, acquisition, and construction of laboratory facilities.

RESEARCH AND DEVELOPMENT

The Committee includes language providing funds for science and technology research and development, including advanced research projects.

CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR, AND EXPLOSIVES
OFFICE

OPERATIONS AND SUPPORT

The Committee includes language providing funds for programs and operations in support of the detection, forensics, and prevention of radiological and nuclear threats; and the surveillance, detection, and response to chemical, biological, and emerging infectious disease threats.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

The Committee includes language providing funds for procurement, construction, renovation, and improvements.

RESEARCH AND DEVELOPMENT

The Committee includes language providing funds for research and development.

FEDERAL ASSISTANCE

The Committee includes language providing funds for programs and operations in support of the detection, forensics, and prevention of radiological and nuclear threats; and to prevent, protect against, respond to, and mitigate bombing incidents.

Title IV—Administrative Provisions

Language allowing USCIS to acquire, operate, equip, and dispose of up to five vehicles under certain scenarios.

Language prohibiting USCIS from granting immigration benefits unless the results of background checks are completed prior to the granting of the benefit and the results do not preclude the granting of the benefit.

Language prohibiting funds to expand or implement certain deferred action programs while the injunctive order of Civ. No. B-14-254 remains in effect.

Language limiting the use of A-76 competitions by USCIS.

Language making immigration examination fee collections explicitly available for immigrant integration grants, not to exceed \$10,000,000, in fiscal year 2017 and allowing for donations.

Language authorizing FLETC to distribute funds for incurred training accreditation expenses.

Language authorizing FLETC to obligate funds in anticipation of reimbursements for training, except total obligation shall not exceed budgetary resources available at the end of the fiscal year.

Language authorizing FLETC to accept transfers and reimbursements from agencies for ongoing maintenance, minor facility improvements, and related expenses.

Language amending section 1202(a) of Public Law 107-206.

Language directing the FLETC Director to ensure FLETC training facilities are operated at capacity throughout the fiscal year.

Language directing the FLETC Accreditation Board to lead the federal law enforcement training accreditation process to measure and assess federal law enforcement training programs, facilities, and instructors.

Language establishing a “Federal Law Enforcement Training Center—Procurement, Construction, and Improvements” appropriation account, and allowing for the acceptance of transfers and reimbursements from government agencies into this appropriation.

Language classifying FLETC instructor staff as inherently governmental for certain considerations.

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, 2017, for obligation and deobligation of funds. The Department’s Secretary is permitted to transfer up to \$20,000,000 to address immigration emergencies notwithstanding section 503 of this Act.

Language prohibiting funds appropriated or otherwise made available to the Department to make payment to the Working Capital Fund (WCF), except for activities and amounts allowed in the President's fiscal year 2017 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 from prior year appropriations for Operations and Support or Operating Expenses shall remain available through fiscal year 2018 subject to section 503 reprogramming requirements.

Language providing that funds for intelligence activities are deemed to be specifically authorized during fiscal year 2017 until the enactment of an Act authorizing intelligence activities for fiscal year 2017.

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 day 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.

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 prohibiting funding for any position designated as a Principal Federal Official during a Stafford Act declared disaster or emergency.

Language relating to S&T's use of other transactional authority through fiscal year 2017.

Language requiring the Secretary to notify the Congress within two business days of any request for a waiver for the transport of oil from and to the Strategic Petroleum Reserve.

Language regarding prescription drugs.

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 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 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 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 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 prohibiting the collection of new land border fees or the study of the imposition of such fees.

Language directing DHS fiscal year 2018 budget request and accompanying justification material be reorganized to follow a common appropriation structure, as specified.

Language related to the Arms Trade Treaty.

Language allowing CBP access to certain reimbursements for preclearance activities.

Language regarding the obligation of funds in a common appropriation structure.

Language related to the official travel of the Department's Secretary and Deputy Secretary.

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 withholding funding from specified accounts until certain fiscal year 2018 budget justification materials are provided to the Committees in accordance with House Report 144–215.

Language authorizing minor procurement, construction, and improvements under "Operations and Support" appropriations, as specified.

Language providing for the receipt and expenditure of fees collected for the REPP, as authorized by Public Law 105–276.

Language amending section 118 of the Treasury and General Government Appropriations Act, 2001, related to the overtime pay for Secret Service agents.

Language directing the Secretary to submit a report on ICE detention costs.

Language directing the Secretary to submit a classified report, at the time of the President's fiscal year 2018 budget proposal submission, on the relative threats, vulnerabilities, and consequences from terrorist acts in eligible metropolitan areas, as required in section 2003 of Public Law 110–53.

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 authorizing CBP to receive reimbursement for the full cost of up to five CBP officers at up to five airports.

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.

Language amending 8 U.S.C. 1184(g)(9)(A).

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 2017.

APPROPRIATIONS NOT AUTHORIZED BY LAW

Pursuant to clause 3(f)(1) of rule XIII of the House of Representatives, the following table lists the appropriations in the accompanying bill that are not authorized by law:

FY 2017 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 ¹	\$3,083,259 ²	\$4,396,750 ³	\$10,945,357 ⁴
Customs and Border Protection, International Cargo Screening	2010 ⁵	\$153,300	\$162,000	\$197,460 ⁶
Customs and Border Protection, Customs-Trade Partnership Against Terrorism (C-TPAT)	2010/2012 ⁷	\$75,600/\$21,000	\$62,612/\$44,979 ⁸	\$2,916,488 ⁹
Customs and Border Protection, Automated Targeting Systems	2010 ¹⁰	\$37,485	\$34,560	\$292,016 ¹¹
Customs and Border Protection, Automated Commercial Environment	2018 ¹²	\$153,736	\$N/A	\$550,183 ¹³
Customs and Border Protection, Air and Marine Interdiction, Operations, Maintenance, and Procurement	2004 ¹⁴	\$175,000	\$240,200	\$768,823 ¹⁵

¹ P. L. 107-210, Sec. 311

² P. L. 107-210 authorized what was formerly U. S. Customs Service (does not include Border Patrol).

³ U.S. Customs Service operations only (does not include Border Patrol).

⁴ Funding recommended for fiscal year 2017 is for U.S. Customs and Border Protection, Operations and Support. This is not a true comparison to the legacy "Salaries and Expenses" appropriation.

⁵ P. L. 109-347, Sec. 205(m)

⁶ This is not a true comparison to the legacy "International Cargo Screening" PPA; however, the preponderance of these funds were realigned into the "International Operations" sub-PPA within the "Securing and Expediting Trade and Travel" PPA.

⁷ P. L. 109-347, Sec. 223(a) authorized operations for fiscal year 2010 and personnel through fiscal year 2012.

⁸ Funding provided for fiscal year 2010 and for fiscal year 2012 include personnel and operations.

⁹ This is not a true comparison to the legacy "Customs-Trade Partnership Against Terrorism (C-TPAT)" PPA. These funds have been realigned to the "Domestic Operations" sub-PPA within the "Securing and Expediting Trade and Travel" PPA.

¹⁰ P. L. 109-347, Sec. 203(g)

¹¹ This is not a true comparison to the legacy "Automated Targeting Systems" PPA. These funds have been realigned to the "Targeting" sub-PPA within the "Securing and Expediting Trade and Travel" PPA.

¹² P. L. 114-125, Sec. 106 requires that funding shall not be less than this amount.

¹³ This is not a true comparison to the legacy "Automated Commercial Environment" PPA; however, the preponderance of these funds were realigned into the "Trade Administration" sub-PPA within the "Securing and Expediting Trade and Travel" PPA.

¹⁴ P. L. 107-210, Sec. 311

¹⁵ These funds have been realigned to the "Air and Marine Operations" sub-PPA that exists both within the "Securing America's Borders" and the "Integrated Operations" PPAs.

Immigration and Customs Enforcement, Salaries and Expenses	2003 ¹⁶	\$4,131,000	N/A	\$5,871,580 ¹⁷
Immigration and Customs Enforcement, Angel Watch Center	2018 ¹⁸	\$6,000	N/A	\$5,000 ¹⁹
Transportation Security Administration, Aviation Security	2011 ²⁰	Such sums	\$3,119,546 ²¹	\$4,806,776 ²²
Transportation Security Administration, EDS/ETD Systems	2007 ²³	\$400,000	\$524,400	\$454,793 ²⁴
Transportation Security Administration, Surface Transportation Security, Surface Transportation Security Inspectors	2011 ²⁵	\$22,800	\$105,961 ²⁶	\$374,649 ²⁷
Transportation Security Administration, Surface Transportation Security, National Explosives Detection Canine Team Program	2011 ²⁸	Such sums	\$103,022	\$152,830
Transportation Security Administration, Transportation Threat Assessment and Credentialing	2005 ²⁹	Such sums	\$115,000 ³⁰	\$155,571 ³¹

¹⁶ P.L. 107-273, Sec. 101-102

¹⁷ Funding recommended for fiscal year 2017 is for United States Immigration and Customs Enforcement, Operations and Support. This is not a true comparison to the legacy "Salaries and Expenses" appropriation.

¹⁸ P.L. 114-119, Sec. 4(a)

¹⁹ Recommended funding is part of the "Homeland Security Investigations, Domestic Investigations" sub-PPA within the "Operations and Support" appropriation. See report language within Title II, United States Immigration and Customs Enforcement for more information.

²⁰ P.L. 110-53, Sec. 1618

²¹ Net appropriations after offsetting fees collections (non-mandatory)

²² Funding recommended for fiscal year 2017 is for Transportation Security Administration, Operations and Support and is the net appropriations after offsetting fees collections (non-mandatory). This is not a true comparison to the legacy "Aviation Security" appropriation.

²³ P.L. 108-458, Sec. 4019

²⁴ These funds have been realigned to the "Transportation Screening Operations, Passenger and Baggage Screening" sub-PPA within the "Procurement, Construction, and Improvements" and "Research and Development" appropriations.

²⁵ P.L. 110-53, Sec. 1304(j)

²⁶ Funding level includes surface inspectors, canines, staffing, and operations.

²⁷ These funds have been realigned to the "Transportation Assessment and Enforcement, Compliance Enforcement and Response" sub-PPA within the "Operations and Support" appropriation.

²⁸ P.L. 110-53, Sec. 1307(g)

²⁹ P.L. 107-71, Sec. 114

³⁰ Includes the Maritime and Land Security PPA and Credentialing Activities PPA.

³¹ Funding recommended for the "Transportation Screening Operations, Vetting Programs" sub-PPA and the "Transportation Assessment and Enforcement, Intelligence Operations at TSOC" sub-PPA within the "Operations and Support" and "Procurement, Construction, and Improvements" appropriations.

Transportation Security Administration, Federal Air Marshal Service	2007 ³²	\$83,000	\$699,294	\$836,786 ³³
United States Coast Guard, Operating Expenses	2017 ³⁴	\$6,981,036 ³⁵	\$6,987,815 ³²	\$6,987,815 ³²
United States Coast Guard, Environmental Compliance and Restoration	2017 ³¹	\$16,701	\$13,315	\$13,315
United States Coast Guard, Reserve Training	2017 ³¹	\$140,016	\$112,302	\$112,302
United States Coast Guard, Acquisition, Construction, and Improvements	2017 ³¹	\$1,945,000	\$1,247,155	\$1,247,155
United States Coast Guard, Research, Development, Test, and Evaluation	2017 ³¹	\$19,890	\$18,319	\$18,319
United States Coast Guard, Acquisition, Construction, and Improvements, Polar Ice Breaking Vessel	2017 ³¹	\$10,000	\$37,578	\$37,578
NPPD, Infrastructure Protection and Information Security	2012 ³⁶	Such sums	\$888,243	\$1,388,449 ³⁷
FEMA, Salaries and Expenses	2010 ³⁸	\$375,342	\$797,650	\$936,291 ³⁹
FEMA, Integrated Public Alert and Warning System (IPAWS)	2018 ⁴⁰	Such sums	N/A	\$2,800
FEMA, State and Local Programs				
Port Security Grants	2011 ⁴¹	\$400,000	\$250,000	\$100,000
Rail/Mass Transit Grants	2011 ⁴²	\$1,108,000	\$250,000	\$100,000

³² P.L. 108-458, Sec. 4016

³³ Funding for the Federal Air Marshals Service is in the "Transportation Assessment and Enforcement, In-Flight Security" sub-PPA. The recommended funding level is for that sub-PPA.

³⁴ P.L. 114-120, Sec. 101

³⁵ Amounts for Coast Guard Operating Expenses excludes amounts appropriated for Overseas Contingency Operations/Global War on Terror.

³⁶ P.L. 110-53, Sec. 541

³⁷ Represents all defense categorized funding recommended for the National Protection and Programs Directorate.

³⁸ P.L. 109-295, Sec. 699

³⁹ Funding recommended for fiscal year 2017 is for Federal Emergency Management Agency, Operations and Support. This is not a true comparison to the legacy "Salaries and Expenses" appropriation.

⁴⁰ P.L. 114-143, Sec. 2(c)

⁴¹ P.L. 109-347, Sec. 112

⁴² P.L. 110-53

Amtrak Security	2011 ⁴³	\$175,000	\$20,000	\$10,000
Over the Road Bus Security	2011 ⁴⁴	\$25,000	\$5,000	\$0
National Domestic Preparedness Consortium	2011 ⁴⁵	\$25,500	N/A	\$98,000
Center for Domestic Preparedness	2011 ⁴⁶	\$66,000	N/A	\$64,991
FEMA, Urban Search and Rescue Response System	2008 ⁴⁷	\$45,000	\$36,700	\$36,280
FEMA, Emergency Management Performance Grants	2012 ⁴⁸	\$950,000	\$350,000	\$350,000
FEMA, National Predisaster Mitigation Fund	2013 ⁴⁹	\$200,000	\$25,000	\$54,485
FEMA, Emergency Food and Shelter	1994 ⁵⁰	\$188,000	N/A	\$120,000

⁴³ P.L. 110-53, Sec. 1514(d)

⁴⁴ 6 U.S.C. 1182

⁴⁵ P.L. 110-53, Sec. 1204

⁴⁶ P.L. 109-295, Sec. 634

⁴⁷ P.L. 110-53, Sec. 201

⁴⁸ P.L. 109-139, Sec. 2

⁴⁹ 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
	Budget Authority	Outlays		Outlays
General purpose discretionary	41,055	46,894	41,050	¹ 46,892
Disaster designation ²	6,709	335	6,709	335
Mandatory	1,623	1,621	1,623	1,621

¹ Includes outlays from prior year authority.

² The bill includes amounts designated for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985. Such amounts are a permissible adjustment authorized by that Act as well as allowed for by the Congressional Budget Act of 1974.

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:	
2017	¹ 28,472
2018	8,035
2019	5,345
2020	1,941
2021	4,652

¹ Excludes outlays from prior year 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	5,886
Fiscal Year 2017 outlays resulting therefrom	¹ 399

¹ Excludes outlays from prior year 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 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
-----	-----	-----	-----	-----	-----
Department of Homeland Security					
Title I - Departmental Management, Operations, Intelligence, and Insight					
Departmental Management and Operations					
Operations and Support					
Management and Administration					
Office of the Secretary and Executive Management...	137,466	136,451	136,436	-1,030	-15
Office of the Under Secretary for Management.....	505,234	690,373	649,158	+143,924	-41,215
	-----	-----	-----	-----	-----
Subtotal, Management and Administration.....	642,700	826,824	785,594	+142,894	-41,230
Integrated Operations					
Office of the Under Secretary for Management.....	37,517	37,398	37,398	-119	---
	-----	-----	-----	-----	-----
Subtotal, Operations and Support.....	680,217	864,222	822,992	+142,775	-41,230
Procurement, Construction, and Improvements					
Management and Administration					
Office of the Under Secretary for Management.....	12,548	139,364	13,414	+866	-125,950
Integrated Operations					
Office of the Under Secretary for Management.....	5,407	5,425	5,425	+18	---
	-----	-----	-----	-----	-----
Subtotal, Procurement, Construction, and Improvements.....	17,955	144,789	18,839	+884	-125,950

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
Research and Development					
Management and Administration					
Office of the Under Secretary for Management.....	2,500	2,500	2,500	---	---
Subtotal, Research and Development.....	2,500	2,500	2,500	---	---
Total, Departmental Management and Operations...	700,672	1,011,511	844,331	+143,659	-167,180
Analysis and Operations					
Operations and Support					
Analysis and Operations.....	264,714	265,719	265,719	+1,005	---
Subtotal, Operations and Support.....	264,714	265,719	265,719	+1,005	---
Total, Analysis and Operations.....	264,714	265,719	265,719	+1,005	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of Inspector General					
Operations and Support					
Management and Administration.....	137,488	157,144	157,144	+19,656	---
[Management and Administration (transfer from DRF)]..	(24,000)	(24,000)	(24,000)	---	---
Subtotal, Operations and Support.....	161,488	181,144	181,144	+19,656	---
Total, Office of Inspector General (including transfers).....	161,488	181,144	181,144	+19,656	---
Total, Title I, Departmental Management, Operations, Intelligence, and Insight.....					
(By transfer).....	1,102,874	1,434,374	1,267,194	+164,320	-167,180
	(24,000)	(24,000)	(24,000)	---	---
TITLE II - SECURITY, ENFORCEMENT, AND INVESTIGATIONS					
U.S. Customs and Border Protection					
Operations and Support					
Management and Administration					
External and Intergovernmental Affairs.....	38,016	44,266	48,066	+10,050	+3,800
Business Oversight and Execution.....	1,001,637	1,075,739	1,067,542	+65,905	-8,197
(Harbor Maintenance Trust Fund).....	(3,274)	(3,274)	(3,274)	---	---
Personnel Oversight and Management.....	412,005	444,136	443,927	+31,922	-209
Subtotal, Management and Administration.....	1,451,658	1,564,141	1,559,535	+107,877	-4,606

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
Integrated Operations					
Air and Marine Operations.....	307,062	302,431	302,431	-4,631	---
Operational Coordination and Information.....	212,168	236,607	239,607	+27,439	+3,000
Infrastructure and Support.....	57,721	58,072	58,072	+351	---
Mission Integration.....	125,678	154,024	153,831	+28,153	-193
Subtotal, Integrated Operations.....	702,629	751,134	753,941	+51,312	+2,807
Securing America's Borders					
Border Security Operations.....	3,800,859	3,862,834	3,857,862	+57,003	-4,972
(UAC Contingency Fund).....	---	(13,000)	---	---	(-13,000)
Air and Marine Operations.....	454,883	466,392	448,892	-5,991	-17,500
Infrastructure and Support.....	220,933	266,212	266,212	+45,279	---
Subtotal, Securing America's Borders.....	4,476,675	4,595,438	4,572,966	+96,291	-22,472
Securing and Expediting Trade and Travel					
Domestic Operations.....	2,577,443	2,916,488	2,584,139	+6,696	-332,349
International Operations.....	193,772	197,460	197,460	+3,688	---
Targeting.....	258,630	292,016	295,816	+37,186	+3,800
Trade Administration.....	551,383	550,183	550,183	-1,200	---
Infrastructure and Support.....	462,315	474,098	474,098	+11,783	---
Subtotal, Securing and Expediting Trade and Travel.....	4,043,543	4,430,245	4,101,696	+58,153	-328,549
Mission Support Personnel (ATB reduction).....	---	---	-42,781	-42,781	-42,781

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
Subtotal, Operations and Support.....	10,674,505	11,340,958	10,945,357	+270,852	-395,601
Procurement, Construction, and Improvements					
Integrated Operations					
Air and Marine Operations.....	19,000	---	---	-19,000	---
Infrastructure and Support.....	6,000	---	---	-6,000	---
Subtotal, Integrated Operations.....	25,000	---	---	-25,000	---
Securing America's Borders					
Border Security Operations.....	76,421	45,942	26,942	-49,479	-19,000
Air and Marine Operations.....	61,900	68,617	83,617	+21,717	+15,000
Infrastructure and Support.....	36,000	25,000	25,000	-11,000	---
Subtotal, Securing America's Borders.....	174,321	139,559	135,559	-38,762	-4,000
Securing and Expediting Trade and Travel					
Domestic Operations.....	97,263	113,322	54,815	-42,448	-58,507
Trade Administration.....	56,290	55,734	55,734	-556	---
Infrastructure and Support.....	20,870	14,775	14,775	-6,095	---
Subtotal, Securing and Expediting Trade and Travel.....	174,423	183,831	125,324	-49,099	-58,507
Subtotal, Procurement, Construction, and Improvements.....	373,744	323,390	260,883	-112,861	-62,507
Total, U.S. Customs and Border Protection Direct Appropriations.....	11,048,249	11,664,348	11,206,240	+157,991	-458,108

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
Fees and Special Funds					
Puerto Rico Trust Fund					
APHIS User Fees (Mandatory)	(8,977)	(9,124)	(9,124)	(+147)	---
COBRA Passenger Inspection Fee (Mandatory)	(515,810)	(534,515)	(534,515)	(+18,705)	---
Electronic System for Travel Authorization Fees (Mandatory)	(506,877)	(523,737)	(523,737)	(+16,860)	---
Global Entry User Fees (Discretionary)	(57,332)	(58,301)	(58,301)	(+969)	---
Immigration Enforcement Fines (Mandatory)	(91,789)	(96,297)	(96,297)	(+4,508)	---
Land Border Inspection Fee (Mandatory)	(633)	(860)	(860)	(+227)	---
Puerto Rico Trust Fund (Mandatory)	(652,699)	(677,894)	(677,894)	(+25,195)	---
Virgin Island Fees (Mandatory)	(34,724)	(46,517)	(46,517)	(+11,793)	---
Customs Unclaimed Goods (Mandatory)	(90,081)	(90,427)	(90,427)	(+346)	---
	(11,867)	(11,176)	(11,176)	(-691)	---
	(5,992)	(5,992)	(5,992)	---	---
Subtotal, Fees and Special Funds	1,976,781	2,054,840	2,054,840	+78,059	---
Total, U.S. Customs and Border Protection (Appropriations)	13,025,030	13,719,188	13,261,080	+236,050	-458,108
(Harbor Maintenance Trust Fund)	(11,048,249)	(11,664,348)	(11,206,240)	(+157,991)	(-458,108)
(Fee accounts)	(3,274)	(3,274)	(3,274)	---	---
	(1,976,781)	(2,054,840)	(2,054,840)	(+78,059)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
United States Immigration and Customs Enforcement					
Operations and Support					
Management and Administration					
Personnel Compensation and Benefits.....	190,880	203,015	202,895	+12,015	-120
Headquarters-Managed IT.....	148,957	161,474	161,638	+12,681	+164
Subtotal, Management and Administration.....	339,837	364,489	364,533	+24,696	+44
Enforcement and Removal Operations					
Custody Operations.....	2,316,744	2,178,963	2,269,250	-47,494	+90,287
Fugitive Operations.....	156,572	133,133	120,926	-35,646	-12,207
Criminal Alien Program.....	317,177	347,455	337,028	+19,851	-10,427
Alternatives to Detention.....	114,275	125,966	125,883	+11,608	-83
Transportation and Removal Program.....	313,174	322,694	318,359	+5,185	-4,335
(UAC Contingency Fund).....	---	(7,000)	---	---	(-7,000)
Subtotal, Enforcement and Removal Operations	3,217,942	3,108,211	3,171,446	-46,496	+63,235
Homeland Security Investigations					
Domestic Investigations.....	1,761,829	1,892,183	1,831,017	+69,188	-61,166
International Investigations.....	107,210	114,255	111,317	+4,107	-2,938
Visa Security Program.....	32,561	32,496	50,946	+18,385	+18,450
Intelligence.....	79,768	81,996	81,928	+2,160	-68
Subtotal, Homeland Security Investigations...	1,981,368	2,120,930	2,075,208	+93,840	-45,722

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of Principal Legal Advisor.....	239,894	268,393	260,393	+20,499	-8,000
Subtotal, Operations and Support.....	5,779,041	5,862,023	5,871,580	+92,539	+9,557
Procurement, Construction, and Improvements Management and Administration.....	53,000	50,230	32,800	-20,200	-17,430
Subtotal, Procurement, Construction, and Improvements.....	53,000	50,230	32,800	-20,200	-17,430
Total, United States Immigration and Customs Enforcement Direct Appropriations.....	5,832,041	5,912,253	5,904,380	+72,339	-7,873
Fees					
Breached Bond.....	(42,000)	(42,000)	(42,000)	---	---
Immigration User Fee.....	(135,000)	(135,000)	(135,000)	---	---
Student and Exchange Visitor Program.....	(145,000)	(145,000)	(145,000)	---	---
Subtotal, Fees.....	322,000	322,000	322,000	---	---
Total, United States Immigration and Customs Enforcement.....	6,154,041	6,234,253	6,226,380	+72,339	-7,873
(Appropriations).....	(5,832,041)	(5,912,253)	(5,904,380)	(+72,339)	(-7,873)
(Fee accounts).....	(322,000)	(322,000)	(322,000)	---	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request

Transportation Security Administration					
Operations and Support					
Transportation Screening Operations					
Passenger and Baggage Screening.....	4,819,149	4,893,766	4,892,466	+73,317	-1,300
National Explosives Detection Canine Team Program.	121,709	131,391	152,830	+31,121	+21,439
Vetting Programs.....	74,939	65,751	65,751	-9,188	---
	-----	-----	-----	-----	-----
Subtotal, Transportation Screening Operations.....	5,015,797	5,090,908	5,111,047	+95,250	+20,139
Transportation Assessment and Enforcement					
Compliance Enforcement and Response.....	359,556	374,649	374,649	+15,093	---
In-Flight Security.....	825,834	835,086	836,786	+10,952	+1,700
Intelligence Operations at TSOC.....	77,986	83,520	83,520	+5,534	---
Reviews and Assessments.....	168,370	193,827	193,827	+25,457	---
	-----	-----	-----	-----	-----
Subtotal, Transportation Assessment and Enforcement.....	1,431,746	1,487,082	1,488,782	+57,036	+1,700
Management and Administration					
Agency Operations and Management.....	338,676	336,947	336,947	-1,729	---
	-----	-----	-----	-----	-----
Subtotal, Management and Administration.....	338,676	336,947	336,947	-1,729	---
	-----	-----	-----	-----	-----
Subtotal, Operations and Support (Gross).....	6,786,219	6,914,937	6,936,776	+150,557	+21,839

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
Transportation Screening Operations (Offsetting Collections)					
Passenger Security Fee	-2,130,000	-2,130,000	-2,130,000	---	---
Passenger Security Fee Increase	---	-460,000	---	---	+460,000
Aviation Security Infrastructure Fee	---	-420,000	---	---	+420,000
Subtotal, Transportation Screening Operations (Offsetting Collections)	-2,130,000	-3,010,000	-2,130,000	---	+880,000
Subtotal, Operations and Support (Net)	4,656,219	3,904,937	4,806,776	+150,557	+901,839
(Offsetting Collections)	(-2,130,000)	(-3,010,000)	(-2,130,000)	---	(+880,000)
Procurement, Construction, and Improvements					
Transportation Screening Operations					
Passenger and Baggage Screening	195,624	199,793	199,793	+4,169	---
Vetting Programs	4,100	6,300	6,300	+2,200	---
Subtotal, Procurement, Construction, and Improvements	199,724	206,093	206,093	+6,369	---
Aviation Security Capital Fund (Mandatory)	(250,000)	(250,000)	(250,000)	---	---
Research and Development					
Transportation Screening Operations					
Passenger and Baggage Screening	5,000	5,000	5,000	---	---
Subtotal, Research and Development	5,000	5,000	5,000	---	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
Fee Funded Programs					
TWIC.....	(82,287)	(88,314)	(88,314)	(+6,047)	---
Hazardous Materials.....	(21,083)	(21,083)	(21,083)	---	---
General Aviation at DCA.....	(400)	(400)	(400)	---	---
Commercial Aviation and Airports.....	(6,500)	(6,500)	(6,500)	---	---
Other Security Threat Assessments.....	(50)	(50)	(50)	---	---
Air Cargo/Certified Cargo Screening Program.....	(3,500)	(3,500)	(3,500)	---	---
TSA PreCheck.....	(80,153)	(80,153)	(80,153)	---	---
Vetting Programs (Alien Flight School)(Mandatory).....	(5,200)	(5,200)	(5,200)	---	---
Subtotal, Fee Funded Programs.....	199,153	205,200	205,200	+6,047	---
Total, Transportation Security Administration... (Offsetting Collections).....	7,440,096	7,581,230	7,603,069	+162,973	+21,839
(Aviation Security Capital Fund (mandatory)).....	(-2,130,000)	(-3,010,000)	(-2,130,000)	---	(+880,000)
(Fee Funded Programs).....	(250,000)	(250,000)	(250,000)	---	---
Total, Transportation Security Administration (net).....	(199,153)	(205,200)	(205,200)	(+6,047)	---
Coast Guard	4,860,943	4,116,030	5,017,869	+156,926	+901,839
Operating Expenses					
Military Pay and Allowances.....	3,488,617	3,597,319	3,587,319	+98,702	-10,000
Civilian Pay and Benefits.....	792,229	817,324	817,324	+25,095	---
Training and Recruiting.....	206,498	198,605	199,605	-6,893	+1,000
Operating Funds and Unit Level Maintenance.....	1,027,780	996,204	996,204	-31,576	---
Centrally Managed Accounts.....	329,906	329,099	329,099	-807	---
Intermediate and Depot Level Maintenance.....	1,056,458	1,048,264	1,048,264	-8,194	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
Overseas Contingency Operations/Global War on Terrorism (Defense Function).....	160,002	---	---	-160,002	---
Subtotal, Operating Expenses.....	7,061,490	6,986,815	6,977,815	-83,675	-9,000
(Nondefense).....	(6,561,488)	(6,646,815)	(6,637,815)	(+76,327)	(-9,000)
(Defense, less OCO).....	(340,000)	(340,000)	(340,000)	---	---
(Defense, including OCO).....	(500,002)	(340,000)	(340,000)	(-160,002)	---
Environmental Compliance and Restoration.....	13,221	13,315	13,315	+94	---
Reserve Training.....	110,614	112,302	112,302	+1,688	---
Acquisition, Construction, and Improvements Vessels					
Survey and Design-Vessel and Boats.....	15,000	6,500	6,500	-8,500	---
In-Service Vessel Sustainment.....	68,000	79,000	79,000	+11,000	---
National Security Cutter.....	743,400	127,000	157,000	-586,400	+30,000
Offshore Patrol Cutter.....	89,000	100,000	100,000	+11,000	---
Fast Response Cutter.....	340,000	240,000	325,000	-15,000	+85,000
Cutter Boats.....	3,000	4,000	4,000	+1,000	---
Polar Ice Breaking Vessel.....	6,000	147,600	37,578	+31,578	-110,022
Subtotal, Vessels.....	1,264,400	704,100	709,078	-555,322	+4,978

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
Aircraft					
HH-65 Conversion/Sustainment Projects.....	40,000	25,000	25,000	-15,000	---
HC-130J Acquisition/Conversion/Sustainment.....	150,000	20,800	115,800	-34,200	+95,000
HC-144 Conversion/Sustainment.....	3,000	25,500	25,500	+	---
HC-27J Conversion/Sustainment.....	102,000	130,000	130,000	+28,000	---
Subtotal, Aircraft.....	295,000	201,300	296,300	+1,300	+95,000
Other Acquisition Programs					
Other Equipment and Systems.....	---	8,055	8,055	+8,055	---
Program Oversight and Management.....	20,000	20,000	20,000	---	---
CG-Logistics Information Management System.....	8,500	7,000	7,000	-1,500	---
C4ISR.....	36,600	24,300	24,300	-12,300	---
Subtotal, Other Acquisition Programs.....	65,100	59,355	59,355	-5,745	---
Shore Facilities and Aids to Navigation					
Major Shore, ATON, and Survey and Design.....	124,600	18,100	38,489	-86,111	+20,389
Major Acquisition Systems Infrastructure.....	52,000	28,000	28,000	-24,000	---
Minor Shore.....	5,000	5,000	5,000	---	---
Subtotal, Shore and Aids to Navigation Facilities.....	181,600	51,100	71,489	-110,111	+20,389
Military Housing					
Direct Personnel Costs.....	21,000	---	---	-21,000	---
	118,069	120,933	120,933	+2,864	---
Subtotal, Acquisition, Construction, and Improvements.....	1,945,169	1,136,788	1,257,155	-688,014	+120,367

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
Research, Development, Test, and Evaluation.....	18,019	18,319	18,319	+300	---
Medicare Eligible Retiree Health Care Fund					
Contribution (Permanent Indefinite Discretionary)....	169,306	176,000	176,000	+6,694	---
Total, Coast Guard Discretionary.....	9,317,819	8,443,539	8,554,906	-762,913	+111,367
Mandatory					
Retired Pay (Mandatory).....	1,604,000	1,666,940	1,666,940	+62,940	---
Subtotal, Mandatory.....	1,604,000	1,666,940	1,666,940	+62,940	---
Total, Coast Guard.....	10,921,819	10,110,479	10,221,846	-699,973	+111,367
[Appropriations (less OCO)].....	(10,761,817)	(10,110,479)	(10,221,846)	(-539,971)	(+111,367)
[Overseas Contingency Operations/Global War on					
Terrorism (Defense Function)].....	(160,002)	---	---	(-160,002)	---
(Mandatory).....	(1,604,000)	(1,666,940)	(1,666,940)	(+62,940)	---
(discretionary).....	(9,317,819)	(8,443,539)	(8,554,906)	(-762,913)	(+111,367)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request

United States Secret Service					

Operations and Support					
Protection.....	753,012	734,547	782,277	+29,265	+47,730
Criminal Investigations.....	46,953	49,865	68,734	+21,781	+18,869
Integrated Operations.....	877,159	842,995	842,995	-34,164	---
Management and Administration.....	173,488	145,716	145,716	-27,772	---
	-----	-----	-----	-----	-----
Subtotal, Operations and Support.....	1,850,612	1,773,123	1,839,722	-10,890	+66,599

Procurement, Construction, and Improvements					
Protection.....	11,000	47,737	37,237	+26,237	-10,500
Integrated Operations.....	52,899	62,890	52,890	-9	-10,000
	-----	-----	-----	-----	-----
Subtotal, Procurement, Construction, and Improvements.....	63,899	110,627	90,127	+26,228	-20,500

Research and Development					
Protection.....	---	2,250	2,250	+2,250	---
Integrated Operations.....	250	250	250	---	---
	-----	-----	-----	-----	-----
Subtotal, Research and Development.....	250	2,500	2,500	+2,250	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Assistance					
Criminal Investigations.....	18,784	4,869	---	-18,784	-4,869
Subtotal, Federal Assistance.....	18,784	4,869	---	-18,784	-4,869
Total, United States Secret Service.....	1,933,545	1,891,119	1,932,349	-1,196	+41,230
Total, Title II, Security, Enforcement, and Investigations.....	34,596,597	33,694,229	34,282,684	-313,913	+588,455
(Appropriations).....	(34,436,595)	(33,694,229)	(34,282,684)	(-153,911)	(+588,455)
(Overseas Contingency Operations/Global War on Terrorism).....	(160,002)	---	---	(-160,002)	---
(Fee Accounts).....	(2,497,934)	(2,582,040)	(2,582,040)	(+84,106)	---

Title III - PROTECTION, PREPAREDNESS, RESPONSE, AND
RECOVERY

National Protection and Programs Directorate					
Operations and Support					
Infrastructure Analysis					
Critical Infrastructure Technology and Architecture.....	23,119	19,889	19,558	-3,561	-331
Cyber and Infrastructure Analysis.....	35,531	32,712	32,712	-2,819	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
Cyber Integration and Coordination.....	24,253	28,867	26,906	+2,653	-1,961
Cyber Readiness and Response.....	130,477	180,875	157,563	+27,086	-23,312
Emergency Communications Preparedness.....	4,752	4,740	4,740	-12	---
Cyber and Infrastructure Awareness and Reporting..	12,082	14,724	13,928	+1,846	-796
Subtotal, Infrastructure Analysis.....	230,214	281,807	255,407	+25,193	-26,400
Management and Administration.....	90,182	90,042	90,042	-140	---
Infrastructure Capacity Building					
Bombing Prevention.....	14,206	---	---	-14,206	---
Critical Infrastructure Partnerships.....	9,853	9,245	8,967	-916	-278
Critical Cyber Infrastructure Resilience.....	20,189	26,423	25,666	+5,477	-757
Emergency Communications Preparedness.....	35,824	34,727	34,727	-1,097	---
Enhanced Cybersecurity Services.....	18,088	19,286	19,286	+1,198	---
Federal Network Resilience.....	29,347	36,136	36,136	+6,789	---
National Infrastructure Protection Plan Management	12,366	11,560	11,432	-954	-128
Protective Service Advisors.....	27,186	32,290	29,382	+2,196	-2,908
Sector Specific Agency Management.....	24,342	25,190	24,581	+239	-609
Stakeholder Engagement and Requirements.....	16,523	18,106	16,444	-79	-1,662
Cybersecurity Education, Outreach, and Awareness..	17,553	8,020	8,020	-9,533	---
Vulnerability Assessments.....	21,225	19,317	19,317	-1,908	---
Subtotal, Infrastructure Capacity Building..	246,752	240,300	233,958	-12,794	-6,342

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
Protect Infrastructure					
Continuous Diagnostics and Mitigation.....	5,224	7,830	7,830	+2,606	---
Infrastructure Security Compliance.....	77,600	77,867	72,367	-5,233	-5,500
National Cybersecurity Protection System.....	368,776	388,787	388,787	+20,011	---
Priority Telecommunications Services.....	60,542	60,869	60,869	+327	---
Subtotal, Protect Infrastructure.....	512,142	535,353	529,853	+17,711	-5,500
Biometric Identity Management.....	217,473	---	247,029	+29,556	+247,029
Subtotal, Operations and Support.....	1,296,763	1,147,502	1,356,289	+59,526	+208,787
Procurement, Construction, and Improvements					
Protect Infrastructure					
Continuous Diagnostics and Mitigation.....	97,435	266,971	164,971	+67,536	-102,000
National Cybersecurity Protection System.....	91,738	81,771	81,771	-9,967	---
Priority Telecommunications Services.....	78,550	88,055	88,055	+9,505	---
Subtotal, Protect Infrastructure.....	267,723	436,797	334,797	+67,074	-102,000
Biometric Identity Management.....	65,000	---	58,507	-6,493	+58,507
Subtotal, Procurement, Construction, and Improvements.....	332,723	436,797	393,304	+60,581	-43,493
Research and Development					
Infrastructure Capacity Building					
Technology Advancements and Innovation.....	2,030	2,030	2,030	---	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
Sector Specific Agency Management.....	424	424	424	---	---
National Infrastructure Protection Plan Management.....	2,865	1,215	3,215	+350	+2,000
Subtotal, Infrastructure Capacity Building..	5,319	3,669	5,669	+350	+2,000
Protect Infrastructure					
Infrastructure Security Compliance.....	800	800	800	---	---
Subtotal, Protect Infrastructure.....	800	800	800	---	---
Subtotal, Research and Development.....	6,119	4,469	6,469	+350	+2,000
Fee Accounts					
Federal Protective Service.....	1,443,449	1,451,078	1,451,078	+7,629	---
Offsetting Collections.....	-1,443,449	-1,451,078	-1,451,078	-7,629	---
Subtotal, Fee Accounts.....	---	---	---	---	---
Total, National Protection and Programs					
Directorate (Gross).....	3,079,054	3,039,846	3,207,140	+128,086	+167,294
(Defense).....	(1,291,000)	(1,526,691)	(1,388,449)	(+97,449)	(-138,242)
(Nondefense).....	(344,605)	(62,077)	(367,613)	(+23,008)	(+305,536)
(Offsetting Collections).....	(-1,443,449)	(-1,451,078)	(-1,451,078)	(-7,629)	---
Total, National Protection and Programs					
Directorate (Net).....	1,635,605	1,588,768	1,756,062	+120,457	+167,294

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of Health Affairs					
BioWatch.....	82,078	---	---	-82,078	---
National Biosurveillance Integration Center.....	10,500	---	---	-10,500	---
Rapidly Deployable Chemical Detection System/Chemical Defense Program.....	824	---	---	-824	---
Planning and Coordination.....	4,957	---	---	-4,957	---
Salaries and Expenses.....	27,010	---	---	-27,010	---
Subtotal, Office of Health Affairs.....	125,369	---	---	-125,369	---
Federal Emergency Management Agency					
Operations and Support					
Management and Administration.....	353,134	447,794	447,794	+94,660	---
Integrated Operations.....	166,195	182,256	182,256	+16,061	---
Mitigation.....	10,685	10,614	10,614	-71	---
Preparedness and Protection.....	48,708	49,674	49,674	+966	---
Response and Recovery.....	222,387	237,186	245,953	+23,566	+8,767
Subtotal, Operations and Support.....	801,109	927,524	936,291	+135,182	+8,767
Procurement, Construction, and Improvements					
Response and Recovery.....	11,500	11,423	11,423	-77	---
Preparedness and Protection.....	31,800	23,850	23,850	-7,950	---
Subtotal, Procurement, Construction, and Improvements.....	43,300	35,273	35,273	-8,027	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Assistance					
Disaster Relief Fund					
Base Disaster Relief.....	661,740	639,515	639,515	-22,225	---
Major Disasters (BCA Cap).....	6,712,953	6,709,000	6,709,000	-3,953	---
Subtotal, Disaster Relief Fund.....	7,374,693	7,348,515	7,348,515	-26,178	---
(transfer to Office of Inspector General).....	(-24,000)	(-24,000)	(-24,000)	---	---
Subtotal, Disaster Relief Fund (net).....	7,350,693	7,324,515	7,324,515	-26,178	---
Management and Administration					
Mitigation.....	17,272	14,274	14,274	-2,998	---
Preparedness and Protection.....	100,573	96,682	96,682	-3,891	---
Subtotal, Management and Administration.....	117,845	110,956	110,956	-6,889	---
Mitigation					
National Predisaster Mitigation Fund.....	100,000	54,485	54,485	-45,515	---
Flood Hazard Mapping and Risk Analysis Program.....	190,000	177,531	177,531	-12,469	---
National Flood Insurance Fund:					
Flood Hazard Mapping and Risk Analysis Program..	700	---	---	-700	---
Flood Plain Management and Flood Mapping.....	157,492	168,363	168,363	+10,871	---
Flood Management and Insurance Operations.....	23,006	13,436	13,436	-9,570	---
Subtotal, National Flood Insurance Fund....	181,198	181,799	181,799	+601	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
Offsetting Fee Collections.....	-181,198	-181,799	-181,799	-601	---
Subtotal, Mitigation.....	290,000	232,016	232,016	-57,984	---
Preparedness and Protection Grants and Training					
State and Local Grants					
State Homeland Security Grant Program.....	467,000	200,000	467,000	---	+267,000
(Operation Stonegarden).....	(55,000)	---	(55,000)	---	(+55,000)
Urban Area Security Initiative.....	600,000	330,000	600,000	---	+270,000
(Nonprofit Security).....	(20,000)	---	(20,000)	---	(+20,000)
Public Transportation and Railroad Security Assistance.....	100,000	85,000	100,000	---	+15,000
(Amtrak Security).....	(10,000)	(10,000)	(10,000)	---	---
Port Security Grant Program.....	100,000	93,000	100,000	---	+7,000
Countering Violent Extremism/Complex Coordinated Terrorist Attacks.....	---	49,000	49,000	+49,000	---
Regional Competitive Grant Program.....	---	100,000	---	---	-100,000
Subtotal, State and Local Grants.....	1,267,000	857,000	1,316,000	+49,000	+459,000
Assistance to Firefighter Grants.....					
Staffing for Adequate Fire and Emergency Response Grants.....	345,000	335,000	345,000	---	+10,000
Emergency Management Performance Grants.....	345,000	335,000	345,000	---	+10,000
	350,000	350,000	350,000	---	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
Education, Training, and Exercises					
National Exercise Program.....	19,919	19,911	19,919	---	+8
Emergency Management Institute.....	20,569	19,643	20,569	---	+926
Center for Domestic Preparedness.....	64,991	63,939	64,991	---	+1,052
National Domestic Preparedness Consortium.....	98,000	36,000	98,000	---	+62,000
Continuing Training.....	29,521	18,000	29,521	---	+11,521
Subtotal, Education, Training, and Exercises.....	233,000	157,493	233,000	---	+75,507
Subtotal, Grants and Training.....	2,540,000	2,034,493	2,589,000	+49,000	+554,507
United States Fire Administration.....	42,500	40,812	42,500	---	+1,688
Subtotal, Preparedness and Protection.....	2,582,500	2,075,305	2,631,500	+49,000	+556,195

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
Response and Recovery					
Emergency Food and Shelter.....	120,000	100,000	120,000	---	+20,000
Subtotal, Federal Assistance (gross).....	10,485,038	9,866,792	10,442,987	-42,051	+576,195
(transfer out).....	(-24,000)	(-24,000)	(-24,000)	---	---
Subtotal, Federal Assistance (net).....	10,461,038	9,842,792	10,418,987	-42,051	+576,195
Total, Federal Emergency Management Agency.....	11,329,447	10,829,589	11,414,551	+85,104	+584,962
(Appropriations).....	(4,616,494)	(4,120,589)	(4,705,551)	(+89,057)	(+584,962)
(Defense).....	(74,000)	(62,288)	(62,288)	(-11,712)	---
(Nondefense).....	(4,542,494)	(4,058,301)	(4,643,263)	(+100,769)	(+584,962)
(Offsetting Collections).....	(-181,198)	(-181,799)	(-181,799)	(-601)	---
(Disaster Relief Category).....	(6,712,953)	(6,709,000)	(6,709,000)	(-3,953)	---
(transfer out).....	(-24,000)	(-24,000)	(-24,000)	---	---
Total, Title III, Protection, Preparedness, Response, and Recovery Directorate.....	13,090,421	12,418,357	13,170,613	+80,192	+752,256
(Appropriations).....	(6,377,468)	(5,709,357)	(6,461,613)	(+84,145)	(+752,256)
(Disaster Relief Category).....	(6,712,953)	(6,709,000)	(6,709,000)	(-3,953)	---
(transfer out).....	(-24,000)	(-24,000)	(-24,000)	---	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request

TITLE IV - RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES					

Citizenship and Immigration Services					
Operations and Support					
Immigration Status Verification.....	107,001	103,912	103,912	-3,089	---
Subtotal, Operations and Support.....	107,001	103,912	103,912	-3,089	---
Procurement, Construction, and Improvements					
Immigration Status Verification.....	12,670	15,227	15,227	+2,557	---
Subtotal, Procurement, Construction, and Improvements.....	12,670	15,227	15,227	+2,557	---
Federal Assistance					
Citizenship and Integration Grant Program.....	---	10,000	---	---	-10,000
Subtotal, Federal Assistance.....	---	10,000	---	---	-10,000
Total, Citizenship and Immigration Services					
Direct Appropriations.....	119,671	129,139	119,139	-532	-10,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
Fee Accounts					
Immigration Examinations Fee Account					
Adjudication Services					
District Operations.....	(1,605,409)	(1,607,655)	(1,296,720)	(-308,689)	(-310,935)
Immigrant Integration Grants.....	(10,000)	---	(10,000)	---	(+10,000)
Service Center Operations.....	(669,891)	(1,001,363)	(976,948)	(+307,057)	(-24,415)
Asylum, Refugee, and International Operations...	(259,042)	(274,437)	(285,437)	(+6,395)	(-9,000)
Records Operations.....	(124,177)	(124,671)	(124,671)	(+494)	---
Business Transformation.....	(226,380)	(226,380)	(226,380)	---	---
Subtotal, Adjudication Services.....	2,894,899	3,234,506	2,900,156	+5,257	-334,350
Information and Customer Services					
Operating Expenses.....	(124,041)	(138,915)	(120,391)	(-3,650)	(-18,524)
Administration					
Operating Expenses.....	(384,585)	(418,639)	(388,092)	(+3,507)	(-30,547)
Systematic Alien Verification for Entitlements (SAVE).....	(27,021)	(37,071)	(37,071)	(+10,050)	---
Subtotal, Immigration Examinations Fee Account.....	3,430,546	3,829,131	3,445,710	+15,164	-383,421

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
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)	---	---
Asylum and Refugee Operating Expenses.....	(308)	(308)	(308)	---	---
Service Center Operations.....	(15,169)	(15,169)	(15,169)	---	---
Subtotal, H1-B and L Fraud Prevention Account.....	45,000	45,000	45,000	---	---
Subtotal, Fee accounts.....	3,490,546	3,889,131	3,505,710	+15,164	-383,421
Total, Citizenship and Immigration Services.....	3,610,217	4,018,270	3,624,849	+14,632	-393,421
(Appropriations).....	(119,671)	(129,139)	(119,139)	(-532)	(-10,000)
(Fee Accounts).....	(3,490,546)	(3,889,131)	(3,505,710)	(+15,164)	(-383,421)
(Immigration Examinations Fee Account).....	(3,430,546)	(3,829,131)	(3,445,710)	(+15,164)	(-383,421)
(H1-B Visa Fee Account).....	(15,000)	(15,000)	(15,000)	---	---
(H1-B and L Fraud Prevention Fee Account).....	(45,000)	(45,000)	(45,000)	---	---
Federal Law Enforcement Training Center					
Operations and Support					
Law Enforcement Training.....	216,963	213,804	213,804	-3,159	---
Management and Administration.....	28,075	28,714	28,714	+639	---
Subtotal, Operations and Support.....	245,038	242,518	242,518	-2,520	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
Total, Federal law Enforcement Training Center..	245,038	242,518	242,518	-2,520	---
Science and Technology					
Operations and Support					
Management and Administration.....	92,354	89,043	89,043	-3,311	---
Laboratory Facilities.....	125,412	133,942	133,942	+8,530	---
Acquisition and Operations Analysis.....	54,726	55,748	55,748	+1,022	---
Subtotal, Operations and Support.....	272,492	278,733	278,733	+6,241	---
Procurement, Construction, and Improvements					
Acquisition and Operations Analysis.....	9,623	10,141	10,141	+518	---
Laboratory Facilities.....	8,319	---	---	-8,319	---
Total, Procurement, Construction, and Improvements.....	17,942	10,141	10,141	-7,801	---
Research and Development					
Research, Development, and Innovation.....	454,883	436,860	436,860	-18,023	---
University Programs					
Centers of Excellence.....	36,328	27,689	36,328	---	+8,639
Minority Serving Institutions.....	3,396	3,396	3,396	---	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
UP Salaries and Benefits.....	1,897	1,924	1,924	+27	---
Subtotal, University Programs.....	41,621	33,009	41,648	+27	+8,639
Subtotal, Research and Development.....	496,504	469,869	478,508	-17,996	+8,639
Total, Science and Technology.....	786,938	758,743	767,382	-19,556	+8,639
Domestic Nuclear Detection Office					
Operations and Support					
Management and Administration.....	25,756	---	---	-25,756	---
Rad/Nuc Detection, Forensics, and Prevention Capability.....	21,291	---	---	-21,291	---
Subtotal, Operations and Support.....	47,047	---	---	-47,047	---
Procurement, Construction, and Improvements					
Rad/Nuc Detection, Forensics, and Prevention Capability.....	90,866	---	---	-90,866	---
Subtotal, Procurement, Construction, and Improvements.....	90,866	---	---	-90,866	---
Research and Development					
Rad/Nuc Detection, Forensics, and Prevention Capability.....	156,899	---	---	-156,899	---
Subtotal, Research and Development.....	156,899	---	---	-156,899	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Assistance					
Rad/Nuc Detection, Forensics, and Prevention Capability.....	52,308	---	---	-52,308	---
Subtotal, Federal Assistance.....	52,308	---	---	-52,308	---
Total, Domestic Nuclear Detection Office.....	347,120	---	---	-347,120	---
Chemical, Biological, Radiological, Nuclear, and Explosives Office					
Operations & Support					
Chemical, Biological, and Emerging Infectious Diseases Capability					
Chemical and Biological Capability.....	---	94,862	94,862	+94,862	---
Health and Emerging Infectious Diseases.....	---	9,951	9,951	+9,951	---
Integrated Operations.....	---	13,107	15,607	+15,607	+2,500
Subtotal, Chemical, Biological, and Emerging Infectious Diseases Capability.....	---	117,920	120,420	+120,420	+2,500
Rad/Nuc Detection, Forensics, and Prevention Capability.....	---	20,552	20,552	+20,552	---
Management & Administration.....	---	41,561	41,561	+41,561	---
Subtotal, Operations and Support.....	---	180,033	182,533	+182,533	+2,500

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
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(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
Procurement, Construction, and Improvements					
Rad/Nuc Detection Equipment Acquisition.....	---	103,860	103,860	+103,860	---
Subtotal, Procurement, Construction, and Improvements.....	---	103,860	103,860	+103,860	---
Research and Development					
Rad/Nuc Detection, Forensics, and Prevention Capability					
Transformational Research and Development.....	---	64,771	64,771	+64,771	---
Detection Capability Development.....	---	21,536	21,536	+21,536	---
Detection Capability Assessments.....	---	44,722	44,722	+44,722	---
Nuclear Forensics.....	---	20,576	20,576	+20,576	---
Subtotal, Rad/Nuc Detection, Forensics, and Prevention Capability.....	---	151,605	151,605	+151,605	---
Subtotal, Research and Development.....	---	151,605	151,605	+151,605	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Assistance					
Rad/Nuc Detection, Forensics, and Prevention					
Capability.....	---	51,684	51,684	+51,684	---
Bombing Prevention.....	---	14,263	14,263	+14,263	---
Subtotal, Rad/Nuc Detection, Forensics, and Prevention Capability.....	---	65,947	65,947	+65,947	---
Subtotal, Federal Assistance.....	---	65,947	65,947	+65,947	---
Total, Chemical, Biological, Radiological, Nuclear, and Explosives Office.....	---	501,445	503,945	+503,945	+2,500
(Defense).....	---	(14,263)	(14,263)	(+14,263)	---
(Non-defense).....	---	(487,182)	(489,682)	(+489,682)	(+2,500)
Total, Title IV, Research, Development, Training, and Services.....	1,498,767	1,631,845	1,632,984	+134,217	+1,139
(Fee Accounts).....	(3,490,546)	(3,889,131)	(3,505,710)	(+15,164)	(-383,421)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE V - GENERAL PROVISIONS					
St. Elizabeth's/Mission Support.....	215,679	---	---	-215,679	---
Financial Systems Modernization.....	52,977	---	41,215	-11,762	+41,215
Colombia Free Trade Act Collections.....	220,000	220,000	220,000	---	---
Reimbursable Preclearance.....	14,000	39,000	39,000	+25,000	---
Reimbursable Preclearance (Offsetting Collections)....	-14,000	-31,000	-39,000	-25,000	-8,000
H2B Returning Worker.....	1,000	---	7,000	+6,000	+7,000
Immigration Authorization Extensions.....	1,000	---	---	-1,000	---
OCIO Cyber Security Fund.....	100,000	---	---	-100,000	---
Emergent Threats.....	50,000	---	---	-50,000	---
FEMA - Disaster Assistance Direct Loan Program - P.L. 109-88 (rescission).....	-27,338	---	---	+27,338	---
Analysis and Operations (rescission).....	-4,188	---	---	+4,188	---
CBP Automation Modernization (rescission).....	-7,000	---	---	+7,000	---
FEMA Disaster Assistance Direct Loan Program Account - P.L. 109-88 (FY05) (rescission).....	---	-95,000	-95,000	-95,000	---
CBP, BSPIT (rescission).....	-21,856	---	-55,000	-33,144	-55,000
CBP Construction and Facilities Management (rescission).....	-4,500	---	---	+4,500	---
ICE Custody Operations - P.L. 114-4 (rescission).....	---	---	-45,000	-45,000	-45,000
TSA Aviation Security - P.L. 114-113 (FY16) (rescission).....	---	---	-12,200	-12,200	-12,200
TSA Aviation Security - P.L. 114-4 (FY15) (rescission) TSA Surface Transportation Security - P.L. 114-4 (FY15) (rescission).....	-158,414	---	---	+158,414	---
Coast Guard AC&I - P.L. 112-74 (FY12) (rescission)....	-14,000	---	---	+14,000	---
Coast Guard AC&I - P.L. 113-6 (FY13) (rescission)....	-5,800	---	---	+5,800	---
Coast Guard AC&I - P.L. 113-76 (FY14) (rescission)....	-16,445	---	-4,200	-4,200	-4,200
			-19,300	-2,855	-19,300

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2016
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2017
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
Coast Guard AC&I - P.L. 114-4 (FY15) (rescission).....	---	---	-16,500	-16,500	-16,500
FEMA - Predisaster Mitigation (rescission).....	-13,758	---	---	+13,758	---
S&T RDA&O - PL113-6 (FY13) (rescission).....	-393	---	---	+393	---
S&T RDA&O - PL113-76 (FY14) (rescission).....	-8,500	---	---	+8,500	---
S&T RDA&O - PL114-4 (FY15) (rescission).....	-1,107	---	---	+1,107	---
Rescission of Legacy Funds (rescission).....	-1,006	---	---	+1,006	---
DHS Lapsed Balances (rescission).....	-23,988	---	---	+23,988	---
Treasury Asset Forfeiture Fund (rescission).....	-176,000	---	-187,000	-11,000	-187,000
FEMA - Disaster Relief Fund (DRF) (rescission).....	-1,021,879	-325,000	-770,700	+251,179	-445,700
Radiological Emergency Preparedness Fund.....	-305	-265	-265	+40	---
U-Visa immigration proposal.....	---	3,000	---	---	-3,000
Total, Title V, General Provisions.....	-865,801	-189,265	-936,950	-71,149	-747,685
(Appropriations).....	(640,351)	(230,735)	(267,950)	(-372,401)	(+37,215)
(Rescissions).....	(-1,506,152)	(-420,000)	(-1,204,900)	(+301,252)	(-784,900)
Grand Total.....	49,422,858	48,989,540	49,416,525	-6,333	+426,985
(Appropriations).....	(44,056,055)	(42,700,540)	(43,912,425)	(-143,630)	(+1,211,885)
(Rescissions).....	(-1,506,152)	(-420,000)	(-1,204,900)	(+301,252)	(-784,900)
(Overseas Contingency on Operations/Global War on Terrorism).....	(160,002)	---	---	(-160,002)	---
(Disaster Relief Category).....	(6,712,953)	(6,709,000)	(6,709,000)	(-3,953)	---

ADDITIONAL VIEWS

We thank the Subcommittee Chairman for engaging with us in drafting this report and bill, and for keeping the bill focused on the needs of the Department of Homeland Security, our oversight responsibilities, and the needs of state and local first responders. This Chairman's mark was a good example of how the parties can find creative solutions to resolving differences that at first glance might not seem reconcilable. Unfortunately, the majority added partisan, poison-pill riders in the Full Committee markup that make it impossible for us to support the bill in its current form. We hope that as the legislative process moves forward we can continue to work toward crafting a bill the President will sign.

FUNDING PRIORITIES

The bill addresses several bipartisan and Democratic priorities, including maintaining the current funding levels for all first responder and anti-terrorism grants. It also provides a targeted increase for the Office for Civil Rights and Civil Liberties to address a rising number of compliance cases and for continued oversight of DHS partnerships with state and local law enforcement agencies. In addition, the bill increases funding for critical Coast Guard acquisitions; provides funding above the request for retention initiatives of the Secret Service; provides additional funding for ICE investigations into child exploitation; and restores funding for Centers of Excellence.

The current year funding level is continued for the Emergency Food and Shelter Program (EFSP) at \$120,000,000, and the proposed authority to transfer EFSP to the Department of Housing and Urban Development (HUD) is again omitted. Instead, the Committee continues to make clear that any future program transfer proposal should be proposed directly through the HUD budget and be premised on consultation with program stakeholders, appropriate justification, and a fully developed plan for transition.

DEPARTMENTAL MANAGEMENT

We continue to be full partners in 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. This focus on institutional capacity building has already paid dividends for the Department and is critically important for the Committee's oversight role.

PRE-DISASTER MITIGATION

Although the bill provides the requested funding for Pre-Disaster Mitigation (PDM) grants, which help reduce the impacts of future

disasters and future costs to the Disaster Relief Fund, it cuts the program by \$45.5 million below the fiscal year 2016 level. We hope that funding for this important program can be restored before the bill is enacted into law.

DHS HEADQUARTERS CONSOLIDATION

The bill fails to provide the requested funding level for the DHS headquarters consolidation project, which is already under construction on the St. Elizabeths campus in Southeast Washington, DC. Last year, the Department revised its plan for St. Elizabeths to consolidate the footprint, reduce costs, and accelerate the construction schedule. We have passed the point of no return on this project. In fact, we are now at the phase that will lead to the most savings by allowing components to move from expensive, leased spaces to the new consolidated headquarters campus. On both fiscal grounds and to improve the cohesiveness of DHS operations, we must continue to make progress on the headquarters project.

CYBERSECURITY

Unfortunately, the funding level for government-wide cybersecurity activities and acquisitions is underfunded in the bill by more than \$100 million, a direct result of the subcommittee's limited allocation for Defense function programs. To ensure that upgrades to federal cyber networks are deployed on time, the subcommittee's Defense function will need to be significantly increased before the bill is enacted.

AVAILABILITY OF REPRODUCTIVE HEALTH SERVICES FOR WOMEN

Over strong Democratic objections, the Full Committee once again adopted an unnecessary amendment regarding the availability of reproductive health services for women detained by ICE. These 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 and unnecessary, we again fail to see the point of interjecting this divisive issue on a Homeland Security funding bill.

Before a similar amendment was offered four years ago, this bill had never touched on the topic of abortion because it is not relevant to the Department of Homeland Security and falls far outside the lines of jurisdiction of the Subcommittee. We will continue to work to remove the amendment's unnecessary provisions from the bill.

TEMPORARY WORK VISAS

The Committee also adopted an amendment to continue an authorizing provision from the fiscal year 2016 bill to effectively increase the annual cap on H-2B temporary worker visas by up to 300 percent. While we were concerned about the inclusion of this provision in the fiscal year 2016 bill, there was an understanding that it was a one-time effort intended to help employers adjust to

changes in program requirements promulgated by the Department of Labor and the Department of Homeland Security. Not only is it a year later, but the fiscal year 2016 omnibus included other riders that undermined the very changes to the program this provision was intended to help mitigate.

While there are legitimate concerns about the Department of Labor's ability to efficiently process labor certifications, there are also concerns as to whether the H-2B program is working as intended, under the program, employers must attest that they will offer wages that equal or exceed the higher of the prevailing wage or minimum wage. They must also demonstrate they have attempted to fill jobs with U.S. workers.

According to Department of Labor data, however, the average wage in 2014 for H-2B landscaping jobs—which represent the lion's share of H-2B visas—was actually between \$2.59 and \$3.37 per hour less than the average wage for all landscaping workers. Furthermore, this was at a time when the average unemployment rate for the landscaping industry was 12.7 percent. This program has all the signs of distorting the labor market to the detriment of American workers.

The Committee should not continue to interfere in what is clearly an authorizing issue. If the H-2B visa cap is too low, then Congress should directly raise it.

IMMIGRATION DETENTION AND ENFORCEMENT

It is unfortunate that the bill continues a provision setting an arbitrary minimum number for available ICE detention beds, which limits ICE's flexibility to use cheaper, alternative forms of supervision when appropriate. We should leave ICE law enforcement personnel with the discretion to make detention determinations that are consistent with legal requirements.

Instead of detention, we should use less costly, non-detention forms of supervision, such as the Alternatives to Detention program, or release on bond or parole. While recent reforms instituted by the Department to release families seeking asylum are encouraging, the real solution is to eliminate family detention entirely.

It is all the more unfortunate, therefore, that the Committee again adopted an amendment that would prohibit ICE from releasing from custody any individual that falls into the Priority 1 and 2 enforcement categories, as defined in the Secretary's memo of November 14, 2014, entitled "Policies for the Apprehension, Detention, and Removal of Undocumented Immigrants."

Entirely eliminating ICE's discretion to prioritize who to detain is simply bad immigration enforcement policy and misguided on humanitarian grounds. The Priority 1 and 2 categories do not solely include individuals with criminal histories. Of the Priority 1 and 2 individuals apprehended, nearly half have no criminal histories, including recent border crossers and individuals apprehended in the interior of the country who cannot establish their presence in the United States prior to January 2014.

We do not argue that these individuals should not be placed in removal proceedings, which the law requires. The amendment adopted in Committee, however, attempts to entirely foreclose the possibility of release on alternatives to detention or another form

of supervised release for everyone who recently crossed the border, including families with children and everyone in the process of seeking asylum in the United States. We should not remove all discretion from ICE's hands in deciding who should be detained, without regard for mitigating circumstances or consideration of the impact on ICE's enforcement activities.

Other problems with this amendment are that:

- It is in conflict with the authority of Immigration Judges to order the release of particular individuals on bond or other forms of supervision.
- It is in direct conflict with the *Zadvydas v. Davis* Supreme Court decision, which constitutionally limits ICE's ability to detain individuals beyond a certain time period unless there is a significant likelihood of removal in the foreseeable future.
- It is in conflict with a U.S. District Court ruling regarding ICE's Flores Settlement Agreement, which prohibits the long-term detention of most children accompanied by family when apprehended at the border.
- It could put ICE in the position of being unable to apprehend fugitive aliens or take custody of individuals from state and local law enforcement agencies under the PEP program because of a lack of detention space.
- For field offices located in the 9th Circuit Court area of jurisdiction, it is in direct conflict with the *Rodriguez v. Robbins* decision, under which detainees can request release on bond from an immigration judge after 180 days in custody.

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 ICE detention is civil detention—it is not intended to be a punishment. In particular, 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. This amendment was a poison pill, and its adoption is further proof that the Majority would rather engage in politics than work together to pass a predominantly bipartisan bill.

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. However, because the majority attached poison pill riders at Full Committee mark up, we can no longer offer our support for the bill.

NITA M. LOWEY.
LUCILLE ROYBAL-ALLARD.

