



JULY 9, 2015

SUBCOMMITTEE MARKUP - FY 2016 HOMELAND SECURITY APPROPRIATIONS BILL

U.S. HOUSE OF REPRESENTATIVES

COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON HOMELAND SECURITY

ONE HUNDRED FOURTEENTH CONGRESS, FIRST SESSION

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Chairman Hal Rogers

House Committee on Appropriations

Subcommittee Markup – Fiscal Year 2016 Homeland Security Appropriations Bill July 9, 2015 Opening Statement As Prepared

Mr. Chairman, thank you for yielding. I want to congratulate you and Ranking Member Roybal-Allard, as well as staff on both sides, for bringing forward the Fiscal Year 2016 appropriations bill for the Department of Homeland Security.

This is the 12th and final bill to be marked up in subcommittee this year, and I want to thank you and the members of this subcommittee for your hard work in bringing this legislation before us today. We continue our historic march to get all twelve of our bills through the House in a timely, thoughtful manner – and I look forward to working with all of you to see this bill through to the finish line.

Funded at \$39.33 billion, this bill emphasizes fiscal discipline and oversight while prioritizing critical national security and anti-terrorism programs, the enforcement of our immigration laws, and preparedness for and response to national disasters. I'm pleased to see that the subcommittee has maintained our strong commitment to Coast Guard by providing a \$360 million increase over the President's requested level, which will fund critical modernization of aircraft and vessels and better enable our service men and women to carry out critical patrol and counter-narcotics missions.

This legislation also takes important strides to secure our nation's borders by providing robust funding for Border Patrol Agents, border security technology, and upgrades at the CBP Air and Marine Operations Center, all which will help improve surveillance.

In addition to these critical physical security measures, this bill provides much needed investments in cybersecurity and disaster preparedness, including \$2.5 billion for first responder grants to help provide our men and women on the frontlines with the proper training and equipment they need. Finally, the subcommittee has also included numerous oversight and reporting requirements that will ensure that DHS is following Congressional directives, spending wisely, and providing strong enforcement of our laws.

And speaking of strong enforcement, the bill makes doubly sure that immigration laws are being followed and enforced by DHS. For example, the bill contains no funding to implement the President's unconstitutional executive action on immigration, and prohibits funding for any activities under this action while legal challenges are ongoing.

No doubt, this was a tough balancing act writing this bill, but I'm pleased that it provides the resources to help keep our nation's borders, coastlines and airways safe and provides our first responders with the tools and assistance to ensure an effective local response to unforeseeable disasters and other emergency situations.

This is a good bill, and I urge the subcommittee to promptly report it to the full Committee. Thank you, and I yield back.

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Chairman John Carter

*Subcommittee on Homeland Security
House Committee on Appropriations*

**Subcommittee Markup – Fiscal Year 2016 Homeland Security Appropriations Bill
July 9, 2015
Opening Statement As Prepared**

Threats to our country continue to grow. We see it daily. Federal computer systems are hacked. Floods and other natural disasters confront local communities. The President's open border policy emboldens smugglers, traffickers, and illegal migrants. And the freedoms we cherish are exploited by home-grown terrorists and violent extremists.

For those reasons, the Department of Homeland Security's missions are more critical now than ever...and it is why it is imperative that we pass this bill. Working with my colleagues, and the ranking member, Mrs. Roybal-Allard, I believe we are presenting legislation that strengthens the security of our homeland, addresses areas where reform is needed, and cuts inefficiencies within the agencies. Thank you all for your hard work, time and effort on this important legislation.

Like every subcommittee, we received a challenging 302(b) allocation. After a thorough scrubbing of the numbers, however, this recommendation ensures both national security and fiscal restraint. I'd like to highlight a few examples of what the bill includes.

For the Coast Guard, the recommendation adds more than \$360 million above the President's request, an amount which: restores the critical enlistment and extension bonuses which were cut in the President's request; enables the Coast Guard to award a contract for the Offshore Patrol Cutter to replace the 50-year old medium endurance cutters; enhances long-range surveillance capabilities with an additional fully missionized C-130J; maintains the current Fast Response Cutter acquisition schedule; renovates crumbling military housing; and increases operational effectiveness with more depot level maintenance of vessels, aircraft, and infrastructure.

At FEMA, cuts to State and Local Programs and Firefighter Assistance Grants are restored to FY15 levels of \$1.5 billion and \$680 million respectively, which is \$299 million above the request.

The Disaster Relief Fund for projected major disasters and known requirements is fully funded at \$7.4 billion.

For CBP, the mark includes funds for: 21,370 Border Patrol agents and 23,775 CBP officers; surveillance tools to increase situational awareness and improve border security; additional sensors, aircraft spares, and a multi-role aircraft; and non-intrusive inspection equipment to replace outdated legacy systems.

For the Secret Service, the recommendation ensures the capacity to hire additional Secret Service agents and officers, addresses training gaps, and improves perimeter security at the White House.

The Department's cybersecurity programs are fully funded to counter cyber threats and protect civilian government networks from cyber-attacks.

The recommendation enables ICE to sustain and improve all aspects of enforcement, investigative, and detention operations by fully funding; 34,040 detention beds for individuals and families who enter the United States illegally; the HERO Child-Rescue Corps, a program that trains returning military veterans to catch internet child pornography rings; the Visa Security Program, assuring that every visa application is screened against terrorist watchlists; and additional attorneys to increase the number of immigration hearings held by DOJ's Immigration Judge teams.

Finally, the E-Verify system – which enables businesses to check whether their employees are eligible to work in the United States – is fully funded.

We've achieved these funding priorities by making thoughtful and appropriate cuts, which I'd like to explain.

Over the last few years, many of DHS's components have failed to achieve their respective hiring goals. In several components, attrition exceeds the Department's ability to hire people. Not only does this problem pose national security and public safety concerns, it has serious budgetary implications. In short, it means funding appropriated for personnel has been misspent and Congress has been denied the level of oversight the taxpayer demands. This bill contains several provisions to rein in this practice.

For example, despite FY15 staffing levels that are far below expectations, the FY16 request proposed major increases in staff. The bill before you takes this excess funding – which is approximately \$505 million – and applies it to programs that protect our homeland. It also directs the Department to conduct an analysis to identify the root causes of the high attrition rates and slow hiring process.

Let me be clear – this bill fully funds our frontline law enforcement staffing, including 21,370 Border Patrol agents and 23,775 CBP Officers. It also eliminates the wasteful slush fund that DHS has been using for unbudgeted and unreported activities.

Another area where the recommendation insists on fiscal discipline is in the oversight of FEMA's Disaster Relief Fund (DRF). It has become common practice for FEMA to carry over billions of dollars in DRF from year-to-year. And like clockwork, every year, the President's request includes full funding for projected upcoming DRF needs and Congress supports it without taking into consideration the carry over balance. There is no good or prudent reason to continue this practice, especially when resources are limited.

Therefore, the recommendation provides full funding for FEMA's FY16 DRF needs as projected in the budget request, but rescinds \$1.26 billion in prior year's unobligated balances. Do not worry that there will be insufficient funds for a declared disaster. Even with this rescission, FEMA expects to end the year with a balance in the DRF of \$1.3 billion, so there is a more than sufficient contingency fund available in case of an emergency.

Finally, I want to address some of the oversight matters that are included in the bill and report. DHS is a relatively young cabinet-level department. For years it has reacted to crises rather than preparing for them. Fortunately, that dynamic is beginning to change.

But, additional tasks remain. As noted many times by this subcommittee, proper oversight of DHS's multi-billion dollar investment portfolio is essential. DHS owes us useful, accurate, up-

to-date information about procurements to ensure that components are accountable for cost, schedule, and performance.

Similarly, DHS's financial management processes are weak. With over 70 different appropriations and more than 100 programs, DHS functions with significant budget disparities and inconsistencies. I am absolutely certain the current budget structure is a contributing factor to the rampant under-execution of personnel costs. We have to change this paradigm.

For that reason, the bill mandates that the FY17 budget request be presented to the Congress in a new format that uses a common appropriation structure for every DHS component. Implementing this type of financial management tool is a strategic imperative with which DHS agrees.

Additional oversight ranges from withholding funds for carelessly failing to comply with repeated subcommittee requests for information – a practice that is totally unacceptable – to statutory requirements for detention beds.

With regard to detention beds, following last year's unprecedented spike in the number families crossing the border illegally, and the lack of sufficient and appropriate family detention space, the FY15 bill included funds for more than 2,700 family beds. This increase in detention capacity means that more families are being removed almost immediately after they arrive illegally in the U.S.

Finally, this bill provides no discretionary or mandatory funds to implement the President's executive actions on immigration. It goes one step further by including two provisions that make sure DHS does not take any steps to implement these actions that are under a court imposed injunction.

Let me address several problems I find very troubling. In the last few years, more and more jurisdictions and Law Enforcement Agencies have made the decision not to honor ICE detainees. Though I respect the rights of every state and municipality to enact laws that govern their respective jurisdictions, refusing to honor ICE detainee is extremely risky when dangerous illegal aliens are released into the community. In addition, the decision creates a burden on ICE, which must locate the fugitive, and endangers the lives of immigration officers who have to apprehend the fugitive.

Likewise, I would be remiss if I didn't note that I find it absolutely intolerable when Secret Service agents, or other law enforcement personnel, act irresponsibly on the job. It is completely unacceptable when the Transportation Security Administration or other components don't respond seriously to Inspector General reports and recommendations about the safety of the nation's airports. Consequently, the bill includes multiple provisions that enable Congress to monitor these problems and put DHS in a better position to anticipate them.

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

For all these reasons, I urge you to support this measure and I look forward to working with you as we move this bill through the legislative process.

I am happy to answer any questions about the mark, but, before I do, I would like to recognize our Ranking Member, Mrs. Roybal-Allard, and then our full Committee Chairman and Ranking Members for any comments they would like to make.

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[FULL COMMITTEE PRINT]

Union Calendar No. _____

114TH CONGRESS
1ST SESSION

H. R. _____

[Report No. 114-__]

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2016, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

____ --, 2015

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

A BILL

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2016, and for other purposes.

1 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

2 For necessary expenses of the Office of the Under
3 Secretary for Management, as authorized by sections 701
4 through 705 of the Homeland Security Act of 2002 (6
5 U.S.C. 341 through 345), \$193,646,000, of which not to
6 exceed \$2,000 shall be for official reception and represen-
7 tation expenses: *Provided*, That of the total amount made
8 available under this heading, \$2,931,000 shall remain
9 available until September 30, 2017, solely for the alter-
10 ation and improvement of facilities, tenant improvements,
11 and relocation costs to consolidate Department head-
12 quarters operations at the Nebraska Avenue Complex; and
13 \$9,559,000 shall remain available until September 30,
14 2017, for the Human Resources Information Technology
15 program: *Provided further*, That the Under Secretary for
16 Management shall include in the President's budget pro-
17 posal for fiscal year 2017, submitted pursuant to section
18 1105(a) of title 31, United States Code, a Comprehensive
19 Acquisition Status Report, which shall include the infor-
20 mation required under the heading "Office of the Under
21 Secretary for Management" under title I of division D of
22 the Consolidated Appropriations Act, 2012 (Public Law
23 112-74), and shall submit quarterly updates to such re-
24 port not later than 45 days after the completion of each
25 quarter.

1 OFFICE OF THE CHIEF FINANCIAL OFFICER

2 For necessary expenses of the Office of the Chief Fi-
3 nancial Officer, as authorized by section 103 of the Home-
4 land Security Act of 2002 (6 U.S.C. 113), \$56,420,000:
5 *Provided*, That the Secretary of Homeland Security shall
6 submit to the Committees on Appropriations of the Senate
7 and the House of Representatives, at the time the Presi-
8 dent's budget proposal for fiscal year 2017 is submitted
9 pursuant to section 1105(a) of title 31, United States
10 Code, the Future Years Homeland Security Program, as
11 authorized by section 874 of Public Law 107-296 (6
12 U.S.C. 454).

13 OFFICE OF THE CHIEF INFORMATION OFFICER

14 For necessary expenses of the Office of the Chief In-
15 formation Officer, as authorized by section 103 of the
16 Homeland Security Act of 2002 (6 U.S.C. 113), and De-
17 partment-wide technology investments, \$308,488,000; of
18 which \$104,957,000 shall be available for salaries and ex-
19 penses; and of which \$203,531,000, to remain available
20 until September 30, 2017, shall be available for develop-
21 ment and acquisition of information technology equip-
22 ment, software, services, and related activities for the De-
23 partment of Homeland Security.

1 ANALYSIS AND OPERATIONS

2 For necessary expenses for intelligence analysis and
3 operations coordination activities, as authorized by title II
4 of the Homeland Security Act of 2002 (6 U.S.C. 121 et
5 seq.), \$264,898,000; of which not to exceed \$3,825 shall
6 be for official reception and representation expenses; of
7 which not to exceed \$2,000,000 is available for facility
8 needs associated with secure space at fusion centers, in-
9 cluding improvements to buildings; and of which
10 \$111,110,000 shall remain available until September 30,
11 2017.

12 OFFICE OF INSPECTOR GENERAL

13 For necessary expenses of the Office of Inspector
14 General in carrying out the provisions of the Inspector
15 General Act of 1978 (5 U.S.C. App.), \$141,188,000; of
16 which not to exceed \$300,000 may be used for certain con-
17 fidential operational expenses, including the payment of
18 informants, to be expended at the direction of the Inspec-
19 tor General.

1 TITLE II
2 SECURITY, ENFORCEMENT, AND
3 INVESTIGATIONS
4 UNITED STATES CUSTOMS AND BORDER PROTECTION
5 SALARIES AND EXPENSES

6 For necessary expenses for enforcement of laws relat-
7 ing to border security, immigration, customs, agricultural
8 inspections and regulatory activities related to plant and
9 animal imports, and transportation of unaccompanied
10 minor aliens; purchase and lease of up to 7,500 (6,500
11 for replacement only) police-type vehicles; and contracting
12 with individuals for personal services abroad;
13 \$8,695,238,000; of which \$3,274,000 shall be derived
14 from the Harbor Maintenance Trust Fund for administra-
15 tive expenses related to the collection of the Harbor Main-
16 tenance Fee pursuant to section 9505(c)(3) of the Internal
17 Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and not-
18 withstanding section 1511(e)(1) of the Homeland Security
19 Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed
20 \$34,425 shall be for official reception and representation
21 expenses; of which such sums as become available in the
22 Customs User Fee Account, except sums subject to section
23 13031(f)(3) of the Consolidated Omnibus Budget Rec-
24 onciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be de-
25 rived from that account; of which not to exceed \$150,000

1 shall be available for payment for rental space in connec-
2 tion with preclearance operations; and of which not to ex-
3 ceed \$1,000,000 shall be for awards of compensation to
4 informants, to be accounted for solely under the certificate
5 of the Secretary of Homeland Security: *Provided*, That for
6 fiscal year 2016, the overtime limitation prescribed in sec-
7 tion 5(c)(1) of the Act of February 13, 1911 (19 U.S.C.
8 267(c)(1)) shall be \$35,000; and notwithstanding any
9 other provision of law, none of the funds appropriated by
10 this Act shall be available to compensate any employee of
11 United States Customs and Border Protection for over-
12 time, from whatever source, in an amount that exceeds
13 such limitation, except in individual cases determined by
14 the Secretary of Homeland Security, or the designee of
15 the Secretary, to be necessary for national security pur-
16 poses, to prevent excessive costs, or in cases of immigra-
17 tion emergencies: *Provided further*, That the Border Pa-
18 trol shall maintain an active duty presence of not less than
19 21,370 full-time equivalent agents protecting the borders
20 of the United States in the fiscal year.

21 AUTOMATION MODERNIZATION

22 For necessary expenses for United States Customs
23 and Border Protection for operation and improvement of
24 automated systems, including salaries and expenses,
25 \$846,245,000; of which \$468,111,000 shall remain avail-

1 able until September 30, 2018; and of which not less than
2 \$153,614,000 shall be for the development of the Auto-
3 mated Commercial Environment.

4 BORDER SECURITY FENCING, INFRASTRUCTURE, AND
5 TECHNOLOGY

6 For necessary expenses for border security fencing,
7 infrastructure, and technology, \$439,430,000, of which
8 \$191,539,000 shall remain available until September 30,
9 2018, for development and deployment.

10 AIR AND MARINE OPERATIONS

11 For necessary expenses for the operations, mainte-
12 nance, and procurement of marine vessels, aircraft, un-
13 manned aircraft systems, the Air and Marine Operations
14 Center, and other related equipment of the air and marine
15 program, including salaries and expenses, operational
16 training, and mission-related travel, the operations of
17 which include the following: the interdiction of narcotics
18 and other goods; the provision of support to Federal,
19 State, and local agencies in the enforcement or adminis-
20 tration of laws enforced by the Department of Homeland
21 Security; and, at the discretion of the Secretary of Home-
22 land Security, the provision of assistance to Federal,
23 State, and local agencies in other law enforcement and
24 emergency humanitarian efforts; \$784,934,000; of which
25 \$83,200,000 shall remain available until September 30,

1 2018 for procurement: *Provided*, That no aircraft or other
2 related equipment, with the exception of aircraft that are
3 one of a kind and have been identified as excess to United
4 States Customs and Border Protection requirements and
5 aircraft that have been damaged beyond repair, shall be
6 transferred to any other Federal agency, department, or
7 office outside of the Department of Homeland Security
8 during fiscal year 2016 without prior notice to the Com-
9 mittees on Appropriations of the Senate and the House
10 of Representatives: *Provided further*, That funding made
11 available under this heading shall be available for customs
12 expenses when necessary to maintain or to temporarily in-
13 crease operations in Puerto Rico.

14 CONSTRUCTION AND FACILITIES MANAGEMENT

15 For necessary expenses to plan, acquire, construct,
16 renovate, equip, furnish, operate, manage, and maintain
17 buildings, facilities, and related infrastructure necessary
18 for the administration and enforcement of the laws relat-
19 ing to customs, immigration, and border security,
20 \$341,356,000, to remain available until September 30,
21 2020.

1 UNITED STATES IMMIGRATION AND CUSTOMS
2 ENFORCEMENT
3 SALARIES AND EXPENSES
4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses for enforcement of immigra-
6 tion and customs laws, detention and removals, and inves-
7 tigations, including intellectual property rights and over-
8 seas vetted units operations; and purchase and lease of
9 up to 3,790 (2,350 for replacement only) police-type vehi-
10 cles; \$5,728,795,000; of which not to exceed \$10,000,000
11 shall be available until expended for conducting special op-
12 erations under section 3131 of the Customs Enforcement
13 Act of 1986 (19 U.S.C. 2081); of which not to exceed
14 \$11,475 shall be for official reception and representation
15 expenses; of which not to exceed \$2,000,000 shall be for
16 awards of compensation to informants, to be accounted
17 for solely under the certificate of the Secretary of Home-
18 land Security; of which not less than \$305,000 shall be
19 for promotion of public awareness activities to counter
20 child exploitation; of which not less than \$5,400,000 shall
21 be used to facilitate agreements consistent with section
22 287(g) of the Immigration and Nationality Act (8 U.S.C.
23 1357(g)); and of which not to exceed \$11,216,000 shall
24 be available to fund or reimburse other Federal agencies
25 for the costs associated with the care, maintenance, and

1 repatriation of smuggled aliens unlawfully present in the
2 United States: *Provided*, That of the total amount made
3 available under this heading, \$100,000,000 shall be with-
4 held from obligation until the Director of United States
5 Immigration and Customs Enforcement submits to the
6 Committees on Appropriations of the Senate and the
7 House of Representatives a report detailing the number
8 of full-time equivalent employees hired and lost through
9 attrition for the period beginning on October 1, 2015, and
10 ending on June 30, 2016: *Provided further*, That none of
11 the funds made available under this heading shall be avail-
12 able to compensate any employee for overtime in an an-
13 nual amount in excess of \$35,000, except that the Sec-
14 retary of Homeland Security, or the designee of the Sec-
15 retary, may waive that amount as necessary for national
16 security purposes and in cases of immigration emer-
17 gencies: *Provided further*, That of the total amount pro-
18 vided, \$15,770,000 shall be for activities to enforce laws
19 against forced child labor, of which not to exceed
20 \$6,000,000 shall remain available until expended: *Pro-*
21 *vided further*, That of the total amount available, not less
22 than \$1,600,000,000 shall be available to identify aliens
23 convicted of a crime who may be deportable, and to remove
24 them from the United States once they are judged deport-
25 able: *Provided further*, That the Secretary of Homeland

1 Security shall prioritize the identification and removal of
2 aliens convicted of a crime by the severity of that crime:
3 *Provided further*, That funding made available under this
4 heading shall maintain a level of not less than 34,000 de-
5 tention beds through September 30, 2016: *Provided fur-*
6 *ther*, That of the total amount provided, not less than
7 \$3,259,275,000 is for detention, enforcement, and re-
8 moval operations, including transportation of unaccom-
9 panied minor aliens: *Provided further*, That of the total
10 amount provided for the Visa Security Program and inter-
11 national investigations, \$13,300,000 shall remain avail-
12 able until September 30, 2017: *Provided further*, That not
13 less than \$15,000,000 shall be available for investigation
14 of intellectual property rights violations, including oper-
15 ation of the National Intellectual Property Rights Coordi-
16 nation Center: *Provided further*, That none of the funds
17 provided under this heading may be used to continue a
18 delegation of law enforcement authority authorized under
19 section 287(g) of the Immigration and Nationality Act (8
20 U.S.C. 1357(g)) if the Department of Homeland Security
21 Inspector General determines that the terms of the agree-
22 ment governing the delegation of authority have been ma-
23 terially violated: *Provided further*, That none of the funds
24 provided under this heading may be used to continue any
25 contract for the provision of detention services if the two

1 most recent overall performance evaluations received by
2 the contracted facility are less than “adequate” or the
3 equivalent median score in any subsequent performance
4 evaluation system: *Provided further*, That nothing under
5 this heading shall prevent United States Immigration and
6 Customs Enforcement from exercising those authorities
7 provided under immigration laws (as defined in section
8 101(a)(17) of the Immigration and Nationality Act (8
9 U.S.C. 1101(a)(17))) during priority operations per-
10 taining to aliens convicted of a crime: *Provided further*,
11 That without regard to the limitation as to time and con-
12 dition of section 503(d) of this Act, the Secretary may
13 propose to reprogram into and transfer funds within this
14 appropriation necessary to ensure the detention of aliens
15 prioritized for removal.

16 AUTOMATION MODERNIZATION

17 For necessary expenses of immigration and customs
18 enforcement automated systems, \$73,500,000, to remain
19 available until September 30, 2018.

20 CONSTRUCTION

21 For necessary expenses to plan, construct, renovate,
22 equip, and maintain buildings and facilities necessary for
23 the administration and enforcement of the laws relating
24 to customs and immigration, \$5,000,000, to remain avail-
25 able until September 30, 2019.

1 TRANSPORTATION SECURITY ADMINISTRATION

2 AVIATION SECURITY

3 For necessary expenses of the Transportation Secu-
4 rity Administration related to providing civil aviation secu-
5 rity services pursuant to the Aviation and Transportation
6 Security Act (Public Law 107–71; 115 Stat. 597; 49
7 U.S.C. 40101 note), \$5,558,923,000, to remain available
8 until September 30, 2017; of which not to exceed \$7,650
9 shall be for official reception and representation expenses:
10 *Provided*, That any award to deploy explosives detection
11 systems shall be based on risk, the airport’s current reli-
12 ance on other screening solutions, lobby congestion result-
13 ing in increased security concerns, high injury rates, air-
14 port readiness, and increased cost effectiveness: *Provided*
15 *further*, That security service fees authorized under section
16 44940 of title 49, United States Code, shall be credited
17 to this appropriation as offsetting collections and shall be
18 available only for aviation security: *Provided further*, That
19 the sum appropriated under this heading from the general
20 fund shall be reduced on a dollar-for-dollar basis as such
21 offsetting collections are received during fiscal year 2016
22 so as to result in a final fiscal year appropriation from
23 the general fund estimated at not more than
24 \$3,428,923,000: *Provided further*, That the funds depos-
25 ited pursuant to section 44945 of title 49, United States

1 Code, that are currently unavailable for obligation are
2 hereby permanently cancelled: *Provided further*, That not-
3 withstanding section 44923 of title 49, United States
4 Code, for fiscal year 2016, any funds in the Aviation Secu-
5 rity Capital Fund established by section 44923(h) of title
6 49, United States Code, may be used for the procurement
7 and installation of explosives detection systems or for the
8 issuance of other transaction agreements for the purpose
9 of funding projects described in section 44923(a) of such
10 title: *Provided further*, That notwithstanding any other
11 provision of law, for the current fiscal year and each fiscal
12 year hereafter, mobile explosives detection systems pur-
13 chased and deployed using funds made available under
14 this heading may be moved and redeployed to meet evol-
15 ing passenger and baggage screening security priorities at
16 airports: *Provided further*, That none of the funds made
17 available in this Act may be used for any recruiting or
18 hiring of personnel into the Transportation Security Ad-
19 ministration that would cause the agency to exceed a staff-
20 ing level of 45,000 full-time equivalent screeners: *Provided*
21 *further*, That the preceding proviso shall not apply to per-
22 sonnel hired as part-time employees: *Provided further*,
23 That the reporting requirement in the ninth proviso under
24 the heading “Transportation Security Administration,
25 Aviation Security” in the Department of Homeland Secu-

1 rity Appropriations Act, 2015 (Public Law 114–4), shall
2 apply in fiscal year 2016, except that the reference to
3 “this Act” shall be treated as referring to this Act: *Pro-*
4 *vided further*, That Members of the United States House
5 of Representatives and United States Senate, including
6 the leadership; the heads of Federal agencies and commis-
7 sions, including the Secretary, Deputy Secretary, Under
8 Secretaries, and Assistant Secretaries of the Department
9 of Homeland Security; the United States Attorney Gen-
10 eral, Deputy Attorney General, Assistant Attorneys Gen-
11 eral, and the United States Attorneys; and senior mem-
12 bers of the Executive Office of the President, including
13 the Director of the Office of Management and Budget,
14 shall not be exempt from Federal passenger and baggage
15 screening.

16 SURFACE TRANSPORTATION SECURITY

17 For necessary expenses of the Transportation Secu-
18 rity Administration related to surface transportation secu-
19 rity activities, \$106,894,000, to remain available until
20 September 30, 2017.

21 INTELLIGENCE AND VETTING

22 For necessary expenses for the development and im-
23 plementation of intelligence and vetting activities,
24 \$216,203,000, to remain available until September 30,
25 2017.

1 TRANSPORTATION SECURITY SUPPORT

2 For necessary expenses of the Transportation Secu-
3 rity Administration related to transportation security sup-
4 port pursuant to the Aviation and Transportation Security
5 Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101
6 note), \$901,442,000, to remain available until September
7 30, 2017.

8 COAST GUARD

9 OPERATING EXPENSES

10 For necessary expenses for the operation and mainte-
11 nance of the Coast Guard, not otherwise provided for; pur-
12 chase or lease of not to exceed 25 passenger motor vehi-
13 cles, which shall be for replacement only; purchase or lease
14 of small boats for contingent and emergent requirements
15 (at a unit cost of no more than \$700,000) and repairs
16 and service-life replacements, not to exceed a total of
17 \$31,000,000; purchase or lease of boats necessary for
18 overseas deployments and activities; purchase or lease of
19 other equipment (at a unit cost of no more than
20 \$250,000); minor shore construction projects not exceed-
21 ing \$1,000,000 in total cost on any location; payments
22 pursuant to section 156 of Public Law 97-377 (42 U.S.C.
23 402 note; 96 Stat. 1920); and recreation and welfare;
24 \$6,899,288,000, of which \$340,000,000 shall be for de-
25 fense-related activities; of which \$24,500,000 shall be de-

1 rived from the Oil Spill Liability Trust Fund to carry out
2 the purposes of section 1012(a)(5) of the Oil Pollution Act
3 of 1990 (33 U.S.C. 2712(a)(5)); and of which not to ex-
4 ceed \$15,300 shall be for official reception and representa-
5 tion expenses: *Provided*, That none of the funds made
6 available by this Act shall be for expenses incurred for rec-
7 reational vessels under section 12114 of title 46, United
8 States Code, except to the extent fees are collected from
9 owners of yachts and credited to this appropriation: *Pro-*
10 *vided further*, That to the extent fees are insufficient to
11 pay expenses of recreational vessel documentation under
12 such section 12114, and there is a backlog of recreational
13 vessel applications, then personnel performing non-rec-
14 reational vessel documentation functions under subchapter
15 II of chapter 121 of title 46, United States Code, may
16 perform documentation under section 12114: *Provided*
17 *further*, That, without regard to the limitation as to time
18 and condition of section 503(d) of this Act, after June
19 30, up to \$10,000,000 may be reprogrammed to or from
20 Military Pay and Allowances in accordance with sub-
21 sections (a), (b), and (c) of section 503.

22 ENVIRONMENTAL COMPLIANCE AND RESTORATION

23 For necessary expenses to carry out the environ-
24 mental compliance and restoration functions of the Coast
25 Guard under chapter 19 of title 14, United States Code,

1 \$13,269,000, to remain available until September 30,
2 2020.

3 RESERVE TRAINING

4 For necessary expenses of the Coast Guard Reserve,
5 as authorized by law; operations and maintenance of the
6 Coast Guard reserve program; personnel and training
7 costs; and equipment and services; \$110,614,000.

8 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

9 For necessary expenses of acquisition, construction,
10 renovation, and improvement of aids to navigation, shore
11 facilities, vessels, and aircraft, including equipment related
12 thereto; and maintenance, rehabilitation, lease, and oper-
13 ation of facilities and equipment; as authorized by law;
14 \$1,301,289,000; of which \$20,000,000 shall be derived
15 from the Oil Spill Liability Trust Fund to carry out the
16 purposes of section 1012(a)(5) of the Oil Pollution Act
17 of 1990 (33 U.S.C. 2712(a)(5)); and of which the fol-
18 lowing amounts shall be available until September 30,
19 2020 (except as subsequently specified): \$21,000,000 for
20 military family housing; \$616,400,000 to acquire, effect
21 major repairs to, renovate, or improve vessels, small boats,
22 and related equipment; \$295,000,000 to acquire, effect
23 major repairs to, renovate, or improve aircraft or increase
24 aviation capability; \$67,920,000 for other acquisition pro-
25 grams; \$184,100,000 for shore facilities and aids to navi-

1 gation, including facilities at Department of Defense in-
2 stallations used by the Coast Guard; and \$116,869,000,
3 to remain available until September 30, 2016, for per-
4 sonnel compensation and benefits and related costs: *Pro-*
5 *vided*, That the Commandant of the Coast Guard shall
6 submit to the Congress, at the time the President’s budget
7 proposal for fiscal year 2017 is submitted pursuant to sec-
8 tion 1105(a) of title 31, United States Code, a future-
9 years capital investment plan as described in the second
10 proviso under the heading “Coast Guard, Acquisition,
11 Construction, and Improvements” in the Department of
12 Homeland Security Appropriations Act, 2015 (Public Law
13 114–4), which shall be subject to the requirements in the
14 third and fourth provisos under such heading.

15 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

16 For necessary expenses for applied scientific re-
17 search, development, test, and evaluation; and for mainte-
18 nance, rehabilitation, lease, and operation of facilities and
19 equipment; as authorized by law; \$18,135,000, to remain
20 available until September 30, 2018, of which \$500,000
21 shall be derived from the Oil Spill Liability Trust Fund
22 to carry out the purposes of section 1012(a)(5) of the Oil
23 Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*,
24 That there may be credited to and used for the purposes
25 of this appropriation funds received from State and local

1 governments, other public authorities, private sources, and
2 foreign countries for expenses incurred for research, devel-
3 opment, testing, and evaluation.

4 RETIRED PAY

5 For retired pay, including the payment of obligations
6 otherwise chargeable to lapsed appropriations for this pur-
7 pose, payments under the Retired Serviceman's Family
8 Protection and Survivor Benefits Plans, payment for ca-
9 reer status bonuses, concurrent receipts, and combat-re-
10 lated special compensation under the National Defense
11 Authorization Act, and payments for medical care of re-
12 tired personnel and their dependents under chapter 55 of
13 title 10, United States Code, \$1,604,000,000, to remain
14 available until expended.

15 UNITED STATES SECRET SERVICE

16 SALARIES AND EXPENSES

17 For necessary expenses of the United States Secret
18 Service, including purchase of not to exceed 652 vehicles
19 for police-type use for replacement only; hire of passenger
20 motor vehicles; purchase of motorcycles made in the
21 United States; hire of aircraft; services of expert witnesses
22 at such rates as may be determined by the Director of
23 the United States Secret Service; rental of buildings in
24 the District of Columbia, and fencing, lighting, guard
25 booths, and other facilities on private or other property

1 not in Government ownership or control, as may be nec-
2 essary to perform protective functions; payment of per
3 diem or subsistence allowances to employees in cases in
4 which a protective assignment on the actual day or days
5 of the visit of a protectee requires an employee to work
6 16 hours per day or to remain overnight at a post of duty;
7 conduct of and participation in firearms matches; presen-
8 tation of awards; travel of United States Secret Service
9 employees on protective missions without regard to the
10 limitations on such expenditures in this or any other Act
11 if approval is obtained in advance from the Committees
12 on Appropriations of the Senate and the House of Rep-
13 resentatives; research and development; grants to conduct
14 behavioral research in support of protective research and
15 operations; and payment in advance for commercial ac-
16 commodations as may be necessary to perform protective
17 functions; \$1,832,813,000; of which not to exceed \$19,125
18 shall be for official reception and representation expenses;
19 of which not to exceed \$100,000 shall be to provide tech-
20 nical assistance and equipment to foreign law enforcement
21 organizations in counterfeit investigations; of which
22 \$2,366,000 shall be for forensic and related support of
23 investigations of missing and exploited children; of which
24 \$6,000,000 shall be for a grant for activities related to
25 investigations of missing and exploited children and shall

1 remain available until September 30, 2017; and of which
2 not less than \$12,000,000 shall be for activities related
3 to training in electronic crimes investigations and
4 forensics: *Provided*, That \$18,000,000 for protective travel
5 shall remain available until September 30, 2017: *Provided*
6 *further*, That \$4,500,000 for National Special Security
7 Events shall remain available until expended: *Provided*
8 *further*, That the United States Secret Service is author-
9 ized to obligate funds in anticipation of reimbursements
10 from Federal agencies and entities, as defined in section
11 105 of title 5, United States Code, for personnel receiving
12 training sponsored by the James J. Rowley Training Cen-
13 ter, except that total obligations at the end of the fiscal
14 year shall not exceed total budgetary resources available
15 under this heading at the end of the fiscal year: *Provided*
16 *further*, That none of the funds made available under this
17 heading shall be available to compensate any employee for
18 overtime in an annual amount in excess of \$35,000, except
19 that the Secretary of Homeland Security, or the designee
20 of the Secretary, may waive that amount as necessary for
21 national security purposes: *Provided further*, That none of
22 the funds made available to the United States Secret Serv-
23 ice by this Act or by previous appropriations Acts may
24 be made available for the protection of the head of a Fed-
25 eral agency other than the Secretary of Homeland Secu-

1 rity: *Provided further*, That the Director of the United
2 States Secret Service may enter into an agreement to pro-
3 vide such protection on a fully reimbursable basis: *Pro-*
4 *vided further*, That none of the funds made available to
5 the United States Secret Service by this Act or by previous
6 appropriations Acts may be obligated for the purpose of
7 opening a new permanent domestic or overseas office or
8 location unless the Committees on Appropriations of the
9 Senate and the House of Representatives are notified 15
10 days in advance of such obligation: *Provided further*, That
11 for purposes of section 503(b) of this Act, \$15,000,000
12 or 10 percent, whichever is less, may be transferred be-
13 tween Protection of Persons and Facilities and Domestic
14 Field Operations.

15 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
16 RELATED EXPENSES

17 For necessary expenses for acquisition, construction,
18 repair, alteration, and improvement of physical and tech-
19 nological infrastructure, \$72,819,000 to remain available
20 until September 30, 2018.

1 TITLE III
2 PROTECTION, PREPAREDNESS, RESPONSE, AND
3 RECOVERY
4 NATIONAL PROTECTION AND PROGRAMS DIRECTORATE
5 MANAGEMENT AND ADMINISTRATION

6 For necessary expenses for the management and ad-
7 ministration of the Office of the Under Secretary for the
8 National Protection and Programs Directorate, support
9 for operations, and information technology, \$56,127,000:
10 *Provided*, That not to exceed \$3,825 shall be for official
11 reception and representation expenses.

12 INFRASTRUCTURE PROTECTION AND INFORMATION
13 SECURITY

14 For necessary expenses for infrastructure protection
15 and information security programs and activities, as au-
16 thorized by title II of the Homeland Security Act of 2002
17 (6 U.S.C. 121 et seq.), \$1,245,000,000, of which
18 \$271,000,000 shall remain available until September 30,
19 2017.

20 FEDERAL PROTECTIVE SERVICE

21 The revenues and collections of security fees credited
22 to this account shall be available until expended for nec-
23 essary expenses related to the protection of federally
24 owned and leased buildings and for the operations of the
25 Federal Protective Service.

1 OFFICE OF BIOMETRIC IDENTITY MANAGEMENT

2 For necessary expenses for the Office of Biometric
3 Identity Management, as authorized by section 7208 of
4 the Intelligence Reform and Terrorism Prevention Act of
5 2004 (8 U.S.C. 1365b), \$283,473,000: *Provided*, That of
6 the total amount made available under this heading,
7 \$159,054,000 shall remain available until September 30,
8 2018.

9 OFFICE OF HEALTH AFFAIRS

10 For necessary expenses of the Office of Health Af-
11 fairs, \$125,216,000; of which \$26,857,000 is for salaries
12 and expenses and \$82,078,000 is for BioWatch oper-
13 ations: *Provided*, That of the amount made available under
14 this heading, \$16,281,000 shall remain available until
15 September 30, 2017, for biosurveillance, chemical defense,
16 medical and health planning and coordination, and work-
17 force health protection.

18 FEDERAL EMERGENCY MANAGEMENT AGENCY

19 SALARIES AND EXPENSES

20 For necessary expenses of the Federal Emergency
21 Management Agency, \$955,963,000, including activities
22 authorized by the National Flood Insurance Act of 1968
23 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster
24 Relief and Emergency Assistance Act (42 U.S.C. 5121 et
25 seq.), the Cerro Grande Fire Assistance Act of 2000 (divi-

1 sion C, title I, 114 Stat. 583), the Earthquake Hazards
2 Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the De-
3 fense Production Act of 1950 (50 U.S.C. App. 2061 et
4 seq.), sections 107 and 303 of the National Security Act
5 of 1947 (50 U.S.C. 404, 405), Reorganization Plan No.
6 3 of 1978 (5 U.S.C. App.), the National Dam Safety Pro-
7 gram Act (33 U.S.C. 467 et seq.), the Homeland Security
8 Act of 2002 (6 U.S.C. 101 et seq.), the Implementing Rec-
9 ommendations of the 9/11 Commission Act of 2007 (Pub-
10 lic Law 110–53), the Federal Fire Prevention and Control
11 Act of 1974 (15 U.S.C. 2201 et seq.), the Post-Katrina
12 Emergency Management Reform Act of 2006 (Public Law
13 109–295; 120 Stat. 1394), the Biggert-Waters Flood In-
14 surance Reform Act of 2012 (Public Law 112–141, 126
15 Stat. 916), and the Homeowner Flood Insurance Afford-
16 ability Act of 2014 (Public Law 113–89): *Provided*, That
17 not to exceed \$2,250 shall be for official reception and
18 representation expenses: *Provided further*, That of the
19 total amount made available under this heading,
20 \$35,180,000 shall be for the Urban Search and Rescue
21 Response System, of which none is available for Federal
22 Emergency Management Agency administrative costs:
23 *Provided further*, That of the total amount made available
24 under this heading, \$27,500,000 shall remain available
25 until September 30, 2017, for capital improvements and

1 other expenses related to continuity of operations at the
2 Mount Weather Emergency Operations Center.

3 STATE AND LOCAL PROGRAMS

4 For grants, contracts, cooperative agreements, and
5 other activities, \$1,500,000,000, which shall be allocated
6 as follows:

7 (1) \$467,000,000 shall be for the State Home-
8 land Security Grant Program under section 2004 of
9 the Homeland Security Act of 2002 (6 U.S.C. 605),
10 of which not less than \$55,000,000 shall be for Op-
11 eration Stonegarden: *Provided*, That notwith-
12 standing subsection (c)(4) of such section 2004, for
13 fiscal year 2016, the Commonwealth of Puerto Rico
14 shall make available to local and tribal governments
15 amounts provided to the Commonwealth of Puerto
16 Rico under this paragraph in accordance with sub-
17 section (c)(1) of such section 2004.

18 (2) \$600,000,000 shall be for the Urban Area
19 Security Initiative under section 2003 of the Home-
20 land Security Act of 2002 (6 U.S.C. 604), of which
21 not less than \$13,000,000 shall be for organizations
22 (as described under section 501(c)(3) of the Internal
23 Revenue Code of 1986 and exempt from tax under
24 section 501(a) of such code) determined by the Sec-

1 retary of Homeland Security to be at high risk of a
2 terrorist attack.

3 (3) \$100,000,000 shall be for Public Transpor-
4 tation Security Assistance, Railroad Security Assist-
5 ance, and Over-the-Road Bus Security Assistance
6 under sections 1406, 1513, and 1532 of the Imple-
7 menting Recommendations of the 9/11 Commission
8 Act of 2007 (Public Law 110-53; 6 U.S.C. 1135,
9 1163, and 1182), of which not less than
10 \$10,000,000 shall be for Amtrak security and
11 \$3,000,000 shall be for Over-the-Road Bus Security:
12 *Provided*, That such public transportation security
13 assistance shall be provided directly to public trans-
14 portation agencies.

15 (4) \$100,000,000 shall be for Port Security
16 Grants in accordance with 46 U.S.C. 70107.

17 (5) \$233,000,000 shall be to sustain current
18 operations for training, exercises, technical assist-
19 ance, and other programs, of which \$162,991,000
20 shall be for training of State, local, and tribal emer-
21 gency response providers:

22 *Provided*, That for grants under paragraphs (1) through
23 (4), applications for grants shall be made available to eligi-
24 ble applicants not later than 60 days after the date of en-
25 actment of this Act, that eligible applicants shall submit

1 applications not later than 80 days after the grant an-
2 nouncement, and the Administrator of the Federal Emer-
3 gency Management Agency shall act within 65 days after
4 the receipt of an application: *Provided further*, That not-
5 withstanding section 2008(a)(11) of the Homeland Secu-
6 rity Act of 2002 (6 U.S.C. 609(a)(11)) or any other provi-
7 sion of law, a grantee may not use more than 5 percent
8 of the amount of a grant made available under this head-
9 ing for expenses directly related to administration of the
10 grant: *Provided further*, That for grants under paragraphs
11 (1) and (2), the installation of communications towers is
12 not considered construction of a building or other physical
13 facility: *Provided further*, That grantees shall provide re-
14 ports on their use of funds, as determined necessary by
15 the Secretary of Homeland Security: *Provided further*,
16 That notwithstanding section 509 of this Act, the Admin-
17 istrator of the Federal Emergency Management Agency
18 may use the funds provided in paragraph (5) to acquire
19 real property for the purpose of establishing or appro-
20 priately extending the security buffer zones around Fed-
21 eral Emergency Management Agency training facilities.

22 FIREFIGHTER ASSISTANCE GRANTS

23 For grants for programs authorized by the Federal
24 Fire Prevention and Control Act of 1974 (15 U.S.C. 2201
25 et seq.), \$680,000,000, to remain available until Sep-

1 tember 30, 2017, of which \$340,000,000 shall be available
2 to carry out section 33 of that Act (15 U.S.C. 2229) and
3 \$340,000,000 shall be available to carry out section 34
4 of that Act (15 U.S.C. 2229a).

5 EMERGENCY MANAGEMENT PERFORMANCE GRANTS

6 For emergency management performance grants, as
7 authorized by the National Flood Insurance Act of 1968
8 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster
9 Relief and Emergency Assistance Act (42 U.S.C. 5121 et
10 seq.), the Earthquake Hazards Reduction Act of 1977 (42
11 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of
12 1978 (5 U.S.C. App.), \$350,000,000.

13 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

14 The aggregate charges assessed during fiscal year
15 2016, as authorized in title III of the Departments of Vet-
16 erans Affairs and Housing and Urban Development, and
17 Independent Agencies Appropriations Act, 1999 (42
18 U.S.C. 5196e), shall not be less than 100 percent of the
19 amounts anticipated by the Department of Homeland Se-
20 curity necessary for its radiological emergency prepared-
21 ness program for the next fiscal year: *Provided*, That the
22 methodology for assessment and collection of fees shall be
23 fair and equitable and shall reflect costs of providing such
24 services, including administrative costs of collecting such
25 fees: *Provided further*, That fees received under this head-

1 ing shall be deposited in this account as offsetting collec-
2 tions and will become available for authorized purposes on
3 October 1, 2016, and remain available until expended.

4 UNITED STATES FIRE ADMINISTRATION

5 For necessary expenses of the United States Fire Ad-
6 ministration and for other purposes, as authorized by the
7 Federal Fire Prevention and Control Act of 1974 (15
8 U.S.C. 2201 et seq.) and the Homeland Security Act of
9 2002 (6 U.S.C. 101 et seq.), \$44,000,000.

10 DISASTER RELIEF FUND

11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses in carrying out the Robert
13 T. Stafford Disaster Relief and Emergency Assistance Act
14 (42 U.S.C. 5121 et seq.), \$7,374,693,000 to remain avail-
15 able until expended, of which \$24,000,000 shall be trans-
16 ferred to the Department of Homeland Security Office of
17 Inspector General for audits and investigations related to
18 disasters: *Provided*, That the reporting requirements in
19 paragraphs (1) and (2) under the heading “Federal Emer-
20 gency Management Agency, Disaster Relief Fund” in the
21 Department of Homeland Security Appropriations Act,
22 2015 (Public Law 114–4) shall be applied in fiscal year
23 2016 with respect to budget year 2017 and current fiscal
24 year 2016, respectively, by substituting “fiscal year 2017”
25 for “fiscal year 2016” in paragraph (1): *Provided further*,

1 That of the amount provided under this heading,
2 \$6,712,953,000 shall be for major disasters declared pur-
3 suant to the Robert T. Stafford Disaster Relief and Emer-
4 gency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*
5 *further*, That the amount in the preceding proviso is des-
6 ignated by the Congress as being for disaster relief pursu-
7 ant to section 251(b)(2)(D) of the Balanced Budget and
8 Emergency Deficit Control Act of 1985.

9 FLOOD HAZARD MAPPING AND RISK ANALYSIS PROGRAM

10 For necessary expenses, including administrative
11 costs, under section 1360 of the National Flood Insurance
12 Act of 1968 (42 U.S.C. 4101), and under sections
13 100215, 100216, 100226, 100230, and 100246 of the
14 Biggert-Waters Flood Insurance Reform Act of 2012,
15 (Public Law 112–141, 126 Stat. 924), \$100,000,000, and
16 such additional sums as may be provided by State and
17 local governments or other political subdivisions for cost-
18 shared mapping activities under section 1360(f)(2) of such
19 Act (42 U.S.C. 4101(f)(2)), to remain available until ex-
20 pended.

21 NATIONAL FLOOD INSURANCE FUND

22 For activities under the National Flood Insurance
23 Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster
24 Protection Act of 1973 (42 U.S.C. 4001 et seq.), the
25 Biggert-Waters Flood Insurance Reform Act of 2012

1 (Public Law 112–141, 126 Stat. 916), and the Home-
2 owner Flood Insurance Affordability Act of 2014 (Public
3 Law 113–89; 128 Stat. 1020), \$181,198,000, which shall
4 remain available until September 30, 2017, and shall be
5 derived from offsetting amounts collected under section
6 1308(d) of the National Flood Insurance Act of 1968 (42
7 U.S.C. 4015(d)); of which \$25,299,000 shall be available
8 for salaries and expenses associated with flood manage-
9 ment and flood insurance operations and \$155,899,000
10 shall be available for flood plain management and flood
11 mapping: *Provided*, That any additional fees collected pur-
12 suant to section 1308(d) of the National Flood Insurance
13 Act of 1968 (42 U.S.C. 4015(d)) shall be credited as an
14 offsetting collection to this account, to be available for
15 flood plain management and flood mapping: *Provided fur-*
16 *ther*, That in fiscal year 2016, no funds shall be available
17 from the National Flood Insurance Fund under section
18 1310 of the National Flood Insurance Act of 1968 (42
19 U.S.C. 4017) in excess of:

- 20 (1) \$133,252,000 for operating expenses;
- 21 (2) \$1,123,000,000 for commissions and taxes
22 of agents;
- 23 (3) such sums as are necessary for interest on
24 Treasury borrowings; and

1 (4) \$175,000,000, which shall remain available
2 until expended, for flood mitigation actions and for
3 flood mitigation assistance under section 1366 of the
4 National Flood Insurance Act of 1968 (42 U.S.C.
5 4104e), notwithstanding sections 1366(e) and
6 1310(a)(7) of such Act (42 U.S.C. 4104e(e), 4017):
7 *Provided further*, That the amounts collected under section
8 102 of the Flood Disaster Protection Act of 1973 (42
9 U.S.C. 4012a) and section 1366(e) of the National Flood
10 Insurance Act of 1968 shall be deposited in the National
11 Flood Insurance Fund to supplement other amounts speci-
12 fied as available for section 1366 of the National Flood
13 Insurance Act of 1968, notwithstanding section 102(f)(8),
14 section 1366(e), and paragraphs (1) through (3) of section
15 1367(b) of such Act (42 U.S.C. 4012a(f)(8), 4104c(e),
16 4104d(b)(1)–(3)): *Provided further*, That total administra-
17 tive costs shall not exceed 4 percent of the total appropria-
18 tion: *Provided further*, That \$5,000,000 is available to
19 carry out section 24 of the Homeowner Flood Insurance
20 Affordability Act of 2014 (42 U.S.C. 4033).

21 NATIONAL PREDISASTER MITIGATION FUND

22 For the predisaster mitigation grant program under
23 section 203 of the Robert T. Stafford Disaster Relief and
24 Emergency Assistance Act (42 U.S.C. 5133),
25 \$25,000,000, to remain available until expended.

1 EMERGENCY FOOD AND SHELTER

2 To carry out the emergency food and shelter program
3 pursuant to title III of the McKinney-Vento Homeless As-
4 sistance Act (42 U.S.C. 11331 et seq.), \$120,000,000, to
5 remain available until expended: *Provided*, That total ad-
6 ministrative costs shall not exceed 3.5 percent of the total
7 amount made available under this heading.

8 TITLE IV

9 RESEARCH, DEVELOPMENT, TRAINING, AND
10 SERVICES

11 UNITED STATES CITIZENSHIP AND IMMIGRATION

12 SERVICES

13 For necessary expenses for citizenship and immigra-
14 tion services, \$119,671,000 for the E-Verify Program, as
15 described in section 403(a) of the Illegal Immigration Re-
16 form and Immigrant Responsibility Act of 1996 (8 U.S.C.
17 1324a note), to assist United States employers with main-
18 taining a legal workforce: *Provided*, That, notwithstanding
19 any other provision of law, funds otherwise made available
20 to United States Citizenship and Immigration Services
21 may be used to acquire, operate, equip, and dispose of up
22 to 5 vehicles, for replacement only, for areas where the
23 Administrator of General Services does not provide vehi-
24 cles for lease: *Provided further*, That the Director of
25 United States Citizenship and Immigration Services may

1 authorize employees who are assigned to those areas to
2 use such vehicles to travel between the employees' resi-
3 dences and places of employment: *Provided further*, That
4 of the funds deposited into the "Immigration Examination
5 Fees Account" established under section 286(m) of the
6 Immigration and Nationality Act (8 U.S.C. 1356(m)), not
7 to exceed \$10,000 may be allocated by the Director of
8 United States Citizenship and Immigration Services in fis-
9 cal year 2016 for official reception and representation ex-
10 penses notwithstanding section 286(n) of the Immigration
11 and Nationality Act (8 U.S.C. 1356(n)).

12 FEDERAL LAW ENFORCEMENT TRAINING CENTER

13 SALARIES AND EXPENSES

14 For necessary expenses of the Federal Law Enforce-
15 ment Training Center, including materials and support
16 costs of Federal law enforcement basic training; the pur-
17 chase of not to exceed 117 vehicles for police-type use and
18 hire of passenger motor vehicles; expenses for student ath-
19 letic and related activities; the conduct of and participa-
20 tion in firearms matches and presentation of awards; pub-
21 lic awareness and enhancement of community support of
22 law enforcement training; room and board for student in-
23 terns; a flat monthly reimbursement to employees author-
24 ized to use personal mobile phones for official duties; and
25 services as authorized by section 3109 of title 5, United

1 States Code; \$211,502,000; of which up to \$47,181,000
2 shall remain available until September 30, 2017, for mate-
3 rials and support costs of Federal law enforcement basic
4 training; of which \$300,000 shall remain available until
5 expended to be distributed to Federal law enforcement
6 agencies for expenses incurred participating in training ac-
7 creditation; and of which not to exceed \$7,180 shall be
8 for official reception and representation expenses: *Pro-*
9 *vided*, That the Center is authorized to obligate funds in
10 anticipation of reimbursements from agencies receiving
11 training sponsored by the Center, except that total obliga-
12 tions at the end of the fiscal year shall not exceed total
13 budgetary resources available at the end of the fiscal year:
14 *Provided further*, That section 1202(a) of Public Law
15 107–206 (42 U.S.C. 3771 note), as amended under this
16 heading in Public Law 114–4, is further amended by
17 striking “December 31, 2017” and inserting “December
18 31, 2018”: *Provided further*, That the Director of the Fed-
19 eral Law Enforcement Training Center shall schedule
20 basic or advanced law enforcement training, or both, at
21 all four training facilities under the control of the Federal
22 Law Enforcement Training Center to ensure that such
23 training facilities are operated at the highest capacity
24 throughout the fiscal year: *Provided further*, That the Fed-
25 eral Law Enforcement Training Accreditation Board, in-

1 cluding representatives from the Federal law enforcement
2 community and non-Federal accreditation experts involved
3 in law enforcement training, shall lead the Federal law
4 enforcement training accreditation process to continue the
5 implementation of measuring and assessing the quality
6 and effectiveness of Federal law enforcement training pro-
7 grams, facilities, and instructors.

8 ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND
9 RELATED EXPENSES

10 For acquisition of necessary additional real property
11 and facilities, construction, and ongoing maintenance, fa-
12 cility improvements, and related expenses of the Federal
13 Law Enforcement Training Center, \$27,553,000, to re-
14 main available until September 30, 2020: *Provided*, That
15 the Center is authorized to accept reimbursement to this
16 appropriation from government agencies requesting the
17 construction of special use facilities.

18 SCIENCE AND TECHNOLOGY

19 MANAGEMENT AND ADMINISTRATION

20 For salaries and expenses of the Office of the Under
21 Secretary for Science and Technology and for manage-
22 ment and administration of programs and activities, as
23 authorized by title III of the Homeland Security Act of
24 2002 (6 U.S.C. 181 et seq.), \$131,531,000: *Provided*,

1 That not to exceed \$7,650 shall be for official reception
2 and representation expenses.

3 RESEARCH, DEVELOPMENT, ACQUISITION, AND
4 OPERATIONS

5 For necessary expenses for science and technology re-
6 search, including advanced research projects, development,
7 test and evaluation, acquisition, and operations as author-
8 ized by title III of the Homeland Security Act of 2002
9 (6 U.S.C. 181 et seq.), and the purchase or lease of not
10 to exceed 5 vehicles, \$655,407,000; of which
11 \$521,676,000 shall remain available until September 30,
12 2018; and of which \$133,731,000 shall remain available
13 until September 30, 2020, solely for operation and con-
14 struction of laboratory facilities.

15 DOMESTIC NUCLEAR DETECTION OFFICE
16 MANAGEMENT AND ADMINISTRATION

17 For salaries and expenses of the Domestic Nuclear
18 Detection Office, as authorized by title XIX of the Home-
19 land Security Act of 2002 (6 U.S.C. 591 et seq.), for man-
20 agement and administration of programs and activities,
21 \$38,109,000: *Provided*, That not to exceed \$2,250 shall
22 be for official reception and representation expenses.

23 RESEARCH, DEVELOPMENT, AND OPERATIONS

24 For necessary expenses for radiological and nuclear
25 research, development, testing, evaluation, and operations,

1 \$196,000,000, to remain available until September 30,
2 2018.

3 SYSTEMS ACQUISITION

4 For necessary expenses for the Domestic Nuclear De-
5 tecton Office acquisition and deployment of radiological
6 detection systems in accordance with the global nuclear
7 detection architecture, \$123,011,000, to remain available
8 until September 30, 2018.

9 TITLE V

10 GENERAL PROVISIONS

11 (INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

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

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

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

1 that remain available for obligation or expenditure in fiscal
2 year 2016, or provided from any accounts in the Treasury
3 of the United States derived by the collection of fees avail-
4 able to the agencies funded by this Act, shall be available
5 for obligation or expenditure through a reprogramming of
6 funds that:

7 (1) creates a new program, project, or activity;

8 (2) eliminates a program, project, office, or ac-
9 tivity;

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

13 (4) proposes to use funds directed for a specific
14 activity by either of the Committees on Appropria-
15 tions of the Senate or the House of Representatives
16 for a different purpose; or

17 (5) contracts out any function or activity for
18 which funding levels were requested for Federal full-
19 time equivalents in the object classification tables
20 contained in the fiscal year 2016 Budget Appendix
21 for the Department of Homeland Security, as modi-
22 fied by the report accompanying this Act, unless the
23 Committees on Appropriations of the Senate and the
24 House of Representatives are notified 15 days in ad-
25 vance of such reprogramming of funds.

1 (b) None of the funds provided by this Act, provided
2 by previous appropriations Acts to the agencies in or
3 transferred to the Department of Homeland Security that
4 remain available for obligation or expenditure in fiscal
5 year 2016, or provided from any accounts in the Treasury
6 of the United States derived by the collection of fees or
7 proceeds available to the agencies funded by this Act, shall
8 be available for obligation or expenditure for programs,
9 projects, or activities through a reprogramming of funds
10 in excess of \$5,000,000 or 10 percent, whichever is less,
11 that:

12 (1) augments existing programs, projects, or ac-
13 tivities;

14 (2) reduces by 10 percent funding for any exist-
15 ing program, project, or activity;

16 (3) reduces by 10 percent the numbers of per-
17 sonnel approved by the Congress; or

18 (4) results from any general savings from a re-
19 duction in personnel that would result in a change
20 in existing programs, projects, or activities as ap-
21 proved by the Congress, unless the Committees on
22 Appropriations of the Senate and the House of Rep-
23 resentatives are notified 15 days in advance of such
24 reprogramming of funds.

1 (c) Not to exceed 5 percent of any appropriation
2 made available for the current fiscal year for the Depart-
3 ment of Homeland Security by this Act or provided by
4 previous appropriations Acts may be transferred between
5 such appropriations, but no such appropriation, except as
6 otherwise specifically provided, shall be increased by more
7 than 10 percent by such transfers: *Provided*, That any
8 transfer under this section shall be treated as a re-
9 programming of funds under subsection (b) and shall not
10 be available for obligation unless the Committees on Ap-
11 propriations of the Senate and the House of Representa-
12 tives are notified 15 days in advance of such transfer.

13 (d) Notwithstanding subsections (a), (b), and (c) of
14 this section, no funds shall be reprogrammed within or
15 transferred between appropriations based upon an initial
16 notification provided after June 30, except in extraor-
17 dinary circumstances that imminently threaten the safety
18 of human life or the protection of property.

19 (e) The notification thresholds and procedures set
20 forth in this section shall apply to any use of deobligated
21 balances of funds provided in previous Department of
22 Homeland Security Appropriations Acts.

23 SEC. 504. The Department of Homeland Security
24 Working Capital Fund, established pursuant to section
25 403 of Public Law 103–356 (31 U.S.C. 501 note), shall

1 continue operations as a permanent working capital fund
2 for fiscal year 2016: *Provided*, That none of the funds ap-
3 propriated or otherwise made available to the Department
4 of Homeland Security may be used to make payments to
5 the Working Capital Fund, except for the activities and
6 amounts allowed in the President's fiscal year 2016 budg-
7 et: *Provided further*, That funds provided to the Working
8 Capital Fund shall be available for obligation until ex-
9 pended to carry out the purposes of the Working Capital
10 Fund: *Provided further*, That all departmental components
11 shall be charged only for direct usage of each Working
12 Capital Fund service: *Provided further*, That funds pro-
13 vided to the Working Capital Fund shall be used only for
14 purposes consistent with the contributing component: *Pro-*
15 *vided further*, That the Working Capital Fund shall be
16 paid in advance or reimbursed at rates which will return
17 the full cost of each service: *Provided further*, That the
18 Committees on Appropriations of the Senate and House
19 of Representatives shall be notified of any activity added
20 to or removed from the fund and the activity's accom-
21 panying offset by component: *Provided further*, That the
22 Chief Financial Officer of the Department of Homeland
23 Security shall submit a quarterly execution report with ac-
24 tivity level detail, not later than 30 days after the end of
25 each quarter.

1 SEC. 505. Except as otherwise specifically provided
2 by law, not to exceed 50 percent of unobligated balances
3 remaining available at the end of fiscal year 2016, as re-
4 corded in the financial records at the time of a reprogram-
5 ming request, but not later than June 30, 2017, from ap-
6 propriations for salaries and expenses for fiscal year 2016
7 in this Act shall remain available through September 30,
8 2017, in the account and for the purposes for which the
9 appropriations were provided: *Provided*, That prior to the
10 obligation of such funds, a request shall be submitted to
11 the Committees on Appropriations of the Senate and the
12 House of Representatives for approval in accordance with
13 section 503 of this Act.

14 SEC. 506. Funds made available by this Act for intel-
15 ligence activities are deemed to be specifically authorized
16 by the Congress for purposes of section 504 of the Na-
17 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
18 year 2016 until the enactment of an Act authorizing intel-
19 ligence activities for fiscal year 2016.

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

23 (1) make or award a grant allocation, grant,
24 contract, other transaction agreement, or task or de-
25 livery order on a Department of Homeland Security

1 multiple award contract, or to issue a letter of intent
2 totaling in excess of \$1,000,000;

3 (2) award a task or delivery order requiring an
4 obligation of funds in an amount greater than
5 \$10,000,000 from multi-year Department of Home-
6 land Security funds;

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

8 (4) announce publicly the intention to make or
9 award items under paragraph (1), (2), or (3) includ-
10 ing a contract covered by the Federal Acquisition
11 Regulation.

12 (b) The Secretary of Homeland Security may waive
13 the prohibition under subsection (a) if the Secretary noti-
14 fies the Committees on Appropriations of the Senate and
15 the House of Representatives at least 3 full business days
16 in advance of making an award or issuing a letter as de-
17 scribed in that subsection.

18 (c) If the Secretary of Homeland Security determines
19 that compliance with this section would pose a substantial
20 risk to human life, health, or safety, an award may be
21 made without notification, and the Secretary shall notify
22 the Committees on Appropriations of the Senate and the
23 House of Representatives not later than 5 full business
24 days after such an award is made or letter issued.

25 (d) A notification under this section—

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

3 (2) shall include the amount of the award; the
4 fiscal year for which the funds for the award were
5 appropriated; the type of contract; and the account
6 from which the funds are being drawn.

7 (e) The Administrator of the Federal Emergency
8 Management Agency shall brief the Committees on Appro-
9 priations of the Senate and the House of Representatives
10 5 full business days in advance of announcing publicly the
11 intention of making an award under “State and Local
12 Programs”.

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

24 SEC. 509. None of the funds appropriated or other-
25 wise made available by this Act may be used for expenses

1 for any construction, repair, alteration, or acquisition
2 project for which a prospectus otherwise required under
3 chapter 33 of title 40, United States Code, has not been
4 approved, except that necessary funds may be expended
5 for each project for required expenses for the development
6 of a proposed prospectus.

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

13 (b) The third proviso of section 537 of the Depart-
14 ment of Homeland Security Appropriations Act, 2006 (6
15 U.S.C. 114), shall not apply with respect to funds made
16 available in this Act.

17 SEC. 511. None of the funds made available in this
18 Act may be used in contravention of the applicable provi-
19 sions of the Buy American Act. For purposes of the pre-
20 ceding sentence, the term “Buy American Act” means
21 chapter 83 of title 41, United States Code.

22 SEC. 512. None of the funds made available in this
23 Act may be used to amend the oath of allegiance required
24 by section 337 of the Immigration and Nationality Act
25 (8 U.S.C. 1448).

1 SEC. 513. Not later than 30 days after the last day
2 of each month, the Chief Financial Officer of the Depart-
3 ment of Homeland Security shall submit to the Commit-
4 tees on Appropriations of the Senate and the House of
5 Representatives a monthly budget and staffing report for
6 that month that includes total obligations of the Depart-
7 ment for that month for the fiscal year at the appropria-
8 tion and program, project, and activity levels, by the
9 source year of the appropriation. Total obligations for
10 staffing shall also be provided by subcategory of on-board
11 and funded full-time equivalent staffing levels, respec-
12 tively, and the report shall specify the number of, and total
13 obligations for, contract employees for each office of the
14 Department.

15 SEC. 514. Except as provided in section 44945 of title
16 49, United States Code, funds appropriated or transferred
17 to Transportation Security Administration “Aviation Se-
18 curity”, “Administration”, and “Transportation Security
19 Support” for fiscal years 2004 and 2005 that are recov-
20 ered or deobligated shall be available only for the procure-
21 ment or installation of explosives detection systems, air
22 cargo, baggage, and checkpoint screening systems, subject
23 to notification: *Provided*, That semiannual reports shall be
24 submitted to the Committees on Appropriations of the

1 Senate and the House of Representatives on any funds
2 that are recovered or deobligated.

3 SEC. 515. None of the funds appropriated by this Act
4 may be used to process or approve a competition under
5 Office of Management and Budget Circular A-76 for serv-
6 ices provided by employees (including employees serving
7 on a temporary or term basis) of United States Citizen-
8 ship and Immigration Services of the Department of
9 Homeland Security who are known as Immigration Infor-
10 mation Officers, Contact Representatives, Investigative
11 Assistants, or Immigration Services Officers.

12 SEC. 516. Any funds appropriated to “Coast Guard,
13 Acquisition, Construction, and Improvements” for fiscal
14 years 2002, 2003, 2004, 2005, and 2006 for the 110-
15 123 foot patrol boat conversion that are recovered, col-
16 lected, or otherwise received as the result of negotiation,
17 mediation, or litigation, shall be available until expended
18 for the Fast Response Cutter program.

19 SEC. 517. The functions of the Federal Law Enforce-
20 ment Training Center instructor staff shall be classified
21 as inherently governmental for the purpose of the Federal
22 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
23 note).

24 SEC. 518. (a) The Secretary of Homeland Security
25 shall submit a report not later than October 15, 2016,

1 to the Office of Inspector General of the Department of
2 Homeland Security listing all grants and contracts award-
3 ed by any means other than full and open competition dur-
4 ing fiscal year 2016.

5 (b) The Inspector General shall review the report re-
6 quired by subsection (a) to assess Departmental compli-
7 ance with applicable laws and regulations and report the
8 results of that review to the Committees on Appropriations
9 of the Senate and the House of Representatives not later
10 than February 15, 2017.

11 SEC. 519. None of the funds provided by this or pre-
12 vious appropriations Acts shall be used to fund any posi-
13 tion designated as a Principal Federal Official (or the suc-
14 cessor thereto) for any Robert T. Stafford Disaster Relief
15 and Emergency Assistance Act (42 U.S.C. 5121 et seq.)
16 declared disasters or emergencies unless—

17 (1) the responsibilities of the Principal Federal
18 Official do not include operational functions related
19 to incident management, including coordination of
20 operations, and are consistent with the requirements
21 of section 509(c) and sections 503(c)(3) and
22 503(c)(4)(A) of the Homeland Security Act of 2002
23 (6 U.S.C. 319(c), 313(c)(3), and 313(c)(4)(A)) and
24 section 302 of the Robert T. Stafford Disaster Relief
25 and Assistance Act (42 U.S.C. 5143);

1 (2) not later than 10 business days after the
2 latter of the date on which the Secretary of Home-
3 land Security appoints the Principal Federal Official
4 and the date on which the President issues a dec-
5 laration under section 401 or section 501 of the
6 Robert T. Stafford Disaster Relief and Emergency
7 Assistance Act (42 U.S.C. 5170 and 5191, respec-
8 tively), the Secretary of Homeland Security shall
9 submit a notification of the appointment of the Prin-
10 cipal Federal Official and a description of the re-
11 sponsibilities of such Official and how such respon-
12 sibilities are consistent with paragraph (1) to the
13 Committees on Appropriations of the Senate and the
14 House of Representatives, the Committee on Trans-
15 portation and Infrastructure of the House of Rep-
16 resentatives, and the Committee on Homeland Secu-
17 rity and Governmental Affairs of the Senate; and

18 (3) not later than 60 days after the date of en-
19 actment of this Act, the Secretary shall provide a re-
20 port specifying timeframes and milestones regarding
21 the update of operations, planning and policy docu-
22 ments, and training and exercise protocols, to ensure
23 consistency with paragraph (1) of this section.

24 SEC. 520. None of the funds provided or otherwise
25 made available in this Act shall be available to carry out

1 section 872 of the Homeland Security Act of 2002 (6
2 U.S.C. 452) unless explicitly authorized by Congress.

3 SEC. 521. None of the funds made available in this
4 Act may be used by United States Citizenship and Immi-
5 gration Services to grant an immigration benefit unless
6 the results of background checks required by law to be
7 completed prior to the granting of the benefit have been
8 received by United States Citizenship and Immigration
9 Services, and the results do not preclude the granting of
10 the benefit.

11 SEC. 522. Section 831 of the Homeland Security Act
12 of 2002 (6 U.S.C. 391) is amended—

13 (1) in subsection (a), by striking “Until Sep-
14 tember 30, 2015,” and inserting “Until September
15 30, 2016,”; and

16 (2) in subsection (c)(1), by striking “September
17 30, 2015,” and inserting “September 30, 2016,”.

18 SEC. 523. The Secretary of Homeland Security shall
19 require that all contracts of the Department of Homeland
20 Security that provide award fees link such fees to success-
21 ful acquisition outcomes (which outcomes shall be speci-
22 fied in terms of cost, schedule, and performance).

23 SEC. 524. Notwithstanding any other provision of
24 law, none of the funds provided in this or any other Act
25 shall be used to approve a waiver of the navigation and

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

16 SEC. 525. None of the funds made available in this
17 Act for United States Customs and Border Protection
18 may be used to prevent an individual not in the business
19 of importing a prescription drug (within the meaning of
20 section 801(g) of the Federal Food, Drug, and Cosmetic
21 Act) from importing a prescription drug from Canada that
22 complies with the Federal Food, Drug, and Cosmetic Act:
23 *Provided*, That this section shall apply only to individuals
24 transporting on their person a personal-use quantity of the

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

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

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

9 SEC. 526. The Secretary of Homeland Security, in
10 consultation with the Secretary of the Treasury, shall no-
11 tify the Committees on Appropriations of the Senate and
12 the House of Representatives of any proposed transfers
13 of funds available under section 9703(g)(4)(B) of title 31,
14 United States Code (added by section 638 of Public Law
15 102–393), from the Department of the Treasury For-
16 feiture Fund to any agency within the Department of
17 Homeland Security: *Provided*, That none of the funds
18 identified for such a transfer may be obligated until the
19 Committees on Appropriations of the Senate and the
20 House of Representatives approve the proposed transfers.

21 SEC. 527. None of the funds made available in this
22 Act may be used for planning, testing, piloting, or devel-
23 oping a national identification card.

24 SEC. 528. Any official that is required by this Act
25 to report or to certify to the Committees on Appropria-

1 tions of the Senate and the House of Representatives may
2 not delegate such authority to perform that act unless spe-
3 cifically authorized herein.

4 SEC. 529. None of the funds appropriated or other-
5 wise made available in this or any other Act may be used
6 to transfer, release, or assist in the transfer or release to
7 or within the United States, its territories, or possessions
8 Khalid Sheikh Mohammed or any other detainee who—

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

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

14 SEC. 530. None of the funds made available in this
15 Act may be used for first-class travel by the employees
16 of agencies funded by this Act in contravention of sections
17 301–10.122 through 301–10.124 of title 41, Code of Fed-
18 eral Regulations.

19 SEC. 531. None of the funds made available in this
20 Act may be used to employ workers described in section
21 274A(h)(3) of the Immigration and Nationality Act (8
22 U.S.C. 1324a(h)(3)).

23 SEC. 532. Notwithstanding any other provision of
24 this Act, none of the funds appropriated or otherwise
25 made available by this Act may be used to pay award or

1 incentive fees for contractor performance that has been
2 judged to be below satisfactory performance or perform-
3 ance that does not meet the basic requirements of a con-
4 tract.

5 SEC. 533. In developing any process to screen avia-
6 tion passengers and crews for transportation or national
7 security purposes, the Secretary of Homeland Security
8 shall ensure that all such processes take into consideration
9 such passengers' and crews' privacy and civil liberties con-
10 sistent with applicable laws, regulations, and guidance.

11 SEC. 534. (a) Notwithstanding section 1356(n) of
12 title 8, United States Code, of the funds deposited into
13 the Immigration Examinations Fee Account, \$10,000,000
14 may be allocated by United States Citizenship and Immi-
15 gration Services in fiscal year 2016 for the purpose of pro-
16 viding an immigrant integration grants program.

17 (b) None of the funds made available to United
18 States Citizenship and Immigration Services for grants for
19 immigrant integration may be used to provide services to
20 aliens who have not been lawfully admitted for permanent
21 residence.

22 SEC. 535. For an additional amount for the "Office
23 of the Under Secretary for Management", \$43,886,000,
24 to remain available until expended, for necessary expenses
25 to plan, acquire, design, construct, renovate, remediate,

1 equip, furnish, improve infrastructure, and occupy build-
2 ings and facilities for the department headquarters con-
3 solidation project and associated mission support consoli-
4 dation.

5 SEC. 536. None of the funds appropriated or other-
6 wise made available by this Act may be used by the De-
7 partment of Homeland Security to enter into any Federal
8 contract unless such contract is entered into in accordance
9 with the requirements of subtitle I of title 41, United
10 States Code, or chapter 137 of title 10, United States
11 Code, and the Federal Acquisition Regulation, unless such
12 contract is otherwise authorized by statute to be entered
13 into without regard to the above referenced statutes.

14 SEC. 537. (a) For an additional amount for financial
15 systems modernization, \$52,977,000 to remain available
16 until September 30, 2017.

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

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

1 SEC. 538. Notwithstanding the 10 percent limitation
2 contained in section 503(c) of this Act, the Secretary of
3 Homeland Security may transfer to the fund established
4 by 8 U.S.C. 1101 note, up to \$20,000,000 from appro-
5 priations available to the Department of Homeland Secu-
6 rity: *Provided*, That the Secretary shall notify the Com-
7 mittees on Appropriations of the Senate and the House
8 of Representatives 5 days in advance of such transfer.

9 SEC. 539. Notwithstanding any other provision of
10 law, if the Secretary of Homeland Security determines
11 that specific United States Immigration and Customs En-
12 forcement Service Processing Centers or other United
13 States Immigration and Customs Enforcement owned de-
14 tention facilities no longer meet the mission need, the Sec-
15 retary is authorized to dispose of individual Service Proc-
16 essing Centers or other United States Immigration and
17 Customs Enforcement owned detention facilities by direct-
18 ing the Administrator of General Services to sell all real
19 and related personal property which support Service Proc-
20 essing Centers or other United States Immigration and
21 Customs Enforcement owned detention facilities, subject
22 to such terms and conditions as necessary to protect Gov-
23 ernment interests and meet program requirements: *Pro-*
24 *vided*, That the proceeds, net of the costs of sale incurred
25 by the General Services Administration and United States

1 Immigration and Customs Enforcement, shall be deposited
2 as offsetting collections into a separate account that shall
3 be available, subject to appropriation, until expended for
4 other real property capital asset needs of existing United
5 States Immigration and Customs Enforcement assets, ex-
6 cluding daily operations and maintenance costs, as the
7 Secretary deems appropriate: *Provided further*, That any
8 sale or collocation of federally owned detention facilities
9 shall not result in the maintenance of fewer than 34,000
10 detention beds: *Provided further*, That the Committees on
11 Appropriations of the Senate and the House of Represent-
12 atives shall be notified 15 days prior to the announcement
13 of any proposed sale or collocation.

14 SEC. 540. The Secretary of Homeland Security shall
15 ensure enforcement of all immigration laws (as defined in
16 section 101(a)(17) of the Immigration and Nationality Act
17 (8 U.S.C. 1101(a)(17))).

18 SEC. 541. (a) None of the funds made available in
19 this Act may be used to maintain or establish a computer
20 network unless such network blocks the viewing,
21 downloading, and exchanging of pornography.

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

1 SEC. 542. None of the funds made available in this
2 Act may be used by a Federal law enforcement officer to
3 facilitate the transfer of an operable firearm to an indi-
4 vidual if the Federal law enforcement officer knows or sus-
5 pects that the individual is an agent of a drug cartel unless
6 law enforcement personnel of the United States continu-
7 ously monitor or control the firearm at all times.

8 SEC. 543. None of the funds provided in this or any
9 other Act may be obligated to implement the National Pre-
10 paredness Grant Program or any other successor grant
11 programs unless explicitly authorized by Congress.

12 SEC. 544. None of the funds made available in this
13 Act may be used to provide funding for the position of
14 Public Advocate, or a successor position, within United
15 States Immigration and Customs Enforcement.

16 SEC. 545. Section 559(e)(3)(D) of division F of Pub-
17 lic Law 113–76 (6 U.S.C. 211 note) is amended by strik-
18 ing “five” and inserting “ten”.

19 SEC. 546. None of the funds made available in this
20 Act may be used to pay for the travel to or attendance
21 of more than 50 employees of a single component of the
22 Department of Homeland Security, who are stationed in
23 the United States, at a single international conference un-
24 less the Secretary of Homeland Security, or a designee,
25 determines that such attendance is in the national interest

1 and notifies the Committees on Appropriations of the Sen-
2 ate and the House of Representatives within at least 10
3 days of that determination and the basis for that deter-
4 mination: *Provided*, That for purposes of this section the
5 term “international conference” shall mean a conference
6 occurring outside of the United States attended by rep-
7 resentatives of the United States Government and of for-
8 eign governments, international organizations, or non-
9 governmental organizations.

10 SEC. 547. None of the funds made available in this
11 Act may be used to reimburse any Federal department
12 or agency for its participation in a National Special Secu-
13 rity Event.

14 SEC. 548. With the exception of countries with
15 preclearance facilities in service prior to 2014, none of the
16 funds made available in this Act may be used for new
17 United States Customs and Border Protection air
18 preclearance agreements entering into force after Feb-
19 ruary 1, 2015, unless—

20 (1) the Secretary of Homeland Security, in con-
21 sultation with the Secretary of State, has certified to
22 Congress that air preclearance operations at the air-
23 port provide a homeland or national security benefit
24 to the United States;

1 (2) United States passenger air carriers are not
2 precluded from operating at existing preclearance lo-
3 cations; and

4 (3) a United States passenger air carrier is op-
5 erating at all airports contemplated for establish-
6 ment of new air preclearance operations.

7 SEC. 549. None of the funds made available by this
8 or any other Act may be used by the Administrator of
9 the Transportation Security Administration to implement,
10 administer, or enforce, in abrogation of the responsibility
11 described in section 44903(n)(1) of title 49, United States
12 Code, any requirement that airport operators provide air-
13 port-financed staffing to monitor exit points from the ster-
14 ile area of any airport at which the Transportation Secu-
15 rity Administration provided such monitoring as of De-
16 cember 1, 2013.

17 SEC. 550. The administrative law judge annuitants
18 participating in the Senior Administrative Law Judge
19 Program managed by the Director of the Office of Per-
20 sonnel Management under section 3323 of title 5, United
21 States Code, shall be available on a temporary reemploy-
22 ment basis to conduct arbitrations of disputes arising from
23 delivery of assistance under the Federal Emergency Man-
24 agement Agency Public Assistance Program.

1 SEC. 551. As authorized by section 601(b) of the
2 United States-Colombia Trade Promotion Agreement Im-
3 plementation Act (Public Law 112-42), not to exceed
4 \$180,000,000 in fees collected from passengers arriving
5 from Canada, Mexico, or an adjacent island pursuant to
6 section 13031(a)(5) of the Consolidated Omnibus Budget
7 Reconciliation Act of 1985 (19 U.S.C. 58c(a)(5)) shall be
8 available until expended.

9 SEC. 552. None of the funds made available to the
10 Department of Homeland Security by this or any other
11 Act may be obligated for any structural pay reform that
12 affects more than 100 full-time equivalent employee posi-
13 tions or costs more than \$5,000,000 in a single year be-
14 fore the end of the 30-day period beginning on the date
15 on which the Secretary of Homeland Security submits to
16 Congress a notification that includes—

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

19 (2) funding required for such change for the
20 current year and through the Future Years Home-
21 land Security Program;

22 (3) justification for such change; and

23 (4) an analysis of compensation alternatives to
24 such change that were considered by the Depart-
25 ment.

1 SEC. 553. (a) Any agency receiving funds made avail-
2 able in this Act shall, subject to subsections (b) and (c),
3 post on the public Web site of that agency any report re-
4 quired to be submitted by the Committees on Appropria-
5 tions of the Senate and the House of Representatives in
6 this Act, upon the determination by the head of the agency
7 that it shall serve the national interest.

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

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

11 (2) the report contains proprietary information.

12 (c) The head of the agency posting such report shall
13 do so only after such report has been made available to
14 the requesting Committee or Committees of Congress for
15 no less than 45 days except as otherwise specified in law.

16 SEC. 554. Notwithstanding any other provision of
17 law, grants awarded to States along the Southwest Border
18 of the United States under sections 2003 or 2004 of the
19 Homeland Security Act of 2002 (6 U.S.C. 604 and 605)
20 using funds provided under the heading “Federal Emer-
21 gency Management Agency, State and Local Programs”
22 in Public Law 114–4, division F of Public Law 113–76,
23 or division D of Public Law 113–6 may be used by recipi-
24 ents or sub-recipients for costs, or reimbursement of costs,
25 related to providing humanitarian relief to unaccompanied

1 alien children and alien adults accompanied by an alien
2 minor where they are encountered after entering the
3 United States, provided that such costs were incurred dur-
4 ing the award period of performance.

5 SEC. 555. (a) Notwithstanding any limitation or re-
6 quirement in section 503 of this Act with respect to the
7 reprogramming and transfer of funds, amounts made
8 available by this Act for the Transportation Security Ad-
9 ministration may be reprogrammed within “Aviation Se-
10 curity” or transferred from “Transportation Security Sup-
11 port” for obligations associated with private screening
12 contract awards made by the Screening Partnership Pro-
13 gram.

14 (b) The Committees on Appropriations of the Senate
15 and the House of Representatives shall be notified of any
16 reprogramming or transfer under subsection (a) within 10
17 days after such action.

18 SEC. 556. Each major acquisition program of the De-
19 partment of Homeland Security, as defined in Department
20 of Homeland Security Management Directive 102–2, shall
21 meet established acquisition documentation requirements
22 for its acquisition program baseline established in the De-
23 partment of Homeland Security Instruction Manual 102–
24 01–001 and the Department of Homeland Security Acqui-
25 sition Instruction/Guidebook 102–01–001, Appendix K.

1 SEC. 557. None of the funds made available by this
2 Act or any other Act for any fiscal year may be used for
3 any of the following major acquisition programs, until it
4 meets the documentation requirements established in the
5 Department of Homeland Security Instruction Manual
6 102-01-001 and the Department of Homeland Security
7 Acquisition Instruction/Guidebook 102-01-001, Appendix
8 K, for its acquisition program baseline:

9 (1) U.S. Customs and Border Protection's
10 Land Border Integration program.

11 (2) U.S. Customs and Border Protection's Non-
12 Intrusive Inspection Systems program.

13 (3) U.S. Customs and Border Protection's Stra-
14 tegic Air and Marine Program.

15 (4) U.S. Customs and Border Protection's Tac-
16 tical Communications Modernization program.

17 (5) Federal Emergency Management Agency's
18 Logistics Supply Chain Management System.

19 (6) Coast Guard's Medium Range Surveillance
20 Aircraft program.

21 SEC. 558. (a) The Secretary of Homeland Security
22 shall include, in the President's budget proposal for fiscal
23 year 2017, submitted pursuant to section 1105(a) of title
24 31, United States Code, and accompanying justification
25 materials, an account structure under which the following

1 categories of appropriation are included under each agen-
2 cy heading in accounts of the same name:

3 (1) Operations and Support.

4 (2) Procurements, Construction, and Improve-
5 ments.

6 (3) Research and Development.

7 (4) Federal Assistance.

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

12 (c) In fiscal year 2017, the accounts designed under
13 subsection (a) shall be created, and the Secretary of
14 Homeland Security shall structure appropriations of the
15 Department as provided pursuant to such subsection, in-
16 cluding any continuing appropriations made available for
17 such fiscal year before enactment of a regular appropria-
18 tion Act.

19 (d) Notwithstanding any other provision of law, the
20 Secretary of Homeland Security may transfer any approp-
21 riation made available to the Department of Homeland
22 Security by previous appropriation Acts to the accounts
23 created pursuant to subsection (c) to carry out the re-
24 quirements of such subsection.

1 (e)(1) Not later than 60 days after the date of enact-
2 ment of the regular or full-year continuing appropriation
3 Act or resolution for the Department of Homeland Secu-
4 rity for fiscal year 2017, the Secretary of Homeland Secu-
5 rity shall establish the baseline for application of re-
6 programming and transfer authorities and submit the re-
7 port specified in paragraph (2) to the Committees on Ap-
8 propriations of the Senate and the House of Representa-
9 tives.

10 (2) The report required in this subsection shall
11 include—

12 (A) a delineation of the amount and ac-
13 count of each transfer made pursuant to sub-
14 section (c) or (d);

15 (B) a table for each appropriation with a
16 separate column to display the President's
17 budget request, adjustments made by Congress,
18 adjustments due to enacted rescissions, if ap-
19 propriate, adjustments made pursuant to the
20 transfer authority in subsection (c) or (d), and
21 the fiscal year enacted level;

22 (C) a delineation in the table for each ap-
23 propriation, adjusted as described in paragraph
24 (2), both by budget activity and program,

1 project, and activity as detailed in the Budget
2 Appendix; and

3 (D) an identification of items of special
4 congressional interest.

5 SEC. 559. (a) None of the funds made available by
6 this Act may be used to approve, license, facilitate, author-
7 ize, or otherwise allow the trafficking or import of prop-
8 erty confiscated by the Cuban Government.

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

15 SEC. 560. No funds, resources, or fees made available
16 to the Secretary of Homeland Security, or to any other
17 official of a Federal agency, by this Act or any other Act
18 for any fiscal year, including any deposits into the “Immi-
19 gration Examinations Fee Account” established under
20 section 286(m) of the Immigration and Nationality Act
21 (8 U.S.C. 1356(m)), may be obligated to expand the exist-
22 ing Deferred Action for Childhood Arrivals or newly pro-
23 posed Deferred Action for Parents of Americans and Law-
24 ful Permanent Residents as outlined in memoranda signed
25 November 20, 2014, by the Secretary of the Department

1 of Homeland Security while the preliminary injunctive
2 order of the district court for the Southern District of
3 Texas entered February 16, 2015, in the matter of *Texas*
4 *v. United States*, Civ. No. B-14-254, 2015 WL 648579
5 (S.D. Tex. Feb. 16, 2015), remains in effect.

6 SEC. 561. Section 214(g)(9)(A) of the Immigration
7 and Nationality Act (8 U.S.C. 1184(g)(9)(A)) is amended
8 by striking “2004, 2005, or 2006 shall not again be count-
9 ed toward such limitation during fiscal year 2007.” and
10 inserting “2013, 2014, or 2015 shall not again be counted
11 toward such limitation during fiscal year 2016.”.

12 (RESCISSIONS)

13 SEC. 562. Of the funds appropriated to the Depart-
14 ment of Homeland Security, the following funds are here-
15 by rescinded from the following accounts and programs
16 in the specified amounts: *Provided*, That no amounts may
17 be rescinded from amounts that were designated by the
18 Congress as an emergency requirement pursuant to a con-
19 current resolution on the budget or the Balanced Budget
20 and Emergency Deficit Control Act of 1985 (Public Law
21 99–177):

22 (1) \$27,338,000 from Public Law 109–88;

23 (2) \$66,600,000 from “U.S. Custom and Bor-
24 der Protection, Border Security Fencing, Infrastruc-
25 ture, and Technology” account 70x0553;

1 (3) \$31,950,000 from Public Law 114–4 under
2 the heading “U.S. Custom and Border Protection,
3 Border Security Fencing, Infrastructure, and Tech-
4 nology”;

5 (4) \$30,000,000 from Public Law 114–4 under
6 the heading “Transportation Security Administra-
7 tion, Aviation Security”;

8 (5) \$22,000,000 from Public Law 114–4 under
9 the heading “Transportation Security Administra-
10 tion, Surface Transportation Security”;

11 (6) \$8,000,000 from Public Law 114–4 under
12 the heading “Transportation Security Administra-
13 tion, Intelligence and Vetting”;

14 (7) \$26,000,000 from Public Law 114–4 under
15 the heading “Transportation Security Administra-
16 tion, Transportation Security Support”;

17 (8) \$4,741,699 from Public Law 113–6 under
18 the heading “Coast Guard, Acquisition, Construc-
19 tion, and Improvements”;

20 (9) \$12,542,022 from Public Law 113–76
21 under the heading “Coast Guard, Acquisition, Con-
22 struction, and Improvements”;

23 (10) \$2,305,000 from Public Law 114–4 under
24 the heading “Coast Guard, Acquisition, Construc-
25 tion, and Improvements”;

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

9 SPENDING REDUCTION ACCOUNT

10 SEC. 565. The amount by which the applicable alloca-
11 tion of new budget authority made by the Committee on
12 Appropriations of the House of Representatives under sec-
13 tion 302(b) of the Congressional Budget Act of 1974 ex-
14 ceeds the amount of proposed new budget authority is \$0.

15 This Act may be cited as the “Department of Home-
16 land Security Appropriations Act, 2016”.

[FULL COMMITTEE PRINT]

Union Calendar No. _____

114TH CONGRESS
1ST Session

H. R. _____

[Report No. 114-____]

A BILL

Making appropriations for the Department of
Homeland Security for the fiscal year ending
September 30, 2016, and for other purposes.

, 2015

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