

S 1619

Department of Homeland Security Appropriations Act, 2016

Congress: 114 (2015–2017, Ended)

Chamber: Senate

Policy Area: Emergency Management

Introduced: Jun 18, 2015

Current Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 122.

Latest Action: Placed on Senate Legislative Calendar under General Orders. Calendar No. 122. (Jun 18, 2015)

Official Text: <https://www.congress.gov/bill/114th-congress/senate-bill/1619>

Sponsor

Name: Sen. Hoeven, John [R-ND]

Party: Republican • **State:** ND • **Chamber:** Senate

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Appropriations Committee	Senate	Reported Original Measure	Jun 18, 2015

Subjects & Policy Tags

Policy Area:

Emergency Management

Related Bills

Bill	Relationship	Last Action
114 HR 2029	Related bill	Dec 18, 2015: Became Public Law No: 114-113.
114 S 2130	Related bill	Oct 6, 2015: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 249.
114 S 2131	Related bill	Oct 6, 2015: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 250.
114 HR 3128	Related bill	Jul 21, 2015: Placed on the Union Calendar, Calendar No. 162.

(This measure has not been amended since it was introduced. The summary has been expanded because action occurred on the measure.)

Highlights:

The Department of Homeland Security Appropriations Act, 2016 provides FY2016 appropriations for the Department of Homeland Security (DHS), including U.S. Customs and Border Protection, the U.S. Coast Guard, U.S. Immigration and Customs Enforcement, the Transportation Security Administration, the Federal Emergency Management Agency, the U.S. Secret Service, and other DHS programs.

The bill increases total funding for DHS compared to the FY2015 funding level.

Within the DHS budget, the bill increases funding above FY2015 levels for:

- Departmental Management and Operations,
- U.S. Customs and Border Protection,
- the Coast Guard,
- the U.S. Secret Service,
- the Federal Emergency Management Agency, and
- the Domestic Nuclear Detection Office.

The bill decreases funding below FY2015 levels for:

- U.S Immigration and Customs Enforcement,
- the Transportation Security Administration,
- the Office of Health Affairs, and
- the Federal Law Enforcement Training Center.

Also included in the bill are provisions that permit DHS to include Poland in the Visa Waiver Program, and prohibit the use of funds for the new Federal Flood Risk Management Standard.

Full Summary:

Department of Homeland Security Appropriations Act, 2016

Provides FY2016 appropriations for the Department of Homeland Security (DHS).

TITLE I--DEPARTMENTAL MANAGEMENT AND OPERATIONS

Provides appropriations for: (1) the Office of the Secretary and Executive Management, (2) the Office of the Under Secretary for Management, (3) the Office of the Chief Financial Officer, (4) the Office of the Chief Information Officer, (5) Analysis and Operations, and (6) the Office of Inspector General.

Requires DHS to submit to Congress a comprehensive plan for implementation of the biometric entry and exit data system required by the Intelligence Reform and Terrorism Prevention Act of 2004 and a report on visa overstay data by country as required by existing laws. Withholds \$13 million in funds from the Office of the Secretary and Executive Management until both the plan and the report are submitted.

Requires DHS to submit a Comprehensive Acquisition Status Report and the Future Years Homeland Security Program with the President's FY2017 budget.

TITLE II--SECURITY, ENFORCEMENT, AND INVESTIGATIONS

Provides appropriations to U.S. Customs and Border Protection (CBP) for:

- Salaries and Expenses;
- Automation Modernization;
- Border Security Fencing, Infrastructure, and Technology;
- Air and Marine Operations; and
- Construction and Facilities Management.

Requires DHS to report to Congress on any changes to the five-year strategic plan for the air and marine program required by the Consolidated Appropriations Act, 2012.

Provides appropriations to U.S. Immigration and Customs Enforcement (ICE) for: (1) Salaries and Expenses, and (2) Automation Modernization.

Provides appropriations to the Transportation Security Administration (TSA) for:

- Aviation Security,
- Surface Transportation Security,
- Intelligence and Vetting, and
- Transportation Security Support.

Requires TSA to submit reports to Congress: (1) detailing efforts to develop more advanced passenger screening technologies and deploy the existing passenger and baggage screener workforce in the most cost effective manner, and (2) updating information on a strategy to increase the number of air passengers eligible for expedited screening.

Provides appropriations to the U.S. Coast Guard for:

- Operating Expenses;
- Environmental Compliance and Restoration;
- Reserve Training;
- Acquisition, Construction, and Improvements;
- Research, Development, Test, and Evaluation; and
- Retired Pay.

Requires the Coast Guard to submit a future-years capital investment plan to Congress.

Provides appropriations to the U.S. Secret Service for: (1) Salaries and Expenses; and (2) Acquisition, Construction, Improvements, and Related Expenses.

TITLE III--PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

Provides appropriations for the National Protection and Programs Directorate for:

- Management and Administration,

Infrastructure Protection and Information Security,

- the Federal Protective Service, and
- the Office of Biometric Identity Management.

Provides appropriations for the Office of Health Affairs, including BioWatch operations, biosurveillance, chemical defense, medical and health planning and coordination, and workforce health protection.

Provides appropriations to the Federal Emergency Management Agency (FEMA) for:

- Salaries and Expenses,
- State and Local Programs,
- Firefighter Assistance Grants,
- Emergency Management Performance Grants,
- the Radiological Emergency Preparedness Program,
- the U.S. Fire Administration,
- the Disaster Relief Fund,
- the Flood Hazard Mapping and Risk Analysis Program,
- the National Flood Insurance Fund,
- the National Predisaster Mitigation Fund, and
- Emergency Food and Shelter.

Requires FEMA to submit specified reports to Congress on the Disaster Relief Fund, including the balances of appropriations, obligations for catastrophic and non-catastrophic events, and obligations and activities related to disaster relief and emergencies.

TITLE IV--RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES

Provides appropriations for U.S. Citizenship and Immigration Services (USCIS).

Provides appropriations to the Federal Law Enforcement Training Center for: (1) Salaries and Expenses; and (2) Acquisition, Construction, Improvements, and Related Expenses.

Provides appropriations for Science and Technology for: (1) Management and Administration; and (2) Research, Development, Acquisition and Operations.

Provides appropriations to the Domestic Nuclear Detection Office for: (1) Management and Administration; (2) Research, Development, and Operations; and (3) Systems Acquisition.

TITLE V--GENERAL PROVISIONS

Sets forth permissible, restricted, and prohibited uses for funds provided by this and other appropriations Acts.

(Sec. 501) Prohibits appropriations provided by this bill from remaining available for obligation beyond the current fiscal year unless expressly provided.

(Sec. 502) Permits unexpended balances of prior appropriations to be transferred and merged to new accounts and used for the same purpose, subject to reprogramming guidelines.

(Sec. 503) Sets forth restrictions, guidelines, and requirements for the reprogramming and transfer of funds provided by

this bill.

(Sec. 504) Extends the authority for the DHS Working Capital Fund (WCF) and prohibits DHS from using funds to make payments to the WCF, except for activities and amounts allowed in the President's FY2016 budget. Permits funds provided to the WCF to remain available until expended and sets forth restrictions and requirements for the WCF.

(Sec. 505) Permits up to 50% of unobligated balances remaining at the end of FY2016 from appropriations for salaries and expenses to remain available through FY2017, if a request is submitted to Congress in accordance with reprogramming guidelines.

(Sec. 506) Deems funds provided by this bill for intelligence activities to be specifically authorized during FY2016 until the enactment of an Act authorizing intelligence activities for FY2016.

(Sec. 507) Requires DHS to notify Congress prior to awarding or announcing the intent to award specified grant allocations, grants, contracts, task or delivery orders, or other transaction agreements. Permits a waiver if compliance would pose a substantial risk to human life, health, or safety and DHS notifies Congress after the award is made.

(Sec. 508) Restricts the use of funds for additional law enforcement training facilities without notifying Congress in advance. Permits the Federal Law Enforcement Training Center to obtain the temporary use of additional facilities for training which cannot be accommodated in existing facilities.

(Sec. 509) Prohibits the use of funds provided by this bill for a construction, repair, alteration, or acquisition project for which a required prospectus has not been approved.

(Sec. 510) Applies provisions of the Department Homeland Security Appropriations Act, 2008 related to a contracting officer's technical representative training, disclosure of sensitive security information, and minimum federal fleet requirements to funds provided by this bill. Excludes funds provided by this or any other Act from a requirement that DHS report to Congress on documents designated as sensitive security information.

(Sec. 511) Prohibits funds provided by this bill from being used in contravention of the Buy American Act.

(Sec. 512) Prohibits funds provided by this bill from being used to amend the oath of allegiance required by the Immigration and Nationality Act.

(Sec. 513) Requires the DHS Chief Financial Officer to submit monthly budget execution and staffing reports to Congress.

(Sec. 514) Requires funds provided to TSA for Aviation Security, Administration, and Transportation Security Support for FY2004 and FY2005 that are recovered or deobligated to be used only for the procurement or installation of explosive detection, air cargo, baggage, and checkpoint screening systems.

(Sec. 515) Prohibits funds from being used for a competition for services provided by USCIS employees for Immigration Information Officers, Immigration Service Analysts, Contact Representatives, Investigative Assistants, or Immigration Services Officers.

(Sec. 516) Requires funds appropriated to the Coast Guard for FY2002-FY2006 for the 110-123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation to be available until expended for the Fast Response Cutter program.

(Sec. 517) Classifies the functions of the Federal Law Enforcement Training Center instructor staff as inherently governmental (rather than commercial, which would require source competition) for the purposes of the Federal Activities Inventory Reform Act of 1998.

(Sec. 518) Requires the Secretary of Homeland Security to submit a report to the DHS Office of Inspector General (OIG) listing all grants and contracts awarded in FY2016 without a full and open competition. Requires the OIG to review the report for compliance with laws and regulations and submit the results to Congress.

(Sec. 519) Prohibits the USCIS from using funds provided by this bill to grant an immigration benefit to an individual unless required background checks have been completed, received by DHS, and do not preclude the granting of the benefit.

(Sec. 520) Amends the Homeland Security Act of 2002 to extend certain DHS transactional authorities for research and development projects through FY2016.

(Sec. 521) Requires DHS to link all contracts that provide award fees to successful acquisition outcomes specified in terms of cost, schedule, and performance.

(Sec. 522) Prohibits funds from being used to waive navigation and vessel inspection laws for the transportation of crude oil distributed from the Strategic Petroleum Reserve until DHS takes adequate measures to ensure the use of U.S. flag vessels.

(Sec. 523) Prohibits the CBP from using funds provided by this bill to prevent individuals from importing personal use quantities of certain prescription drugs from Canada.

(Sec. 524) Prohibits funds provided by this bill from being used to reduce the U.S. Coast Guard's Operating Systems Center mission or its government or contract staff levels.

(Sec. 525) Requires DHS to notify Congress of proposed transfers from the Department of the Treasury Forfeiture Fund to any DHS agency, and prohibits obligation of the funds until Congress approves the transfer.

(Sec. 526) Prohibits funds provided by this bill from being used for planning, testing, piloting, or developing a national identification card.

(Sec. 527) Prohibits funds provided by this bill from being used to conduct or implement the results of a competition with respect to the Coast Guard National Vessel Documentation Center, pursuant to Office of Management and Budget Circular A-76.

(Sec. 528) Requires FEMA to post on its website a report summarizing damage assessment information used to determine whether to declare a major disaster. Requires the report to be posted within 30 days after the President determines whether to declare a major disaster and any appeal is completed.

(Sec. 529) Prohibits officials from delegating this bill's requirements to report or certify to Congress unless specifically authorized by this bill.

(Sec. 530) Prohibits funds from being used to transfer or release to or within the United States, its territories, or its possessions individuals detained at United States Naval Station, Guantanamo Bay, Cuba.

(Sec. 531) Prohibits funds provided by this bill from being used for first-class travel.

(Sec. 532) Prohibits the use of funds provided by this bill to employ workers who are unauthorized aliens under the Immigration and Nationality Act.

(Sec. 533) Permits funds provided by this bill to be used to alter operations within the Coast Guard's Civil Engineering Program. Prohibits the use of the funds to reduce operations within any Civil Engineering Unit unless authorized by statute.

(Sec. 534) Prohibits funds provided by this bill from being used to pay award or incentive fees for contractor performance that is below satisfactory or fails to meet the basic requirements of a contract.

(Sec. 535) Requires DHS to ensure that new processes for screening aviation passengers and crews consider privacy and civil liberties consistent with laws, regulations, and guidance.

(Sec. 536) Permits the USCIS to allocate specified funds from the Immigration Examinations Fee Account in FY2016 for an immigration integration grants program to provide services to individuals that have been lawfully admitted to the United States for permanent residence.

(Sec. 537) Provides appropriations to the Office of the Under Secretary for Management to remain available until expended for consolidation of the new DHS headquarters and related mission support activities. Requires DHS to submit an expenditure plan to Congress.

(Sec. 538) Prohibits DHS from entering into contracts that do not meet requirements of specified contracting laws and regulations.

(Sec. 539) Provides appropriations to remain available through FY2017 for financial systems modernization. Permits the funds to be transferred between appropriations accounts for the same purpose if Congress is notified in advance.

(Sec. 540) Permits DHS to transfer specified funds to respond to an immigration emergency if Congress is notified in advance.

(Sec. 541) Requires the CBP and ICE to submit multiyear investment and management plans for FY2016-FY2019 to Congress.

(Sec. 542) Requires DHS to ensure enforcement of all immigration laws.

(Sec. 543) Prohibits the use of funds provided by this bill for a computer network unless pornography is blocked, with the exception of law enforcement, prosecution, or adjudication activities.

(Sec. 544) Prohibits a federal law enforcement officer from using funds provided by this bill to transfer a firearm to an agent of a drug cartel unless U.S. law enforcement personnel continuously monitor or control the firearm.

(Sec. 545) Prohibits funds from being used for the National Preparedness Grant Program or successor programs unless explicitly authorized by Congress.

(Sec. 546) Prohibits funds provided by this bill from being used to fund the position of Public Advocate within ICE.

(Sec. 547) Amends the Consolidated Appropriations Act, 2014 to increase from 5 to 10 the number of reimbursable agreements the CBP is permitted to enter into with airports for services at ports of entry relating to customs, agricultural processing, border security, and immigration inspection-related matters.

(Sec. 548) Sets forth restrictions and reporting requirements for the use of funds provided by this bill to attend international conferences.

(Sec. 549) Prohibit TSA from using funds to require airport operators to provide airport-financed staffing to monitor exit points from the sterile area of any airport at which TSA provided monitoring as of December 1, 2013.

(Sec. 550) Prohibits funds provided by this bill from being used to reimburse any federal department or agency for participation in a National Special Security Event.

(Sec. 551) Prohibits funds provided by this bill from being used for new CBP air preclearance agreements entering into force after February 1, 2014, unless: (1) DHS certifies to Congress that air preclearance operations at the airport provide a homeland or national security benefit, (2) U.S. passenger air carriers are not precluded from operating at existing preclearance locations, and (3) a U.S. passenger air carrier is operating at all airports contemplated for establishment of new air preclearance operations. Exempts countries with preclearance facilities in service prior to 2013.

(Sec. 552) Permits DHS to waive specified requirements of the Federal Fire Prevention and Control Act of 1974, when make grants using funds provided for Firefighter Assistance Grants.

(Sec. 553) Prohibits DHS from collecting new border crossing fees or conducting a study related to the imposition of a border crossing fee.

(Sec. 554) Restricts DHS funds from being used to deposit any payment tendered by a surety under, or in connection with, a customs bond on an entry for which duties and interest are subject to distribution under the Continued Dumping and Subsidy Offset Act (CDSOA), into any account in the Treasury other than an unavailable receipt account.

Continues this restriction until the CBP completes a rulemaking process concerning the amendment of a specified regulation related to the allocation of late payments between the interest charge on the delinquent principal amount and payment of the delinquent principal amount.

Provides that the Commissioner of CBP is permitted to approve amendments to specified regulations to amend the order in which a payment is allocated between principal and interest.

(Sec. 555) Rescinds specified unobligated balances from the FEMA Disaster Relief Fund, excluding any amounts that were designated by Congress as an emergency requirement or for disaster relief pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

(Sec. 556) Provides that fees collected from passengers from Canada, Mexico, or an adjacent island, pursuant to the United States-Colombia Trade Promotion Agreement Implementation Act and the Consolidated Omnibus Budget Reconciliation Act of 1985, shall be available until expended.

(Sec. 557) Prohibits the use of funds to prepare proposals for the President's budget that assume savings from certain user fee proposals without identifying additional spending reductions that should occur if the proposals are not enacted.

(Sec. 558) Prohibits funds from being used for Executive Order 13690 (Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input).

(Sec. 559) Permits DHS to propose the reprogramming or transfer of specified funds to the Coast Guard for the Offshore Patrol Cutter Project, subject to the approval of Congress.

(Sec. 560) Prohibits funds from being used for structural pay reform that affects more than 100 full-time equivalent employee positions or costs more than \$5 million in a single year without notifying Congress in advance.

(Sec. 561) Requires agencies receiving funds in this bill to post reports required to be submitted to Congress on the public website of the agency if it serves the national interest. Provides exceptions for national security or proprietary information.

(Sec. 562) Rescinds specified funds that were transferred to the Disaster Assistance Direct Loan Program pursuant to the Community Disaster Loan Act of 2005.

(Sec. 563) Requires FEMA to transfer specified funds from the Disaster Assistance Direct Loan Program to the Disaster Relief Fund.

(Sec. 564) Prohibits funds provided by this bill from being used to sustain domestic prosecutions based on the Arms Trade Treaty, or to implement the Treaty, until the Senate ratifies the Treaty and Congress adopts implementing legislation.

(Sec. 565) Rescinds specified amounts from several DHS accounts and programs.

(Sec. 566) Rescinds specified unobligated balances from the Department of the Treasury Forfeiture Fund.

(Sec. 567) Permits DHS to designate Poland as program country under the visa waiver program established under the Immigration and Nationality Act.

Actions Timeline

- **Jun 18, 2015:** Introduced in Senate
- **Jun 18, 2015:** Committee on Appropriations. Original measure reported to Senate by Senator Hoeven. With written report No. 114-68.
- **Jun 18, 2015:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 122.