

AMENDMENTS ADOPTED TO THE HOMELAND SECURITY
APPROPRIATIONS BILL FOR FY 2018

Full Committee Markup
House Appropriations Committee
Tuesday, July 18, 2017

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CARTER
agreed to
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Committee on Appropriations
Subcommittee on Homeland Security

FY 2018 Department of Homeland Security Appropriations Bill
Full Committee Markup.

MANAGER'S AMENDMENT
Offered by Mr. Carter of Texas
(Carter #1)

In the BILL:

On page 8, line 6, after the number, insert the following: "of which not to exceed \$15,000,000 dollars may be transferred to the Bureau of Indian Affairs for the maintenance and repair of roads on Native American reservations, as required by the Border Patrol;"

On page 17, line 22 and line 23, strike "\$15,699,000" and insert "\$39,000,000".

On page 53, at the bottom of the page:

"Sec. __. Not later than 90 days from the date of this Act, the Commissioner of United States Customs and Border Protection shall: (a) conduct a survey of international passenger traffic at the airports listed in section 122.15(b) of title 19, Code of Federal Regulations, and designate any airport as a port of entry if that airport: (1) has scheduled international service by one or more air carriers; and (2) received over 75,000 international passenger arrivals during the most recent calendar year in which federal passenger data is available; (b) ensure a sufficient number of United States Customs and Border Protection officers are available at any airport designated as a port of entry under subsection (a) in order for landing rights requests to be granted in accordance with section 122.14 of title 19, Code of Federal Regulations."

In the REPORT:

On page 6, after the third full paragraph, insert the following:

“The U.S. remains highly vulnerable to the impacts of a natural or intentional biological or chemical event that could be devastating to our citizens, our food supply, and our economy. The Committee is concerned there is a lack of coordination between DHS, the U.S. Department of Agriculture (USDA), and other federal agencies on efforts to address risks to the agricultural supply. DHS and USDA are directed to brief the Committees not later than 180 days after the date of enactment of this Act on the coordination between the two departments and other relevant federal agencies on efforts to address agro-threats. The briefing shall include an assessment of existing capabilities and capability gaps surrounding intelligence and information gathering and surveillance activities on agro-threats, including animal health, crop health, impacts to human health, insect vectors, and impacts to the national economy. The briefing shall also address how agencies will collaborate on the future operation and funding of the National Bio- and Agro-defense Facility (NBAF), including a plan for the transition of Plum Island to NBAF.”

On page 10, after the third full paragraph, insert the following:

“The Committee notes the private sector’s use of training and certification as a successful way to retain cybersecurity professionals and appreciates the Department's efforts to utilize tuition assistance for employees in pursuit of formal degrees or industry recognized certifications. In order to maximize the Department's efforts, the Committee directs the Secretary to review the transferability of cybersecurity training programs and certification testing opportunities across both the public and private sector, and to identify resource constraints or other obstacles that might inhibit the success of such retention efforts.”

On page 21, after the first full paragraph, insert the following:

“When international airports have insufficient volumes of international passenger arrivals to justify the use of non-reimbursable inspection services by CBP, they obtain such services by paying a fee. When a domestic airport is attempting to become a User Fee Airport (UFA) so that it can begin receiving international flights, it must obtain the support of its state governor, develop a business plan, install inspection facilities, and complete a Memorandum of Agreement with CBP. The Committee encourages CBP to work closely with airports applying to become UFAs and provide constructive feedback on navigating the UFA process.

House Report 114-668 required the Department to brief the Committee on the results of the Request for Information (RFI) soliciting proposals to improve maritime cargo security and make progress towards achieving the 100 percent overseas scanning requirement, and any promising proposals, best practices, and pilots that could be realistically implemented within the next two years. To date, the Committee has not received the results or a briefing on the RFI responses. Therefore, the Committee directs the Department to brief the committee on the status the RFI responses no later than September 15, 2017.

The Committee directs CBP to brief the committee within 120 days of the date of enactment of this Act on a plan to develop a risk-based assessment and importer intelligence capability in compliance with section 115 of the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA) (Pub. L. 114-125).

There has been tremendous growth in imported products that are certified organic under the United States Department of Agriculture (USDA) organic standards. Imported products that are certified organic are not currently tracked, so the total quantity and origin of imported organic products is unknown. The Committee urges CBP to add questions into the Automated Commercial Environment to track imported products that are certified organic under USDA organic standards.”

On page 22, strike the first full paragraph and insert the following:

“The Committee directs DHS to provide a report not later than 90 days after the date of enactment of this Act describing in detail how it is complying with the Buy American Act and Kissel Amendment including what measures it is taking to ensure compliance. The report shall also including the following: the total

number of uniforms purchased in fiscal year 2016 and fiscal year 2017; the estimated cost for uniforms to be manufactured and produced outside and inside the United States; and status of all contracts for uniform procurement.”

On page 25, after the second paragraph under the heading “Border Security Assets and Infrastructure”, insert the following:

“CBP is directed to post on its website information regarding its plans and activities, as appropriate, related to the construction of new physical infrastructure along the southern border, including related activities of the U.S. Army Corps of Engineers (USACE) and the use of funds transferred to USACE for such activities.”

On page 39, after the third full paragraph, insert the following:

“The Committee commends TSA on the success of its Public Area Security Summits, which bring together issue-area experts, industry professionals, and government officials to share best practices and craft innovative solutions for protecting the public areas of airports. The Committee encourages the group to continue to work toward integrating plans for communications and operations centers through its Public Area Security National Framework, which is a critical tool for helping airports enhance their threat prevention systems.”

On page 43, after the fourth full paragraph, insert the following:

“The Committee is aware that the U.S. Navy has an ongoing program to develop and field advanced ballistic shielding on Crew Served Weapon Stations that will provide increased protection at lower weight with high durability in the marine environment. The Committee encourages the Coast Guard to assess whether this protection system is appropriate for Coast Guard vessels.

The Committee is concerned with increasing number of hoax distress calls the Coast Guard receives. These calls are not only resource intensive, but they also place Coast Guard service members at risk needlessly, and have the potential to divert search and rescue assets away from a real emergency. The Coast Guard is

directed to brief the Committee on steps to reduce the number of false distress calls and what steps can be taken to investigate and prosecute the perpetrators.”

On page 53, after the first full paragraph, insert the following:

“The fiscal year 2017 National Defense Authorization Act required DHS to provide Congress with a departmental cybersecurity strategy. The Committee urges DHS to accelerate the completion of the cybersecurity strategy in light of recent cyber events and encourages the Department to continue to engage with relevant public and private stakeholders to prevent future cyber intrusions. DHS, and its relevant components, should prioritize information technology (IT) supply chain risk management in the development of the department’s cyber strategy. NPPD shall brief the Committee on IT supply chain vulnerabilities not later than 90 days after the enactment of this Act.”

On page 54, after the first full paragraph, insert the following:

“The Committee is aware that NPPD is currently working to integrate election infrastructure into the National Infrastructure Protection Plan. Although the primary responsibility for securing elections belongs to state and local election officials, DHS and the federal government share information and provide technical assistance on a voluntary basis to assist them with this responsibility. The Committee encourages NPPD to continue to collaborate with key stakeholders, including state and local election officials, the Election Assistance Commission, the National Association of Secretaries of State, the National Association of State Election Directors, and the Multi-State Information Sharing and Analysis Center (MS-ISAC), to identify vulnerabilities in state election infrastructure and develop strategies to prevent cyber intrusions. NPPD shall brief the Committee not later than 90 days after the date of enactment of this Act on its assessment of such vulnerabilities and its plans to work with election officials to prevent cyber intrusions.”

On page 56, in the second full paragraph, strike the first sentence and insert the following:

“Because the country’s highly integrated electrical grid is vulnerable to cyber-attacks, physical attacks, and natural disasters, it is imperative to fully understand the interdependencies among information technology, operational technology, and physical security.”

On page 63, after the second full paragraph under the heading “Grants”, insert the following:

“The Committee remains concerned about potential attacks on public accommodations such as sports stadiums, movie theaters, shopping centers, and other social gathering sites. These targets are especially concerning because they are easy to attack and difficult to defend. Therefore, the Committee directs the DHS to brief the Committee on the major challenges we face in securing these targets and a strategy for how federal, state, local entities, or private partnerships can better secure these targets; and what resources are available to address this threat.”

On page 66, before the heading “National Flood Insurance Fund”, insert the following:

“The Committee recognizes the economic stress that can be placed on rural regions of the Nation following a disaster. In particular, many rural communities located in states with large population centers are often disadvantaged by the disaster declaration process. The Disaster Declaration Improvement Act (H.R. 1665), which passed the House unanimously on May 5, 2017, directs the Administrator of FEMA, in making recommendations to the President regarding a major disaster declaration, to give greater weight and consideration to severe local impact of disasters. FEMA shall brief the Committee not later than 60 days after the date of enactment of this Act on how FEMA would implement this directive if enacted in law.”

On page 72, after the second full paragraph, insert the following:

“Without prejudice, and due to funding limitations, the recommendation does not include support for three laboratory facilities owned and operated by S&T that the Administration proposed for closure. Although the Department has

asserted that much of the work performed at these facilities is not directly tied to the DHS mission or that research and capabilities within the DHS mission space may be replicated at other facilities, it has not sufficiently justified the proposed closures or adequately planned for how their operations will be either phased out or could be realigned to other agencies. The closure of the National Urban Security Technology Laboratory and the Chemical Security Analysis Center will reduce the ability the homeland security community to prepare, protect and respond to radiological, nuclear and chemical threats. In addition, the Committee is very concerned that the closure of the National Biodefense Analysis and Countermeasures Center (NBACC) will result in a loss in capability to the federal government in the field of bio-forensics and bio-threats, which has broader implications for the safety of the American people. Therefore, the Committee directs S&T to work with other federal stakeholders which utilize the facility to determine whether NBACC should be transitioned to another agency and, if so, plan, prepare for, and implement an orderly transition during fiscal year 2018. S&T and other federal stakeholders identified by S&T, including the Federal Bureau of Investigation, shall jointly brief the Committee not later than 60 days after the date of enactment of this Act on its transition plan and timeline for execution. If the joint determination is for S&T to maintain ownership of NBACC, the briefing shall address an appropriate plan for other federal stakeholders to reimburse S&T for their share of the costs incurred to operate the facility, conduct R&D, and perform additional activities in furtherance of those agencies missions. In the meantime, pending final dispositions on the proposed closures of the three labs in a final appropriations Act, S&T is directed to refrain from making any final decisions that would begin or require the closure of the three labs.”

On page 73, after the last paragraph, insert the following:

“The Committee is aware of ongoing R&D by both S&T and the Coast Guard on promising technologies that can search wide swaths of open ocean from an aircraft and detect a person in the water. These technologies have the potential to greatly enhance the Coast Guard’s search and rescue mission, as well as be used in several other homeland security applications. S&T and the Coast Guard are

encouraged to continue their efforts in this field and to brief the Committees on the status not later than 90 days after the date of enactment of this Act.”

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ADERHOLT

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**AMENDMENT TO THE FISCAL YEAR 2018
HOMELAND SECURITY APPROPRIATIONS BILL
OFFERED BY MR. ADERHOLT OF ALABAMA**

At the appropriate place in the bill, insert the following:

“SEC. ____ . None of the funds appropriated by this Act for U.S. Immigration and Customs Enforcement shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape or incest: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

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

SEC. ____ . Nothing in the preceding section shall remove the obligation of the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement to provide escort services necessary for a female detainee to receive such service outside the detention facility: *Provided*, That nothing in this section in any way diminishes the effect of section ____ [preceding section] intended to address the philosophical beliefs of individual employees of U.S. Immigration and Customs Enforcement.”

And amend the report accordingly.

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AMENDMENT TO HOMELAND SECURITY

APPROPRIATIONS BILL

OFFERED BY MR. NEWHOUSE OF WASHINGTON

At the appropriate place in title V insert the following:

1 SEC. _____. In fiscal year 2018, nonimmigrants
2 shall be admitted to the United States under section
3 101(a)(15)(H)(ii)(a) of the Immigration and Nationality
4 Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) to perform agricul-
5 tural labor or services, without regard to whether such
6 labor is, or services are, of a temporary or seasonal nature.

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**AMENDMENT TO HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MS. BEUTLER OF WASHINGTON**

At the appropriate place in title V, insert the following:

- 1 SEC. 5 ____ . (a) Notwithstanding subsections (a) and
2 (b) of section 201 of the Immigration and Nationality Act,
3 Christopher William Gard, Constance Rhoda Keely Yates,
4 and Charles Matthew William Gard shall each be eligible
5 for issuance of an immigrant visa or for adjustment of
6 status to that of an alien lawfully admitted for permanent
7 residence upon filing an application for issuance of an im-
8 migrant visa under section 204 of such Act or for adjust-
9 ment of status to lawful permanent resident.
- 10 (b) If Christopher William Gard, Constance Rhoda
11 Keely Yates, or Charles Matthew William Gard enters the
12 United States before the filing deadline specified in sub-
13 section (c), he or she shall be considered to have entered
14 and remained lawfully and shall, if otherwise eligible, be
15 eligible for adjustment of status under section 245 of the
16 Immigration and Nationality Act as of the date of the en-
17 actment of this Act.

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

5 (d) Upon the granting of an immigrant visa or per-
6 manent residence to Christopher William Gard, Constance
7 Rhoda Keely Yates, and Charles Matthew William Gard,
8 the Secretary of State shall instruct the proper officer to
9 reduce by 3, during the current or next following fiscal
10 year, the total number of immigrant visas that are made
11 available to natives of the country of the aliens' birth
12 under section 203(a) of the Immigration and Nationality
13 Act or, if applicable, the total number of immigrant visas
14 that are made available to natives of the country of the
15 aliens' birth under section 202(e) of such Act.

16 (e) The natural parents, brothers, and sisters of
17 Christopher William Gard, Constance Rhoda Keely Yates,
18 and Charles Matthew William Gard shall not, by virtue
19 of such relationship, be accorded any right, privilege, or
20 status under the Immigration and Nationality Act.



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AMENDMENT TO ' HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MS. WASSERMAN SCHULTZ OF
FLORIDA

At the appropriate place in the bill, insert the following:

1 SEC. ____ . STATUE OF LIMITATIONS.

2 (a) IN GENERAL.—Section 705 of the Robert T.
3 Stafford Disaster Relief and Emergency Assistance Act
4 (42 U.S.C. 5205) is amended—

5 (1) in subsection (a)(1)—

6 (A) by striking “Except” and inserting
7 “Notwithstanding section 3716(e) of title 31,
8 United States Code, and except”; and

9 (B) by striking “report for the disaster or
10 emergency” and inserting “report for project
11 completion as certified by the grantee”; and

12 (2) in subsection (b)—

13 (A) in paragraph (1) by striking “report
14 for the disaster or emergency” and inserting
15 “report for project completion as certified by
16 the grantee”; and

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

4 (b) APPLICABILITY.—

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

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

15 (B) any administrative action to recover a
16 payment of such assistance that is pending on
17 such date of enactment shall be terminated if
18 the action is prohibited under section 705(a)(1)
19 of such Act.

20 (2) LIMITATION.—This section and the amend-
21 ments made by this section, may not be construed
22 to invalidate or otherwise affect any administration
23 action completed before the date of enactment of
24 this Act.

