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116TH CONGRESS
1ST SESSION

H. R. 3931

[Report No. 116–180]

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2020, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2019

Ms. ROYBAL-ALLARD, 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, 2020, and for other purposes.

8 DEPARTMENTAL MANAGEMENT, OPERATIONS,
9 INTELLIGENCE, AND OVERSIGHT

OPERATIONS AND SUPPORT

For necessary expenses of the Office of the Secretary and for executive management for operations and support, \$174,916,000, of which \$20,000,000 shall be for an Ombudsman for Immigration Detention as established by section 105: *Provided*, That not to exceed \$45,000 shall be for official reception and representation expenses.

OPERATIONS AND SUPPORT

For necessary expenses of the Management Directorate for operations and support, \$1,194,608,000: *Provided*, That not to exceed \$2,000 shall be for official reception and representation expenses.

1 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

2 For necessary expenses of the Management Direc-
3 torate for procurement, construction, and improvements,
4 \$381,298,000, of which \$157,531,000 shall remain avail-
5 able until September 30, 2022; and of which
6 \$223,767,000 shall remain available until September 30,
7 2024, to plan, acquire, design, construct, renovate, reme-
8 diate, equip, furnish, improve infrastructure, and occupy
9 buildings and facilities for the Department headquarters
10 consolidation project.

11 FEDERAL PROTECTIVE SERVICE

12 The revenues and collections of security fees credited
13 to this account shall be available until expended for nec-
14 essary expenses related to the protection of federally
15 owned and leased buildings and for the operations of the
16 Federal Protective Service.

17 INTELLIGENCE, ANALYSIS, AND OPERATIONS

18 COORDINATION

19 OPERATIONS AND SUPPORT

20 For necessary expenses of the Office of Intelligence
21 and Analysis and the Office of Operations Coordination
22 for operations and support, \$276,641,000: *Provided*, That
23 not to exceed \$3,825 shall be for official reception and
24 representation expenses and not to exceed \$2,000,000 is

1 available for facility needs associated with secure space at
2 fusion centers, including improvements to buildings.

3 OFFICE OF INSPECTOR GENERAL

4 OPERATIONS AND SUPPORT

5 For necessary expenses of the Office of Inspector
6 General for operations and support, \$195,242,000: *Pro-*
7 *vided*, That not to exceed \$300,000 may be used for cer-
8 tain confidential operational expenses, including the pay-
9 ment of informants, to be expended at the direction of the
10 Inspector General.

11 ADMINISTRATIVE PROVISIONS

12 SEC. 101. (a) The Secretary of Homeland Security
13 shall submit a report not later than October 15, 2020,
14 to the Inspector General of the Department of Homeland
15 Security listing all grants and contracts awarded by any
16 means other than full and open competition during fiscal
17 years 2019 or 2020.

18 (b) The Inspector General shall review the report re-
19 quired by subsection (a) to assess departmental compli-
20 ance with applicable laws and regulations and report the
21 results of that review to the Committees on Appropriations
22 of the Senate and the House of Representatives not later
23 than February 15, 2021.

24 SEC. 102. The Secretary of Homeland Security shall
25 require that all contracts of the Department of Homeland

1 Security that provide award fees link such fees to success-
2 ful acquisition outcomes, which shall be specified in terms
3 of cost, schedule, and performance.

4 SEC. 103. The Secretary of Homeland Security, in
5 consultation with the Secretary of the Treasury, shall no-
6 tify the Committees on Appropriations of the Senate and
7 the House of Representatives of any proposed transfers
8 of funds available under section 9705(g)(4)(B) of title 31,
9 United States Code from the Department of the Treasury
10 Forfeiture Fund to any agency within the Department of
11 Homeland Security: *Provided*, That none of the funds
12 identified for such a transfer may be obligated until the
13 Committees on Appropriations of the Senate and the
14 House of Representatives are notified of the proposed
15 transfers: *Provided further*, That funds available under
16 such section may not be used for the construction of bor-
17 der security infrastructure.

18 SEC. 104. All official costs associated with the use
19 of Government aircraft by Department of Homeland Secu-
20 rity personnel to support official travel of the Secretary
21 and the Deputy Secretary shall be paid from amounts
22 made available for the Office of the Secretary.

1 ESTABLISHMENT OF AN IMMIGRATION DETENTION
2 OMBUDSMAN

3 SEC. 105. (a) IN GENERAL.—Subtitle A of title IV
4 of the Homeland Security Act of 2002 (6 U.S.C. 272) is
5 amended by adding the following new section:

6 **“SEC. 405. OMBUDSMAN FOR IMMIGRATION DETENTION.**

7 “(a) IN GENERAL.—Within the Department, there
8 shall be a position of Immigration Detention Ombudsman
9 (in this section referred to as the ‘Ombudsman’). The Om-
10 budsman shall be independent of Department agencies
11 and officers and shall report directly to the Secretary. The
12 Ombudsman shall be a senior official with a background
13 in civil rights enforcement, civil detention care and cus-
14 tody, and immigration law.

15 “(b) FUNCTIONS.—The functions of the Ombudsman
16 shall be to—

17 “(1) Establish and administer an independent,
18 neutral, and confidential process to receive, inves-
19 tigate, resolve, and provide redress, including refer-
20 ral for investigation to the Office of the Inspector
21 General, referral to U.S. Citizenship and Immigra-
22 tion Services for immigration relief, or any other ac-
23 tion determined appropriate, for cases in which De-
24 partment officers or other personnel, or contracted,
25 subcontracted, or cooperating entity personnel, are

1 found to have engaged in misconduct or violated the
2 rights of individuals in immigration detention;

3 “(2) Establish an accessible and standardized
4 process regarding complaints against any officer or
5 employee of U.S. Customs and Border Protection or
6 U.S. Immigration and Customs Enforcement, or any
7 contracted, subcontracted, or cooperating entity per-
8 sonnel, for violations of law, standards of profes-
9 sional conduct, contract terms, or policy related to
10 immigration detention;

11 “(3) Conduct unannounced inspections of de-
12 tention facilities holding individuals in federal immi-
13 gration custody, including those owned or operated
14 by units of State or local government and privately-
15 owned or operated facilities;

16 “(4) Review, examine, and make recommenda-
17 tions to address concerns or violations of contract
18 terms identified in reviews, audits, investigations, or
19 detainee interviews regarding immigration detention
20 facilities and services; and

21 “(5) Provide assistance to individuals affected
22 by potential misconduct, excessive force, or violations
23 of law or detention standards by Department of
24 Homeland Security officers or other personnel, or

1 contracted, subcontracted, or cooperating entity per-
2 sonnel.

3 “(c) ACCESS TO DETENTION FACILITIES.—The Om-
4 budsman or designated personnel of the Ombudsman,
5 shall be provided unfettered access to any location within
6 each such detention facility and shall be permitted con-
7 fidential access to any detainee at the detainee’s request
8 and any departmental records concerning such detainee.

9 “(d) COORDINATION WITH DEPARTMENT COMPO-
10 NENTS.—

11 “(1) IN GENERAL.—The Director of U.S. Immi-
12 gration and Customs Enforcement and the Commis-
13 sioner of U.S. Customs and Border Protection shall
14 each establish procedures to provide formal re-
15 sponses to recommendations submitted to such offi-
16 cials by the Ombudsman within 60 days of receiving
17 such recommendations.

18 “(2) ACCESS TO INFORMATION.—The Secretary
19 shall establish procedures to provide the Ombuds-
20 man access to all departmental records necessary to
21 execute the responsibilities of the Ombudsman under
22 subsection (b) or (c) not later than 60 days after a
23 request from the Ombudsman for such information.

1 “(e) ANNUAL REPORT.—The Ombudsman shall pre-
2 pare a report to Congress on an annual basis on its activi-
3 ties, findings, and recommendations.”.

(b) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 is amended by adding after the new item relating to section 404 the following new item:

“Sec. 405. Ombudsman for Immigration Detention.”

8 TITLE II

9 SECURITY, ENFORCEMENT, AND

10 INVESTIGATIONS

11 U.S. CUSTOMS AND BORDER PROTECTION

12 OPERATIONS AND SUPPORT

For necessary expenses of U.S. Customs and Border Protection for operations and support, including the transportation of unaccompanied minor aliens; the provision of air and marine support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; at the discretion of the Secretary of Homeland Security, the provision of such support to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; the purchase and lease of up to 7,500 (6,500 for replacement only) police-type vehicles; the purchase, maintenance, or operation of marine vessels, aircraft, and unmanned aerial systems; and contracting with individuals

1 for personal services abroad; \$13,114,935,000; of which
2 \$3,274,000 shall be derived from the Harbor Maintenance
3 Trust Fund for administrative expenses related to the col-
4 lection of the Harbor Maintenance Fee pursuant to section
5 9505(c)(3) of the Internal Revenue Code of 1986 (26
6 U.S.C. 9505(c)(3)) and notwithstanding section
7 1511(e)(1) of the Homeland Security Act of 2002 (6
8 U.S.C. 551(e)(1)); of which \$2,000,000,000 shall be avail-
9 able until September 30, 2021; and of which such sums
10 as become available in the Customs User Fee Account, ex-
11 cept sums subject to section 13031(f)(3) of the Consoli-
12 dated Omnibus Budget Reconciliation Act of 1985 (19
13 U.S.C. 58c(f)(3)), shall be derived from that account; and
14 of which \$91,616,000 is for additional customs officers:
15 *Provided*, That not to exceed \$34,425 shall be for official
16 reception and representation expenses: *Provided further*,
17 That not to exceed \$150,000 shall be available for pay-
18 ment for rental space in connection with preclearance op-
19 erations: *Provided further*, That not to exceed \$1,000,000
20 shall be for awards of compensation to informants, to be
21 accounted for solely under the certificate of the Secretary
22 of Homeland Security. *Provided further*, That not to ex-
23 ceed \$15,000,000 may be transferred to the Bureau of
24 Indian Affairs for the maintenance and repair of roads

1 on Native American reservations used by the U.S. Border
2 Patrol.

3 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

4 For necessary expenses of U.S. Customs and Border
5 Protection for procurement, construction, and improve-
6 ments, including procurements of marine vessels, aircraft,
7 and unmanned aerial systems, \$477,962,000, of which
8 \$449,598,000 shall remain available until September 30,
9 2022, and of which \$28,364,000 shall remain available
10 until September 30, 2024.

11 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

12 OPERATIONS AND SUPPORT

13 For necessary expenses of U.S. Immigration and
14 Customs Enforcement for operations and support, includ-
15 ing the purchase and lease of up to 3,790 (2,350 for re-
16 placement only) police-type vehicles; overseas vetted units;
17 and maintenance, minor construction, and minor leasehold
18 improvements at owned and leased facilities;
19 \$7,593,940,000; of which \$55,698,000 shall remain avail-
20 able until September 30, 2021; of which \$1,500,000 is for
21 paid apprenticeships for participants in the Human Ex-
22 ploitation Rescue Operative Child-Rescue Corps: *Provided*,
23 That not to exceed \$11,475 shall be for official reception
24 and representation expenses: *Provided further*, That not
25 to exceed \$10,000,000 shall be available until expended

1 for conducting special operations under section 3131 of
2 the Customs Enforcement Act of 1986 (19 U.S.C. 2081):
3 *Provided further*, That not to exceed \$2,000,000 shall be
4 for awards of compensation to informants, to be accounted
5 for solely under the certificate of the Secretary of Home-
6 land Security: *Provided further*, That not to exceed
7 \$11,216,000 shall be available to fund or reimburse other
8 Federal agencies for the costs associated with the care,
9 maintenance, and repatriation of smuggled aliens unlaw-
10 fully present in the United States. *Provided further*, That
11 of the funds made available under this heading,
12 \$10,000,000 shall be withheld from obligation until the
13 report required by section 209 has been made available
14 on a publicly accessible website.

15 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

16 For necessary expenses of U.S. Immigration and
17 Customs Enforcement for procurement, construction, and
18 improvements, \$76,270,000, to remain available until Sep-
19 tember 30, 2022; of which not less than \$65,970,000 shall
20 be available for facilities repair and maintenance projects.

21 TRANSPORTATION SECURITY ADMINISTRATION

22 OPERATIONS AND SUPPORT

23 For necessary expenses of the Transportation Secu-
24 rity Administration for operations and support,
25 \$7,648,384,000, to remain available until September 30,

1 2021: *Provided*, That not to exceed \$7,650 shall be for
2 official reception and representation expenses: *Provided*
3 *further*, That security service fees authorized under section
4 44940 of title 49, United States Code, shall be credited
5 to this appropriation as offsetting collections and shall be
6 available only for aviation security: *Provided further*, That
7 the sum appropriated under this heading from the general
8 fund shall be reduced on a dollar-for-dollar basis as such
9 offsetting collections are received during fiscal year 2020
10 so as to result in a final fiscal year appropriation from
11 the general fund estimated at not more than
12 \$4,818,384,000.

13 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

14 For necessary expenses of the Transportation Secu-
15 rity Administration for procurement, construction, and
16 improvements, \$210,405,000, to remain available until
17 September 30, 2022.

18 RESEARCH AND DEVELOPMENT

19 For necessary expenses of the Transportation Secu-
20 rity Administration for research and development,
21 \$20,902,000, to remain available until September 30,
22 2022.

COAST GUARD

OPERATIONS AND SUPPORT

For necessary expenses of the Coast Guard for operations and support, including purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of not more than \$700,000) and repairs and service-life replacements, not to exceed a total of \$31,000,000; purchase, lease, or improvements of boats necessary for overseas deployments and activities; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; \$8,028,742,000; of which \$340,000,000 shall be for defense-related activities; of which \$24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which \$5,000,000 shall remain available until September 30, 2021; and of which \$13,548,000 shall remain available until September 30, 2024, for environmental compliance and restoration: *Provided*, That not to exceed \$23,000 shall be for official reception and representation expenses.

1 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

2 For necessary expenses of the Coast Guard for pro-
3 curement, construction, and improvements, including aids
4 to navigation, shore facilities (including facilities at De-
5 partment of Defense installations used by the Coast
6 Guard), and vessels and aircraft, including equipment re-
7 lated thereto, \$1,972,256,000, to remain available until
8 September 30, 2024; of which \$20,000,000 shall be de-
9 rived from the Oil Spill Liability Trust Fund to carry out
10 the purposes of section 1012(a)(5) of the Oil Pollution Act
11 of 1990 (33 U.S.C. 2712(a)(5)); and of which
12 \$24,855,820 shall be derived from the Coast Guard Hous-
13 ing Fund.

14 RESEARCH AND DEVELOPMENT

15 For necessary expenses of the Coast Guard for re-
16 search and development; and for maintenance, rehabilita-
17 tion, lease, and operation of facilities and equipment;
18 \$4,949,000, to remain available until September 30, 2021,
19 of which \$500,000 shall be derived from the Oil Spill Li-
20 ability Trust Fund to carry out the purposes of section
21 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.
22 2712(a)(5)): *Provided*, That there may be credited to and
23 used for the purposes of this appropriation funds received
24 from State and local governments, other public authori-
25 ties, private sources, and foreign countries for expenses

1 incurred for research, development, testing, and evalua-
2 tion.

3 RETIRED PAY

4 For retired pay, including the payment of obligations
5 otherwise chargeable to lapsed appropriations for this pur-
6 pose, payments under the Retired Serviceman's Family
7 Protection and Survivor Benefits Plans, payment for ca-
8 reer status bonuses, payment of continuation pay under
9 section 356 of title 37, United States Code, concurrent
10 receipts, combat-related special compensation, and pay-
11 ments for medical care of retired personnel and their de-
12 pendants under chapter 55 of title 10, United States Code,
13 \$1,802,309,000, to remain available until expended.

14 UNITED STATES SECRET SERVICE

15 OPERATIONS AND SUPPORT

16 For necessary expenses of the United States Secret
17 Service for operations and support, including purchase of
18 not to exceed 652 vehicles for police-type use for replace-
19 ment only; hire of passenger motor vehicles; purchase of
20 motorcycles made in the United States; hire of aircraft;
21 rental of buildings in the District of Columbia; fencing,
22 lighting, guard booths, and other facilities on private or
23 other property not in Government ownership or control,
24 as may be necessary to perform protective functions; con-
25 duct of and participation in firearms matches; presen-

1 tation of awards; conduct of behavioral research in sup-
2 port of protective intelligence and operations; payment in
3 advance for commercial accommodations as may be nec-
4 essary to perform protective functions; and payment, with-
5 out regard to section 5702 of title 5, United States Code,
6 of subsistence expenses of employees who are on protective
7 missions, whether at or away from their duty stations;
8 \$2,380,504,000; of which \$39,783,000 shall remain avail-
9 able until September 30, 2021, and of which \$6,000,000
10 shall be for a grant for activities related to investigations
11 of missing and exploited children; *Provided*, That not to
12 exceed \$19,125 shall be for official reception and represen-
13 tation expenses: *Provided further*, That not to exceed
14 \$100,000 shall be to provide technical assistance and
15 equipment to foreign law enforcement organizations in
16 criminal investigations within the jurisdiction of the
17 United States Secret Service.

18 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

19 For necessary expenses of the United States Secret
20 Service for procurement, construction, and improvements,
21 \$56,289,000, to remain available until September 30,
22 2022.

1 RESEARCH AND DEVELOPMENT

2 For necessary expenses of the United States Secret
3 Service for research and development, \$10,955,000, to re-
4 main available until September 30, 2021.

5 ADMINISTRATIVE PROVISIONS

6 SEC. 201. Section 201 of the Department of Home-
7 land Security Appropriations Act, 2018 (division F of
8 Public Law 115–141), related to overtime compensation
9 limitations, shall apply with respect to funds made avail-
10 able in this Act in the same manner as such section ap-
11 plied to funds made available in that Act, except that “fis-
12 cal year 2020” shall be substituted for “fiscal year 2018”.

13 SEC. 202. Funding made available under the head-
14 ings “U.S. Customs and Border Protection—Operations
15 and Support” and “U.S. Customs and Border Protec-
16 tion—Procurement, Construction, and Improvements”
17 shall be available for customs expenses when necessary to
18 maintain operations and prevent adverse personnel actions
19 in Puerto Rico in addition to funding provided by section
20 740 of title 48, United States Code.

21 SEC. 203. As authorized by section 601(b) of the
22 United States-Colombia Trade Promotion Agreement Im-
23 plementation Act (Public Law 112–42), fees collected
24 from passengers arriving from Canada, Mexico, or an ad-
25 jacent island pursuant to section 13031(a)(5) of the Con-

1 consolidated Omnibus Budget Reconciliation Act of 1985 (19
2 U.S.C. 58c(a)(5)) shall be available until expended.

3 SEC. 204. For an additional amount for “U.S. Cus-
4 toms and Border Protection—Operations and Support”,
5 \$31,000,000, to remain available until expended, to be re-
6 duced by amounts collected and credited to this appropria-
7 tion in fiscal year 2019 from amounts authorized to be
8 collected by section 286(i) of the Immigration and Nation-
9 ality Act (8 U.S.C. 1356(i)), section 10412 of the Farm
10 Security and Rural Investment Act of 2002 (7 U.S.C.
11 8311), and section 817 of the Trade Facilitation and
12 Trade Enforcement Act of 2015 (Public Law 114–25), or
13 other such authorizing language: *Provided*, That to the ex-
14 tent that amounts realized from such collections exceed
15 \$31,000,000, those amounts in excess of \$31,000,000
16 shall be credited to this appropriation, to remain available
17 until expended.

18 SEC. 205. None of the funds made available in this
19 Act for U.S. Customs and Border Protection may be used
20 to prevent an individual not in the business of importing
21 a prescription drug (within the meaning of section 801(g)
22 of the Federal Food, Drug, and Cosmetic Act) from im-
23 porting a prescription drug from Canada that complies
24 with the Federal Food, Drug, and Cosmetic Act: *Provided*,
25 That this section shall apply only to individuals trans-

1 porting on their person a personal-use quantity of the pre-
2 scription drug, not to exceed a 90-day supply: *Provided*
3 *further*, That the prescription drug may not be—

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

7 (2) a biological product, as defined in section
8 351 of the Public Health Service Act (42 U.S.C.
9 262).

10 SEC. 206. Notwithstanding any other provision of
11 law, none of the funds provided in this or any other Act
12 shall be used to approve a waiver of the navigation and
13 vessel-inspection laws pursuant to section 501(b) of title
14 46, United States Code, for the transportation of crude
15 oil distributed from and to the Strategic Petroleum Re-
16 serve until the Secretary of Homeland Security, after con-
17 sultation with the Secretaries of the Departments of En-
18 ergy and Transportation and representatives from the
19 United States flag maritime industry, takes adequate
20 measures to ensure the use of United States flag vessels:
21 *Provided*, That the Secretary shall notify the Committees
22 on Appropriations of the Senate and the House of Rep-
23 resentatives, the Committee on Commerce, Science, and
24 Transportation of the Senate, and the Committee on
25 Transportation and Infrastructure of the House of Rep-

1 representatives within 2 business days of any request for
2 waivers of navigation and vessel-inspection laws pursuant
3 to section 501(b) of title 46, United States Code, with re-
4 spect to such transportation, and the disposition of such
5 requests.

6 SEC. 207. (a) Beginning on the date of enactment
7 of this Act, the Secretary of Homeland Security shall
8 not—

9 (1) establish, collect, or otherwise impose any
10 new border crossing fee on individuals crossing the
11 Southern border or the Northern border at a land
12 port of entry; or

13 (2) conduct any study relating to the imposition
14 of a border crossing fee.

15 (b) In this section, the term “border crossing fee”
16 means a fee that every pedestrian, cyclist, and driver and
17 passenger of a private motor vehicle is required to pay
18 for the privilege of crossing the Southern border or the
19 Northern border at a land port of entry.

20 SEC. 208. None of the funds provided under the
21 heading “U.S. Immigration and Customs Enforcement—
22 Operations and Support” may be used to continue a dele-
23 gation of law enforcement authority authorized under sec-
24 tion 287(g) of the Immigration and Nationality Act (8
25 U.S.C. 1357(g)) if the Department of Homeland Security

1 Inspector General determines that the terms of the agree-
2 ment governing the delegation of authority have been ma-
3 terially violated.

4 SEC. 209. Not later than 45 days after the date of
5 enactment of this Act, the Director of U.S. Immigration
6 and Customs Enforcement shall submit to the Committees
7 on Appropriations of the Senate and the House of Rep-
8 resentatives, and make available on a publicly accessible
9 website, a report describing agreements pursuant to sec-
10 tion 287(g) of the Immigration and Nationality Act (8
11 U.S.C. 1357(g)) which shall include —

12 (1) detailed information relating to the commu-
13 nity outreach activities of each participating jurisdic-
14 tion pursuant to such agreement, including the
15 membership and activities of any community-based
16 steering committee established by such jurisdiction;

17 (2) the number of individuals placed into re-
18 moval proceedings pursuant to each such agreement;

19 (3) data on the performance of the officers or
20 employees of a State or political subdivision thereof
21 under each such agreement, including the nation-
22 ality, level of criminality, and enforcement priority of
23 the individuals described in paragraph (2); and

24 (4) information relating to any future plans to
25 increase the number of such agreements or expand

1 the scope of such agreements through the introduc-
2 tion of new operations pursuant to such section.

3 SEC. 210. None of the funds provided under the
4 heading “U.S. Immigration and Customs Enforcement—
5 Operations and Support” may be used to continue any
6 contract for the provision of detention services if the two
7 most recent overall performance evaluations received by
8 the contracted facility are less than “adequate” or the
9 equivalent median score in any subsequent performance
10 evaluation system.

11 SEC. 211. Beginning on the date that is 90 days after
12 the date of the enactment of this Act, no Federal funds
13 may be made available by the Department of Homeland
14 Security to make payments under an indefinite delivery-
15 indefinite quantity task order contract or delivery order
16 contract or under an inter-governmental agreement or
17 service agreement for the procurement of detention serv-
18 ices unless, to the extent allowed under such contract or
19 agreement, the Secretary—

20 (1) modifies such contract or agreement to pro-
21 vide a fixed termination date; and

22 (2) removes any option or other provision per-
23 mitting the Federal Government to renew or extend
24 such contract or agreement.

1 SEC. 212. Members of the United States House of
2 Representatives and the United States Senate, including
3 the leadership; the heads of Federal agencies and commis-
4 sions, including the Secretary, Deputy Secretary, Under
5 Secretaries, and Assistant Secretaries of the Department
6 of Homeland Security; the United States Attorney Gen-
7 eral, Deputy Attorney General, Assistant Attorneys Gen-
8 eral, and the United States Attorneys; and senior mem-
9 bers of the Executive Office of the President, including
10 the Director of the Office of Management and Budget,
11 shall not be exempt from Federal passenger and baggage
12 screening.

13 SEC. 213. Any award by the Transportation Security
14 Administration to deploy explosives detection systems
15 shall be based on risk, the airport's current reliance on
16 other screening solutions, lobby congestion resulting in in-
17 creased security concerns, high injury rates, airport readi-
18 ness, and increased cost effectiveness.

19 SEC. 214. Notwithstanding section 44923 of title 49,
20 United States Code, for fiscal year 2020, any funds in
21 the Aviation Security Capital Fund established by section
22 44923(h) of title 49, United States Code, may be used
23 for the procurement and installation of explosives detec-
24 tion systems or for the issuance of other transaction agree-

1 ments for the purpose of funding projects described in sec-
2 tion 44923(a) of such title.

3 SEC. 215. None of the funds made available by this
4 Act under the heading “Coast Guard—Operations and
5 Support” shall be for expenses incurred for recreational
6 vessels under section 12114 of title 46, United States
7 Code, except to the extent fees are collected from owners
8 of yachts and credited to the appropriation made available
9 by this Act under the heading “Coast Guard—Operations
10 and Support”: *Provided*, That to the extent such fees are
11 insufficient to pay expenses of recreational vessel docu-
12 mentation under such section 12114, and there is a back-
13 log of recreational vessel applications, personnel per-
14 forming non-recreational vessel documentation functions
15 under subchapter II of chapter 121 of title 46, United
16 States Code, may perform documentation under section
17 12114.

18 SEC. 216. Without regard to the limitation as to time
19 and condition of section 503(d) of this Act, after June
20 30, up to \$10,000,000 may be reprogrammed to or from
21 the Military Pay and Allowances funding category within
22 “Coast Guard—Operations and Support” in accordance
23 with subsection (a) of section 503 of this Act.

24 SEC. 217. Notwithstanding any other provision of
25 law, the Commandant of the Coast Guard shall submit

1 to the Committees on Appropriations of the Senate and
2 the House of Representatives a future-years capital invest-
3 ment plan as described in the second proviso under the
4 heading “Coast Guard—Acquisition, Construction, and
5 Improvements” in the Department of Homeland Security
6 Appropriations Act, 2015 (Public Law 114–4), which shall
7 be subject to the requirements in the third and fourth pro-
8 visos under such heading.

9 SEC. 218. The United States Secret Service is au-
10 thorized to obligate funds in anticipation of reimburse-
11 ments from executive agencies, as defined in section 105
12 of title 5, United States Code, for personnel receiving
13 training sponsored by the James J. Rowley Training Cen-
14 ter, except that total obligations at the end of the fiscal
15 year shall not exceed total budgetary resources available
16 under the heading “United States Secret Service—Oper-
17 ations and Support” at the end of the fiscal year.

18 SEC. 219. No Federal funds made available to the
19 United States Secret Service may be made available for
20 the protection of the head of a Federal agency other than
21 the Secretary of Homeland Security: *Provided*, That the
22 Director of the United States Secret Service may enter
23 into agreements to provide such protection on a fully reim-
24 bursable basis.

1 SEC. 220. For purposes of section 503(a)(3) of this
2 Act, up to \$15,000,000 may be reprogrammed within
3 “United States Secret Service—Operations and Support”.

4 SEC. 221. Funding made available in this Act for
5 “United States Secret Service—Operations and Support”
6 is available for travel of United States Secret Service em-
7 ployees on protective missions without regard to the limi-
8 tations on such expenditures in this or any other Act if
9 the Director of the United States Secret Service or a des-
10 ignee notifies the Committees on Appropriations of the
11 Senate and the House of Representatives 10 or more days
12 in advance, or as early as practicable, prior to such ex-
13 penditures.

14 SEC. 222. Not later than 90 days after the date of
15 the enactment of this Act, the Secretary of Homeland Se-
16 curity shall submit an expenditure plan for any amounts
17 made available for “U.S. Customs and Border Protec-
18 tion—Procurement, Construction, and Improvements” in
19 this Act and prior Acts to the Committees on Appropria-
20 tions of the Senate and the House of Representatives: *Pro-*
21 *vided*, That no such amounts may be obligated prior to
22 the submission of such plan.

23 SEC. 223. (a) No Federal funds may be used by the
24 Department of Homeland Security to place in detention,
25 remove, refer for a decision whether to initiate removal

1 proceedings, or initiate removal proceedings against a
2 sponsor, potential sponsor, or member of a household of
3 a sponsor or potential sponsor of an unaccompanied alien
4 child (as defined in section 462(g) of the Homeland Secu-
5 rity Act of 2002 (6 U.S.C. 279(g))) based on information
6 shared by the Secretary of Health and Human Services.

7 (b) Subsection (a) shall not apply if a background
8 check of a sponsor, potential sponsor, or member of a
9 household of a sponsor or potential sponsor reveals—

10 (1) a felony conviction or pending felony charge
11 that relates to—

12 (A) an aggravated felony (as defined in
13 section 101(a)(43) of the Immigration and Na-
14 tionality Act (8 U.S.C. 1101(a)(43)));

15 (B) child abuse;

16 (C) sexual violence or abuse; or

17 (D) child pornography;

18 (2) an association with any business that em-
19 ploys a minor who—

20 (A) is unrelated to the sponsor, potential
21 sponsor, or member of a household of a sponsor
22 or potential sponsor; and

23 (B) is—

24 (i) not paid a legal wage; or

1 (ii) unable to attend school due to the
2 employment; or

3 (3) an association with the organization or im-
4 plementation of prostitution.

5 SEC. 224. Section 226 of the Department of Home-
6 land Security Appropriations Act, 2019 (division A of
7 Public Law 116–6), related to Immigration and Customs
8 Enforcement reporting, shall continue in effect, except
9 that such section shall hereafter be applied by substituting
10 “7 days after the date of enactment of the Department
11 of Homeland Security Appropriations Act, 2020” for “90
12 days after the date of enactment of this Act”.

13 SEC. 225. (a) The amount made available under
14 “U.S. Customs and Border Protection—Procurement,
15 Construction, and Improvements”, shall be available only
16 as follows:

17 (1) \$266,906,000 is for the acquisition and de-
18 ployment of border security technologies and trade
19 and travel assets and infrastructure;

20 (2) \$28,364,000 is for facility construction and
21 improvements;

22 (3) \$15,673,000 is for mission support assets
23 and infrastructure; and

24 (4) \$167,019,000 is for integrated operations
25 assets and infrastructure.

1 (b) Not later than 180 days after the date of the en-
2 actment of this Act, the Secretary of Homeland Security
3 shall submit to the Committee on Appropriations of the
4 Senate, and the House of Representatives, and the Comp-
5 troller General of the United States an updated risk-based
6 plan for improving security along the borders of the
7 United States that includes the elements required under
8 subsection (a) of section 231 of division F of the Consoli-
9 dated Appropriations Act, 2018 (Public Law 115–141),
10 which shall be evaluated in accordance with subsection (b)
11 of such section.

12 SEC. 226. Federal funds may not be made available
13 for the construction of fencing—

- 14 (1) within the Santa Ana Wildlife Refuge;
15 (2) within the Bentsen-Rio Grande Valley State
16 Park;
17 (3) within La Lomita Historical park;
18 (4) within the National Butterfly Center;
19 (5) within or east of the Vista del Mar Ranch
20 tract of the Lower Rio Grande Valley National Wild-
21 life Refuge; or
22 (6) within historic cemeteries.

23 SEC. 227. (a) Notwithstanding any other provision
24 of law, no Federal funds may be used for the construction

1 of physical barriers along the southern land border of the
2 United States during fiscal year 2020.

3 (b) Subsection (a) shall not apply to amounts made
4 available for such purpose by Public Law 116–6, Public
5 Law 115–141, or Public Law 115–31.

6 SEC. 228. (a) Of the total amount made available
7 under “U.S. Immigration and Customs Enforcement—
8 Operations and Support”, \$3,930,966,000 is for Enforce-
9 ment and Removal Operations, of which—

10 (1) \$719,680,000 is for the detention and re-
11 lated care of single adult aliens in the custody of
12 U.S. Immigration and Customs Enforcement, other
13 than such aliens who were transferred to the custody
14 of such agency by U.S. Customs and Border Protec-
15 tion after being—

16 (A) determined inadmissible at a port of
17 entry; or

18 (B) apprehended within 14 days of enter-
19 ing the United States;

20 (2) \$839,537,000 is for the detention and re-
21 lated care of single adult aliens in the custody of
22 U.S. Immigration and Customs Enforcement who
23 are not described by subsection (a)(1);

24 (3) \$148,054,000 is for fugitive operations;

1 (4) \$285,104,000 is for the criminal alien pro-
2 gram; and

3 (5) \$475,471,000 is for the transportation and
4 removal program.

5 (b) If at any point before September 30, 2020, the
6 Secretary of Homeland Security determines that on any
7 date in fiscal year 2020 the anticipated total number of
8 single adult aliens described in subsection (a)(2) will ex-
9 ceed:

10 (1) the number so transferred through the com-
11 parable date in fiscal year 2016, and such deter-
12 mination is made at any point after January 1,
13 2020, and before September 30, 2020, there is ap-
14 propriated as an additional amount for “U.S. Immi-
15 gration and Customs Enforcement—Operations and
16 Support”, \$89,932,000, to become available on the
17 date of the certification of such determination in ac-
18 cordance with subsection (d), for Enforcement and
19 Removal Operations and to remain available until
20 September 30, 2024, of which—

21 (A) \$74,076,000 shall be available for the
22 purposes described in subsection (a)(2); and

23 (B) \$11,188,000 shall be available for the
24 purposes described in subsection (a)(5);

1 (2) 120 percent of the number so transferred
2 through the comparable date in fiscal year 2016,
3 and such determination is made at any point after
4 March 1, 2020, and before September 30, 2020,
5 there is appropriated as an additional amount for
6 “U.S. Immigration and Customs Enforcement—Op-
7 erations and Support”, \$89,934,000 to become
8 available on the date of the certification of such de-
9 termination in accordance with subsection (d), for
10 Enforcement and Removal Operations, of which—

11 (A) \$74,077,000 shall be available for the
12 purposes described in subsection (a)(2); and

13 (B) \$11,189,000 shall be available for the
14 purposes described in subsection (a)(5);

15 (3) 130 percent of the number so transferred
16 through the comparable date in fiscal year 2016,
17 and such determination is made at any point after
18 May 1, 2020, and before September 30, 2020, there
19 is appropriated as an additional amount for “U.S.
20 Immigration and Customs Enforcement—Operations
21 and Support”, \$58,595,000 to become available on
22 the date of the certification of such determination in
23 accordance with subsection (d), for Enforcement and
24 Removal Operations, of which—

1 (A) \$42,739,000 shall be available for the
2 purposes described in subsection (a)(2); and

3 (B) \$11,188,000 shall be available for the
4 purposes described in subsection (a)(5);

5 (4) 140 percent of the number so transferred
6 through the comparable date in fiscal year 2016,
7 and such determination is made at any point after
8 June 1, 2020, and before September 30, 2020, there
9 is appropriated as an additional amount for “U.S.
10 Immigration and Customs Enforcement—Operations
11 and Support”, \$88,712,000 to become available on
12 the date of the certification of such determination in
13 accordance with subsection (d), for Enforcement and
14 Removal Operations, of which—

15 (A) \$72,856,000 shall be available for the
16 purposes described in subsection (a)(2); and

17 (B) \$11,188,000 shall be available for the
18 purposes described in subsection (a)(5); or

19 (5) 150 percent of the number so transferred
20 through the comparable date in fiscal year 2016,
21 and such determination is made at any point after
22 August 1, 2020, and before September 30, 2020,
23 there is appropriated as an additional amount for
24 “U.S. Immigration and Customs Enforcement—Op-
25 erations and Support”, \$59,904,000 to become

1 available on the date of the certification of such de-
2 termination in accordance with subsection (d), for
3 Enforcement and Removal Operations, of which—

4 (A) \$44,048,000 shall be available for the
5 purposes described in subsection (a)(2); and

6 (B) \$11,188,000 shall be available for the
7 purposes described in subsection (a)(5).

8 (c) The Secretary of Homeland Security shall report
9 to the Committees on Appropriations of the Senate and
10 the House of Representatives within 30 days of the date
11 of enactment of this Act on the methodology for deter-
12 mining the anticipated custody transfers described in sub-
13 section (b) including a definition of single adult alien.

14 (d) Each additional amount described in each of sub-
15 sections (b)(1) through (b)(5) of this section shall not be
16 appropriated until the Secretary of Homeland Security
17 provides to the Committees on Appropriations of the Sen-
18 ate and the House of Representatives, before September
19 30, 2020—

20 (1) a certification that the respective condition
21 in such subsection has been met; and

22 (2) an analysis that substantiates such certifi-
23 cation.

24 (e) Each additional amount appropriated by para-
25 graphs (b)(1) through (b)(5) of this section shall be appro-

1 priated not more than once, in accordance with the certifi-
2 cation requirements in subsection (d) of this section.

3 (f) To the extent that any additional amount de-
4 scribed by subsection (b) is not appropriated for Enforce-
5 ment and Removal Operations under the conditions de-
6 scribed in subsections (a) through (d) before September
7 30, 2020, such amount shall be appropriated as an addi-
8 tional amount for “Coast Guard—Procurement, Construc-
9 tion, and Improvements”, to become available on Sep-
10 tember 30, 2020, and to remain available until September
11 30, 2024, for shore facilities and aids to navigation: *Pro-*
12 *vided*, That the Commandant of the Coast Guard shall
13 provide a detailed plan for the use of such funds not later
14 than 30 days prior to the obligation of such funds.

15 SEC. 229. (a) Any discretionary amounts appro-
16 priated in this Act in the current fiscal year and any fiscal
17 year thereafter may be obligated for death gratuity pay-
18 ments, as authorized in subchapter II of chapter 75 of
19 title 10, United States Code.

20 (b) Subsection (a) shall only apply if an appropriation
21 for “Coast Guard—Operations and Support” is unavail-
22 able for obligation for such payments.

23 (c) Such obligations shall subsequently be recorded
24 against appropriations that become available for “Coast
25 Guard—Operations and Support”.

1 SEC. 230. Notwithstanding section 111(d) of Public
2 Law 107–71, any Transportation Security Administration
3 Determination on Transportation Security Officers and
4 Collective Bargaining in effect on January 1, 2019, and
5 any collective bargaining agreement entered into under
6 such determination(s) shall remain in full force and effect,
7 unless the Administrator issues a new or updated deter-
8 mination and the parties mutually and voluntarily enter
9 into a new collective bargaining agreement.

10 SEC. 231. (a) Not later than 30 days after the date
11 of enactment of this Act, the Secretary of Homeland Secu-
12 rity shall submit a report to the Committees on Appropria-
13 tions of the Senate and the House of Representatives on
14 the following:

15 (1) A plan to ensure access to legal counsel for
16 individuals returned to Mexico under the Migrant
17 Protection Protocols, including options for video tele-
18 conferencing;

19 (2) A plan developed in consultation with the
20 Department of State to address the safety and secu-
21 rity of such individuals;

22 (3) A plan to ensure that each such individual
23 is offered a briefing, prior to being so returned, on
24 their legal rights and obligations, which shall be in

1 their primary spoken language to the greatest extent
2 possible;

3 (4) A plan developed in consultation with the
4 Department of Justice for prioritizing the immigra-
5 tion proceedings of such individuals; and

6 (5) Policy documents that define categories of
7 vulnerable individuals who should not be so re-
8 turned, including:

9 (A) pregnant women;

10 (B) individuals identifying as lesbian, gay,
11 bisexual, or transgender; and

12 (C) mentally or physically disabled individ-
13 uals.

14 (b) For purposes of this section, Migrant Protection
15 Protocols means the actions taken by the Secretary to im-
16 plement the memorandum dated January 25, 2019 enti-
17 tled “Policy Guidance for the Implantation Implementa-
18 tion of the Migrant Protection Protocols”.

1 TITLE III
2 PROTECTION, PREPAREDNESS, RESPONSE, AND
3 RECOVERY
4 CYBERSECURITY AND INFRASTRUCTURE SECURITY
5 AGENCY
6 OPERATIONS AND SUPPORT

7 For necessary expenses of the Cybersecurity and In-
8 frastructure Security Agency for operations and support,
9 \$1,530,740,000, of which \$21,793,000 shall remain avail-
10 able until September 30, 2021: *Provided*, That not to ex-
11 ceed \$3,825 shall be for official reception and representa-
12 tion expenses.

13 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS
14 For necessary expenses of the Cybersecurity and In-
15 frastructure Security Agency for procurement, construc-
16 tion, and improvements, \$474,041,000, to remain avail-
17 able until September 30, 2022.

18 RESEARCH AND DEVELOPMENT
19 For necessary expenses of the Cybersecurity and In-
20 frastructure Security Agency for research and develop-
21 ment, \$11,431,000, to remain available until September
22 30, 2021.

1 FEDERAL EMERGENCY MANAGEMENT AGENCY

2 OPERATIONS AND SUPPORT

3 For necessary expenses of the Federal Emergency
4 Management Agency for operations and support,
5 \$1,146,686,000: *Provided*, That not to exceed \$2,250
6 shall be for official reception and representation expenses.

7 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

8 For necessary expenses of the Federal Emergency
9 Management Agency for procurement, construction, and
10 improvements, \$113,663,000, of which \$74,167,000 shall
11 remain available until September 30, 2022, and of which
12 \$39,496,000 shall remain available until September 30,
13 2024.

14 FEDERAL ASSISTANCE

15 For activities of the Federal Emergency Management
16 Agency for Federal assistance through grants, contracts,
17 cooperative agreements, and other activities,
18 \$3,344,495,000, which shall be allocated only, notwith-
19 standing section 503(c) as follows:

20 (1) \$625,000,000 for the State Homeland Secu-
21 rity Grant Program under section 2004 of the
22 Homeland Security Act of 2002 (6 U.S.C. 605), of
23 which \$90,000,000 shall be for Operation
24 Stonegarden, \$15,000,000 shall be for Tribal Home-
25 land Security Grants under Section 2005 of the

1 Homeland Security Act of 2002 (6 U.S.C. 606), and
2 \$40,000,000 shall be for organizations (as described
3 under section 501(c)(3) of the Internal Revenue
4 Code of 1986 and exempt from tax under section
5 501(a) of such code) determined by the Secretary of
6 Homeland Security to be at high risk of a terrorist
7 attack: *Provided*, That notwithstanding subsection
8 (c)(4) of such section 2004, for fiscal year 2020, the
9 Commonwealth of Puerto Rico shall make available
10 to local and tribal governments amounts provided to
11 the Commonwealth of Puerto Rico under this para-
12 graph in accordance with subsection (c)(1) of such
13 section 2004.

14 (2) \$700,000,000 for the Urban Area Security
15 Initiative under section 2003 of the Homeland Secu-
16 rity Act of 2002 (6 U.S.C. 604), of which
17 \$50,000,000 shall be for organizations (as described
18 under section 501(c)(3) of the Internal Revenue
19 Code of 1986 and exempt from tax under section
20 501(a) of such code) determined by the Secretary of
21 Homeland Security to be at high risk of a terrorist
22 attack.

23 (3) \$110,000,000 for Public Transportation Se-
24 curity Assistance, Railroad Security Assistance, and
25 Over-the-Road Bus Security Assistance under sec-

1 tions 1406, 1513, and 1532 of the Implementing
2 Recommendations of the 9/11 Commission Act of
3 2007 (6 U.S.C. 1135, 1163, and 1182), of which
4 \$10,000,000 shall be for Amtrak security and
5 \$3,000,000 shall be for Over-the-Road Bus Security:
6 *Provided*, That such public transportation security
7 assistance shall be provided directly to public trans-
8 portation agencies.

9 (4) \$110,000,000 for Port Security Grants in
10 accordance with section 70107 of title 46, United
11 States Code.

12 (5) \$750,000,000, to remain available until
13 September 30, 2021, of which \$375,000,000 shall be
14 for Assistance to Firefighter Grants and
15 \$375,000,000 shall be for Staffing for Adequate
16 Fire and Emergency Response Grants under sec-
17 tions 33 and 34 respectively of the Federal Fire Pre-
18 vention and Control Act of 1974 (15 U.S.C. 2229
19 and 2229a).

20 (6) \$375,000,000 for emergency management
21 performance grants under the National Flood Insur-
22 ance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-
23 ert T. Stafford Disaster Relief and Emergency As-
24 sistance Act (42 U.S.C. 5121), the Earthquake Haz-
25 ards Reduction Act of 1977 (42 U.S.C. 7701), sec-

tion 762 of title 6, United States Code, and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.).

(7) \$263,000,000 for necessary expenses for Flood Hazard Mapping and Risk Analysis, in addition to and to supplement any other sums appropriated under the National Flood Insurance Fund, and such additional sums as may be provided by States or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(f)(2)), to remain available until expended.

(8) \$130,000,000 for the emergency food and shelter program under title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331), to remain available until expended: *Provided*, That not to exceed 3.5 percent shall be for total administrative costs.

(9) \$281,495,000 for training, exercises, technical assistance, and other programs.

DISASTER RELIEF FUND

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$14,549,684,000, to remain available until expended: *Provided*, That of the amount provided under this heading, \$14,075,000,000 shall be for

1 major disasters declared pursuant to the Robert T. Staf-
2 ford Disaster Relief and Emergency Assistance Act (42
3 U.S.C. 5121 et seq.) and is designated by the Congress
4 as being for disaster relief pursuant to section
5 251(b)(2)(D) of the Balanced Budget and Emergency
6 Deficit Control Act of 1985: *Provided further*, That
7 \$257,000,000 of the amount provided under this heading
8 shall be derived from unobligated balances from prior year
9 appropriations available under this heading: *Provided fur-*
10 *ther*, That none of the amounts derived from unobligated
11 balances in the previous proviso shall be from amounts
12 that were designated by the Congress as being for an
13 emergency requirement pursuant to a Concurrent Resolu-
14 tion on the budget or section 251(b)(2)(A)(i) of the Bal-
15 anced Budget and Emergency Deficit Control Act of 1985
16 or as being for disaster relief pursuant to section
17 251(b)(2)(D) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 NATIONAL FLOOD INSURANCE FUND

20 For activities under the National Flood Insurance
21 Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster
22 Protection Act of 1973 (42 U.S.C. 4001 et seq.), the
23 Biggert-Waters Flood Insurance Reform Act of 2012
24 (Public Law 112–141, 126 Stat. 916), and the Home-
25 owner Flood Insurance Affordability Act of 2014 (Public

1 Law 113–89; 128 Stat. 1020), \$206,166,000, to remain
2 available until September 30, 2021, which shall be derived
3 from offsetting amounts collected under section 1308(d)
4 of the National Flood Insurance Act of 1968 (42 U.S.C.
5 4015(d)); of which \$13,906,000 shall be available for mis-
6 sion support associated with flood management; and of
7 which \$192,260,000 shall be available for flood plain man-
8 agement and flood mapping: *Provided*, That any addi-
9 tional fees collected pursuant to section 1308(d) of the
10 National Flood Insurance Act of 1968 (42 U.S.C.
11 4015(d)) shall be credited as offsetting collections to this
12 account, to be available for flood plain management and
13 flood mapping: *Provided further*, That in fiscal year 2020,
14 no funds shall be available from the National Flood Insur-
15 ance Fund under section 1310 of the National Flood In-
16 surance Act of 1968 (42 U.S.C. 4017) in excess of—

17 (1) \$192,439,000 for operating expenses and
18 salaries and expenses associated with flood insurance
19 operations;

20 (2) \$1,151,000,000 for commissions and taxes
21 of agents;

22 (3) such sums as are necessary for interest on
23 Treasury borrowings; and

24 (4) \$175,000,000, which shall remain available
25 until expended, for flood mitigation actions and for

1 flood mitigation assistance under section 1366 of the
 2 National Flood Insurance Act of 1968 (42 U.S.C.
 3 4104c), notwithstanding sections 1366(e) and
 4 1310(a)(7) of such Act (42 U.S.C. 4104c(e),
 5 4017)(a)(7):

6 *Provided further*, That the amounts collected under section
 7 102 of the Flood Disaster Protection Act of 1973 (42
 8 U.S.C. 4012a) and section 1366(e) of the National Flood
 9 Insurance Act of 1968 (42 U.S.C. 4104c(e)), shall be de-
 10 posited in the National Flood Insurance Fund to supple-
 11 ment other amounts specified as available for section 1366
 12 of the National Flood Insurance Act of 1968, notwith-
 13 standing subsection (f)(8) of section 102 of the Flood Dis-
 14 aster Protection Act of 1973, section 1366(e) of the Na-
 15 tional Flood Insurance Act of 1968, and paragraphs (1)
 16 through (3) of section 1367(b) of such Act (42 U.S.C.
 17 4012a(f)(8), 4104c(e), 4104d(b)(1)–(3)): *Provided fur-*
 18 *ther*, That total administrative costs shall not exceed 4
 19 percent of the total appropriation: *Provided further*, That
 20 up to \$5,000,000 shall be available to carry out section
 21 24 of the Homeowner Flood Insurance Affordability Act
 22 of 2014 (42 U.S.C. 4033).

23 ADMINISTRATIVE PROVISIONS

24 SEC. 301. Notwithstanding section 2008(a)(12) of
 25 the Homeland Security Act of 2002 (6 U.S.C. 609(a)(12))

1 or any other provision of law, not more than 5 percent
2 of the amount of a grant made available in paragraphs
3 (1) through (4) under “Federal Emergency Management
4 Agency—Federal Assistance”, may be used by the grantee
5 for expenses directly related to administration of the
6 grant.

7 SEC. 302. Applications for grants under the heading
8 “Federal Emergency Management Agency—Federal As-
9 sistance”, for paragraphs (1) through (4), shall be made
10 available to eligible applicants not later than 60 days after
11 the date of enactment of this Act, eligible applicants shall
12 submit applications not later than 80 days after the grant
13 announcement, and the Administrator of the Federal
14 Emergency Management Agency shall act within 65 days
15 after the receipt of an application.

16 SEC. 303. Under the heading “Federal Emergency
17 Management Agency—Federal Assistance”, for grants
18 under paragraphs (1) through (4), the Administrator of
19 the Federal Emergency Management Agency shall brief
20 the Committees on Appropriations of the Senate and the
21 House of Representatives 5 full business days in advance
22 of announcing publicly the intention of making an award.

23 SEC. 304. Under the heading “Federal Emergency
24 Management Agency—Federal Assistance”, for grants
25 under paragraphs (1) and (2), the installation of commu-

1 nications towers is not considered construction of a build-
2 ing or other physical facility.

3 SEC. 305. The reporting requirements in paragraphs
4 (1) and (2) under the heading “Federal Emergency Man-
5 agement Agency—Disaster Relief Fund” in the Depart-
6 ment of Homeland Security Appropriations Act, 2015
7 (Public Law 114–4) shall be applied in fiscal year 2020
8 with respect to budget year 2021 and current fiscal year
9 2020, respectively—

10 (1) in paragraph (1) by substituting “fiscal
11 year 2021” for “fiscal year 2016”; and

12 (2) in paragraph (2) by inserting “business”
13 after “fifth”.

14 SEC. 306. (a) In making grants under the heading
15 “Federal Emergency Management Agency—Federal As-
16 sistance”, for Staffing for Adequate Fire and Emergency
17 Response grants, the Secretary may grant waivers from
18 the requirements in subsections (a)(1)(A), (a)(1)(B),
19 (a)(1)(E), (c)(1), (c)(2), and (c)(4) of section 34 of the
20 Federal Fire Prevention and Control Act of 1974 (15
21 U.S.C. 2229a).

22 (b) For grants made under the heading “Federal
23 Emergency Management Agency—Firefighter Assistance
24 Grants” in division F of Public Law 114–113, the Sec-
25 retary may extend the period of performance described in

1 subsection (a)(1)(B) of such section 34 for up to one addi-
2 tional year.

3 (c) For purposes of subsection (b)—

4 (1) subsections (a)(1)(E)(iii) and (c)(4)(C) of
5 such section 34 shall also apply to such additional
6 year of such period of performance; and

7 (2) the authority provided shall only apply to
8 any such grant award that remains open on the date
9 of enactment of this Act.

10 SEC. 307. The aggregate charges assessed during fis-
11 cal year 2019, as authorized in title III of the Depart-
12 ments of Veterans Affairs and Housing and Urban Devel-
13 opment, and Independent Agencies Appropriations Act,
14 1999 (42 U.S.C. 5196e), shall not be less than 100 per-
15 cent of the amounts anticipated by the Department of
16 Homeland Security to be necessary for its Radiological
17 Emergency Preparedness Program for the next fiscal year:
18 *Provided*, That the methodology for assessment and collec-
19 tion of fees shall be fair and equitable and shall reflect
20 costs of providing such services, including administrative
21 costs of collecting such fees: *Provided further*, That such
22 fees shall be deposited in a Radiological Emergency Pre-
23 paredness Program account as offsetting collections and
24 will become available for authorized purposes on October
25 1, 2020, and remain available until expended.

1 SEC. 308. (a) The time limit in section 206.40(d) of
2 title 44, Code of Federal Regulations, shall not apply to
3 the re-submission of a request for assistance under section
4 408 of the Robert T. Stafford Disaster Relief and Emer-
5 gency Assistance Act (42 U.S.C. 5174) related to the re-
6 moval of debris from an owner-occupied private residence
7 or property for a major disaster declared by the President
8 in accordance with such Act on or after May 1, 2018, and
9 before the date of enactment of this Act.

10 (b) The Administrator of the Federal Emergency
11 Management Agency shall reconsider any re-submission
12 under subsection (a) as if such submission were made
13 within the time limit.

14 TITLE IV

15 RESEARCH, DEVELOPMENT, TRAINING, AND

16 SERVICES

17 U.S. CITIZENSHIP AND IMMIGRATION SERVICES

18 OPERATIONS AND SUPPORT

19 For necessary expenses of U.S. Citizenship and Im-
20 migration Services for operations and support
21 \$170,655,000; of which \$123,522,000 shall be for the E-
22 Verify Program; of which \$11,271,000 shall be for the Of-
23 fice of Citizenship; and of which \$35,862,000 shall be for
24 the Systematic Alien Verification for Entitlements pro-
25 gram.

1 FEDERAL ASSISTANCE

2 For necessary expenses of U.S. Citizenship and Im-
3 migration Services for Federal assistance for the Citizen-
4 ship and Integration Grant Program, \$10,000,000.

5 FEDERAL LAW ENFORCEMENT TRAINING CENTERS

6 OPERATIONS AND SUPPORT

7 For necessary expenses of the Federal Law Enforce-
8 ment Training Centers for operations and support, includ-
9 ing the purchase of not to exceed 117 vehicles for police-
10 type use and hire of passenger motor vehicles, and services
11 as authorized by section 3109 of title 5, United States
12 Code, \$308,803,000, of which \$46,349,000 shall remain
13 available until September 30, 2021: *Provided*, That not
14 to exceed \$7,180 shall be for official reception and rep-
15 resentation expenses.

16 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

17 For necessary expenses of the Federal Law Enforce-
18 ment Training Centers for procurement, construction, and
19 improvements, \$59,288,000, to remain available until Sep-
20 tember 30, 2024.

21 SCIENCE AND TECHNOLOGY DIRECTORATE

22 OPERATIONS AND SUPPORT

23 For necessary expenses of the Science and Tech-
24 nology Directorate for operations and support, including
25 the purchase or lease of not to exceed 5 vehicles,

1 \$314,672,000, of which \$171,232,000 shall remain avail-
2 able until September 30, 2021: *Provided*, That not to ex-
3 ceed \$10,000 shall be for official reception and representa-
4 tion expenses.

5 RESEARCH AND DEVELOPMENT

6 For necessary expenses of the Science and Tech-
7 nology Directorate for research and development,
8 \$351,008,000, to remain available until September 30,
9 2022.

10 COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

11 OPERATIONS AND SUPPORT

12 For necessary expenses of the Countering Weapons
13 of Mass Destruction Office for operations and support,
14 \$180,620,000: *Provided*, That not to exceed \$2,250 shall
15 be for official reception and representation expenses.

16 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

17 For necessary expenses of the Countering Weapons
18 of Mass Destruction Office for procurement, construction,
19 and improvements, \$121,988,000, to remain available
20 until September 30, 2022.

21 RESEARCH AND DEVELOPMENT

22 For necessary expenses of the Countering Weapons
23 of Mass Destruction Office for research and development,
24 \$67,681,000, to remain available until September 30,
25 2022.

FEDERAL ASSISTANCE

For necessary expenses of the Countering Weapons of Mass Destruction Office for Federal assistance through grants, contracts, cooperative agreements, and other activities, \$64,663,000, to remain available until September 30, 2022.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 401. Notwithstanding any other provision of law, funds otherwise made available to U.S. Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to 5 vehicles, for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: *Provided*, That the Director of U.S. Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees' residences and places of employment.

SEC. 402. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A-76 for services provided by employees (including employees serving on a temporary or term basis) of U.S. Citizenship and Immigration Services of the Department of Homeland Security who are known as Immigration Information Officers,

1 Immigration Service Analysts, Contact Representatives,
2 Investigative Assistants, or Immigration Services Officers.

3 SEC. 403. The Director of the Federal Law Enforce-
4 ment Training Centers is authorized to distribute funds
5 to Federal law enforcement agencies for expenses incurred
6 participating in training accreditation.

7 SEC. 404. The Federal Law Enforcement Training
8 Accreditation Board, including representatives from the
9 Federal law enforcement community and non-Federal ac-
10 creditation experts involved in law enforcement training,
11 shall lead the Federal law enforcement training accredita-
12 tion process to continue the implementation of measuring
13 and assessing the quality and effectiveness of Federal law
14 enforcement training programs, facilities, and instructors.

15 SEC. 405. The Director of the Federal Law Enforce-
16 ment Training Centers may accept transfers to the ac-
17 count established by section 407(a) of division F of the
18 Consolidated Appropriations Act, 2018 (Public Law 115–
19 141) from Government agencies requesting the construc-
20 tion of special use facilities, as authorized by the Economy
21 Act (31 U.S.C. 1535(b)): *Provided*, That the Federal Law
22 Enforcement Training Centers maintain administrative
23 control and ownership upon completion of such facilities.

24 SEC. 406. The functions of the Federal Law Enforce-
25 ment Training Centers instructor staff shall be classified

1 as inherently governmental for purposes of the Federal
2 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
3 note).

4 SEC. 407. None of the funds deposited into the Immi-
5 gration Examinations Fee Account, as described in section
6 1356(m) of title 8, United States Code, may be trans-
7 ferred to or made available for the use of U.S. Immigra-
8 tion and Customs Enforcement.

9 SEC. 408. (a) Section 540 of title V of division D
10 of the Consolidated Security, Disaster Assistance, and
11 Continuing Appropriations Act, 2009 (Public Law 110–
12 329; 122 Stat. 3688) is repealed.

13 (b) Section 538 of title V of division D of the Consoli-
14 dated Appropriations Act, 2012 (Public Law 112–74; 125
15 Stat. 976) is repealed.

16 TITLE V

17 GENERAL PROVISIONS

18 (INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

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

22 SEC. 502. Subject to the requirements of section 503
23 of this Act, the unexpended balances of prior appropria-
24 tions provided for activities in this Act may be transferred
25 to appropriation accounts for such activities established

1 pursuant to this Act, may be merged with funds in the
2 applicable established accounts, and thereafter may be ac-
3 counted for as one fund for the same time period as origi-
4 nally enacted.

5 SEC. 503. (a) None of the funds provided by this Act,
6 provided by previous appropriations Acts to the compo-
7 nents in or transferred to the Department of Homeland
8 Security that remain available for obligation or expendi-
9 ture in fiscal year 2020, or provided from any accounts
10 in the Treasury of the United States derived by the collec-
11 tion of fees available to the components funded by this
12 Act, shall be available for obligation or expenditure
13 through a reprogramming of funds that—

14 (1) creates or eliminates a program, project, or
15 activity, or increases funds for any program, project,
16 or activity for which funds have been denied or re-
17 stricted by the Congress;

18 (2) contracts out any function or activity pres-
19 ently performed by Federal employees or any new
20 function or activity proposed to be performed by
21 Federal employees in the President's budget pro-
22 posal for fiscal year 2020 for the Department of
23 Homeland Security;

1 (3) augments funding for existing programs,
2 projects, or activities in excess of \$5,000,000 or 10
3 percent, whichever is less;

4 (4) reduces funding for any program, project,
5 or activity, or numbers of personnel, by 10 percent
6 or more; or

7 (5) results from any general savings from a re-
8 duction in personnel that would result in a change
9 in funding levels for programs, projects, or activities
10 as approved by the Congress.

11 (b) Subsection (a) shall not apply if the Committees
12 on Appropriations of the Senate and the House of Rep-
13 resentatives are notified at least 15 days in advance of
14 such reprogramming.

15 (c) Up to 5 percent of any appropriation made avail-
16 able for the current fiscal year for the Department of
17 Homeland Security by this Act or provided by previous
18 appropriations Acts may be transferred between such ap-
19 propriations if the Committees on Appropriations of the
20 Senate and the House of Representatives are notified at
21 least 30 days in advance of such transfer, but no such
22 appropriation, except as otherwise specifically provided,
23 shall be increased by more than 10 percent by such trans-
24 fer.

1 (d) Notwithstanding subsections (a), (b), and (c), no
2 funds shall be reprogrammed within or transferred be-
3 tween appropriations based upon an initial notification
4 provided after June 30, except in extraordinary cir-
5 cumstances that imminently threaten the safety of human
6 life or the protection of property.

7 (e) The notification thresholds and procedures set
8 forth in subsections (a), (b), (c), and (d) shall apply to
9 any use of deobligated balances of funds provided in pre-
10 vious Department of Homeland Security Appropriations
11 Acts that remain available for obligation in the current
12 year.

13 (f) Subsection (c) shall not apply to “U.S. Immigra-
14 tion and Customs Enforcement — Operations and Sup-
15 port” for Enforcement and Removal Operations.

16 SEC. 504. Section 504 of the Department of Home-
17 land Security Appropriations Act, 2017 (division F of
18 Public Law 115–31), related to the operations of a work-
19 ing capital fund, shall apply with respect to funds made
20 available in this Act in the same manner as such section
21 applied to funds made available in that Act: *Provided*,
22 That funds from such working capital fund may be obli-
23 gated and expended in anticipation of reimbursements
24 from departmental components

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 2020, as re-
4 corded in the financial records at the time of a reprogram-
5 ming notification, but not later than June 30, 2021, from
6 appropriations for “Operations and Support” for fiscal
7 year 2020 in this Act shall remain available through Sep-
8 tember 30, 2021, in the account and for the purposes for
9 which the appropriations were provided: *Provided*, That
10 prior to the obligation of such funds, a notification shall
11 be submitted to the Committees on Appropriations of the
12 Senate and the House of Representatives in accordance
13 with 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 2020 until the enactment of an Act authorizing intel-
19 ligence activities for fiscal year 2020.

20 SEC. 507. (a) The Secretary of Homeland Security,
21 or the designee of the Secretary, shall notify the Commit-
22 tees on Appropriations of the Senate and the House of
23 Representatives at least 3 full business days in advance
24 of—

1 (1) making or awarding a grant allocation,
2 grant, contract, other transaction agreement, or task
3 or delivery order on a Department of Homeland Se-
4 curity multiple award contract, or to issue a letter
5 of intent totaling in excess of \$1,000,000;

6 (2) awarding a task or delivery order requiring
7 an obligation of funds in an amount greater than
8 \$10,000,000 from multi-year Department of Home-
9 land Security funds;

10 (3) making a sole-source grant award; or

11 (4) announcing publicly the intention to make
12 or award items under paragraph (1), (2), or (3), in-
13 cluding a contract covered by the Federal Acquisi-
14 tion Regulation.

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

22 (c) A notification under this section—

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

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

5 SEC. 508. Notwithstanding any other provision of
6 law, no agency shall purchase, construct, or lease any ad-
7 ditional facilities, except within or contiguous to existing
8 locations, to be used for the purpose of conducting Federal
9 law enforcement training without advance notification to
10 the Committees on Appropriations of the Senate and the
11 House of Representatives, except that the Federal Law
12 Enforcement Training Centers is authorized to obtain the
13 temporary use of additional facilities by lease, contract,
14 or other agreement for training that cannot be accommo-
15 dated in existing Centers facilities.

16 SEC. 509. None of the funds appropriated or other-
17 wise made available by this Act may be used for expenses
18 for any construction, repair, alteration, or acquisition
19 project for which a prospectus otherwise required under
20 chapter 33 of title 40, United States Code, has not been
21 approved, except that necessary funds may be expended
22 for each project for required expenses for the development
23 of a proposed prospectus.

24 SEC. 510. Sections 520 and 530 of the Department
25 of Homeland Security Appropriations Act, 2008 (division

1 E of Public Law 110–161; 121 Stat. 2073 and 2074) shall
2 apply with respect to funds made available in this Act in
3 the same manner as such sections applied to funds made
4 available in that Act.

5 SEC. 511. None of the funds made available in this
6 Act may be used in contravention of the applicable provi-
7 sions of the Buy American Act: *Provided*, That for pur-
8 poses of the preceding sentence, the term “Buy American
9 Act” means chapter 83 of title 41, United States Code.

10 SEC. 512. None of the funds made available in this
11 Act may be used to amend the oath of allegiance required
12 by section 337 of the Immigration and Nationality Act
13 (8 U.S.C. 1448).

14 SEC. 513. None of the funds provided or otherwise
15 made available in this Act shall be available to carry out
16 section 872 of the Homeland Security Act of 2002 (6
17 U.S.C. 452) unless explicitly authorized by the Congress.

18 SEC. 514. None of the funds made available in this
19 Act may be used for planning, testing, piloting, or devel-
20 oping a national identification card.

21 SEC. 515. Any official that is required by this Act
22 to report or to certify to the Committees on Appropria-
23 tions of the Senate and the House of Representatives may
24 not delegate such authority to perform that act unless spe-
25 cifically authorized herein.

1 SEC. 516. None of the funds made available in this
2 Act may be used for first-class travel by the employees
3 of agencies funded by this Act in contravention of sections
4 301–10.122 through 301–10.124 of title 41, Code of Fed-
5 eral Regulations.

6 SEC. 517. Notwithstanding any other provision of
7 this Act, none of the funds appropriated or otherwise
8 made available by this Act may be used to pay award or
9 incentive fees for contractor performance that has been
10 judged to be below satisfactory performance or perform-
11 ance that does not meet the basic requirements of a con-
12 tract.

13 SEC. 518. None of the funds appropriated or other-
14 wise made available by this Act may be used by the De-
15 partment of Homeland Security to enter into any Federal
16 contract unless such contract is entered into in accordance
17 with the requirements of subtitle I of title 41, United
18 States Code, or chapter 137 of title 10, United States
19 Code, and the Federal Acquisition Regulation, unless such
20 contract is otherwise authorized by statute to be entered
21 into without regard to the above referenced statutes.

22 SEC. 519. (a) None of the funds made available in
23 this Act may be used to maintain or establish a computer
24 network unless such network blocks the viewing,
25 downloading, and exchanging of pornography.

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

5 SEC. 520. None of the funds made available in this
6 Act may be used by a Federal law enforcement officer to
7 facilitate the transfer of an operable firearm to an indi-
8 vidual if the Federal law enforcement officer knows or sus-
9 pects that the individual is an agent of a drug cartel unless
10 law enforcement personnel of the United States continu-
11 ously monitor or control the firearm at all times.

12 SEC. 521. None of the funds made available in this
13 Act may be used to pay for the travel to or attendance
14 of more than 50 employees of a single component of the
15 Department of Homeland Security, who are stationed in
16 the United States, at a single international conference un-
17 less the Secretary of Homeland Security, or a designee,
18 determines that such attendance is in the national interest
19 and notifies the Committees on Appropriations of the Sen-
20 ate and the House of Representatives within at least 10
21 days of that determination and the basis for that deter-
22 mination: *Provided*, That for purposes of this section the
23 term “international conference” shall mean a conference
24 occurring outside of the United States attended by rep-
25 resentatives of the United States Government and of for-

1 eign governments, international organizations, or non-
2 governmental organizations: *Provided further*, That the
3 total cost to the Department of Homeland Security of any
4 such conference shall not exceed \$500,000.

5 SEC. 522. None of the funds made available in this
6 Act may be used to reimburse any Federal department
7 or agency for its participation in a National Special Secu-
8 rity Event.

9 SEC. 523. 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 positions or costs more
13 than \$5,000,000 in a single year before the end of the
14 30-day period beginning on the date on which the Sec-
15 retary of Homeland Security submits to Congress a notifi-
16 cation that includes—

17 (1) the number of full-time positions affected by
18 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. 524. (a) Any agency receiving funds made avail-
2 able in this Act shall, subject to subsections (b) and (c),
3 post on the public website 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 Committees on Appropriations of the Senate and the
15 House of Representatives for not less than 45 days except
16 as otherwise specified in law.

17 SEC. 525. (a) Funding provided in this Act for “Op-
18 erations and Support” may be used for minor procure-
19 ment, construction, and improvements.

20 (b) For purposes of subsection (a), “minor” refers
21 to end items with a unit cost of \$250,000 or less for per-
22 sonal property, and \$2,000,000 or less for real property.

23 SEC. 526. The authority provided by section 532 of
24 the Department of Homeland Security Appropriations
25 Act, 2018 (Public Law 115–141) regarding primary and

1 secondary schooling of dependents shall continue in effect
2 during fiscal year 2020.

3 SEC. 527. (a) For an additional amount for “Federal
4 Emergency Management Agency—Federal Assistance”,
5 \$41,000,000, to remain available until September 30,
6 2021, exclusively for providing reimbursement of extraor-
7 dinary law enforcement personnel costs for protection ac-
8 tivities directly and demonstrably associated with any resi-
9 dence of the President that is designated or identified to
10 be secured by the United States Secret Service.

11 (b) Subsections (b) through (f) of section 534 of the
12 Department of Homeland Security Appropriations Act,
13 2018 (Public Law 115–141), shall be applied with respect
14 to amounts made available by subsection (a) of this section
15 by substituting “October 1, 2020” for “October 1, 2018”
16 and “October 1, 2019” for “October 1, 2017”.

17 SEC. 528. (a) None of the funds appropriated or oth-
18 erwise made available to the Department of Homeland Se-
19 curity by this Act may be used to prevent any of the fol-
20 lowing persons from entering, for the purpose of con-
21 ducting oversight, any facility operated by or for the De-
22 partment of Homeland Security used to detain or other-
23 wise house aliens, or to make any temporary modification
24 at any such facility that in any way alters what is observed
25 by a visiting member of Congress or such designated em-

1 ployee, compared to what would be observed in the absence
2 of such modification:

3 (1) A Member of Congress.

4 (2) An employee of the United States House of Rep-
5 resentatives or the United States Senate designated by
6 such a Member for the purposes of this section.

7 (b) Nothing in this section may be construed to re-
8 quire a Member of Congress to provide prior notice of the
9 intent to enter a facility described in subsection (a) for
10 the purpose of conducting oversight.

11 (c) With respect to individuals described in subsection
12 (a)(2), the Department of Homeland Security may require
13 that a request be made at least 24 hours in advance of
14 an intent to enter a facility described in subsection (a).

15 SEC. 529. (a) Except as provided in subsection (b),
16 none of the funds made available to the Department of
17 Homeland Security may be used to place restraints on a
18 woman in the custody of the Department of Homeland Se-
19 curity (including during transport, in a detention facility,
20 or at an outside medical facility) who is pregnant or in
21 post-delivery recuperation.

22 (b) Subsection (a) shall not apply with respect to a
23 pregnant woman if—

1 (1) an appropriate official of the Department of
2 Homeland Security makes an individualized deter-
3 mination that the woman—

4 (A) is a serious flight risk, and such risk
5 cannot be prevented by other means; or

6 (B) poses an immediate and serious threat
7 to harm herself or others that cannot be pre-
8 vented by other means; or

9 (2) a medical professional responsible for the
10 care of the pregnant woman determines that the use
11 of therapeutic restraints is appropriate for the med-
12 ical safety of the woman.

13 (c) If a pregnant woman is restrained pursuant to
14 subsection (b), only the safest and least restrictive re-
15 straints, as determined by the appropriate medical profes-
16 sional treating the woman, may be used. In no case may
17 restraints be used on a woman who is in active labor or
18 delivery, and in no case may a pregnant woman be re-
19 strained in a face-down position with four-point restraints,
20 on her back, or in a restraint belt that constricts the area
21 of the pregnancy. A pregnant woman who is immobilized
22 by restraints shall be positioned, to the maximum extent
23 feasible, on her left side.

24 SEC. 530. None of the funds made available to the
25 Department of Homeland Security may be used to destroy

1 any document, recording, or other record pertaining to any
2 potential sexual assault or abuse perpetrated against any
3 individual held in the custody of the Department of Home-
4 land Security.

5 SEC. 531. Section 513 of division F of Public Law
6 114–113, regarding a prohibition on funding for any posi-
7 tion designated as a Principal Federal Official, shall apply
8 with respect to funds made available in this Act in the
9 same manner as such section applied to funds made avail-
10 able in that Act.

11 SEC. 532. Notwithstanding the numerical limitation
12 set forth in section 214(g)(1)(B) of the Immigration and
13 Nationality Act (8 U.S.C. 1184(g)(1)(B)), the Secretary
14 of Homeland Security, after consultation with the Sec-
15 retary of Labor, and upon the determination that the
16 needs of American businesses cannot be satisfied in fiscal
17 year 2020 with United States workers who are willing,
18 qualified, and able to perform temporary nonagricultural
19 labor, shall increase the total number of aliens who may
20 receive a visa under section 101(a)(15)(H)(ii)(b) of such
21 Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) in such fiscal year
22 above such limitation by not more than the highest num-
23 ber of H–2B nonimmigrants who participated in the H–
24 2B returning worker program in any fiscal year in which

1 returning workers were exempt from such numerical limi-
2 tation.

3 SEC. 533. In fiscal year 2020, nonimmigrants shall
4 be admitted to the United States under section
5 101(a)(15)(H)(ii)(a) of the Immigration and Nationality
6 Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) to perform agricul-
7 tural labor or services, without regard to whether such
8 labor is, or services are, of a temporary or seasonal nature.

9 SEC. 534. No Federal funds may be made available
10 to the Secretary of Homeland Security or to the head of
11 any other Federal department or agency to implement, ad-
12 minister, enforce, or carry out (including through the
13 issuance of any regulations) any of the policy changes set
14 forth in the following documents (or any substantially
15 similar policy changes issued or taken on or after the date
16 of enactment of this Act, whether set forth in memo-
17 randum, Executive order, regulation, directive, or by other
18 action):

19 (1) U.S. Citizenship and Immigration Services
20 Policy Memo 602-0162, dated July 11, 2018.

21 (2) The memorandum from the Principal Legal
22 Advisor on Litigating Domestic Violence-Based Per-
23 secution Claims Following Matter of A-B-, dated
24 July 11, 2018.

1 (3) Executive Order 13780, issued on March 6,
2 2017.

3 (4) Presidential Proclamation 9645, issued on
4 September 24, 2017.

5 (5) Executive Order 13815, issued on October
6 24, 2017.

7 (6) The proposed rule by the Department of
8 Homeland Security entitled “Inadmissibility on Pub-
9 lic Charge Grounds” that was entered in the Federal
10 Register on October 10, 2018.

11 (7) The Interim Final Rule published November
12 9, 2018, entitled, “Aliens Subject to a Bar Under
13 Certain Presidential Proclamations, Procedures for
14 Protection Claims” (83 Fed. Reg. 55934).

15 (8) Presidential Proclamation 9822, issued on
16 November 9, 2018.

17 (9) The Migrant Protection Protocols an-
18 nounced by the Secretary of Homeland Security on
19 December 20, 2018, and any subsequent revisions to
20 those protocols.

21 (10) DHS Policy Memorandum 602-0169, or
22 any other agency policy memorandum implementing
23 the protocols described in such policy memorandum.

24 (11) Any regulation, policy, guideline, or prac-
25 tice applying the provisions of section 235(b)(2)(C)

1 of the Immigration and Nationality Act (8 U.S.C.
2 1225(b)(2)(C)) to nationals of noncontiguous coun-
3 tries.

4 SEC. 535. (a) No Federal funds may be made avail-
5 able to the Secretary of Homeland Security or to the head
6 of any other Federal department or agency to place in de-
7 tention, remove, refer for removal, or initiate removal pro-
8 ceedings against, any individuals who were approved by
9 the Secretary of Homeland Security to participate in the
10 Deferred Action for Childhood Arrivals initiative, as delin-
11 eated in the June 15, 2012, memorandum entitled “Exer-
12 cising Prosecutorial Discretion with Respect to Individuals
13 Who Came to the United States as Children”, or individ-
14 uals granted temporary protected status under section 244
15 of the Immigration and Nationality Act (8 U.S.C. 1254a),
16 except that this prohibition shall not apply with respect
17 to an individual who no longer qualifies either for deferred
18 action under such initiative or for temporary protected
19 status under such section 244.

20 (b) None of the funds appropriated or otherwise
21 made available by this Act may be used by U.S. Immigra-
22 tion and Customs Enforcement or by U.S. Customs and
23 Border Protection to conduct raids or other immigration
24 enforcement activities at or within 1,000 feet of any of

1 the following locations against persons unlawfully present
2 in the United States:

3 (1) Public and private preschools.

4 (2) Public and private elementary or secondary
5 schools.

6 (3) Postsecondary schools, including colleges
7 and universities.

8 (4) Other institutions of learning, including
9 trade and vocational schools.

10 (5) Scholastic or education-related activities or
11 events.

12 (6) Bus stops.

13 (7) Licensed adult or child day care facilities.

14 (8) Medical treatment or health care facilities,
15 including hospitals, community health centers, and
16 health clinics.

17 (9) Federal, State, or local courthouses, includ-
18 ing the office of an individual's legal counsel or rep-
19 resentative, and probation offices.

20 (10) Congressional offices.

21 (11) Public assistance offices.

22 (12) Social Security offices.

23 (13) U.S. Citizenship and Immigration Services
24 offices.

10 (16) Sites of funerals, weddings, or other public
11 religious ceremonies.

15 (18) Indoor and outdoor premises of depart-
16 ments of motor vehicles.

18 (20) Community centers.

22 (RESCISSIONS)

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1 in the specified amounts: *Provided*, That no amounts may
2 be rescinded from amounts that were designated by the
3 Congress as an emergency requirement pursuant to a con-
4 current resolution on the budget or the Balanced Budget
5 and Emergency Deficit Control Act of 1985 (Public Law
6 99–177):

7 (1) \$20,000,000 from Public Law 115–141
8 under the heading “Customs and Border Protec-
9 tion—Procurement, Construction and Improve-
10 ment”.

11 (2) \$601,000,000 from Public Law 116–6
12 under the heading “Customs and Border Protec-
13 tion—Procurement, Construction, and Improve-
14 ment”.

15 (3) \$10,000,000 from “Customs and Border
16 Protection—Automation Modernization” account
17 70X0531.

18 (4) \$10,000,000 from “Customs and Border
19 Protection—Border Security, Fencing, Infrastruc-
20 ture, and Technology” account 70X0533.

21 (5) \$4,000,000 from “Customs and Border
22 Protection—Construction” account 70X0532.

23 (6) \$500,000 from Public Law 114–113 under
24 the heading “Coast Guard—Acquisition, Construc-
25 tion, and Improvements”.

1 (7) \$6,000,000 from Public Law 115–31 under
2 the heading “Coast Guard—Acquisition, Construc-
3 tion and Improvements”.

4 (8) \$5,000,000 from Public Law 115–141
5 under the heading “Coast Guard—Research, Devel-
6 opment, Test, and Evaluation”.

7

8 This Act may be cited as the “Department of Home-
9 land Security Appropriations Act, 2020”.

Union Calendar No. 139

116TH CONGRESS
1ST Session

H. R. 3931

[Report No. 116–180]

A BILL

Making appropriations for the Department of
Homeland Security for the fiscal year ending
September 30, 2020, and for other purposes.

JULY 24, 2019

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