[FULL COMMITTEE PRINT]

NOTICE: This bill is given out subject to release when consideration of it has been completed by the full Committee. Please check on such action before release in order to be advised of any changes.

Union Calendar No. ___

116TH CONGRESS 1ST SESSION

H. R. ___

[Report No. ___ - ___]

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

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.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,
That the following sums are appropriated, out of any
money in the Treasury not otherwise appropriated, for the
Department of Homeland Security for the fiscal year end-
ing September 30, 2020, and for other purposes, namely:

TITLE I

DEPARTMENTAL MANAGEMENT, OPERATIONS,
INTELLIGENCE, AND OVERSIGHT

OFFICE OF THE SECRETARY AND EXECUTIVE

MANAGEMENT

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 Omb-
udsman for Immigration Detention as established by sec-

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105: Provided, That not to exceed $45,000 shall be
for official reception and representation expenses.

MANAGEMENT DIRECTORATE

OPERATIONS AND SUPPORT

For necessary expenses of the Management Direc-
torate for operations and support, $1,194,608,000: Pro-
vided, That not to exceed $2,000 shall be for official recep-
tion and representation expenses.
PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Management Directorate for procurement, construction, and improvements, $381,298,000, of which $157,531,000 shall remain available until September 30, 2022; and of which $223,767,000 shall remain available until September 30, 2024, to plan, acquire, design, construct, renovate, remediate, equip, furnish, improve infrastructure, and occupy buildings and facilities for the Department headquarters consolidation project.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally owned and leased buildings and for the operations of the Federal Protective Service.

INTELLIGENCE, ANALYSIS, AND OPERATIONS

COORDINATION

OPERATIONS AND SUPPORT

For necessary expenses of the Office of Intelligence and Analysis and the Office of Operations Coordination for operations and support, $276,641,000: Provided, That not to exceed $3,825 shall be for official reception and representation expenses and not to exceed $2,000,000 is
available for facility needs associated with secure space at
fusion centers, including improvements to buildings.

**Office of Inspector General**

**Operations and Support**

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

**Administrative Provisions**

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

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

**Sec. 102.** The Secretary of Homeland Security shall
require that all contracts of the Department of Homeland
Security that provide award fees link such fees to successful acquisition outcomes, which shall be specified in terms of cost, schedule, and performance.

SEC. 103. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under section 9705(g)(4)(B) of title 31, United States Code from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security: Provided, That none of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives are notified of the proposed transfers: Provided further, That funds available under such section may not be used for the construction of border security infrastructure.

SEC. 104. All official costs associated with the use of Government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Office of the Secretary.
ESTABLISHMENT OF AN IMMIGRATION DETENTION OMBUDSMAN

SEC. 105. (a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 272) is amended by adding the follow section:

“SEC. 405. OMBUDSMAN FOR IMMIGRATION DETENTION.

“(a) IN GENERAL.—Within the Department, there shall be a position of Immigration Detention Ombudsman (in this section referred to as the ‘Ombudsman’). The Ombudsman shall be independent of Department agencies and officers and shall report directly to the Secretary. The Ombudsman shall be a senior official with a background in civil rights enforcement, civil detention care and custody, and immigration law.

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

“(1) Establish and administer an independent, neutral, and confidential process to receive, investigate, resolve, and provide redress, including referral for investigation to the Office of the Inspector General, referral to U.S. Citizenship and Immigration Services for immigration relief, or any other action determined appropriate, for cases in which Department officers or other personnel, or contracted, subcontracted, or cooperating entity personnel, are
found to have engaged in misconduct or violated the rights of individuals in immigration detention;

“(2) Establish an accessible and standardized process regarding complaints against any officer or employee of U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement, or any contracted, subcontracted, or cooperating entity personnel, for violations of law, standards of professional conduct, contract terms, or policy related to immigration detention;

“(3) Conduct unannounced inspections of detention facilities holding individuals in federal immigration custody, including those owned or operated by units of State or local government and privately-owned or operated facilities;

“(4) Review, examine, and make recommendations to address concerns or violations of contract terms identified in reviews, audits, investigations, or detainee interviews regarding immigration detention facilities and services; and

“(5) Provide assistance to individuals affected by potential misconduct, excessive force, or violations of law or detention standards by Department of Homeland Security officers or other personnel, or
contracted, subcontracted, or cooperating entity personnel.

“(c) Access to Detention Facilities.—The Ombudsman or designated personnel of the Ombudsman, shall be provided unfettered access to any location within each such detention facility and shall be permitted confidential access to any detainee at the detainee’s request and any departmental records concerning such detainee.

“(d) Coordination With Department Components.—

“(1) In General.—The Director of U.S. Immigration and Customs Enforcement and the Commissioner of U.S. Customs and Border Protection shall each establish procedures to provide formal responses to recommendations submitted to such officials by the Ombudsman within 60 days of receiving such recommendations.

“(2) Access to Information.—The Secretary shall establish procedures to provide the Ombudsman access to all departmental records necessary to execute the responsibilities of the Ombudsman under subsection (b) or (c) not later than 60 days after a request from the Ombudsman for such information.
“(e) ANNUAL REPORT.—The Ombudsman shall prepare a report to Congress on an annual basis on its activities, findings, and recommendations.”.

(b) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 is amended by amending the item relating to section 405 to read as follows:

“Sec. 405. Ombudsman for Immigration Detention.”.

TITLE II
SECURITY, ENFORCEMENT, AND INVESTIGATIONS
U.S. CUSTOMS AND BORDER PROTECTION
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
for personal services abroad; $13,114,935,000; of which
$3,274,000 shall be derived from the Harbor Maintenance
Trust Fund for administrative expenses related to the col-
lection of the Harbor Maintenance Fee pursuant to section
9505(c)(3) of the Internal Revenue Code of 1986 (26
U.S.C. 9505(c)(3)) and notwithstanding section
1511(e)(1) of the Homeland Security Act of 2002 (6
U.S.C. 551(e)(1)); of which $2,000,000,000 shall be avail-
able until September 30, 2021; and of which such sums
as become available in the Customs User Fee Account, ex-
cept sums subject to section 13031(f)(3) of the Consoli-
dated Omnibus Budget Reconciliation Act of 1985 (19
U.S.C. 58c(f)(3)), shall be derived from that account; and
of which $91,616,000 is for additional customs officers:

Provided, That not to exceed $34,425 shall be for official
reception and representation expenses: Provided further,
That not to exceed $150,000 shall be available for pay-
ment for rental space in connection with preclearance op-
erations: Provided further, That not to exceed $1,000,000
shall be for awards of compensation to informants, to be
accounted for solely under the certificate of the Secretary
of Homeland Security. Provided further, That not to ex-
ceed $15,000,000 may be transferred to the Bureau of
Indian Affairs for the maintenance and repair of roads
on Native American reservations used by the U.S. Border
Patrol.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

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

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

OPERATIONS AND SUPPORT

For necessary expenses of U.S. Immigration and
Customs Enforcement for operations and support, includ-
ing the purchase and lease of up to 3,790 (2,350 for re-
placement only) police-type vehicles; overseas vetted units;
and maintenance, minor construction, and minor leasehold
improvements at owned and leased facilities;
$7,593,940,000; of which $55,698,000 shall remain avail-
able until September 30, 2021; of which $1,500,000 is for
paid apprenticeships for participants in the Human Exp-
loitation Rescue Operative Child-Rescue Corps: Provided,
That not to exceed $11,475 shall be for official reception
and representation expenses: Provided further, That not
to exceed $10,000,000 shall be available until expended
for conducting special operations under section 3131 of 
 Provided further, That not to exceed $2,000,000 shall be 
for awards of compensation to informants, to be accounted 
for solely under the certificate of the Secretary of Home-
land Security: Provided further, That not to exceed 
$11,216,000 shall be available to fund or reimburse other 
Federal agencies for the costs associated with the care, 
maintenance, and repatriation of smuggled aliens unlaw-
fully present in the United States. Provided further, That 
of the funds made available under this heading, 
$10,000,000 shall be withheld from obligation until the 
report required by section 209 has been made available 
on a publicly accessible website.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

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

TRANSPORTATION SECURITY ADMINISTRATION

OPERATIONS AND SUPPORT

For necessary expenses of the Transportation Secu-
rity Administration for operations and support, 
$7,648,384,000, to remain available until September 30,
2021: Provided, That not to exceed $7,650 shall be for official reception and representation expenses: Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: Provided further, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2020 so as to result in a final fiscal year appropriation from the general fund estimated at not more than $4,818,384,000.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Transportation Security Administration for procurement, construction, and improvements, $210,405,000, to remain available until September 30, 2022.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Transportation Security Administration for research and development, $20,902,000, to remain available until September 30, 2022.
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.
PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Coast Guard for procurement, construction, and improvements, including aids to navigation, shore facilities (including facilities at Department of Defense installations used by the Coast Guard), and vessels and aircraft, including equipment related thereto, $1,972,256,000, to remain available until September 30, 2024; of which $20,000,000 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)); and of which $24,855,820 shall be derived from the Coast Guard Housing Fund.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Coast Guard for research and development; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; $4,949,000, to remain available until September 30, 2021, of which $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)): Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses...
incurred for research, development, testing, and evaluation.

**RETIRED PAY**

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman’s Family Protection and Survivor Benefits Plans, payment for career status bonuses, payment of continuation pay under section 356 of title 37, United States Code, concurrent receipts, combat-related special compensation, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,802,309,000, to remain available until expended.

**UNITED STATES SECRET SERVICE**

**OPERATIONS AND SUPPORT**

For necessary expenses of the United States Secret Service for operations and support, including purchase of not to exceed 652 vehicles for police-type use for replacement only; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; rental of buildings in the District of Columbia; fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; conduct of and participation in firearms matches; presen-
tation of awards; conduct of behavioral research in support of protective intelligence and operations; payment in advance for commercial accommodations as may be necessary to perform protective functions; and payment, without regard to section 5702 of title 5, United States Code, of subsistence expenses of employees who are on protective missions, whether at or away from their duty stations; $2,380,504,000; of which $39,783,000 shall remain available until September 30, 2021, and of which $6,000,000 shall be for a grant for activities related to investigations of missing and exploited children; Provided, That not to exceed $19,125 shall be for official reception and representation expenses: Provided further, That not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in criminal investigations within the jurisdiction of the United States Secret Service.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the United States Secret Service for procurement, construction, and improvements, $56,289,000, to remain available until September 30, 2022.
RESEARCH AND DEVELOPMENT

For necessary expenses of the United States Secret Service for research and development, $10,955,000, to remain available until September 30, 2021.

ADMINISTRATIVE PROVISIONS

SEC. 201. Section 201 of the Department of Homeland Security Appropriations Act, 2018 (division F of Public Law 115–141), related to overtime compensation limitations, shall apply with respect to funds made available in this Act in the same manner as such section applied to funds made available in that Act, except that “fiscal year 2020” shall be substituted for “fiscal year 2018”.

SEC. 202. Funding made available under the headings “U.S. Customs and Border Protection—Operations and Support” and “U.S. Customs and Border Protection—Procurement, Construction, and Improvements” shall be available for customs expenses when necessary to maintain operations and prevent adverse personnel actions in Puerto Rico in addition to funding provided by section 740 of title 48, United States Code.

SEC. 203. As authorized by section 601(b) of the United States-Colombia Trade Promotion Agreement Implementation Act (Public Law 112–42), fees collected from passengers arriving from Canada, Mexico, or an adjacent island pursuant to section 13031(a)(5) of the Con-
solidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(5)) shall be available until expended.

SEC. 204. For an additional amount for “U.S. Customs and Border Protection—Operations and Support”, $31,000,000, to remain available until expended, to be reduced by amounts collected and credited to this appropriation in fiscal year 2019 from amounts authorized to be collected by section 286(i) of the Immigration and Nationality Act (8 U.S.C. 1356(i)), section 10412 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8311), and section 817 of the Trade Facilitation and Trade Enforcement Act of 2015 (Public Law 114–25), or other such authorizing language: \textit{Provided,} That to the extent that amounts realized from such collections exceed $31,000,000, those amounts in excess of $31,000,000 shall be credited to this appropriation, to remain available until expended.

SEC. 205. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: \textit{Provided,} That this section shall apply only to individuals trans-
porting on their person a personal-use quantity of the pre-
scription drug, not to exceed a 90-day supply: Provided

further, That the prescription drug may not be—

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

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

Sec. 206. Notwithstanding any other provision of
law, none of the funds provided in this or any other Act
shall be used to approve a waiver of the navigation and
vessel-inspection laws pursuant to section 501(b) of title
46, United States Code, for the transportation of crude
oil distributed from and to the Strategic Petroleum Re-
serve until the Secretary of Homeland Security, after con-
sultation with the Secretaries of the Departments of En-
ergy and Transportation and representatives from the
United States flag maritime industry, takes adequate
measures to ensure the use of United States flag vessels:

Provided, That the Secretary shall notify the Committees
on Appropriations of the Senate and the House of Rep-
resentatives, the Committee on Commerce, Science, and
Transportation of the Senate, and the Committee on
Transportation and Infrastructure of the House of Rep-
resentatives within 2 business days of any request for
waivers of navigation and vessel-inspection laws pursuant
to section 501(b) of title 46, United States Code, with re-
spect to such transportation, and the disposition of such
requests.

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

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

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

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

SEC. 208. None of the funds provided under the
heading “U.S. Immigration and Customs Enforcement—
Operations and Support” may be used to continue a dele-
gation of law enforcement authority authorized under sec-
tion 287(g) of the Immigration and Nationality Act (8
U.S.C. 1357(g)) if the Department of Homeland Security
Inspector General determines that the terms of the agreement governing the delegation of authority have been materially violated.

SEC. 209. Not later than 45 days after the date of enactment of this Act, the Director of U.S. Immigration and Customs Enforcement shall submit to the Committees on Appropriations of the Senate and the House of Representatives, and make available on a publicly accessible website, a report describing agreements pursuant to section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) which shall include —

(1) detailed information relating to the community outreach activities of each participating jurisdiction pursuant to such agreement, including the membership and activities of any community-based steering committee established by such jurisdiction;

(2) the number of individuals placed into removal proceedings pursuant to each such agreement;

(3) data on the performance of the officers or employees of a State or political subdivision thereof under each such agreement, including the nationality, level of criminality, and enforcement priority of the individuals described in paragraph (2); and

(4) information relating to any future plans to increase the number of such agreements or expand
the scope of such agreements through the introduction of new operations pursuant to such section.

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

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

(1) modifies such contract or agreement to provide a fixed termination date; and

(2) removes any option or other provision permitting the Federal Government to renew or extend such contract or agreement.
SEC. 212. Members of the United States House of Representatives and the United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General, Deputy Attorney General, Assistant Attorneys General, and the United States Attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget, shall not be exempt from Federal passenger and baggage screening.

SEC. 213. Any award by the Transportation Security Administration to deploy explosives detection systems shall be based on risk, the airport’s current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness.

SEC. 214. Notwithstanding section 44923 of title 49, United States Code, for fiscal year 2020, any funds in the Aviation Security Capital Fund established by section 44923(h) of title 49, United States Code, may be used for the procurement and installation of explosives detection systems or for the issuance of other transaction agree-
ments for the purpose of funding projects described in section 44923(a) of such title.

SEC. 215. None of the funds made available by this Act under the heading “Coast Guard—Operations and Support” shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from owners of yachts and credited to the appropriation made available by this Act under the heading “Coast Guard—Operations and Support”: Provided, That to the extent such fees are insufficient to pay expenses of recreational vessel documentation under such section 12114, and there is a backlog of recreational vessel applications, personnel performing non-recreational vessel documentation functions under subchapter II of chapter 121 of title 46, United States Code, may perform documentation under section 12114.

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

SEC. 217. Notwithstanding any other provision of law, the Commandant of the Coast Guard shall submit
to the Committees on Appropriations of the Senate and
the House of Representatives a future-years capital invest-
ment plan as described in the second proviso under the
heading “Coast Guard—Acquisition, Construction, and
Improvements” in the Department of Homeland Security
Appropriations Act, 2015 (Public Law 114–4), which shall
be subject to the requirements in the third and fourth pro-
visos under such heading.

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

SEC. 219. No Federal funds made available to the
United States Secret Service may be made available for
the protection of the head of a Federal agency other than
the Secretary of Homeland Security: Provided, That the
Director of the United States Secret Service may enter
into agreements to provide such protection on a fully reim-
bursable basis.
SEC. 220. For purposes of section 503(a)(3) of this Act, up to $15,000,000 may be reprogrammed within “United States Secret Service—Operations and Support”.

SEC. 221. Funding made available in this Act for “United States Secret Service—Operations and Support” is available for travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if the Director of the United States Secret Service or a designee notifies the Committees on Appropriations of the Senate and the House of Representatives 10 or more days in advance, or as early as practicable, prior to such expenditures.

SEC. 222. Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit an expenditure plan for any amounts made available for “U.S. Customs and Border Protection—Procurement, Construction, and Improvements” in this Act and prior Acts to the Committees on Appropriations of the Senate and the House of Representatives: Provided, That no such amounts may be obligated prior to the submission of such plan.

SEC. 223. (a) No Federal funds may be used by the Department of Homeland Security to place in detention, remove, refer for a decision whether to initiate removal
proceedings, or initiate removal proceedings against a
sponsor, potential sponsor, or member of a household of
a sponsor or potential sponsor of an unaccompanied alien
child (as defined in section 462(g) of the Homeland Secu-
rit y Act of 2002 (6 U.S.C. 279(g))) based on information
shared by the Secretary of Health and Human Services.

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

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

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

(B) child abuse;

(C) sexual violence or abuse; or

(D) child pornography;

(2) an association with any business that em-

ploys a minor who—

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

(B) is—

(i) not paid a legal wage; or
(ii) unable to attend school due to the employment; or

(3) an association with the organization or implementation of prostitution.

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

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

(1) $266,906,000 is for the acquisition and deployment of border security technologies and trade and travel assets and infrastructure;

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

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

(4) $167,019,000 is for integrated operations assets and infrastructure.
(b) Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Appropriations of the Senate, and the House of Representatives, and the Comptroller General of the United States an updated risk-based plan for improving security along the borders of the United States that includes the elements required under subsection (a) of section 231 of division F of the Consolidated Appropriations Act, 2018 (Public Law 115–141), which shall be evaluated in accordance with subsection (b) of such section.

Sec. 226. Federal funds may not be made available for the construction of fencing—

(1) within the Santa Ana Wildlife Refuge;

(2) within the Bentsen-Rio Grande Valley State Park;

(3) within La Lomita Historical park;

(4) within the National Butterfly Center;

(5) within or east of the Vista del Mar Ranch tract of the Lower Rio Grande Valley National Wildlife Refuge; or

(6) within historic cemeteries.

Sec. 227. (a) Notwithstanding any other provision of law, no Federal funds may be used for the construction
of physical barriers along the southern land border of the
United States during fiscal year 2020.
(b) Subsection (a) shall not apply to amounts made
available for such purpose by Public Law 116–6, Public
Law 115–141, or Public Law 115–31.

SEC. 228. (a) Of the total amount made available
under “U.S. Immigration and Customs Enforcement—
Operations and Support”, $3,930,966,000 is for Enforce-
ment and Removal Operations, of which—
(1) $719,680,000 is for the detention and re-
lated care of single adult aliens in the custody of
U.S. Immigration and Customs Enforcement, other
than such aliens who were transferred to the custody
of such agency by U.S. Customs and Border Protec-
tion after being—
(A) determined inadmissible at a port of
entry; or
(B) apprehended within 14 days of enter-
ing the United States;
(2) $839,537,000 is for the detention and re-
lated care of single adult aliens in the custody of
U.S. Immigration and Customs Enforcement who
are not described by subsection (a)(1);
(3) $148,054,000 is for fugitive operations;
(4) $285,104,000 is for the criminal alien program; and

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

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

(1) the number so transferred through the comparable date in fiscal year 2016, and such determination is made at any point after January 1, 2020, and before September 30, 2020, there is appropriated as an additional amount for “U.S. Immigration and Customs Enforcement—Operations and Support”, $89,932,000, to become available on the date of the certification of such determination in accordance with subsection (d), for Enforcement and Removal Operations and to remain available until September 30, 2024, of which—

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

(B) $11,188,000 shall be available for the purposes described in subsection (a)(5);
(2) 120 percent of the number so transferred through the comparable date in fiscal year 2016, and such determination is made at any point after March 1, 2020, and before September 30, 2020, there is appropriated as an additional amount for “U.S. Immigration and Customs Enforcement—Operations and Support”, $89,934,000 to become available on the date of the certification of such determination in accordance with subsection (d), for Enforcement and Removal Operations, of which—

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

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

(3) 130 percent of the number so transferred through the comparable date in fiscal year 2016, and such determination is made at any point after May 1, 2020, and before September 30, 2020, there is appropriated as an additional amount for “U.S. Immigration and Customs Enforcement—Operations and Support”, $58,595,000 to become available on the date of the certification of such determination in accordance with subsection (d), for Enforcement and Removal Operations, of which—
(A) $42,739,000 shall be available for the purposes described in subsection (a)(2); and

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

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

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

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

(5) 150 percent of the number so transferred through the comparable date in fiscal year 2016, and such determination is made at any point after August 1, 2020, and before September 30, 2020, there is appropriated as an additional amount for “U.S. Immigration and Customs Enforcement—Operations and Support”, $59,904,000 to become
available on the date of the certification of such deter-
mination in accordance with subsection (d), for

Enforcement and Removal Operations, of which—

(A) $44,048,000 shall be available for the

purposes described in subsection (a)(2); and

(B) $11,188,000 shall be available for the

purposes described in subsection (a)(5).

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

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

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

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

(e) To the extent that any additional amount de-
scribed by subsection (b) is not appropriated for Enforce-
ment and Removal Operations under the conditions described in subsections (a) through (d) before September 30, 2020, such amount shall be appropriated as an additional amount for “Coast Guard—Procurement, Construction, and Improvements”, to become available on September 30, 2020, and to remain available until September 30, 2024, for shore facilities and aids to navigation: Provided, That the Commandant of the Coast Guard shall provide a detailed plan for the use of such funds not later than 30 days prior to the obligation of such funds.

SEC. 229. (a) Any discretionary amounts appropriated in this Act in the current fiscal year and any fiscal year thereafter may be obligated for death gratuity payments, as authorized in subchapter II of chapter 75 of title 10, United States Code.

(b) Subsection (a) shall only apply if an appropriation for “Coast Guard—Operations and Support” is unavailable for obligation for such payments.

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

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

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

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

(2) A plan developed in consultation with the
Department of State to address the safety and secu-

(3) A plan to ensure that each such individual
is offered a briefing, prior to being so returned, on
their legal rights and obligations, which shall be in
their primary spoken language to the greatest extent
possible;

(4) A plan developed in consultation with the
Department of Justice for prioritizing the immigra-
tion proceedings of such individuals; and
(5) Policy documents that define categories of vulnerable individuals who should not be so returned, including:

(A) pregnant women;
(B) individuals identifying as lesbian, gay, bisexual, or transgender; and
(C) mentally or physically disabled individuals.

(b) For purposes of this section, Migrant Protection Protocols means the actions taken by the Secretary to implement the memorandum dated January 25, 2019 entitled “Policy Guidance for the Implantation Implementation of the Migrant Protection Protocols”.

TITLE III
PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

Cybersecurity and Infrastructure Security Agency

Operations and Support

For necessary expenses of the Cybersecurity and Infrastructure Security Agency for operations and support, $1,530,740,000, of which $21,793,000 shall remain available until September 30, 2021: Provided, That not to exceed $3,825 shall be for official reception and representation expenses.
PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Cybersecurity and Infrastructure Security Agency for procurement, construction, and improvements, $474,041,000, to remain available until September 30, 2022.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Cybersecurity and Infrastructure Security Agency for research and development, $11,431,000, to remain available until September 30, 2021.

FEDERAL EMERGENCY MANAGEMENT AGENCY

OPERATIONS AND SUPPORT

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

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Federal Emergency Management Agency for procurement, construction, and improvements, $113,663,000, of which $74,167,000 shall remain available until September 30, 2022, and of which $39,496,000 shall remain available until September 30, 2024.
FEDERAL ASSISTANCE

For activities of the Federal Emergency Management Agency for Federal assistance through grants, contracts, cooperative agreements, and other activities, $3,344,495,000, which shall be allocated only, notwithstanding section 503(c) as follows:

(1) $625,000,000 for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605), of which $90,000,000 shall be for Operation Stonegarden, $15,000,000 shall be for Tribal Homeland Security Grants under Section 2005 of the Homeland Security Act of 2002 (6 U.S.C. 606), and $40,000,000 shall be for organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack: Provided, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2020, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.
(2) $700,000,000 for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), of which $50,000,000 shall be for organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

(3) $110,000,000 for Public Transportation Security Assistance, Railroad Security Assistance, and Over-the-Road Bus Security Assistance under sections 1406, 1513, and 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135, 1163, and 1182), of which $10,000,000 shall be for Amtrak security and $2,000,000 shall be for Over-the-Road Bus Security: Provided, That such public transportation security assistance shall be provided directly to public transportation agencies.

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

(5) $750,000,000, to remain available until September 30, 2021, of which $375,000,000 shall be


(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

(INCLUDING TRANSFER OF FUNDS)

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 major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That $250,000,000 of the amount provided under this heading shall be derived from unobligated balances from prior year appropriations available under this heading: Provided further, That none of the amounts derived from unobligated balances in the previous proviso shall be from amounts that were designated by the Congress as being for an
emergency requirement pursuant to a Concurrent Resolution on the budget or section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141, 126 Stat. 916), and the Homeowner Flood Insurance Affordability Act of 2014 (Public Law 113–89; 128 Stat. 1020), $206,166,000, to remain available until September 30, 2021, which shall be derived from offsetting amounts collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)); of which $13,906,000 shall be available for mission support associated with flood management; and of which $192,260,000 shall be available for flood plain management and flood mapping: Provided, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as offsetting collections to this account, to be available for flood plain management and
flood mapping: Provided further, That in fiscal year 2020, no funds shall be available from the National Flood Insurance Fund under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017) in excess of—

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

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

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

(4) $175,000,000, which shall remain available until expended, for flood mitigation actions and for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), notwithstanding sections 1366(e) and 1310(a)(7) of such Act (42 U.S.C. 4104c(e), 4017)(a)(7):

Provided further, That the amounts collected under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) and section 1366(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(e)), shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwith-
standing subsection (f)(8) of section 102 of the Flood Disaster Protection Act of 1973, section 1366(e) of the National Flood Insurance Act of 1968, and paragraphs (1) through (3) of section 1367(b) of such Act (42 U.S.C. 4012a(f)(8), 4104c(e), 4104d(b)(1)–(3)): Provided further, That total administrative costs shall not exceed 4 percent of the total appropriation: Provided further, That up to $5,000,000 shall be available to carry out section 24 of the Homeowner Flood Insurance Affordability Act of 2014 (42 U.S.C. 4033).

ADMINISTRATIVE PROVISIONS

Sec. 301. Notwithstanding section 2008(a)(12) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(12)) or any other provision of law, not more than 5 percent of the amount of a grant made available in paragraphs (1) through (4) under “Federal Emergency Management Agency—Federal Assistance”, may be used by the grantee for expenses directly related to administration of the grant.

Sec. 302. Applications for grants under the heading “Federal Emergency Management Agency—Federal Assistance”, for paragraphs (1) through (4), shall be made available to eligible applicants not later than 60 days after the date of enactment of this Act, eligible applicants shall submit applications not later than 80 days after the grant
announcement, and the Administrator of the Federal Emergency Management Agency shall act within 65 days after the receipt of an application.

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

SEC. 304. Under the heading “Federal Emergency Management Agency—Federal Assistance”, for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility.

SEC. 305. The reporting requirements in paragraphs (1) and (2) under the heading “Federal Emergency Management Agency—Disaster Relief Fund” in the Department of Homeland Security Appropriations Act, 2015 (Public Law 114-4) shall be applied in fiscal year 2020 with respect to budget year 2021 and current fiscal year 2020, respectively—

(1) in paragraph (1) by substituting “fiscal year 2021” for “fiscal year 2016”; and
(2) in paragraph (2) by inserting “business” after “fifth”.

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

(b) For grants made under the heading “Federal Emergency Management Agency—Firefighter Assistance Grants” in division F of Public Law 114–113, the Secretary may extend the period of performance described in subsection (a)(1)(B) of such section 34 for up to one additional year.

(c) For purposes of subsection (b)—

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

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

SEC. 307. The aggregate charges assessed during fiscal year 2019, as authorized in title III of the Depart-
ments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security to be necessary for its Radiological Emergency Preparedness Program for the next fiscal year: Provided, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: Provided further, That such fees shall be deposited in a Radiological Emergency Preparedness Program account as offsetting collections and will become available for authorized purposes on October 1, 2020, and remain available until expended.

TITLE IV
RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES
U.S. CITIZENSHIP AND IMMIGRATION SERVICES
OPERATIONS AND SUPPORT
For necessary expenses of U.S. Citizenship and Immigration Services for operations and support $170,655,000; of which $123,522,000 shall be for the E-Verify Program; of which $11,271,000 shall be for the Office of Citizenship; and of which $35,862,000 shall be for
the Systematic Alien Verification for Entitlements program.

FEDERAL ASSISTANCE

For necessary expenses of U.S. Citizenship and Immigration Services for Federal assistance for the Citizenship and Integration Grant Program, $10,000,000.

FEDERAL LAW ENFORCEMENT TRAINING CENTERS

OPERATIONS AND SUPPORT

For necessary expenses of the Federal Law Enforcement Training Centers for operations and support, including the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, $308,803,000, of which $46,349,000 shall remain available until September 30, 2021: Provided, That not to exceed $7,180 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Federal Law Enforcement Training Centers for procurement, construction, and improvements, $59,288,000, to remain available until September 30, 2024.
SCIENCE AND TECHNOLOGY DIRECTORATE

For necessary expenses of the Science and Technology Directorate for operations and support, including the purchase or lease of not to exceed 5 vehicles, $314,672,000, of which $171,232,000 shall remain available until September 30, 2021: Provided, That not to exceed $10,000 shall be for official reception and representation expenses.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Science and Technology Directorate for research and development, $351,008,000, to remain available until September 30, 2022.

COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

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

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Countering Weapons of Mass Destruction Office for procurement, construction, and improvements, $121,988,000, to remain available until September 30, 2022.
RESEARCH AND DEVELOPMENT

For necessary expenses of the Countering Weapons of Mass Destruction Office for research and development, $67,681,000, to remain available until September 30, 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, Immigration Service Analysts, Contact Representatives, Investigative Assistants, or Immigration Services Officers.

Sec. 403. The Director of the Federal Law Enforcement Training Centers is authorized to distribute funds to Federal law enforcement agencies for expenses incurred participating in training accreditation.

Sec. 404. The Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

Sec. 405. The Director of the Federal Law Enforcement Training Centers may accept transfers to the account established by section 407(a) of division F of the Consolidated Appropriations Act, 2018 (Public Law 115–141) from Government agencies requesting the construction of special use facilities, as authorized by the Economy
Act (31 U.S.C. 1535(b)): Provided, That the Federal Law Enforcement Training Centers maintain administrative control and ownership upon completion of such facilities.


Sec. 407. None of the funds deposited into the Immigration Examinations Fee Account, as described in section 1356(m) of title 8, United States Code, may be transferred to or made available for the use of U.S. Immigration and Customs Enforcement.

TITLE V
GENERAL PROVISIONS
(INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

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

Sec. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be ac-
counted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the components in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2020, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the components funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates or eliminates a program, project, or activity, or increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress;

(2) contracts out any function or activity presently performed by Federal employees or any new function or activity proposed to be performed by Federal employees in the President’s budget proposal for fiscal year 2020 for the Department of Homeland Security;

(3) augments funding for existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less;
(4) reduces funding for any program, project, or activity, or numbers of personnel, by 10 percent or more; or

(5) results from any general savings from a reduction in personnel that would result in a change in funding levels for programs, projects, or activities as approved by the Congress.

(b) Subsection (a) shall not apply if the Committees on Appropriations of the Senate and the House of Representatives are notified at least 15 days in advance of such reprogramming.

(c) Up to 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations if the Committees on Appropriations of the Senate and the House of Representatives are notified at least 30 days in advance of such transfer, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfer.

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

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

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

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

SEC. 505. Except as otherwise specifically provided
by law, not to exceed 50 percent of unobligated balances
remaining available at the end of fiscal year 2020, as re-
corded in the financial records at the time of a reprogram-
mapping notification, but not later than June 30, 2021, from
appropriations for “Operations and Support” for fiscal year 2020 in this Act shall remain available through September 30, 2021, in the account and for the purposes for which the appropriations were provided: Provided, That prior to the obligation of such funds, a notification shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2020 until the enactment of an Act authorizing intelligence activities for fiscal year 2020.

SEC. 507. (a) The Secretary of Homeland Security, or the designee of the Secretary, shall notify the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of—

(1) making or awarding a grant allocation, grant, contract, other transaction agreement, or task or delivery order on a Department of Homeland Security multiple award contract, or to issue a letter of intent totaling in excess of $1,000,000;
(2) awarding a task or delivery order requiring an obligation of funds in an amount greater than $10,000,000 from multi-year Department of Homeland Security funds;

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

(4) announcing publicly the intention to make or award items under paragraph (1), (2), or (3), including a contract covered by the Federal Acquisition Regulation.

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

(c) A notification under this section—

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

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

Sec. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any ad-
ditional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without advance notification to the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Centers is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training that cannot be accommodated in existing Centers facilities.

Sec. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

Sec. 510. Sections 520 and 530 of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110–161; 121 Stat. 2073 and 2074) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

Sec. 511. None of the funds made available in this Act may be used in contravention of the applicable provi-

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

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

Sec. 514. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

Sec. 515. Any official that is required by this Act to report or to certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

Sec. 516. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.
SEC. 517. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

SEC. 518. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any Federal contract unless such contract is entered into in accordance with the requirements of subtitle I of title 41, United States Code, or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

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

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.
SEC. 520. None of the funds made available in this Act may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

SEC. 521. None of the funds made available in this Act may be used to pay for the travel to or attendance of more than 50 employees of a single component of the Department of Homeland Security, who are stationed in the United States, at a single international conference unless the Secretary of Homeland Security, or a designee, determines that such attendance is in the national interest and notifies the Committees on Appropriations of the Senate and the House of Representatives within at least 10 days of that determination and the basis for that determination: Provided, That for purposes of this section the term “international conference” shall mean a conference occurring outside of the United States attended by representatives of the United States Government and of foreign governments, international organizations, or non-governmental organizations: Provided further, That the total cost to the Department of Homeland Security of any such conference shall not exceed $500,000.
SEC. 522. None of the funds made available in this Act may be used to reimburse any Federal department or agency for its participation in a National Special Security Event.

SEC. 523. None of the funds made available to the Department of Homeland Security by this or any other Act may be obligated for any structural pay reform that affects more than 100 full-time positions or costs more than $5,000,000 in a single year before the end of the 30-day period beginning on the date on which the Secretary of Homeland Security submits to Congress a notification that includes—

(1) the number of full-time positions affected by such change;

(2) funding required for such change for the current year and through the Future Years Homeland Security Program;

(3) justification for such change; and

(4) an analysis of compensation alternatives to such change that were considered by the Department.

SEC. 524. (a) Any agency receiving funds made available in this Act shall, subject to subsections (b) and (e), post on the public website of that agency any report required to be submitted by the Committees on Appropria-
tions of the Senate and the House of Representatives in this Act, upon the determination by the head of the agency that it shall serve the national interest.

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

(1) the public posting of the report compromises homeland or national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the Committees on Appropriations of the Senate and the House of Representatives for not less than 45 days except as otherwise specified in law.

Sec. 525. (a) Funding provided in this Act for “Operations and Support” may be used for minor procurement, construction, and improvements.

(b) For purposes of subsection (a), “minor” refers to end items with a unit cost of $250,000 or less for personal property, and $2,000,000 or less for real property.

Sec. 526. The authority provided by section 532 of the Department of Homeland Security Appropriations Act, 2018 (Public Law 115–141) regarding primary and secondary schooling of dependents shall continue in effect during fiscal year 2020.

Sec. 527. (a) For an additional amount for “Federal Emergency Management Agency—Federal Assistance”,
$41,000,000, to remain available until September 30, 2021, exclusively for providing reimbursement of extraordinary law enforcement personnel costs for protection activities directly and demonstrably associated with any residence of the President that is designated or identified to be secured by the United States Secret Service.

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

SEC. 528. None of the funds made available to the Department of Homeland Security may be used to prevent a Member of Congress or a designated employee of the United States House of Representatives or the United States Senate of such Member from entering, for the purpose of conducting oversight and upon a request made at least 24 hours in advance, any facility operated by or for the Department of Homeland Security used to detain or otherwise house aliens, or to make any temporary modification at any such facility that in any way alters what is observed by a visiting Member of Congress, compared to what would be observed in the absence of such modification.
SEC. 529. (a) Except as provided in subsection (b), none of the funds made available to the Department of Homeland Security may be used to place restraints on a woman in the custody of the Department of Homeland Security (including during transport, in a detention facility, or at an outside medical facility) who is pregnant or in post-delivery recuperation.

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

(1) an appropriate official of the Department of Homeland Security makes an individualized determination that the woman—

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

(B) poses an immediate and serious threat to harm herself or others that cannot be prevented by other means; or

(2) a medical professional responsible for the care of the pregnant woman determines that the use of therapeutic restraints is appropriate for the medical safety of the woman.

(c) If a pregnant woman is restrained pursuant to subsection (b), only the safest and least restrictive restraints, as determined by the appropriate medical professional treating the woman, may be used. In no case may
restraints be used on a woman who is in active labor or delivery, and in no case may a pregnant woman be restrained in a face-down position with four-point restraints, on her back, or in a restraint belt that constricts the area of the pregnancy. A pregnant woman who is immobilized by restraints shall be positioned, to the maximum extent feasible, on her left side.

Sec. 530. None of the funds made available to the Department of Homeland Security may be used to destroy any document, recording, or other record pertaining to any potential sexual assault or abuse perpetrated against any individual held in the custody of the Department of Homeland Security.

Sec. 531. Section 513 of division F of Public Law 114–113, regarding a prohibition on funding for any position designated as a Principal Federal Official, shall apply with respect to funds made available in this Act in the same manner as such section applied to funds made available in that Act.

(Rescissions)

Sec. 532. Of the funds appropriated to the Department of Homeland Security, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: Provided, That no amounts may be rescinded from amounts that were designated by the
Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177):

(1) $20,000,000 from Public Law 115–141 under the heading “Customs and Border Protection—Procurement, Construction and Improvement”.

(2) $601,000,000 from Public Law 116–6 under the heading “Customs and Border Protection—Procurement, Construction, and Improvement”.

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

(4) $10,000,000 from “Customs and Border Protection—Border Security, Fencing, Infrastructure, and Technology” account 70X0533.

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

(6) $500,000 from Public Law 114–113 under the heading “Coast Guard—Acquisition, Construction, and Improvements”.
(7) $6,000,000 from Public Law 115–31 under the heading “Coast Guard—Acquisition, Construction and Improvements”.

(8) $5,000,000 from Public Law 115–141 under the heading “Coast Guard—Research, Development, Test, and Evaluation”.

This Act may be cited as the “Department of Homeland Security Appropriations Act, 2020”.
A BILL

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

116TH CONGRESS
1ST SESSION

[H. R.]

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

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June 5, 2019 (4:48 p.m.)

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