

Union Calendar No. 739

115TH CONGRESS
2^D SESSION

H. R. 6776

[Report No. 115-948]

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2019, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2018

Mr. YODER 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, 2019, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*
 3 That the following sums are appropriated, out of any
 4 money in the Treasury not otherwise appropriated, for the
 5 Department of Homeland Security for the fiscal year end-
 6 ing September 30, 2019, and for other purposes, namely:

7 TITLE I

8 DEPARTMENTAL MANAGEMENT, OPERATIONS,
 9 INTELLIGENCE, AND OVERSIGHT

10 OFFICE OF THE SECRETARY AND EXECUTIVE

11 MANAGEMENT

12 OPERATIONS AND SUPPORT

13 For necessary expenses of the Office of the Secretary
 14 and for executive management for operations and support,
 15 \$128,110,000: *Provided*, That not to exceed \$45,000 shall
 16 be for official reception and representation expenses.

17 MANAGEMENT DIRECTORATE

18 OPERATIONS AND SUPPORT

19 For necessary expenses of the Management Direc-
 20 torate for operations and support, \$842,712,000: *Pro-*
 21 *vided*, That not to exceed \$2,000 shall be for official recep-
 22 tion and representation expenses.

23 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

24 For necessary expenses of the Management Direc-
 25 torate for procurement, construction, and improvements,

1 \$74,920,000, to remain available until September 30,
2 2021.

3 RESEARCH AND DEVELOPMENT

4 For necessary expenses of the Management Direc-
5 torate for research and development, \$2,545,000, to re-
6 main available until September 30, 2020.

7 INTELLIGENCE, ANALYSIS, AND OPERATIONS

8 COORDINATION

9 OPERATIONS AND SUPPORT

10 For necessary expenses of the Office of Intelligence
11 and Analysis and the Office of Operations Coordination
12 for operations and support, \$259,253,000, of which
13 \$77,915,000 shall remain available until September 30,
14 2020: *Provided*, That not to exceed \$3,825 shall be for
15 official reception and representation expenses.

16 OFFICE OF INSPECTOR GENERAL

17 OPERATIONS AND SUPPORT

18 For necessary expenses of the Office of Inspector
19 General for operations and support, \$168,001,000: *Pro-*
20 *vided*, That not to exceed \$300,000 may be used for cer-
21 tain confidential operational expenses, including the pay-
22 ment of informants, to be expended at the direction of the
23 Inspector General.

1 ADMINISTRATIVE PROVISIONS

2 SEC. 101. (a) The Secretary of Homeland Security
3 shall submit a report not later than October 15, 2019,
4 to the Inspector General of the Department of Homeland
5 Security listing all grants and contracts awarded by any
6 means other than full and open competition during fiscal
7 years 2018 and 2019.

8 (b) The Inspector General shall review the report re-
9 quired by subsection (a) to assess departmental compli-
10 ance with applicable laws and regulations and report the
11 results of that review to the Committees on Appropriations
12 of the Senate and the House of Representatives not later
13 than February 15, 2020.

14 SEC. 102. The Secretary of Homeland Security shall
15 require that all contracts of the Department of Homeland
16 Security that provide award fees link such fees to success-
17 ful acquisition outcomes, which shall be specified in terms
18 of cost, schedule, and performance.

19 SEC. 103. The Secretary of Homeland Security, in
20 consultation with the Secretary of the Treasury, shall no-
21 tify the Committees on Appropriations of the Senate and
22 the House of Representatives of any proposed transfers
23 of funds available under section 9705(g)(4)(B) of title 31,
24 United States Code (as added by Public Law 102-393)
25 from the Department of the Treasury Forfeiture Fund to

1 any agency within the Department of Homeland Security:
2 *Provided*, That none of the funds identified for such a
3 transfer may be obligated until the Committees on Appro-
4 priations of the Senate and the House of Representatives
5 are notified of the proposed transfers.

6 SEC. 104. All official costs associated with the use
7 of Government aircraft by Department of Homeland Secu-
8 rity personnel to support official travel of the Secretary
9 and the Deputy Secretary shall be paid from amounts
10 made available for the Office of the Secretary.

11 SEC. 105. Section 107 of the Department of Home-
12 land Security Appropriations Act, 2018 (division F of
13 Public Law 115-141), related to visa overstay data, shall
14 apply in fiscal year 2019, except that the reference to
15 “this Act” shall be treated as referring to this Act, and
16 the reference to “2017” shall be treated as referring to
17 “2018”.

18 TITLE II

19 SECURITY, ENFORCEMENT, AND

20 INVESTIGATIONS

21 U.S. CUSTOMS AND BORDER PROTECTION

22 OPERATIONS AND SUPPORT

23 For necessary expenses of U.S. Customs and Border
24 Protection for operations and support, including the trans-
25 portation of unaccompanied minor aliens; the provision of

1 air and marine support to Federal, State, and local agen-
2 cies in the enforcement or administration of laws enforced
3 by the Department of Homeland Security; at the discre-
4 tion of the Secretary of Homeland Security, the provision
5 of such support to Federal, State, and local agencies in
6 other law enforcement and emergency humanitarian ef-
7 forts; the purchase and lease of up to 7,500 (6,500 for
8 replacement only) police-type vehicles; the purchase, main-
9 tenance, or operation of marine vessels, aircraft, and un-
10 manned aerial systems; and contracting with individuals
11 for personal services abroad; \$12,002,072,000; of which
12 \$3,274,000 shall be derived from the Harbor Maintenance
13 Trust Fund for administrative expenses related to the col-
14 lection of the Harbor Maintenance Fee pursuant to section
15 9505(e)(3) of the Internal Revenue Code of 1986 (26
16 U.S.C. 9505(e)(3)) and notwithstanding section
17 1511(e)(1) of the Homeland Security Act of 2002 (6
18 U.S.C. 551(e)(1)); of which \$681,441,500 shall be avail-
19 able until September 30, 2020; and of which such sums
20 as become available in the Customs User Fee Account, ex-
21 cept sums subject to section 13031(f)(3) of the Consoli-
22 dated Omnibus Budget Reconciliation Act of 1985 (19
23 U.S.C. 58c(f)(3)), shall be derived from that account: *Pro-*
24 *vided*, That not to exceed \$34,425 shall be for official re-
25 ception and representation expenses: *Provided further*,

1 That not to exceed \$150,000 shall be available for pay-
2 ment for rental space in connection with preclearance op-
3 erations: *Provided further*, That not to exceed \$1,000,000
4 shall be for awards of compensation to informants, to be
5 accounted for solely under the certificate of the Secretary
6 of Homeland Security.

7 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

8 For necessary expenses of U.S. Customs and Border
9 Protection for procurement, construction, and improve-
10 ments, including procurements to buy marine vessels, air-
11 craft, and unmanned aerial systems, \$5,510,244,000, of
12 which \$462,022,000 shall remain available until Sep-
13 tember 30, 2021, and of which \$5,048,222,000 shall re-
14 main available until September 30, 2023.

15 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

16 OPERATIONS AND SUPPORT

17 For necessary expenses of U.S. Immigration and
18 Customs Enforcement for operations and support, includ-
19 ing the purchase and lease of up to 3,790 (2,350 for re-
20 placement only) police-type vehicles; overseas vetted units;
21 and maintenance, minor construction, and minor leasehold
22 improvements at owned and leased facilities;
23 \$7,333,079,000; of which \$6,000,000 shall remain avail-
24 able until expended for efforts to enforce laws against
25 forced child labor; of which \$33,700,000 shall remain

1 available until September 30, 2020; and of which
2 \$1,500,000 is for paid apprenticeships for participants in
3 the Human Exploitation Rescue Operative Corps: *Pro-*
4 *vided*, That not to exceed \$11,475 shall be for official re-
5 ception and representation expenses: *Provided further*,
6 That not to exceed \$10,000,000 shall be available until
7 expended for conducting special operations under section
8 3131 of the Customs Enforcement Act of 1986 (19 U.S.C.
9 2081): *Provided further*, That not to exceed \$2,000,000
10 shall be for awards of compensation to informants, to be
11 accounted for solely under the certificate of the Secretary
12 of Homeland Security: *Provided further*, That not to ex-
13 ceed \$11,216,000 shall be available to fund or reimburse
14 other Federal agencies for the costs associated with the
15 care, maintenance, and repatriation of smuggled aliens un-
16 lawfully present in the United States.

17 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

18 For necessary expenses of U.S. Immigration and
19 Customs Enforcement for procurement, construction, and
20 improvements, \$70,431,000, to remain available until Sep-
21 tember 30, 2021.

22 TRANSPORTATION SECURITY ADMINISTRATION

23 OPERATIONS AND SUPPORT

24 For necessary expenses of the Transportation Secu-
25 rity Administration for operations and support,

1 \$7,167,778,000, to remain available until September 30,
2 2020: *Provided*, That not to exceed \$7,650 shall be for
3 official reception and representation expenses: *Provided*
4 *further*, That security service fees authorized under section
5 44940 of title 49, United States Code, shall be credited
6 to this appropriation as offsetting collections and shall be
7 available only for aviation security: *Provided further*, That
8 the sum appropriated under this heading from the general
9 fund shall be reduced on a dollar-for-dollar basis as such
10 offsetting collections are received during fiscal year 2019
11 so as to result in a final fiscal year appropriation from
12 the general fund estimated at not more than
13 \$4,497,778,000.

14 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

15 For necessary expenses of the Transportation Secu-
16 rity Administration for procurement, construction, and
17 improvements, \$129,789,000, to remain available until
18 September 30, 2021.

19 RESEARCH AND DEVELOPMENT

20 For necessary expenses of the Transportation Secu-
21 rity Administration for research and development,
22 \$20,594,000, to remain available until September 30,
23 2020.

1 COAST GUARD

2 OPERATIONS AND SUPPORT

3 For necessary expenses of the Coast Guard, for oper-
4 ations and support, including purchase or lease of not to
5 exceed 25 passenger motor vehicles, which shall be for re-
6 placement only; purchase or lease of small boats for con-
7 tingent and emergent requirements (at a unit cost of not
8 more than \$700,000) and repairs and service-life replace-
9 ments, not to exceed a total of \$31,000,000; purchase,
10 lease, or improvements of boats necessary for overseas de-
11 ployments and activities; payments pursuant to section
12 156 of Public Law 97-377 (42 U.S.C. 402 note; 96 Stat.
13 1920); and recreation and welfare; \$7,620,209,000, of
14 which \$340,000,000 shall be for defense-related activities;
15 and of which \$24,500,000 shall be derived from the Oil
16 Spill Liability Trust Fund to carry out the purposes of
17 section 1012(a)(5) of the Oil Pollution Act of 1990 (33
18 U.S.C. 2712(a)(5)): *Provided*, That not to exceed \$23,000
19 shall be for official reception and representation expenses.

20 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary expenses of the Coast Guard for pro-
23 curement, construction, and improvements, including aids
24 to navigation, shore facilities (including facilities at De-
25 partment of Defense installations used by the Coast

1 Guard), procurements to buy vessels and aircraft, includ-
2 ing equipment related thereto, \$1,429,750,000, to remain
3 available until September 30, 2023, of which \$20,000,000
4 shall be derived from the Oil Spill Liability Trust Fund
5 to carry out the purposes of section 1012(a)(5) of the Oil
6 Pollution Act of 1990 (33 U.S.C. 2712(a)(5)), and in ad-
7 dition \$95,000,000 for the procurement of Long Lead
8 Time Materials for a twelfth National Security Cutter,
9 which shall be derived by transfer from unobligated bal-
10 ances from prior-year appropriations available under the
11 heading “SCIENCE AND TECHNOLOGY DIRECTORATE—
12 RESEARCH AND DEVELOPMENT”.

13 RESEARCH AND DEVELOPMENT

14 For necessary expenses of the Coast Guard for re-
15 search and development; and for maintenance, rehabilita-
16 tion, lease, and operation of facilities and equipment;
17 \$19,109,000, to remain available until September 30,
18 2021, of which \$500,000 shall be derived from the Oil
19 Spill Liability Trust Fund to carry out the purposes of
20 section 1012(a)(5) of the Oil Pollution Act of 1990 (33
21 U.S.C. 2712(a)(5)): *Provided*, That there may be credited
22 to and used for the purposes of this appropriation funds
23 received from State and local governments, other public
24 authorities, private sources, and foreign countries for ex-

1 penses incurred for research, development, testing, and
2 evaluation.

3 ENVIRONMENTAL COMPLIANCE AND RESTORATION

4 For necessary expenses to carry out the environ-
5 mental compliance and restoration functions of the Coast
6 Guard under chapter 19 of title 14, United States Code,
7 \$13,429,000, to remain available until September 30,
8 2023.

9 RETIRED PAY

10 For retired pay, including the payment of obligations
11 otherwise chargeable to lapsed appropriations for this pur-
12 pose, payments under the Retired Serviceman's Family
13 Protection and Survivor Benefits Plans, payment for ca-
14 reer status bonuses, payment of continuation pay under
15 section 356 of title 37, United States Code, concurrent
16 receipts, combat-related special compensation, and pay-
17 ments for medical care of retired personnel and their de-
18 pendants under chapter 55 of title 10, United States Code,
19 \$1,739,844,000, to remain available until expended.

20 UNITED STATES SECRET SERVICE

21 OPERATIONS AND SUPPORT

22 For necessary expenses of the United States Secret
23 Service for operations and support, including purchase of
24 not to exceed 652 vehicles for police-type use for replace-
25 ment only; hire of passenger motor vehicles; purchase of

1 motorcycles made in the United States; hire of aircraft;
2 rental of buildings in the District of Columbia; fencing,
3 lighting, guard booths, and other facilities on private or
4 other property not in Government ownership or control,
5 as may be necessary to perform protective functions; con-
6 duct of and participation in firearms matches; presen-
7 tation of awards; conduct of behavioral research in sup-
8 port of protective intelligence and operations; payment in
9 advance for commercial accommodations as may be nec-
10 essary to perform protective functions; and payment, with-
11 out regard to section 5702 of title 5, United States Code,
12 of subsistence expenses of employees who are on protective
13 missions, whether at or away from their duty stations;
14 \$2,099,870,000; of which \$41,536,000 shall remain avail-
15 able until September 30, 2020, of which \$6,000,000 shall
16 be for a grant for activities related to investigations of
17 missing and exploited children: *Provided*, That not to ex-
18 ceed \$19,125 shall be for official reception and representa-
19 tion expenses: *Provided further*, That not to exceed
20 \$100,000 shall be to provide technical assistance and
21 equipment to foreign law enforcement organizations in
22 counterfeit investigations.

23 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

24 For necessary expenses of the United States Secret
25 Service for procurement, construction, and improvements,

1 \$64,816,000, to remain available until September 30,
2 2021.

3 RESEARCH AND DEVELOPMENT

4 For necessary expenses of the United States Secret
5 Service for research and development, \$2,500,000, to re-
6 main available until September 30, 2020.

7 ADMINISTRATIVE PROVISIONS

8 SEC. 201. Section 201 of the Department of Home-
9 land Security Appropriations Act, 2018 (division F of
10 Public Law 115-141), related to overtime compensation
11 limitations, shall apply with respect to funds made avail-
12 able in this Act in the same manner as such section ap-
13 plied to funds made available in that Act, except that “fis-
14 cal year 2019” shall be substituted for “fiscal year 2018”.

15 SEC. 202. Funding made available under the heading
16 “U.S. Customs and Border Protection—Operations and
17 Support” and “U.S. Customs and Border Protection—
18 Procurement, Construction, and Improvements” shall be
19 available for customs expenses when necessary to maintain
20 operations and prevent adverse personnel actions in Puer-
21 to Rico in addition to funding provided by 48 U.S.C. 740.

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

1 jacent island pursuant to section 13031(a)(5) of the Con-
2 solidated Omnibus Budget Reconciliation Act of 1985 (19
3 U.S.C. 58e(a)(5)) shall be available until expended.

4 SEC. 204. For an additional amount for “U.S. Cus-
5 toms and Border Protection—Operations and Support”,
6 \$39,000,000, to remain available until expended, to be re-
7 duced by amounts collected and credited to this appropria-
8 tion in fiscal year 2019 from amounts authorized to be
9 collected by section 286(i) of the Immigration and Nation-
10 ality Act (8 U.S.C. 1356(i)), section 10412 of the Farm
11 Security and Rural Investment Act of 2002 (7 U.S.C.
12 8311), and section 817 of the Trade Facilitation and
13 Trade Enforcement Act of 2015 (Public Law 114–25), or
14 other such authorizing language: *Provided*, That to the ex-
15 tent that amounts realized from such collections exceed
16 \$39,000,000, those amounts in excess of \$39,000,000
17 shall be credited to this appropriation, to remain available
18 until expended.

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

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

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

8 (2) a biological product, as defined in section
9 351 of the Public Health Service Act (42 U.S.C.
10 262).

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

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

7 SEC. 207. (a) None of the funds made available by
8 this Act may be used to approve, license, facilitate, author-
9 ize, or otherwise allow the trafficking or import of prop-
10 erty confiscated by the Cuban Government.

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

17 SEC. 208. Without regard to the limitation as to time
18 and condition of section 503(d) of this Act, the Secretary
19 may reprogram within and transfer funds to “U.S. Immi-
20 gration and Customs Enforcement—Operations and Sup-
21 port” as necessary to ensure the detention of aliens
22 prioritized for removal.

23 SEC. 209. None of the funds provided under the
24 heading “U.S. Immigration and Customs Enforcement—
25 Operations and Support” may be used to continue a dele-

1 gation of law enforcement authority authorized under sec-
2 tion 287(g) of the Immigration and Nationality Act (8
3 U.S.C. 1357(g)) if the Department of Homeland Security
4 Inspector General determines that the terms of the agree-
5 ment governing the delegation of authority have been ma-
6 terially violated.

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

15 SEC. 211. Members of the United States House of
16 Representatives and the United States Senate, including
17 the leadership; the heads of Federal agencies and commis-
18 sions, including the Secretary, Deputy Secretary, Under
19 Secretaries, and Assistant Secretaries of the Department
20 of Homeland Security; the United States Attorney Gen-
21 eral, Deputy Attorney General, Assistant Attorneys Gen-
22 eral, and the United States Attorneys; and senior mem-
23 bers of the Executive Office of the President, including
24 the Director of the Office of Management and Budget,

1 shall not be exempt from Federal passenger and baggage
2 screening.

3 SEC. 212. Any award by the Transportation Security
4 Administration to deploy explosives detection systems
5 shall be based on risk, the airport's current reliance on
6 other screening solutions, lobby congestion resulting in in-
7 creased security concerns, high injury rates, airport readi-
8 ness, and increased cost effectiveness.

9 SEC. 213. Notwithstanding section 44923 of title 49,
10 United States Code, for fiscal year 2019, any funds in
11 the Aviation Security Capital Fund established by section
12 44923(h) of title 49, United States Code, may be used
13 for the procurement and installation of explosives detec-
14 tion systems or for the issuance of other transaction agree-
15 ments for the purpose of funding projects described in sec-
16 tion 44923(a) of such title.

17 SEC. 214. None of the funds made available by this
18 Act under the heading "Coast Guard—Operations and
19 Support" shall be for expenses incurred for recreational
20 vessels under section 12114 of title 46, United States
21 Code, except to the extent fees are collected from owners
22 of yachts and credited to the appropriation made available
23 by this Act under the heading "Coast Guard—Operations
24 and Support": *Provided*, That to the extent such fees are
25 insufficient to pay expenses of recreational vessel docu-

1 mentation under such section 12114, and there is a back-
2 log of recreational vessel applications, personnel per-
3 forming non-recreational vessel documentation functions
4 under subchapter II of chapter 121 of title 46, United
5 States Code, may perform documentation under section
6 12114.

7 SEC. 215. Without regard to the limitation as to time
8 and condition of section 503(d) of this Act, after June
9 30, up to \$10,000,000 may be reprogrammed to or from
10 the Military Pay and Allowances funding category within
11 “Coast Guard—Operations and Support” in accordance
12 with subsection (a) of section 503 of this Act.

13 SEC. 216. Notwithstanding any other provision of
14 law, the Commandant of the Coast Guard shall submit
15 to the Committees on Appropriations of the Senate and
16 the House of Representatives a future-years capital invest-
17 ment plan as described in the second proviso under the
18 heading “Coast Guard—Acquisition, Construction, and
19 Improvements” in the Department of Homeland Security
20 Appropriations Act, 2015 (Public Law 114–4), which shall
21 be subject to the requirements in the third and fourth pro-
22 visos under such heading.

23 SEC. 217. The United States Secret Service is au-
24 thorized to obligate funds in anticipation of reimburse-
25 ments from Federal agencies and entities, as defined in

1 section 105 of title 5, United States Code, for personnel
2 receiving training sponsored by the James J. Rowley
3 Training Center, except that total obligations at the end
4 of the fiscal year shall not exceed total budgetary re-
5 sources available under the heading “United States Secret
6 Service—Operations and Support” at the end of the fiscal
7 year.

8 SEC. 218. None of the funds made available to the
9 United States Secret Service by this Act or by previous
10 appropriations Acts may be made available for the protec-
11 tion of the head of a Federal agency other than the Sec-
12 retary of Homeland Security: *Provided*, That the Director
13 of the United States Secret Service may enter into agree-
14 ments to provide such protection on a fully reimbursable
15 basis.

16 SEC. 219. For purposes of section 503(a)(3) of this
17 Act, up to \$15,000,000 may be reprogrammed within
18 “United States Secret Service—Operations and Support”.

19 SEC. 220. Funding made available in this Act for
20 “United States Secret Service—Operations and Support”
21 is available for travel of United States Secret Service em-
22 ployees on protective missions without regard to the limi-
23 tations on such expenditures in this or any other Act if
24 the Director of the United States Secret Service or a des-
25 ignee notifies the Committees on Appropriations of the

1 Senate and the House of Representatives 10 or more days
2 in advance, or as early as practicable, prior to such ex-
3 penditures.

4 SEC. 221. Not later than 90 days after the date of
5 the enactment of this Act, the Secretary of Homeland Se-
6 curity shall submit an expenditure plan for the amounts
7 made available for “U.S. Customs and Border Protec-
8 tion—Procurement, Construction, and Improvements” to
9 the Committees on Appropriations of the House of Rep-
10 resentatives and the Senate: *Provided*, That no such
11 amounts may be obligated without prior approval of the
12 plan by such Committees.

13 SEC. 222. For an additional amount for “Coast
14 Guard—Operations and Support”, \$1,000,000 for Coast
15 Guard operating funds and unit level maintenance for de-
16 ferred maintenance.

17 TITLE III

18 PROTECTION, PREPAREDNESS, RESPONSE, AND

19 RECOVERY

20 NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

21 OPERATIONS AND SUPPORT

22 For necessary expenses of the National Protection
23 and Programs Directorate for operations and support,
24 \$1,550,112,000, of which \$18,650,000 shall remain avail-
25 able until September 30, 2020: *Provided*, That not to ex-

1 ceed \$3,825 shall be for official reception and representa-
2 tion expenses.

3 FEDERAL PROTECTIVE SERVICE

4 The revenues and collections of security fees credited
5 to this account shall be available until expended for nec-
6 essary expenses related to the protection of federally
7 owned and leased buildings and for the operations of the
8 Federal Protective Service.

9 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

10 For necessary expenses of the National Protection
11 and Programs Directorate for procurement, construction,
12 and improvements, \$367,964,000, to remain available
13 until September 30, 2021.

14 RESEARCH AND DEVELOPMENT

15 For necessary expenses of the National Protection
16 and Programs Directorate for research and development,
17 \$16,486,000, to remain available until September 30,
18 2020.

19 FEDERAL EMERGENCY MANAGEMENT AGENCY

20 OPERATIONS AND SUPPORT

21 For necessary expenses of the Federal Emergency
22 Management Agency for operations and support,
23 \$1,057,599,000: *Provided*, That not to exceed \$2,250
24 shall be for official reception and representation expenses.

1 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

2 For necessary expenses of the Federal Emergency
3 Management Agency for procurement, construction, and
4 improvements, \$103,349,000, to remain available until
5 September 30, 2021.

6 FEDERAL ASSISTANCE

7 For activities of the Federal Emergency Management
8 Agency for Federal assistance through grants, contracts,
9 cooperative agreements, and other activities,
10 \$3,359,525,000, which shall be allocated as follows:

11 (1) \$538,000,000 for the State Homeland Secu-
12 rity Grant Program under section 2004 of the
13 Homeland Security Act of 2002 (6 U.S.C. 605), of
14 which \$85,000,000 shall be for Operation
15 Stonegarden, and \$10,000,000 shall be for organiza-
16 tions (as described under section 501(c)(3) of the
17 Internal Revenue Code of 1986 and exempt from tax
18 under such 501(a) of such code) determined by the
19 Secretary of Homeland Security to be at high risk
20 of a terrorist attack: *Provided*, That notwithstanding
21 subsection (c)(4) of such section 2004, for fiscal
22 year 2019, the Commonwealth of Puerto Rico shall
23 make available to local and tribal governments
24 amounts provided to the Commonwealth of Puerto

1 Rico under this paragraph in accordance with sub-
2 section (c)(1) of such section 2004.

3 (2) \$661,000,000 for the Urban Area Security
4 Initiative under section 2003 of the Homeland Secu-
5 rity Act of 2002 (6 U.S.C. 604), of which
6 \$50,000,000 shall be for organizations (as described
7 under section 501(c)(3) of the Internal Revenue
8 Code of 1986 and exempt from tax under section
9 501(a) of such code) determined by the Secretary of
10 Homeland Security to be at high risk of a terrorist
11 attack.

12 (3) \$103,000,000 for Public Transportation Se-
13 curity Assistance, Railroad Security Assistance, and
14 Over-the-Road Bus Security Assistance under sec-
15 tions 1406, 1513, and 1532 of the Implementing
16 Recommendations of the 9/11 Commission Act of
17 2007 (6 U.S.C. 1135, 1163, and 1182), of which
18 \$10,000,000 shall be for Amtrak security and
19 \$7,000,000 shall be for Over-the-Road Bus Security:
20 *Provided*, That such public transportation security
21 assistance shall be provided directly to public trans-
22 portation agencies.

23 (4) \$100,000,000 for Port Security Grants in
24 accordance with section 70107 of title 46, United
25 States Code.

1 (5) \$700,000,000, to remain available until
2 September 30, 2020, of which \$350,000,000 shall be
3 for Assistance to Firefighter Grants and
4 \$350,000,000 shall be for Staffing for Adequate
5 Fire and Emergency Response Grants under sec-
6 tions 33 and 34 respectively of the Federal Fire Pre-
7 vention and Control Act of 1974 (15 U.S.C. 2229
8 and 2229a).

9 (6) \$350,000,000 for emergency management
10 performance grants under the National Flood Insur-
11 ance Act of 1968 (42 U.S.C. 4001), the Robert T.
12 Stafford Disaster Relief and Emergency Assistance
13 Act (42 U.S.C. 5121), the Earthquake Hazards Re-
14 duction Act of 1977 (42 U.S.C. 7701), section 762
15 of title 6, United States Code, and Reorganization
16 Plan No. 3 of 1978 (5 U.S.C. App.).

17 (7) \$249,200,000 for the National Predisaster
18 Mitigation Fund under section 203 of the Robert T.
19 Stafford Disaster Relief and Emergency Assistance
20 Act (42 U.S.C. 5133), to remain available until ex-
21 pended.

22 (8) \$262,531,000 for necessary expenses for
23 Flood Hazard Mapping and Risk Analysis, in addi-
24 tion to and to supplement any other sums appro-
25 priated under the National Flood Insurance Fund,

1 and such additional sums as may be provided by
2 States or other political subdivisions for cost-shared
3 mapping activities under section 1360(f)(2) of the
4 National Flood Insurance Act of 1968 (42 U.S.C.
5 4101(f)(2)), to remain available until expended.

6 (9) \$120,000,000 for the emergency food and
7 shelter program under title III of the McKinney-
8 Vento Homeless Assistance Act (42 U.S.C. 11331),
9 to remain available until expended: *Provided*, That
10 not to exceed 3.5 percent shall be for total adminis-
11 trative costs.

12 (10) \$275,794,000 to sustain current oper-
13 ations for training, exercises, technical assistance,
14 and other programs.

15 DISASTER RELIEF FUND

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses in carrying out the Robert
18 T. Stafford Disaster Relief and Emergency Assistance Act
19 (42 U.S.C. 5121 et seq.), \$7,210,000,000, to remain avail-
20 able until expended, of which \$6,652,000,000 shall be for
21 major disasters declared pursuant to the Robert T. Staf-
22 ford Disaster Relief and Emergency Assistance Act (42
23 U.S.C. 5121 et seq.) and is designated by the Congress
24 as being for disaster relief pursuant to section
25 251(b)(2)(D) of the Balanced Budget and Emergency

1 Deficit Control Act of 1985, of which up to \$3,000,000
2 may be transferred to the Disaster Assistance Direct Loan
3 Program for administrative expenses to carry out the pro-
4 gram as authorized by section 417 of the Robert T. Staf-
5 ford Disaster Relief and Emergency Assistance Act (42
6 U.S.C. 5184).

7 NATIONAL FLOOD INSURANCE FUND

8 For activities under the National Flood Insurance
9 Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster
10 Protection Act of 1973 (42 U.S.C. 4001 et seq.), the
11 Biggert-Waters Flood Insurance Reform Act of 2012
12 (Public Law 112–141, 126 Stat. 916), and the Home-
13 owner Flood Insurance Affordability Act of 2014 (Public
14 Law 113–89; 128 Stat. 1020), \$201,691,000, to remain
15 available until September 30, 2020, which shall be derived
16 from offsetting amounts collected under section 1308(d)
17 of the National Flood Insurance Act of 1968 (42 U.S.C.
18 4015(d)); of which \$13,784,000 shall be available for mis-
19 sion support associated with flood management; and of
20 which \$187,907,000 shall be available for flood plain man-
21 agement and flood mapping: *Provided*, That any addi-
22 tional fees collected pursuant to section 1308(d) of the
23 National Flood Insurance Act of 1968 (42 U.S.C.
24 4015(d)) shall be credited as offsetting collections to this
25 account, to be available for flood plain management and

1 flood mapping: *Provided further*, That in fiscal year 2019,
2 no funds shall be available from the National Flood Insur-
3 ance Fund under section 1310 of the National Flood In-
4 surance Act of 1968 (42 U.S.C. 4017) in excess of—

5 (1) \$176,304,000 for operating expenses and
6 salaries and expenses associated with flood insurance
7 operations;

8 (2) \$1,123,000,000 for commissions and taxes
9 of agents;

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

12 (4) \$175,000,000, which shall remain available
13 until expended, for flood mitigation actions and for
14 flood mitigation assistance under section 1366 of the
15 National Flood Insurance Act of 1968 (42 U.S.C.
16 4104c), notwithstanding sections 1366(e) and
17 1310(a)(7) of such Act (42 U.S.C. 4104c(e), 4017):

18 *Provided further*, That the amounts collected under section
19 102 of the Flood Disaster Protection Act of 1973 (42
20 U.S.C. 4012a) and section 1366(e) of the National Flood
21 Insurance Act of 1968 shall be deposited in the National
22 Flood Insurance Fund to supplement other amounts speci-
23 fied as available for section 1366 of the National Flood
24 Insurance Act of 1968, notwithstanding section 102(f)(8),
25 section 1366(e), and paragraphs (1) through (3) of section

1 1367(b) of such Act (42 U.S.C. 4012a(f)(8), 4104c(e),
2 4104d(b)(1)–(3)): *Provided further*, That total administra-
3 tive costs shall not exceed 4 percent of the total appropria-
4 tion: *Provided further*, That up to \$5,000,000 is available
5 to carry out section 24 of the Homeowner Flood Insurance
6 Affordability Act of 2014 (42 U.S.C. 4033).

7 ADMINISTRATIVE PROVISIONS

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

16 SEC. 302. Applications for grants under the heading
17 “Federal Emergency Management Agency—Federal As-
18 sistance”, for paragraphs (1) through (4), shall be made
19 available to eligible applicants not later than 60 days after
20 the date of enactment of this Act, eligible applicants shall
21 submit applications not later than 80 days after the grant
22 announcement, and the Administrator of the Federal
23 Emergency Management Agency shall act within 65 days
24 after the receipt of an application.

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

8 SEC. 304. Under the heading “Federal Emergency
9 Management Agency—Federal Assistance”, for grants
10 under paragraphs (1) and (2), the installation of commu-
11 nications towers is not considered construction of a build-
12 ing or other physical facility.

13 SEC. 305. The reporting requirements in paragraphs
14 (1) and (2) under the heading “Federal Emergency Man-
15 agement Agency—Disaster Relief Fund” in the Depart-
16 ment of Homeland Security Appropriations Act, 2015
17 (Public Law 114–4) shall be applied in fiscal year 2019
18 with respect to budget year 2020 and current fiscal year
19 2019, respectively—

20 (1) in paragraph (1) by substituting “fiscal
21 year 2020” for “fiscal year 2016”; and

22 (2) in paragraph (2) by inserting “business”
23 after “fifth”.

24 SEC. 306. In making grants under the heading “Fire-
25 fighter Assistance Grants”, the Secretary may grant waiv-

1 ers from the requirements in subsections (a)(1)(A),
2 (a)(1)(B), (a)(1)(E), (c)(1), (c)(2), and (c)(4) of section
3 34 of the Federal Fire Prevention and Control Act of 1974
4 (15 U.S.C. 2229a).

5 SEC. 307. The aggregate charges assessed during fis-
6 cal year 2019, as authorized in title III of the Depart-
7 ments of Veterans Affairs and Housing and Urban Devel-
8 opment, and Independent Agencies Appropriations Act,
9 1999 (42 U.S.C. 5196e), shall not be less than 100 per-
10 cent of the amounts anticipated by the Department of
11 Homeland Security to be necessary for its Radiological
12 Emergency Preparedness Program for the next fiscal year:
13 *Provided*, That the methodology for assessment and collec-
14 tion of fees shall be fair and equitable and shall reflect
15 costs of providing such services, including administrative
16 costs of collecting such fees: *Provided further*, That such
17 fees shall be deposited in a Radiological Emergency Pre-
18 paredness Program account as offsetting collections and
19 will become available for authorized purposes on October
20 1, 2019, and remain available until expended.

21 SEC. 308. None of the funds in this or any other Act
22 may be used to deny continued rental assistance under
23 section 408 of the Robert T. Stafford Disaster Relief and
24 Emergency Assistance Act (42 U.S.C. 5174) to an indi-
25 vidual or household on the basis of income.

1 TITLE IV
2 RESEARCH, DEVELOPMENT, TRAINING, AND
3 SERVICES

4 U.S. CITIZENSHIP AND IMMIGRATION SERVICES
5 OPERATIONS AND SUPPORT

6 For necessary expenses of U.S. Citizenship and Im-
7 migration Services for operations and support of the E-
8 Verify Program, \$109,081,000.

9 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

10 For necessary expenses of U.S. Citizenship and Im-
11 migration Services for procurement, construction, and im-
12 provements of the E-Verify Program, \$22,838,000, to re-
13 main available until September 30, 2021.

14 FEDERAL LAW ENFORCEMENT TRAINING CENTERS
15 OPERATIONS AND SUPPORT

16 For necessary expenses of the Federal Law Enforce-
17 ment Training Centers for operations and support, includ-
18 ing the purchase of not to exceed 117 vehicles for police-
19 type use and hire of passenger motor vehicles, and services
20 as authorized by section 3109 of title 5, United States
21 Code, \$254,774,000, of which \$58,191,000 shall remain
22 available until September 30, 2020: *Provided*, That not
23 to exceed \$7,180 shall be for official reception and rep-
24 resentation expenses.

1 SCIENCE AND TECHNOLOGY DIRECTORATE

2 OPERATIONS AND SUPPORT

3 For necessary expenses of the Science and Tech-
4 nology Directorate for operations and support, including
5 the purchase or lease of not to exceed 5 vehicles,
6 \$304,408,000, of which \$166,350,000 shall remain avail-
7 able until September 30, 2020: *Provided*, That not to ex-
8 ceed \$10,000 shall be for official reception and representa-
9 tion expenses.

10 RESEARCH AND DEVELOPMENT

11 For necessary expenses of the Science and Tech-
12 nology Directorate for research and development,
13 \$497,751,000, to remain available until September 30,
14 2020.

15 COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

16 OPERATIONS AND SUPPORT

17 For necessary expenses of the Countering Weapons
18 of Mass Destruction Office for operations and support,
19 \$214,264,000: *Provided*, That not to exceed \$2,250 shall
20 be for official reception and representation expenses.

21 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

22 For necessary expenses of the Countering Weapons
23 of Mass Destruction Office for procurement, construction,
24 and improvements, \$74,896,000, to remain available until
25 September 30, 2021.

1 RESEARCH AND DEVELOPMENT

2 For necessary expenses of the Countering Weapons
3 of Mass Destruction Office for research and development,
4 \$80,443,000, to remain available until September 30,
5 2021.

6 FEDERAL ASSISTANCE

7 For necessary expenses of the Countering Weapons
8 of Mass Destruction Office for Federal assistance through
9 grants, contracts, cooperative agreements, and other ac-
10 tivities, \$64,663,000, to remain available until September
11 30, 2021.

12 ADMINISTRATIVE PROVISIONS

13 SEC. 401. Notwithstanding any other provision of
14 law, funds otherwise made available to U.S. Citizenship
15 and Immigration Services may be used to acquire, operate,
16 equip, and dispose of up to 5 vehicles, for replacement
17 only, for areas where the Administrator of General Serv-
18 ices does not provide vehicles for lease: *Provided*, That the
19 Director of U.S. Citizenship and Immigration Services
20 may authorize employees who are assigned to those areas
21 to use such vehicles to travel between the employees' resi-
22 dences and places of employment.

23 SEC. 402. None of the funds made available in this
24 Act may be used by U.S. Citizenship and Immigration
25 Services to grant an immigration benefit unless the results

1 of background checks required by law to be completed
2 prior to the granting of the benefit have been received by
3 U.S. Citizenship and Immigration Services, and the re-
4 sults do not preclude the granting of the benefit.

5 SEC. 403. None of the funds appropriated by this Act
6 may be used to process or approve a competition under
7 Office of Management and Budget Circular A-76 for serv-
8 ices provided by employees (including employees serving
9 on a temporary or term basis) of U.S. Citizenship and Im-
10 migration Services of the Department of Homeland Secu-
11 rity who are known as Immigration Information Officers,
12 Immigration Service Analysts, Contact Representatives,
13 Investigative Assistants, or Immigration Services Officers.

14 SEC. 404. (a) Notwithstanding section 1356(n) of
15 title 8, United States Code, of the funds deposited into
16 the Immigration Examinations Fee Account, up to
17 \$10,000,000 may be allocated by U.S. Citizenship and Im-
18 migration Services in fiscal year 2019 for the purpose of
19 providing an Immigrant Integration grants program.

20 (b) None of the funds made available to U.S. Citizen-
21 ship and Immigration Services for grants for immigrant
22 integration under subsection (a) may be used to provide
23 services to aliens who have not been lawfully admitted for
24 permanent residence.

1 SEC. 405. The Director of the Federal Law Enforce-
2 ment Training Centers is authorized to distribute funds
3 to Federal law enforcement agencies for expenses incurred
4 participating in training accreditation.

5 SEC. 406. The Federal Law Enforcement Training
6 Accreditation Board, including representatives from the
7 Federal law enforcement community and non-Federal ac-
8 creditation experts involved in law enforcement training,
9 shall lead the Federal law enforcement training accredita-
10 tion process to continue the implementation of measuring
11 and assessing the quality and effectiveness of Federal law
12 enforcement training programs, facilities, and instructors.

13 SEC. 407. (a) There is to be established a “Federal
14 Law Enforcement Training Centers—Procurement, Con-
15 struction, and Improvements” appropriations account for
16 planning, operational development, engineering, and pur-
17 chases prior to sustainment and for information tech-
18 nology-related procurement, construction, and improve-
19 ments, including non-tangible assets of the Federal Law
20 Enforcement Training Centers.

21 (b) The Director of the Federal Law Enforcement
22 Training Centers may accept transfers to the account
23 “Federal Law Enforcement Training Centers—Procure-
24 ment, Construction, and Improvements” from Govern-
25 ment agencies requesting the construction of special use

1 facilities, as authorized by the Economy Act (31 U.S.C.
2 1535(b)): *Provided*, That the Federal Law Enforcement
3 Training Centers maintain administrative control and
4 ownership upon completion of such facilities.

5 SEC. 408. The functions of the Federal Law Enforce-
6 ment Training Centers instructor staff shall be classified
7 as inherently governmental for the purpose of the Federal
8 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
9 note).

10 SEC. 409. Section 538(a) of division D of the Consoli-
11 dated Appropriations Act, 2012 (Public Law 112-74) is
12 amended —

13 (1) By striking “through public sale”; and

14 (2) By striking “requirements.”and by inserting
15 “requirements: *Provided*, That the sale of Plum Is-
16 land property and assets complies with the require-
17 ments for asset disposition described in chapter 5 of
18 subtitle I of title 40, United States Code.”

TITLE V

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

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

4 SEC. 502. Subject to the requirements of section 503
5 of this Act, the unexpended balances of prior appropria-
6 tions provided for activities in this Act may be transferred
7 to appropriation accounts for such activities established
8 pursuant to this Act, may be merged with funds in the
9 applicable established accounts, and thereafter may be ac-
10 counted for as one fund for the same time period as origi-
11 nally enacted.

12 SEC. 503. (a) None of the funds provided by this Act,
13 provided by previous appropriations Acts to the compo-
14 nents in or transferred to the Department of Homeland
15 Security that remain available for obligation or expendi-
16 ture in fiscal year 2019, or provided from any accounts
17 in the Treasury of the United States derived by the collec-
18 tion of fees available to the components funded by this
19 Act, shall be available for obligation or expenditure
20 through a reprogramming of funds that—

21 (1) creates or eliminates a program, project, or
22 activity, or increases funds for any program, project,
23

1 or activity for which funds have been denied or re-
2 stricted by the Congress;

3 (2) contracts out any function or activity pres-
4 ently performed by Federal employees or any new
5 function or activity proposed to be performed by
6 Federal employees in the President's budget pro-
7 posal for fiscal year 2019 for the Department of
8 Homeland Security;

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

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

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

19 (b) Subsection (a) shall not apply if the Committees
20 on Appropriations of the Senate and the House of Rep-
21 resentatives are notified at least 15 days in advance of
22 such reprogramming.

23 (c) Up to 5 percent of any appropriation made avail-
24 able for the current fiscal year for the Department of
25 Homeland Security by this Act or provided by previous

1 appropriations Acts may be transferred between such ap-
2 propriations if the Committees on Appropriations of the
3 Senate and the House of Representatives are notified at
4 least 30 days in advance of such transfer, but no such
5 appropriation, except as otherwise specifically provided,
6 shall be increased by more than 10 percent by such trans-
7 fer.

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

14 (e) The notification thresholds and procedures set
15 forth in subsections (a), (b), (c), and (d) shall apply to
16 any use of deobligated balances of funds provided in pre-
17 vious Department of Homeland Security Appropriations
18 Acts.

19 (f) Notwithstanding subsection (c), the Secretary of
20 Homeland Security may transfer to the fund established
21 by 8 U.S.C. 1101 note, up to \$20,000,000 from appro-
22 priations available to the Department of Homeland Secu-
23 rity: *Provided*, That the Secretary shall notify the Com-
24 mittees on Appropriations of the Senate and the House

1 of Representatives at least 5 days in advance of such
2 transfer.

3 SEC. 504. Section 504 of the Department of Home-
4 land Security Appropriations Act, 2017 (division F of
5 Public Law 115–31), related to the operations of a work-
6 ing capital fund, shall apply with respect to funds made
7 available in this Act in the same manner as such section
8 applied to funds made available in that Act.

9 SEC. 505. Except as otherwise specifically provided
10 by law, not to exceed 50 percent of unobligated balances
11 remaining available at the end of fiscal year 2019, as re-
12 corded in the financial records at the time of a reprogram-
13 ming notification, but not later than June 30, 2020, from
14 appropriations for “Operations and Support” for fiscal
15 year 2019 in this Act shall remain available through Sep-
16 tember 30, 2020, in the account and for the purposes for
17 which the appropriations were provided: *Provided*, That
18 prior to the obligation of such funds, a notification shall
19 be submitted to the Committees on Appropriations of the
20 Senate and the House of Representatives in accordance
21 with section 503 of this Act.

22 SEC. 506. Funds made available by this Act for intel-
23 ligence activities are deemed to be specifically authorized
24 by the Congress for purposes of section 504 of the Na-
25 tional Security Act of 1947 (50 U.S.C. 414) during fiscal

1 year 2019 until the enactment of an Act authorizing intel-
2 ligence activities for fiscal year 2019.

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

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

13 (2) awarding a task or delivery order requiring
14 an obligation of funds in an amount greater than
15 \$10,000,000 from multi-year Department of Home-
16 land Security funds;

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

18 (4) announcing publicly the intention to make
19 or award items under paragraph (1), (2), or (3), in-
20 cluding a contract covered by the Federal Acquisi-
21 tion Regulation.

22 (b) If the Secretary of Homeland Security determines
23 that compliance with this section would pose a substantial
24 risk to human life, health, or safety, an award may be
25 made without notification, and the Secretary shall notify

1 the Committees on Appropriations of the Senate and the
2 House of Representatives not later than 5 full business
3 days after such an award is made or letter issued.

4 (c) A notification under this section—

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

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

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

22 SEC. 509. None of the funds appropriated or other-
23 wise made available by this Act may be used for expenses
24 for any construction, repair, alteration, or acquisition
25 project for which a prospectus otherwise required under

1 chapter 33 of title 40, United States Code, has not been
2 approved, except that necessary funds may be expended
3 for each project for required expenses for the development
4 of a proposed prospectus.

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

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

16 SEC. 512. None of the funds made available in this
17 Act may be used to amend the oath of allegiance required
18 by section 337 of the Immigration and Nationality Act
19 (8 U.S.C. 1448).

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

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

4 SEC. 515. Any official that is required by this Act
5 to report or to certify to the Committees on Appropria-
6 tions of the Senate and the House of Representatives may
7 not delegate such authority to perform that act unless spe-
8 cifically authorized herein.

9 SEC. 516. None of the funds appropriated or other-
10 wise made available in this or any other Act may be used
11 to transfer, release, or assist in the transfer or release to
12 or within the United States, its territories, or possessions
13 Khalid Sheikh Mohammed or any other detainee who—

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

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

19 SEC. 517. None of the funds made available in this
20 Act may be used for first-class travel by the employees
21 of agencies funded by this Act in contravention of sections
22 301–10.122 through 301–10.124 of title 41, Code of Fed-
23 eral Regulations.

24 SEC. 518. None of the funds made available in this
25 Act may be used to employ workers described in section

1 274A(h)(3) of the Immigration and Nationality Act (8
2 U.S.C. 1324a(h)(3)).

3 SEC. 519. Notwithstanding any other provision of
4 this Act, none of the funds appropriated or otherwise
5 made available by this Act may be used to pay award or
6 incentive fees for contractor performance that has been
7 judged to be below satisfactory performance or perform-
8 ance that does not meet the basic requirements of a con-
9 tract.

10 SEC. 520. None of the funds appropriated or other-
11 wise made available by this Act may be used by the De-
12 partment of Homeland Security to enter into any Federal
13 contract unless such contract is entered into in accordance
14 with the requirements of subtitle I of title 41, United
15 States Code, or chapter 137 of title 10, United States
16 Code, and the Federal Acquisition Regulation, unless such
17 contract is otherwise authorized by statute to be entered
18 into without regard to the above referenced statutes.

19 SEC. 521. (a) None of the funds made available in
20 this Act may be used to maintain or establish a computer
21 network unless such network blocks the viewing,
22 downloading, and exchanging of pornography.

23 (b) Nothing in subsection (a) shall limit the use of
24 funds necessary for any Federal, State, tribal, or local law

1 enforcement agency or any other entity carrying out crimi-
2 nal investigations, prosecution, or adjudication activities.

3 SEC. 522. None of the funds made available in this
4 Act may be used by a Federal law enforcement officer to
5 facilitate the transfer of an operable firearm to an indi-
6 vidual if the Federal law enforcement officer knows or sus-
7 pects that the individual is an agent of a drug cartel unless
8 law enforcement personnel of the United States continu-
9 ously monitor or control the firearm at all times.

10 SEC. 523. None of the funds made available in this
11 Act may be used to pay for the travel to or attendance
12 of more than 50 employees of a single component of the
13 Department of Homeland Security, who are stationed in
14 the United States, at a single international conference un-
15 less the Secretary of Homeland Security, or a designee,
16 determines that such attendance is in the national interest
17 and notifies the Committees on Appropriations of the Sen-
18 ate and the House of Representatives within at least 10
19 days of that determination and the basis for that deter-
20 mination: *Provided*, That for purposes of this section the
21 term “international conference” shall mean a conference
22 occurring outside of the United States attended by rep-
23 resentatives of the United States Government and of for-
24 eign governments, international organizations, or non-
25 governmental organizations: *Provided further*, That the

1 total cost to the Department of Homeland Security of any
2 such conference shall not exceed \$500,000.

3 SEC. 524. None of the funds made available in this
4 Act may be used to reimburse any Federal department
5 or agency for its participation in a National Special Secu-
6 rity Event.

7 SEC. 525. None of the funds made available to the
8 Department of Homeland Security by this or any other
9 Act may be obligated for any structural pay reform that
10 affects more than 100 full-time positions or costs more
11 than \$5,000,000 in a single year before the end of the
12 30-day period beginning on the date on which the Sec-
13 retary of Homeland Security submits to Congress a notifi-
14 cation that includes—

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

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

20 (3) justification for such change; and

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

24 SEC. 526. (a) Any agency receiving funds made avail-
25 able in this Act shall, subject to subsections (b) and (c),

1 post on the public website of that agency any report re-
2 quired to be submitted by the Committees on Appropria-
3 tions of the Senate and the House of Representatives in
4 this Act, upon the determination by the head of the agency
5 that it shall serve the national interest.

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

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

9 (2) the report contains proprietary information.

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

15 SEC. 527. (a) Funding provided in this Act for “Op-
16 erations and Support” may be used for minor procure-
17 ment, construction, and improvements.

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

21 SEC. 528. None of the funds made available by this
22 Act may be obligated or expended to implement the Arms
23 Trade Treaty until the Senate approves a resolution of
24 ratification for the Treaty.

1 SEC. 529. The authority provided by section 532 of
2 the Department of Homeland Security Appropriations
3 Act, 2018 (Public Law 115–141) regarding primary and
4 secondary schooling of dependents shall continue in effect
5 during fiscal year 2019.

6 SEC. 530. (a) For an additional amount for “Federal
7 Emergency Management Agency—Federal Assistance”,
8 \$41,000,000, to remain available until September 30,
9 2020, exclusively for providing reimbursement of extraor-
10 dinary law enforcement personnel costs for protection ac-
11 tivities directly and demonstrably associated with any resi-
12 dence of the President that is designated or identified to
13 be secured by the United States Secret Service.

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

20 SEC. 531. None of the funds made available by this
21 Act may be used to prevent a Member of the United States
22 Congress from entering, for the purpose of conducting
23 oversight, any facility in the United States used for pur-
24 poses of detaining or otherwise housing foreign national
25 minors, or to require Members of the United States Con-

1 gress to coordinate through a Congressional entity for
2 their entry into, for the purpose of conducting oversight,
3 any facility in the United States used for purposes of de-
4 taining or otherwise housing foreign national minors, or
5 to make any temporary modification at any such facility
6 that in any way alters what is observed by a visiting Mem-
7 ber of the United States Congress, compared to what
8 would be observed in the absence of such modification.

9 SEC. 532. None of the funds made available by this
10 Act may be used to place in detention, remove, refer for
11 removal, or initiate removal proceedings against, noncit-
12 izen veterans or active duty service members who were ap-
13 proved by the Secretary of Homeland Security to partici-
14 pate in the Deferred Action for Childhood Arrivals initia-
15 tive described in the June 15, 2012, memorandum entitled
16 “Exercising Prosecutorial Discretion with Respect to Indi-
17 viduals Who Came to the United States as Children”, ex-
18 cept that this section shall not apply with respect to an
19 individual who no longer qualifies for deferred action
20 under the conditions on the grant of deferred action estab-
21 lished under such initiative.

22 SEC. 533. (a) None of the funds made available by
23 this Act for “U.S. Immigration and Customs Enforce-
24 ment” may be used to pay for an abortion, except where
25 the life of the mother would be endangered if the fetus

1 were carried to term, or in the case of rape or incest, ex-
2 cept that, if this limitation is held to be unconstitutional
3 by a court of competent jurisdiction, this subsection shall
4 be null and void and the remainder of this Act shall not
5 be affected.

6 (b) None of the funds made available by this Act for
7 “U.S. Immigration and Customs Enforcement” may be
8 used to require any person to perform, or facilitate in any
9 way the performance of, any abortion.

10 SEC. 534. Section 408 of the Robert T. Stafford Dis-
11 aster Relief and Emergency Assistance Act (42 U.S.C.
12 5174) is amended by adding at the end the following:

13 “(k) PROHIBITION.—

14 “(1) IN GENERAL.—Notwithstanding any other
15 provision of this section, the President shall not con-
16 sider the income of an individual or household in de-
17 termining whether to provide, or continue to provide,
18 to that individual or household rental assistance
19 under this section.

20 “(2) APPLICABILITY.—Paragraph (1) shall
21 apply with respect to major disasters declared on or
22 after January 1, 2017.”.

23 SEC. 535. (a) Notwithstanding any other provision
24 of law, in the case of an individual eligible to receive unem-
25 ployment assistance under section 410(a) of the Robert

1 T. Stafford Disaster Relief and Emergency Assistance Act
2 (42 U.S.C. 5177(a)) as a result of a disaster declaration
3 made for Hurricane Irma and Hurricane Maria in the
4 Commonwealth of Puerto Rico and the United States Vir-
5 gin Islands, the President shall make such assistance
6 available for the one-year period beginning on the date of
7 the applicable disaster declaration. (b) Subsection (a) shall
8 be effective as if enacted on the date of the disaster dec-
9 laration under such Act for Hurricane Irma and Hurri-
10 cane Maria. (c) No additional funds are authorized to
11 carry out the requirements of this section.

12 SEC. 536. In fiscal year 2019, nonimmigrants shall
13 be admitted to the United States under section
14 101(a)(15)(H)(ii)(a) of the Immigration and Nationality
15 Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) to perform agricul-
16 tural labor or services, without regard to whether such
17 labor is, or services are, of a temporary or seasonal nature.

18 SEC. 537. (a) Section 214(g)(9)(A) of the Immigra-
19 tion and Nationality Act (8 U.S.C. 1184(g)(9)(A)) is
20 amended by striking “who has already been counted to-
21 ward the numerical limitation of paragraph (1)(B) during
22 fiscal year 2013, 2014, or 2015 shall not again be counted
23 toward such limitation during fiscal year 2016.” and in-
24 serting “shall not be counted toward the numerical limita-
25 tion of paragraph (1)(B) for a fiscal year if that alien al-

1 ready has been counted toward such limitation during one
2 or both of the 2 fiscal years immediately preceding that
3 fiscal year.”.

4 (b) Section 214(g)(10) of the Immigration and Na-
5 tionality Act (8 U.S.C. 1184(g)(10)) is amended to read
6 as follows:

7 “(10)(A) Subject to subparagraphs (B) through (D),
8 the numerical limitation of paragraph (1)(B) shall be allo-
9 cated for a fiscal year so that the total number of aliens
10 subject to such numerical limitation who enter the United
11 States pursuant to a visa, or otherwise are accorded non-
12 immigrant status, under section 101(a)(15)(H)(ii)(b) dur-
13 ing—

14 (i) the first quarter of such fiscal year is not
15 more than 9,900;

16 (ii) the second quarter of such fiscal year is
17 not more than 26,400, plus any number not used
18 under clause (i);

19 (iii) the third quarter of such fiscal year is not
20 more than 26,400, plus any number not used under
21 clauses (i) and (ii); and

22 (iv) the fourth quarter of such fiscal year is
23 not more than 3,300, plus any number not used
24 under clauses (i) through (iii).

1 “(B) Notwithstanding subparagraph (A), the Sec-
2 retary of Homeland Security, after making a determina-
3 tion based on demand from previous fiscal years that a
4 change in the allocations under such subparagraph is nec-
5 essary and appropriate, may modify such allocations.

6 “(C) With respect to each quarter of a fiscal year,
7 the Secretary of Labor shall accept applications for tem-
8 porary labor certification in support of petitions for non-
9 immigrants described in section 101(a)(15)(H)(ii)(b) only
10 during a one-week period to be selected by such Secretary,
11 and shall not finally approve any of such applications dur-
12 ing any such week.

13 “(D) With respect to each quarter of a fiscal year,
14 the Secretary of Labor shall approve temporary labor cer-
15 tifications in support of petitions for nonimmigrants de-
16 scribed in section 101(a)(15)(H)(ii)(b) in a manner that
17 will result in all employers that have timely submitted an
18 approvable application being able to fill an equal (or ap-
19 proximately equal) percentage of the number of requested
20 positions.”.

21 (c) Section 214(c)(14)(C) of the Immigration and
22 Nationality Act (8 U.S.C. 1184(c)(14)(C)) is amended to
23 read as follows:

1 “(C) In determining the level of penalties to be as-
2 sessed under subparagraph (A), the highest penalties shall
3 be reserved for—

4 “(i) willful failures to meet any of the condi-
5 tions of the petition that involve harm to United
6 States workers; and

7 “(ii) willful misrepresentations of the number of
8 necessary nonimmigrants in an application for tem-
9 porary labor certification in support of a petition for
10 nonimmigrants described in section
11 101(a)(15)(H)(ii)(b).”.

12 SEC. 538. None of the funds made available to the
13 Department of Homeland Security by this or any other
14 Act may be used to deny, or otherwise affect, the right
15 of American Indians born in Canada or the United States
16 to pass the borders of the United States in accordance
17 with 8 U.S.C. § 1359, with such right extending to per-
18 sons who possess at least 50 per centum of blood of the
19 American Indian race or who are members, or eligible to
20 be members, of a Federally recognized Indian tribe in the
21 United States or Canada.

22 STATUTE OF LIMITATIONS

23 SEC. 539.

24 (a) IN GENERAL.—Section 705 of the Robert T.
25 Stafford Disaster Relief and Emergency Assistance Act
26 (42 U.S.C. 5205) is amended—

1 (1) in subsection (a)(1)—

2 (A) by striking “Except” and inserting
3 “Notwithstanding section 3716(e) of title 31,
4 United States Code, and except”; and

5 (B) by striking “report for the disaster or
6 emergency” and inserting “report for project
7 completion as certified by the grantee”; and

8 (2) in subsection (b)—

9 (A) in paragraph (1) by striking “report
10 for the disaster or emergency” and inserting
11 “report for project completion as certified by
12 the grantee”; and

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

16 (b) APPLICABILITY.—

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

20 (A) no administrative action may be taken
21 to recover a payment of such assistance after
22 the date of enactment of this Act if the action
23 is prohibited under section 705(a)(1) of the
24 Robert T. Stafford Disaster Relief and Emer-

1 agency Assistance Act (42 U.S.C. 5205(a)(1));
2 and

3 (B) any administrative action to recover a
4 payment of such assistance that is pending on
5 such date of enactment shall be terminated if
6 the action is prohibited under section 705(a)(1)
7 of such Act.

8 (2) LIMITATION.—This section and the amend-
9 ments made by this section, may not be construed
10 to invalidate or otherwise affect any administration
11 action completed before the date of enactment of
12 this Act.

13 SEC. 540. (a) IN GENERAL.—Section 202(a)(2) of
14 the Immigration and Nationality Act (8 U.S.C.
15 1152(a)(2)) is amended—

16 (1) in the paragraph heading, by striking “AND
17 EMPLOYMENT-BASED”;

18 (2) by striking “(3), (4), and (5),” and insert-
19 ing “(3) and (4),”;

20 (3) by striking “subsections (a) and (b) of sec-
21 tion 203” and inserting “section 203(a)”;

22 (4) by striking “7” and inserting “15”; and

23 (5) by striking “such subsections” and inserting
24 “such section”.

1 (b) CONFORMING AMENDMENTS.—Section 202 of the
2 Immigration and Nationality Act (8 U.S.C. 1152) is
3 amended—

4 (1) in subsection (a)(3), by striking “both sub-
5 sections (a) and (b) of section 203” and inserting
6 “section 203(a)”;

7 (2) by striking subsection (a)(5); and

8 (3) by amending subsection (e) to read as fol-
9 lows:

10 “(e) SPECIAL RULES FOR COUNTRIES AT CEILING.—

11 If it is determined that the total number of immigrant
12 visas made available under section 203(a) to natives of
13 any single foreign state or dependent area will exceed the
14 numerical limitation specified in subsection (a)(2) in any
15 fiscal year, in determining the allotment of immigrant visa
16 numbers to natives under section 203(a), visa numbers
17 with respect to natives of that state or area shall be allo-
18 cated (to the extent practicable and otherwise consistent
19 with this section and section 203) in a manner so that,
20 except as provided in subsection (a)(4), the proportion of
21 the visa numbers made available under each of paragraphs
22 (1) through (4) of section 203(a) is equal to the ratio of
23 the total number of visas made available under the respec-
24 tive paragraph to the total number of visas made available
25 under section 203(a).”.

1 (c) COUNTRY-SPECIFIC OFFSET.—Section 2 of the
2 Chinese Student Protection Act of 1992 (8 U.S.C. 1255
3 note) is amended—

4 (1) in subsection (a), by striking “subsection
5 (e)” and inserting “subsection (d)”; and

6 (2) by striking subsection (d) and redesignating
7 subsection (e) as subsection (d).

8 (d) EFFECTIVE DATE.—The amendments made by
9 this section shall take effect as if enacted on September
10 30, 2018, and shall apply to fiscal years beginning with
11 fiscal year 2019.

12 (e) TRANSITION RULES FOR EMPLOYMENT-BASED
13 IMMIGRANTS.—

14 (1) IN GENERAL.—Subject to the succeeding
15 paragraphs of this subsection and notwithstanding
16 title II of the Immigration and Nationality Act (8
17 U.S.C. 1151 et seq.), the following rules shall apply:

18 (A) For fiscal year 2019, 15 percent of the
19 immigrant visas made available under each of
20 paragraphs (2) and (3) of section 203(b) of
21 such Act (8 U.S.C. 1153(b)) shall be allotted to
22 immigrants who are natives of a foreign state
23 or dependent area that was not one of the two
24 states with the largest aggregate numbers of

1 natives obtaining immigrant visas during fiscal
2 year 2011 under such paragraphs.

3 (B) For fiscal year 2020, 10 percent of the
4 immigrant visas made available under each of
5 such paragraphs shall be allotted to immigrants
6 who are natives of a foreign state or dependent
7 area that was not one of the two states with the
8 largest aggregate numbers of natives obtaining
9 immigrant visas during fiscal year 2012 under
10 such paragraphs.

11 (C) For fiscal year 2021, 10 percent of the
12 immigrant visas made available under each of
13 such paragraphs shall be allotted to immigrants
14 who are natives of a foreign state or dependent
15 area that was not one of the two states with the
16 largest aggregate numbers of natives obtaining
17 immigrant visas during fiscal year 2015 under
18 such paragraphs.

19 (2) PER-COUNTRY LEVELS.—

20 (A) RESERVED VISAS.—With respect to
21 the visas reserved under each of subparagraphs
22 (A) through (C) of paragraph (1), the number
23 of such visas made available to natives of any
24 single foreign state or dependent area in the ap-
25 propriate fiscal year may not exceed 25 percent

1 (in the case of a single foreign state) or 2 per-
2 cent (in the case of a dependent area) of the
3 total number of such visas.

4 (B) UNRESERVED VISAS.—With respect to
5 the immigrant visas made available under each
6 of paragraphs (2) and (3) of section 203(b) of
7 such Act (8 U.S.C. 1153(b)) and not reserved
8 under paragraph (1), for each of fiscal years
9 2019, 2020, and 2021, not more than 85 per-
10 cent shall be allotted to immigrants who are na-
11 tives of any single foreign state.

12 (3) SPECIAL RULE TO PREVENT UNUSED
13 VISAS.—If, with respect to fiscal year 2019, 2020, or
14 2021, the operation of paragraphs (1) and (2) of
15 this subsection would prevent the total number of
16 immigrant visas made available under paragraph (2)
17 or (3) of section 203(b) of such Act (8 U.S.C.
18 1153(b)) from being issued, such visas may be
19 issued during the remainder of such fiscal year with-
20 out regard to paragraphs (1) and (2) of this sub-
21 section.

22 (4) RULES FOR CHARGEABILITY.—Section
23 202(b) of such Act (8 U.S.C. 1152(b)) shall apply
24 in determining the foreign state to which an alien is
25 chargeable for purposes of this subsection.

1 SEC. 541. No funds or fees made available to the Sec-
2 retary of Homeland Security, or to the head of any other
3 Federal agency, by this Act or any other Act may be used
4 to release from Federal custody, other than for removal
5 from the United States, any lawfully detained alien—

6 (1) who has engaged in or suspected of ter-
7 rorism or espionage, or who otherwise poses a dan-
8 ger to national security;

9 (2) who has been convicted of an offense for
10 which an element was active participation in a crimi-
11 nal street gang, as defined in section 521(a) of title
12 18, United States Code, or aliens not younger than
13 16 years of age who intentionally participated in an
14 organized criminal gang to further the illegal activity
15 of that gang;

16 (3) who has been convicted of an aggravated
17 felony, as defined in section 101(a)(43) of the Immi-
18 gration and Nationality Act (8 U.S.C. 1101(a)(43))
19 at the time of conviction;

20 (4) who has been convicted of three or more
21 misdemeanor offenses arising out of not less than 3
22 separate incidents, other than minor traffic offenses
23 or State or local offenses for which an essential ele-
24 ment was the alien's immigration status; or

1 (5) who has been convicted of a misdemeanor
2 which is an offense of domestic violence, sexual
3 abuse or exploitation, burglary, unlawful possession
4 or use of a firearm, drug distribution or trafficking,
5 driving under the influence, or any other mis-
6 demeanor offense for which the individual was sen-
7 tenced to a term of imprisonment of 90 days or
8 more (not including a suspended sentence).

9 SEC. 542. None of the funds, resources, or fees made
10 available to the Secretary of Homeland Security, or to any
11 other official of a Federal agency, by this Act or any other
12 Act for any fiscal year, including any deposits into the
13 “Immigration Examinations Fee Account” established
14 under section 286(m) of the Immigration and Nationality
15 Act (8 U.S.C. 1356(m)), may be used to implement, ad-
16 minister, enforce, or carry out (including through the
17 issuance of any regulations) any of the policy changes set
18 forth in U.S. Citizenship and Immigration Services Policy
19 Memo 602–0162, dated July 11, 2018, or the memo-
20 randum from the Principal Legal Advisor on Litigating
21 Domestic Violence-Based Persecution Claims Following
22 Matter of A-B-, dated July 11, 2018.

23 SEC. 543. (a) Except as provided in subsection (b),
24 none of the funds made available in this Act may be used
25 to place restraints on a woman in the custody of the De-

1 partment of Homeland Security (including during trans-
2 port, in a detention facility, or at an outside medical facil-
3 ity) who is pregnant or in post-delivery recuperation.

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

6 (1) an appropriate official of the Department of
7 Homeland Security makes an individualized deter-
8 mination that the woman—

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

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

14 (2) a medical professional responsible for the
15 care of the pregnant woman determines that the use
16 of therapeutic restraints is appropriate for the med-
17 ical safety of the woman.

18 (c) Should a pregnant woman be restrained pursuant
19 to subsection (b), only the safest and least restrictive re-
20 straints, as determined by the appropriate medical profes-
21 sional treating the woman, may be used. In no case may
22 restraints be used on a woman who is in active labor or
23 delivery, and in no case may a pregnant woman be re-
24 strained in a face-down position with four-point restraints,
25 on her back, or in a restraint belt that constricts the area

1 of the pregnancy. A pregnant woman who is immobilized
2 by restraints shall be positioned, to the maximum extent
3 feasible, on her left side.

4 SEC. 544. None of the funds made available by this
5 Act may be used to destroy any document, recording, or
6 any other record pertaining to any potential sexual assault
7 or abuse perpetrated against any individual held in the
8 custody of the Department of Homeland Security.

9 SEC. 545. None of the funds made available by this
10 Act may be used to place in detention, remove, refer for
11 removal, or initiate removal proceedings against, individ-
12 uals who were approved by the Secretary of Homeland Se-
13 curity to participate in the Deferred Action for Childhood
14 Arrivals initiative, as delineated in the June 15, 2012,
15 memorandum entitled “Exercising Prosecutorial Discre-
16 tion with Respect to Individuals Who Came to the United
17 States as Children”, or individuals granted temporary pro-
18 tected status under section 244 of the Immigration and
19 Nationality Act (8 U.S.C. 1254a), except that this section
20 shall not apply with respect to an individual who no longer
21 qualifies either for deferred action under the Deferred Ac-
22 tion for Childhood Arrivals initiative or temporary pro-
23 tected status under section 244 of the Immigration and
24 Nationality Act.

1 SPENDING REDUCTION ACCOUNT

2 SEC. 546. The amount by which the applicable alloca-
3 tion of new budget authority made by the Committee on
4 Appropriations of the House of Representatives under sec-
5 tion 302(b) of the Congressional Budget Act of 1974 ex-
6 ceeds the amount of proposed new budget authority is \$0.

7 This Act may be cited as the “Department of Home-
8 land Security Appropriations Act, 2019”.

Union Calendar No. 739

115TH CONGRESS
2D SESSION

H. R. 6776

[Report No. 115-948]

A BILL

Making appropriations for the Department of
Homeland Security for the fiscal year ending
September 30, 2019, and for other purposes.

SEPTEMBER 12, 2018

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