

Calendar No. 481

115TH CONGRESS
2D SESSION

S. 3109

[Report No. 115–283]

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

IN THE SENATE OF THE UNITED STATES

JUNE 21, 2018

Mrs. CAPITO, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

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:

1 TITLE I
2 DEPARTMENTAL MANAGEMENT, OPERATIONS,
3 INTELLIGENCE, AND OVERSIGHT
4 OFFICE OF THE SECRETARY AND EXECUTIVE
5 MANAGEMENT
6 OPERATIONS AND SUPPORT

7 For necessary expenses of the Office of the Secretary
8 and for executive management for operations and support,
9 \$132,904,000: *Provided*, That not to exceed \$30,000 shall
10 be for official reception and representation expenses: *Pro-*
11 *vided further*, That of the funds provided under this head-
12 ing, \$13,000,000 shall be withheld from obligation until
13 the Secretary complies with section 106 of this Act and
14 \$13,000,000 shall be withheld from obligation until the
15 Secretary provides the first report on border apprehen-
16 sions required under this heading by the report accom-
17 panying this Act.

18 MANAGEMENT DIRECTORATE
19 OPERATIONS AND SUPPORT

20 For necessary expenses of the Management Direc-
21 torate for operations and support, \$824,479,000: *Pro-*
22 *vided*, That not to exceed \$2,000 shall be for official recep-
23 tion and representation expenses.

1 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses of the Management Direc-
4 torate for procurement, construction, and improvements,
5 \$117,071,000, to remain available until September 30,
6 2020, of which \$72,000,000 shall be derived by transfer
7 from unobligated balances from prior year appropriations
8 available under the heading “Disaster Relief Fund”: *Pro-*
9 *vided*, That no amounts may be transferred from unobli-
10 gated balances that were designated by the Congress as
11 an emergency requirement pursuant to the Concurrent
12 Resolution on the Budget or the Balanced Budget and
13 Emergency Deficit Control Act of 1985 or as being for
14 disaster relief pursuant to section 251(b)(2)(D) of the
15 Balanced Budget and Emergency Deficit Control Act of
16 1985.

17 RESEARCH AND DEVELOPMENT

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

21 INTELLIGENCE, ANALYSIS, AND OPERATIONS

22 COORDINATION

23 OPERATIONS AND SUPPORT

24 For necessary expenses of the Office of Intelligence
25 and Analysis and the Office of Operations Coordination

1 for operations and support, \$254,476,000, of which
2 \$78,299,000 shall remain available until September 30,
3 2020: *Provided*, That not to exceed \$3,825 shall be for
4 official reception and representation expenses and not to
5 exceed \$2,000,000 is available for facility needs associated
6 with secure space at fusion centers, including improve-
7 ments to buildings.

8 OFFICE OF INSPECTOR GENERAL

9 OPERATIONS AND SUPPORT

10 For necessary expenses of the Office of Inspector
11 General for operations and support, \$168,000,000: *Pro-*
12 *vided*, That not to exceed \$300,000 may be used for cer-
13 tain confidential operational expenses, including the pay-
14 ment of informants, to be expended at the direction of the
15 Inspector General.

16 ADMINISTRATIVE PROVISIONS

17 SEC. 101. Not later than 30 days after the last day
18 of each month, the Chief Financial Officer of the Depart-
19 ment of Homeland Security shall submit to the Commit-
20 tees on Appropriations of the Senate and the House of
21 Representatives a monthly budget and staffing report that
22 includes total obligations of the Department for that
23 month and for the fiscal year at the appropriation and
24 program, project, and activity levels, by the source year
25 of the appropriation.

1 SEC. 102. (a) Notwithstanding section 518 of division
2 F of the Consolidated Appropriations Act, 2016 (Public
3 Law 114–113), the Secretary of Homeland Security shall
4 submit a report not later than October 15, 2019, to the
5 Inspector General of the Department of Homeland Secu-
6 rity listing all grants and contracts awarded by any means
7 other than full and open competition during fiscal years
8 2018 and 2019.

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

15 SEC. 103. The Secretary of Homeland Security shall
16 require that all contracts of the Department of Homeland
17 Security that provide award fees link such fees to success-
18 ful acquisition outcomes, which shall be specified in terms
19 of cost, schedule, and performance.

20 SEC. 104. The Secretary of Homeland Security, in
21 consultation with the Secretary of the Treasury, shall no-
22 tify the Committees on Appropriations of the Senate and
23 the House of Representatives of any proposed transfers
24 of funds available under section 9703(g)(4)(B) of title 31,
25 United States Code (as added by Public Law 102–393)

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

7 SEC. 105. All official costs associated with the use
8 of Government aircraft by Department of Homeland Secu-
9 rity personnel to support official travel of the Secretary
10 and the Deputy Secretary shall be paid from amounts
11 made available for the Office of the Secretary.

12 SEC. 106. (a) Not later than 30 days after the date
13 of enactment of this Act, the Secretary of Homeland Secu-
14 rity shall submit to the Committees on Appropriations of
15 the Senate and the House of Representatives, the Commit-
16 tees on the Judiciary of the Senate and the House of Rep-
17 resentatives, the Committee on Homeland Security and
18 Governmental Affairs of the Senate, and the Committee
19 on Homeland Security of the House of Representatives,
20 a report for fiscal year 2018 on visa overstay data by
21 country as required by section 1376 of title 8, United
22 States Code: *Provided*, That the report on visa overstay
23 data shall also include—

24 (1) overstays from all nonimmigrant visa cat-
25 egories under the immigration laws, delineated by

1 each of the classes and sub-classes of such cat-
2 egories; and

3 (2) numbers as well as rates of overstays for
4 each class and sub-class of such nonimmigrant cat-
5 egories on a per-country basis.

6 (b) The Secretary of Homeland Security shall publish
7 on the Department's website the metrics developed to
8 measure the effectiveness of security between the ports of
9 entry, including the methodology and data supporting the
10 resulting measures.

1 TITLE II
2 SECURITY, ENFORCEMENT, AND
3 INVESTIGATIONS
4 U.S. CUSTOMS AND BORDER PROTECTION
5 OPERATIONS AND SUPPORT

6 For necessary expenses of U.S. Customs and Border
7 Protection for operations and support, including the trans-
8 portation of unaccompanied minor aliens; the provision of
9 air and marine support to Federal, State, and local agen-
10 cies in the enforcement or administration of laws enforced
11 by the Department of Homeland Security; at the discre-
12 tion of the Secretary of Homeland Security, the provision
13 of such support to Federal, State, and local agencies in
14 other law enforcement and emergency humanitarian ef-
15 forts; the purchase and lease of up to 7,500 (6,500 for
16 replacement only) police-type vehicles; the purchase, main-
17 tenance, or operation of marine vessels, aircraft, and un-
18 manned aerial systems; and contracting with individuals
19 for personal services abroad; \$11,963,581,000; of which
20 \$3,274,000 shall be derived from the Harbor Maintenance
21 Trust Fund for administrative expenses related to the col-
22 lection of the Harbor Maintenance Fee pursuant to section
23 9505(c)(3) of the Internal Revenue Code of 1986 (26
24 U.S.C. 9505(c)(3)) and notwithstanding section
25 1511(e)(1) of the Homeland Security Act of 2002 (6

1 U.S.C. 551(e)(1)); of which \$1,555,887,000 shall be avail-
2 able until September 30, 2020; and of which such sums
3 as become available in the Customs User Fee Account, ex-
4 cept sums subject to section 13031(f)(3) of the Consoli-
5 dated Omnibus Budget Reconciliation Act of 1985 (19
6 U.S.C. 58c(f)(3)), shall be derived from that account: *Pro-*
7 *vided*, That not to exceed \$34,425 shall be for official re-
8 ception and representation expenses: *Provided further*,
9 That not to exceed \$150,000 shall be available for pay-
10 ment for rental space in connection with preclearance op-
11 erations: *Provided further*, That not to exceed \$1,000,000
12 shall be for awards of compensation to informants, to be
13 accounted for solely under the certificate of the Secretary
14 of Homeland Security.

15 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

16 For necessary expenses of U.S. Customs and Border
17 Protection for procurement, construction, and improve-
18 ments, including procurements to buy marine vessels, air-
19 craft, and unmanned aerial systems, \$2,028,872,000, of
20 which \$193,326,000 shall remain available until Sep-
21 tember 30, 2021, and of which \$1,835,546,000 shall re-
22 main available until September 30, 2023, of which,
23 \$1,600,000,000 shall be available for approximately 65
24 miles of pedestrian fencing along the southwest border in
25 the Rio Grande Valley Sector: *Provided*, That the condi-

1 tions set forth in subsections (b) and (c) of section 230
2 of division F of the Consolidated Appropriations Act, 2018
3 (Public Law 115–141) shall apply during fiscal year 2019
4 to the amounts made available for pedestrian fencing in
5 the clause preceding this proviso: *Provided further*, That
6 not later than 180 days after the date of the enactment
7 of this Act, the Secretary of Homeland Security shall sub-
8 mit to the Committee on Appropriations of the Senate,
9 the Committee on Appropriations of the House of Rep-
10 resentatives, and the Comptroller General of the United
11 States an updated risk-based plan for improving security
12 along the borders of the United States that includes the
13 elements required under subsection (a) of section 231 of
14 division F of the Consolidated Appropriations Act, 2018
15 (Public Law 115–141), which shall be evaluated in accord-
16 ance with subsection (b) of such section.

17 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

18 OPERATIONS AND SUPPORT

19 For necessary expenses of U.S. Immigration and
20 Customs Enforcement for operations and support, includ-
21 ing the purchase and lease of up to 3,790 (2,350 for re-
22 placement only) police-type vehicles; overseas vetted units;
23 and maintenance, minor construction, and minor leasehold
24 improvements at owned and leased facilities;
25 \$7,139,842,000; of which \$6,000,000 shall remain avail-

1 able until expended to enforce laws against forced child
2 labor; of which \$13,700,000 shall remain available until
3 September 30, 2020; of which not less than \$15,000,000
4 shall be available for investigation of intellectual property
5 rights violations, including operation of the National Intel-
6 lectual Property Rights Coordination Center; of which not
7 less than \$9,000,000 shall be available for facilities repair
8 and maintenance projects; of which not less than
9 \$84,000,000 shall be available for vehicle fleet recapital-
10 ization; and of which not less than \$3,837,241,000 shall
11 be for enforcement, detention, and removal operations, in-
12 cluding transportation of unaccompanied minor aliens:
13 *Provided*, That not to exceed \$11,475 shall be for official
14 reception and representation expenses: *Provided further*,
15 That not to exceed \$10,000,000 shall be available until
16 expended for conducting special operations under section
17 3131 of the Customs Enforcement Act of 1986 (19 U.S.C.
18 2081): *Provided further*, That not to exceed \$2,000,000
19 shall be for awards of compensation to informants, to be
20 accounted for solely under the certificate of the Secretary
21 of Homeland Security: *Provided further*, That not to ex-
22 ceed \$11,216,000 shall be available to fund or reimburse
23 other Federal agencies for the costs associated with the
24 care, maintenance, and repatriation of smuggled aliens un-
25 lawfully present in the United States.

1 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

2 For necessary expenses of U.S. Immigration and
3 Customs Enforcement for procurement, construction, and
4 improvements, \$70,431,000, to remain available until Sep-
5 tember 30, 2021; of which not less than \$10,000,000 shall
6 be available for facilities repair and maintenance projects.

7 TRANSPORTATION SECURITY ADMINISTRATION

8 OPERATIONS AND SUPPORT

9 For necessary expenses of the Transportation Secu-
10 rity Administration for operations and support,
11 \$7,302,455,000, to remain available until September 30,
12 2020: *Provided*, That not to exceed \$7,650 shall be for
13 official reception and representation expenses: *Provided*
14 *further*, That security service fees authorized under section
15 44940 of title 49, United States Code, shall be credited
16 to this appropriation as offsetting collections and shall be
17 available only for aviation security: *Provided further*, That
18 the sum appropriated under this heading from the general
19 fund shall be reduced on a dollar-for-dollar basis as such
20 offsetting collections are received during fiscal year 2019
21 so as to result in a final fiscal year appropriation from
22 the general fund estimated at not more than
23 \$4,632,455,000.

1 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

2 For necessary expenses of the Transportation Secu-
3 rity Administration for procurement, construction, and
4 improvements, \$189,629,000, to remain available until
5 September 30, 2021.

6 RESEARCH AND DEVELOPMENT

7 For necessary expenses of the Transportation Secu-
8 rity Administration for research and development,
9 \$20,594,000, to remain available until September 30,
10 2020.

11 COAST GUARD

12 OPERATIONS AND SUPPORT

13 For necessary expenses for the operations and sup-
14 port of the Coast Guard, not otherwise provided for; pur-
15 chase or lease of not to exceed 25 passenger motor vehi-
16 cles, which shall be for replacement only; purchase or lease
17 of small boats for contingent and emergent requirements
18 (at a unit cost of not more than \$700,000) and repairs
19 and service-life replacements, not to exceed a total of
20 \$31,000,000; purchase or lease of boats necessary for
21 overseas deployments and activities; payments pursuant to
22 section 156 of Public Law 97–377 (42 U.S.C. 402 note;
23 96 Stat. 1920); and recreation and welfare;
24 \$7,792,409,000; of which \$505,000,000 shall be for de-
25 fense-related activities, of which \$165,000,000 is des-

1 ignated by the Congress for Overseas Contingency Oper-
2 ations/Global War on Terrorism pursuant to section
3 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
4 Deficit Control Act of 1985 and shall be available only
5 if the President subsequently so designates all such
6 amounts and transmits such designations to the Congress;
7 of which \$24,500,000 shall be derived from the Oil Spill
8 Liability Trust Fund to carry out the purposes of section
9 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.
10 2712(a)(5)); and of which \$11,000,000 shall remain avail-
11 able until September 30, 2021: *Provided*, That not to ex-
12 ceed \$23,000 shall be for official reception and representa-
13 tion expenses: *Provided further*, That \$25,000,000 shall
14 be withheld from obligation for Coast Guard Headquarters
15 Directorates until a future-years capital investment plan
16 for fiscal years 2020 through 2024 is submitted to the
17 Committees on Appropriations of the Senate and the
18 House of Representatives pursuant to section 217 of this
19 Act.

20 ENVIRONMENTAL COMPLIANCE AND RESTORATION

21 For necessary expenses to carry out the environ-
22 mental compliance and restoration functions of the Coast
23 Guard under chapter 19 of title 14, United States Code,
24 \$13,429,000, to remain available until September 30,
25 2023.

1 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

2 For necessary expenses of the Coast Guard for acqui-
3 sition, construction, renovation, and improvement of aids
4 to navigation, shore facilities (including facilities at De-
5 partment of Defense installations used by the Coast
6 Guard), vessels, and aircraft, including equipment related
7 thereto, \$2,169,260,000, to remain available until Sep-
8 tember 30, 2023; of which \$20,000,000 shall be derived
9 from the Oil Spill Liability Trust Fund to carry out the
10 purposes of section 1012(a)(5) of the Oil Pollution Act
11 of 1990 (33 U.S.C. 2712(a)(5)).

12 RESEARCH AND DEVELOPMENT

13 For necessary expenses of the Coast Guard for re-
14 search, development, test, and evaluation; and for mainte-
15 nance, rehabilitation, lease, and operation of facilities and
16 equipment; \$20,109,000, to remain available until Sep-
17 tember 30, 2021, of which \$500,000 shall be derived from
18 the Oil Spill Liability Trust Fund to carry out the pur-
19 poses of section 1012(a)(5) of the Oil Pollution Act of
20 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may
21 be credited to and used for the purposes of this appropria-
22 tion funds received from State and local governments,
23 other public authorities, private sources, and foreign coun-
24 tries for expenses incurred for research, development, test-
25 ing, and evaluation.

1 RETIRED PAY

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

12 UNITED STATES SECRET SERVICE

13 OPERATIONS AND SUPPORT

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

1 advance for commercial accommodations as may be nec-
2 essary to perform protective functions; and payment, with-
3 out regard to section 5702 of title 5, United States Code,
4 of subsistence expenses of employees who are on protective
5 missions, whether at or away from their duty stations;
6 \$2,093,684,000; of which \$6,782,000 shall remain avail-
7 able until September 30, 2020, and of which \$6,000,000
8 shall be for a grant for activities related to investigations
9 of missing and exploited children: *Provided*, That not to
10 exceed \$19,125 shall be for official reception and represen-
11 tation expenses: *Provided further*, That not to exceed
12 \$100,000 shall be to provide technical assistance and
13 equipment to foreign law enforcement organizations in
14 counterfeit investigations.

15 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

16 For necessary expenses of the United States Secret
17 Service for procurement, construction, and improvements,
18 \$83,531,000, to remain available until September 30,
19 2021.

20 RESEARCH AND DEVELOPMENT

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

1 ADMINISTRATIVE PROVISIONS

2 SEC. 201. (a) For fiscal year 2019, the overtime limi-
3 tation prescribed in section 5(c)(1) of the Act of February
4 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$45,000; and not-
5 withstanding any other provision of law, none of the funds
6 appropriated by this Act shall be available to compensate
7 any employee of U.S. Customs and Border Protection for
8 overtime, from whatever source, in an amount that ex-
9 ceeds such limitation, except in individual cases deter-
10 mined by the Secretary of Homeland Security, or the des-
11 ignee of the Secretary, to be necessary for national secu-
12 rity purposes, to prevent excessive costs, or in cases of
13 immigration emergencies.

14 (b) None of the funds made available by this Act for
15 the following accounts shall be available to compensate
16 any employee for overtime in an annual amount in excess
17 of \$45,000:

18 (1) “U.S. Immigration and Customs Enforce-
19 ment—Operations and Support”, except that the
20 Secretary of Homeland Security, or the designee of
21 the Secretary, may waive such amount as necessary
22 for national security purposes and in cases of immi-
23 gration emergencies.

24 (2) “United States Secret Service—Operations
25 and Support”, except that the Secretary of Home-

1 land Security, or the designee of the Secretary, may
2 waive such amount as necessary for national security
3 purposes.

4 SEC. 202. Funding made available under the heading
5 “U.S. Customs and Border Protection—Operations and
6 Support” and “U.S. Customs and Border Protection—
7 Procurement, Construction, and Improvements” shall be
8 available for customs expenses when necessary to maintain
9 operations and prevent adverse personnel actions in Puer-
10 to Rico in addition to funding provided by 48 U.S.C. 740.

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

18 SEC. 204. For an additional amount for “U.S. Cus-
19 toms and Border Protection—Operations and Support”,
20 \$31,000,000, to remain available until expended, to be re-
21 duced by amounts collected and credited to this appropria-
22 tion in fiscal year 2019 from amounts authorized to be
23 collected by section 286(i) of the Immigration and Nation-
24 ality Act (8 U.S.C. 1356(i)), section 10412 of the Farm
25 Security and Rural Investment Act of 2002 (7 U.S.C.

1 8311), and section 817 of the Trade Facilitation and
2 Trade Enforcement Act of 2015 (Public Law 114–25), or
3 other such authorizing language: *Provided*, That to the ex-
4 tent that amounts realized from such collections exceed
5 \$31,000,000, those amounts in excess of \$31,000,000
6 shall be credited to this appropriation, to remain available
7 until expended.

8 SEC. 205. None of the funds made available in this
9 Act for U.S. Customs and Border Protection may be used
10 to prevent an individual not in the business of importing
11 a prescription drug (within the meaning of section 801(g)
12 of the Federal Food, Drug, and Cosmetic Act) from im-
13 porting a prescription drug from Canada that complies
14 with the Federal Food, Drug, and Cosmetic Act: *Provided*,
15 That this section shall apply only to individuals trans-
16 porting on their person a personal-use quantity of the pre-
17 scription drug, not to exceed a 90-day supply: *Provided*
18 *further*, That the prescription drug may not be—

19 (1) a controlled substance, as defined in section
20 102 of the Controlled Substances Act (21 U.S.C.
21 802); or

22 (2) a biological product, as defined in section
23 351 of the Public Health Service Act (42 U.S.C.
24 262).

1 SEC. 206. Notwithstanding any other provision of
2 law, none of the funds provided in this or any other Act
3 shall be used to approve a waiver of the navigation and
4 vessel-inspection laws pursuant to section 501(b) of title
5 46, United States Code, for the transportation of crude
6 oil distributed from and to the Strategic Petroleum Re-
7 serve until the Secretary of Homeland Security, after con-
8 sultation with the Secretaries of the Departments of En-
9 ergy and Transportation and representatives from the
10 United States flag maritime industry, takes adequate
11 measures to ensure the use of United States flag vessels:
12 *Provided*, That the Secretary shall notify the Committees
13 on Appropriations of the Senate and the House of Rep-
14 resentatives, the Committee on Commerce, Science, and
15 Transportation of the Senate, and the Committee on
16 Transportation and Infrastructure of the House of Rep-
17 resentatives within 2 business days of any request for
18 waivers of navigation and vessel-inspection laws pursuant
19 to section 501(b) of title 46, United States Code, with re-
20 spect to such transportation, and the disposition of such
21 requests.

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

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

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

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

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

18 SEC. 209. None of the funds provided under the
19 heading “U.S. Immigration and Customs Enforcement—
20 Operations and Support” may be used to continue a dele-
21 gation of law enforcement authority authorized under sec-
22 tion 287(g) of the Immigration and Nationality Act (8
23 U.S.C. 1357(g)) if the Department of Homeland Security
24 Inspector General determines that the terms of the agree-

1 ment governing the delegation of authority have been ma-
2 terially violated.

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

11 SEC. 211. Members of the United States House of
12 Representatives and the United States Senate, including
13 the leadership; the heads of Federal agencies and commis-
14 sions, including the Secretary, Deputy Secretary, Under
15 Secretaries, and Assistant Secretaries of the Department
16 of Homeland Security; the United States Attorney Gen-
17 eral, Deputy Attorney General, Assistant Attorneys Gen-
18 eral, and the United States Attorneys; and senior mem-
19 bers of the Executive Office of the President, including
20 the Director of the Office of Management and Budget,
21 shall not be exempt from Federal passenger and baggage
22 screening.

23 SEC. 212. Any award by the Transportation Security
24 Administration to deploy explosives detection systems
25 shall be based on risk, the airport’s current reliance on

1 other screening solutions, lobby congestion resulting in in-
2 creased security concerns, high injury rates, airport readi-
3 ness, and increased cost effectiveness.

4 SEC. 213. Notwithstanding section 44923 of title 49,
5 United States Code, for fiscal year 2019, any funds in
6 the Aviation Security Capital Fund established by section
7 44923(h) of title 49, United States Code, may be used
8 for the procurement and installation of explosives detec-
9 tion systems or for the issuance of other transaction agree-
10 ments for the purpose of funding projects described in sec-
11 tion 44923(a) of such title.

12 SEC. 214. None of the funds made available by this
13 or any other Act may be used by the Administrator of
14 the Transportation Security Administration to implement,
15 administer, or enforce, in abrogation of the responsibility
16 described in section 44903(n)(1) of title 49, United States
17 Code, any requirement that airport operators provide air-
18 port-financed staffing to monitor exit points from the ster-
19 ile area of any airport at which the Transportation Secu-
20 rity Administration provided such monitoring as of De-
21 cember 1, 2013.

22 SEC. 215. None of the funds made available by this
23 Act under the heading “Coast Guard—Operations and
24 Support” shall be for expenses incurred for recreational
25 vessels under section 12114 of title 46, United States

1 Code, except to the extent fees are collected from owners
2 of yachts and credited to the appropriation made available
3 by this Act under the heading “Coast Guard—Operations
4 and Support”: *Provided*, That to the extent such fees are
5 insufficient to pay expenses of recreational vessel docu-
6 mentation under such section 12114, and there is a back-
7 log of recreational vessel applications, personnel per-
8 forming non-recreational vessel documentation functions
9 under subchapter II of chapter 121 of title 46, United
10 States Code, may perform documentation under section
11 12114.

12 SEC. 216. Without regard to the limitation as to time
13 and condition of section 503(d) of this Act, after June
14 30, up to \$10,000,000 may be reprogrammed to or from
15 the Military Pay and Allowances funding category within
16 “Coast Guard—Operations and Support” in accordance
17 with subsection (a) of section 503 of this Act.

18 SEC. 217. Notwithstanding any other provision of
19 law, the Commandant of the Coast Guard shall submit
20 to the Committees on Appropriations of the Senate and
21 the House of Representatives a future-years capital invest-
22 ment plan as described in the second proviso under the
23 heading “Coast Guard—Acquisition, Construction, and
24 Improvements” in the Department of Homeland Security
25 Appropriations Act, 2015 (Public Law 114–4), which shall

1 be subject to the requirements in the third and fourth pro-
2 visos under such heading.

3 SEC. 218. None of the funds in this Act shall be used
4 to reduce the Coast Guard's Operations Systems Center
5 mission or its government-employed or contract staff lev-
6 els.

7 SEC. 219. None of the funds appropriated by this Act
8 may be used to conduct, or to implement the results of,
9 a competition under Office of Management and Budget
10 Circular A-76 for activities performed with respect to the
11 Coast Guard National Vessel Documentation Center.

12 SEC. 220. Funds made available in this Act may be
13 used to alter operations within the Civil Engineering Pro-
14 gram of the Coast Guard nationwide, including civil engi-
15 neering units, facilities design and construction centers,
16 maintenance and logistics commands, and the Coast
17 Guard Academy, except that none of the funds provided
18 in this Act may be used to reduce operations within any
19 civil engineering unit unless specifically authorized by a
20 statute enacted after the date of enactment of this Act.

21 SEC. 221. Funds made available for Overseas Contin-
22 gency Operations/Global War on Terrorism under the
23 heading "Coast Guard—Operations and Support" may be
24 allocated by program, project, and activity, notwith-
25 standing section 503 of this Act.

1 SEC. 222. The United States Secret Service is au-
2 thORIZED to obligate funds in anticipation of reimburse-
3 ments from Federal agencies and entities, as defined in
4 section 105 of title 5, United States Code, for personnel
5 receiving training sponsored by the James J. Rowley
6 Training Center, except that total obligations at the end
7 of the fiscal year shall not exceed total budgetary re-
8 sources available under the heading “United States Secret
9 Service—Operations and Support” at the end of the fiscal
10 year.

11 SEC. 223. None of the funds made available to the
12 United States Secret Service by this Act or by previous
13 appropriations Acts may be made available for the protec-
14 tion of the head of a Federal agency other than the Sec-
15 retary of Homeland Security: *Provided*, That the Director
16 of the United States Secret Service may enter into agree-
17 ments to provide such protection on a fully reimbursable
18 basis.

19 SEC. 224. For purposes of section 503(a)(3) of this
20 Act, up to \$15,000,000 may be reprogrammed within
21 “United States Secret Service—Operations and Support”.

22 SEC. 225. Funding made available in this Act for
23 “United States Secret Service—Operations and Support”
24 is available for travel of United States Secret Service em-
25 ployees on protective missions without regard to the limi-

1 tations on such expenditures in this or any other Act if
2 the Director of the United States Secret Service or a des-
3 ignee notifies the Committees on Appropriations of the
4 Senate and the House of Representatives 10 or more days
5 in advance, or as early as practicable, prior to such ex-
6 penditures.

1 TITLE III
2 PROTECTION, PREPAREDNESS, RESPONSE, AND
3 RECOVERY
4 NATIONAL PROTECTION AND PROGRAMS DIRECTORATE
5 OPERATIONS AND SUPPORT

6 For necessary expenses of the National Protection
7 and Programs Directorate for operations and support,
8 \$1,568,718,000, of which \$18,570,000 shall remain avail-
9 able until September 30, 2020: *Provided*, That not to ex-
10 ceed \$3,825 shall be for official reception and representa-
11 tion expenses.

12 FEDERAL PROTECTIVE SERVICE

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

18 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

19 For necessary expenses of the National Protection
20 and Programs Directorate for procurement, construction,
21 and improvements, \$369,778,000, to remain available
22 until September 30, 2020.

23 RESEARCH AND DEVELOPMENT

24 For necessary expenses of the National Protection
25 and Programs Directorate for research and development,

1 \$11,126,000, to remain available until September 30,
2 2020.

3 OFFICE OF HEALTH AFFAIRS

4 OPERATIONS AND SUPPORT

5 For necessary expenses of the Office of Health Af-
6 fairs for operations and support, \$121,569,000, of which
7 \$14,020,000 shall remain available until September 30,
8 2020.

9 FEDERAL EMERGENCY MANAGEMENT AGENCY

10 OPERATIONS AND SUPPORT

11 For necessary expenses of the Federal Emergency
12 Management Agency for operations and support,
13 \$1,054,838,000: *Provided*, That not to exceed \$2,250
14 shall be for official reception and representation expenses.

15 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

16 For necessary expenses of the Federal Emergency
17 Management Agency for procurement, construction, and
18 improvements, \$128,349,000, to remain available until
19 September 30, 2021.

20 FEDERAL ASSISTANCE

21 (INCLUDING TRANSFER OF FUNDS)

22 For activities of the Federal Emergency Management
23 Agency for Federal assistance through grants, contracts,
24 cooperative agreements, and other activities,
25 \$3,272,939,000, which shall be allocated as follows:

1 (1) \$512,000,000 for the State Homeland Secu-
2 rity Grant Program under section 2004 of the
3 Homeland Security Act of 2002 (6 U.S.C. 605), of
4 which \$90,000,000 shall be for Operation
5 Stonegarden, and \$10,000,000 shall be for organiza-
6 tions (as described under section 501(c)(3) of the
7 Internal Revenue Code of 1986 and exempt from tax
8 under such 501(a) of such code) determined by the
9 Secretary of Homeland Security to be at high risk
10 of a terrorist attack: *Provided*, That notwithstanding
11 subsection (c)(4) of such section 2004, for fiscal
12 year 2019, the Commonwealth of Puerto Rico shall
13 make available to local and tribal governments
14 amounts provided to the Commonwealth of Puerto
15 Rico under this paragraph in accordance with sub-
16 section (c)(1) of such section 2004.

17 (2) \$605,000,000 for the Urban Area Security
18 Initiative under section 2003 of the Homeland Secu-
19 rity Act of 2002 (6 U.S.C. 604), of which
20 \$25,000,000 shall be for organizations (as described
21 under section 501(c)(3) of the Internal Revenue
22 Code of 1986 and exempt from tax under section
23 501(a) of such code) determined by the Secretary of
24 Homeland Security to be at high risk of a terrorist
25 attack.

1 (3) \$100,000,000 for Public Transportation Se-
2 curity Assistance, Railroad Security Assistance, and
3 Over-the-Road Bus Security Assistance under sec-
4 tions 1406, 1513, and 1532 of the Implementing
5 Recommendations of the 9/11 Commission Act of
6 2007 (6 U.S.C. 1135, 1163, and 1182), of which
7 \$10,000,000 shall be for Amtrak security and
8 \$2,000,000 shall be for Over-the-Road Bus Security:
9 *Provided*, That such public transportation security
10 assistance shall be provided directly to public trans-
11 portation agencies.

12 (4) \$100,000,000 for Port Security Grants in
13 accordance with section 70107 of title 46, United
14 States Code.

15 (5) \$700,000,000, to remain available until
16 September 30, 2020, of which \$350,000,000 shall be
17 for Assistance to Firefighter Grants and
18 \$350,000,000 shall be for Staffing for Adequate
19 Fire and Emergency Response Grants under sec-
20 tions 33 and 34 respectively of the Federal Fire Pre-
21 vention and Control Act of 1974 (15 U.S.C. 2229
22 and 2229a).

23 (6) \$350,000,000 for emergency management
24 performance grants under the National Flood Insur-
25 ance Act of 1968 (42 U.S.C. 4001), the Robert T.

1 Stafford Disaster Relief and Emergency Assistance
2 Act (42 U.S.C. 5121), the Earthquake Hazards Re-
3 duction Act of 1977 (42 U.S.C. 7701), section 762
4 of title 6, United States Code, and Reorganization
5 Plan No. 3 of 1978 (5 U.S.C. App.).

6 (7) \$250,000,000 for the National Predisaster
7 Mitigation Fund under section 203 of the Robert T.
8 Stafford Disaster Relief and Emergency Assistance
9 Act (42 U.S.C. 5133), to remain available until ex-
10 pended.

11 (8) \$250,000,000 for necessary expenses for
12 Flood Hazard Mapping and Risk Analysis, in addi-
13 tion to and to supplement any other sums appro-
14 priated under the National Flood Insurance Fund,
15 and such additional sums as may be provided by
16 States or other political subdivisions for cost-shared
17 mapping activities under section 1360(f)(2) of the
18 National Flood Insurance Act of 1968 (42 U.S.C.
19 4101(f)(2)), to remain available until expended.

20 (9) \$15,000,000 for Regional Catastrophic Pre-
21 paredness Grants.

22 (10) \$15,000,000 for Rehabilitation of High
23 Hazard Potential Dams under section 8A of the Na-
24 tional Dam Safety Program Act (33 U.S.C. 467f-2).

1 (11) \$100,000,000 for the emergency food and
2 shelter program under title III of the McKinney-
3 Vento Homeless Assistance Act (42 U.S.C. 11331),
4 to remain available until expended: *Provided*, That
5 not to exceed 3.5 percent shall be for total adminis-
6 trative costs.

7 (12) \$275,939,000 to sustain current oper-
8 ations for training, exercises, technical assistance,
9 and other programs:

10 *Provided*, That, of the amounts provided under this
11 heading, \$228,000,000 shall be derived by transfer
12 from unobligated balances from prior year appro-
13 priations available under the heading “Disaster Re-
14 lief Fund”, of which \$150,000,000, to remain avail-
15 able until expended, shall be for the purposes speci-
16 fied in paragraph (7) and of which \$78,000,000, to
17 remain available until expended, shall be for the pur-
18 poses specified in paragraph (8): *Provided further*,
19 That no amounts may be transferred from amounts
20 that were designated by the Congress as an emer-
21 gency requirement pursuant to the Concurrent Reso-
22 lution on the Budget or section 251(b)(2)(A)(i) of
23 the Balanced Budget and Emergency Deficit Control
24 Act of 1985 or as being for disaster relief pursuant

1 to section 251(b)(2)(D) of the Balanced Budget and
2 Emergency Deficit Control Act of 1985.

3 DISASTER RELIEF FUND

4 For necessary expenses in carrying out the Robert
5 T. Stafford Disaster Relief and Emergency Assistance Act
6 (42 U.S.C. 5121 et seq.), \$7,234,000,000, to remain avail-
7 able until expended, of which \$6,652,000,000 shall be for
8 major disasters declared pursuant to the Robert T. Staf-
9 ford Disaster Relief and Emergency Assistance Act (42
10 U.S.C. 5121 et seq.) and is designated by the Congress
11 as being for disaster relief pursuant to section
12 251(b)(2)(D) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 NATIONAL FLOOD INSURANCE FUND

15 For activities under the National Flood Insurance
16 Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster
17 Protection Act of 1973 (42 U.S.C. 4001 et seq.), the
18 Biggert-Waters Flood Insurance Reform Act of 2012
19 (Public Law 112–141, 126 Stat. 916), and the Home-
20 owner Flood Insurance Affordability Act of 2014 (Public
21 Law 113–89; 128 Stat. 1020), \$201,691,000, to remain
22 available until September 30, 2020, which shall be derived
23 from offsetting amounts collected under section 1308(d)
24 of the National Flood Insurance Act of 1968 (42 U.S.C.
25 4015(d)); of which \$13,784,000 shall be available for mis-

1 sion support associated with flood management; and of
2 which \$187,907,000 shall be available for flood plain man-
3 agement and flood mapping: *Provided*, That any addi-
4 tional fees collected pursuant to section 1308(d) of the
5 National Flood Insurance Act of 1968 (42 U.S.C.
6 4015(d)) shall be credited as offsetting collections to this
7 account, to be available for flood plain management and
8 flood mapping: *Provided further*, That in fiscal year 2019,
9 no funds shall be available from the National Flood Insur-
10 ance Fund under section 1310 of the National Flood In-
11 surance Act of 1968 (42 U.S.C. 4017) in excess of—

12 (1) \$176,304,000 for operating expenses and
13 salaries and expenses associated with flood insurance
14 operations;

15 (2) \$1,123,000,000 for commissions and taxes
16 of agents;

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

19 (4) \$175,000,000, which shall remain available
20 until expended, for flood mitigation actions and for
21 flood mitigation assistance under section 1366 of the
22 National Flood Insurance Act of 1968 (42 U.S.C.
23 4104e), notwithstanding sections 1366(e) and
24 1310(a)(7) of such Act (42 U.S.C. 4104e(e), 4017):

1 *Provided further*, That the amounts collected under section
2 102 of the Flood Disaster Protection Act of 1973 (42
3 U.S.C. 4012a) and section 1366(e) of the National Flood
4 Insurance Act of 1968 shall be deposited in the National
5 Flood Insurance Fund to supplement other amounts speci-
6 fied as available for section 1366 of the National Flood
7 Insurance Act of 1968, notwithstanding section 102(f)(8),
8 section 1366(e), and paragraphs (1) through (3) of section
9 1367(b) of such Act (42 U.S.C. 4012a(f)(8), 4104c(e),
10 4104d(b)(1)–(3)): *Provided further*, That total administra-
11 tive costs shall not exceed 4 percent of the total appropria-
12 tion: *Provided further*, That up to \$5,000,000 is available
13 to carry out section 24 of the Homeowner Flood Insurance
14 Affordability Act of 2014 (42 U.S.C. 4033).

15 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

16 For administrative expenses to carry out the disaster
17 assistance direct loan program as authorized by section
18 417 of the Robert T. Stafford Disaster Relief and Emer-
19 gency Assistance Act (42 U.S.C. 5184), \$3,000,000 to re-
20 main available until September 30, 2020.

21 ADMINISTRATIVE PROVISIONS

22 SEC. 301. Notwithstanding section 2008(a)(12) of
23 the Homeland Security Act of 2002 (6 U.S.C. 609(a)(12))
24 or any other provision of law, not more than 5 percent
25 of the amount of a grant made available in paragraphs

1 (1) through (4) under “Federal Emergency Management
2 Agency—Federal Assistance”, may be used by the grantee
3 for expenses directly related to administration of the
4 grant.

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

14 SEC. 303. Under the heading “Federal Emergency
15 Management Agency—Federal Assistance”, for grants
16 under paragraphs (1) through (4), (9), and (10), the Ad-
17 ministrator of the Federal Emergency Management Agen-
18 cy shall brief the Committees on Appropriations of the
19 Senate and the House of Representatives 5 full business
20 days in advance of announcing publicly the intention of
21 making an award.

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

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

3 SEC. 305. The reporting requirements in paragraphs
4 (1) and (2) under the heading “Federal Emergency Man-
5 agement Agency—Disaster Relief Fund” in the Depart-
6 ment of Homeland Security Appropriations Act, 2015
7 (Public Law 114–4) shall be applied in fiscal year 2019
8 with respect to budget year 2020 and current fiscal year
9 2019, respectively—

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

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

14 SEC. 306. The aggregate charges assessed during fis-
15 cal year 2019, as authorized in title III of the Depart-
16 ments of Veterans Affairs and Housing and Urban Devel-
17 opment, and Independent Agencies Appropriations Act,
18 1999 (42 U.S.C. 5196e), shall not be less than 100 per-
19 cent of the amounts anticipated by the Department of
20 Homeland Security to be necessary for its Radiological
21 Emergency Preparedness Program for the next fiscal year:
22 *Provided*, That the methodology for assessment and collec-
23 tion of fees shall be fair and equitable and shall reflect
24 costs of providing such services, including administrative
25 costs of collecting such fees: *Provided further*, That such

1 fees shall be deposited in a Radiological Emergency Pre-
2 paredness Program account as offsetting collections and
3 will become available for authorized purposes on October
4 1, 2019, and remain available until expended.

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, \$275,666,000, of which \$38,874,000 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 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

2 For necessary expenses of the Federal Law Enforce-
3 ment Training Centers for procurement, construction, and
4 improvements, including the planning, operational devel-
5 opment, engineering, and purchases prior to sustainment
6 and for information technology-related procurement, con-
7 struction, and improvements, including non-tangible as-
8 sets of the Federal Law Enforcement Training Centers,
9 \$85,577,000, to remain available until September 30,
10 2023.

11 SCIENCE AND TECHNOLOGY DIRECTORATE

12 OPERATIONS AND SUPPORT

13 For necessary expenses of the Science and Tech-
14 nology Directorate for operations and support, including
15 the purchase or lease of not to exceed 5 vehicles,
16 \$308,520,000, of which \$170,462,000 shall remain avail-
17 able until September 30, 2020: *Provided*, That not to ex-
18 ceed \$20,000 shall be for official reception and representa-
19 tion expenses.

20 RESEARCH AND DEVELOPMENT

21 For necessary expenses of the Science and Tech-
22 nology Directorate for research and development,
23 \$504,596,000, to remain available until September 30,
24 2021.

1 DOMESTIC NUCLEAR DETECTION OFFICE
2 OPERATIONS AND SUPPORT

3 For necessary expenses of the Domestic Nuclear De-
4 tection Office for operations and support, \$54,664,000:
5 *Provided*, That not to exceed \$335,440 shall be for official
6 reception and representation expenses.

7 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

8 For necessary expenses of the Domestic Nuclear De-
9 tection Office for procurement, construction, and improve-
10 ments, \$89,096,000, to remain available until September
11 30, 2021.

12 RESEARCH AND DEVELOPMENT

13 For necessary expenses of the Domestic Nuclear De-
14 tection Office for research and development,
15 \$145,661,000, to remain available until September 30,
16 2021.

17 FEDERAL ASSISTANCE

18 For necessary expenses of the Domestic Nuclear De-
19 tection Office for Federal assistance through grants, con-
20 tracts, cooperative agreements, and other activities,
21 \$46,019,000, to remain available until September 30,
22 2021.

1 ADMINISTRATIVE PROVISIONS
2 (INCLUDING TRANSFER OF FUNDS)

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

13 SEC. 402. None of the funds made available in this
14 Act may be used by U.S. Citizenship and Immigration
15 Services to grant an immigration benefit unless the results
16 of background checks required by law to be completed
17 prior to the granting of the benefit have been received by
18 U.S. Citizenship and Immigration Services, and the re-
19 sults do not preclude the granting of the benefit.

20 SEC. 403. None of the funds appropriated by this Act
21 may be used to process or approve a competition under
22 Office of Management and Budget Circular A-76 for serv-
23 ices provided by employees (including employees serving
24 on a temporary or term basis) of U.S. Citizenship and Im-
25 migration Services of the Department of Homeland Secu-

1 rity who are known as Immigration Information Officers,
2 Immigration Service Analysts, Contact Representatives,
3 Investigative Assistants, or Immigration Services Officers.

4 SEC. 404. (a) Notwithstanding section 1356(n) of
5 title 8, United States Code, of the funds deposited into
6 the Immigration Examinations Fee Account, up to
7 \$10,000,000 may be allocated by U.S. Citizenship and Im-
8 migration Services in fiscal year 2019 for the purpose of
9 providing an Immigrant Integration grants program.

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

15 SEC. 405. The Director of the Federal Law Enforce-
16 ment Training Centers is authorized to distribute funds
17 to Federal law enforcement agencies for expenses incurred
18 participating in training accreditation.

19 SEC. 406. The Federal Law Enforcement Training
20 Accreditation Board, including representatives from the
21 Federal law enforcement community and non-Federal ac-
22 creditation experts involved in law enforcement training,
23 shall lead the Federal law enforcement training accredita-
24 tion process to continue the implementation of measuring

1 and assessing the quality and effectiveness of Federal law
2 enforcement training programs, facilities, and instructors.

3 SEC. 407. The Director of the Federal Law Enforce-
4 ment Training Centers may accept transfers to the ac-
5 count established by section 407(a) of division F of the
6 Consolidated Appropriations Act, 2018 (Public Law 115–
7 141) from Government agencies requesting the construc-
8 tion of special use facilities, as authorized by the Economy
9 Act (31 U.S.C. 1535(b)): *Provided*, That the Federal Law
10 Enforcement Training Centers maintain administrative
11 control and ownership upon completion of such facilities.

12 SEC. 408. The functions of the Federal Law Enforce-
13 ment Training Centers instructor staff shall be classified
14 as inherently governmental for the purpose of the Federal
15 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
16 note).

17 SEC. 409. Up to \$15,000,000 in unexpended balances
18 of appropriations made by division F of the Consolidated
19 Appropriations Act, 2018 (Public Law 115–141) under
20 the heading “Science and Technology—Operations and
21 Support” may be transferred to the United States Depart-
22 ment of Agriculture for the purpose of contract support
23 of the operations of the National Bio and Agro-defense
24 Facility.

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 accounted 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 2019, 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,

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) For an additional amount for financial
20 systems modernization, \$39,000,000, to remain available
21 until September 30, 2020.

22 (b) Funds made available in subsection (a) for finan-
23 cial systems modernization may be transferred by the Sec-
24 retary of Homeland Security between appropriations for
25 the same purpose, notwithstanding section 503 of this Act.

1 (c) No transfer described in subsection (b) shall occur
2 until 15 days after the Committees on Appropriations of
3 the Senate and the House of Representatives are notified
4 of such transfer.

5 SEC. 522. (a) The funds appropriated to the Depart-
6 ment of Homeland Security in this Act for “Operations
7 and Support” shall be hereby reduced, as determined by
8 the Chief Financial Officer, by a total of \$39,000,000 to
9 realize administrative savings, including savings from re-
10 quirements, supplies, or materials that were funded by the
11 Department using fiscal year 2018 appropriations for con-
12 tracts with periods of performance in fiscal year 2019.

13 (b) Funds may only be reduced for the respective ap-
14 propriations from amounts identified in the budget appen-
15 dix, as modified by the report accompanying this Act, by
16 object classes 25.1, 25.2, 25.3, and 26.2.

17 (c) No funds may be reduced from amounts provided
18 under the following headings and activities:

19 (1) “National Protection and Programs Direc-
20 torate—Operations and Support”;

21 (2) “Coast Guard—Operations and Support”
22 for defense-related activities; and

23 (3) “Federal Emergency Management Agen-
24 cy—Operations and Support” for National Con-

1 continuity Programs in the Preparedness and Protec-
2 tion program, project and activity.

3 (d) No amounts may be reduced from amounts that
4 were designated by the Congress for Overseas Contingency
5 Operations/Global War on Terrorism or as an emergency
6 requirement pursuant to a concurrent resolution on the
7 budget or section 251(b)(2)(A) of the Balanced Budget
8 and Emergency Deficit Control Act of 1985 or from
9 amounts that were designated by the Congress as being
10 for disaster relief pursuant to section 251(b)(2)(D) of the
11 Balanced Budget and Emergency Deficit Control Act of
12 1985.

13 (e) The Secretary shall submit a notification to the
14 Committees on Appropriations of the Senate and the
15 House of Representatives specifying the account and
16 amount of each reduction made pursuant to this section.

17 SEC. 523. (a) None of the funds made available in
18 this Act may be used to maintain or establish a computer
19 network unless such network blocks the viewing,
20 downloading, and exchanging of pornography.

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

1 SEC. 524. None of the funds made available in this
2 Act may be used by a Federal law enforcement officer to
3 facilitate the transfer of an operable firearm to an indi-
4 vidual if the Federal law enforcement officer knows or sus-
5 pects that the individual is an agent of a drug cartel unless
6 law enforcement personnel of the United States continu-
7 ously monitor or control the firearm at all times.

8 SEC. 525. None of the funds made available in this
9 Act may be used to pay for the travel to or attendance
10 of more than 50 employees of a single component of the
11 Department of Homeland Security, who are stationed in
12 the United States, at a single international conference un-
13 less the Secretary of Homeland Security, or a designee,
14 determines that such attendance is in the national interest
15 and notifies the Committees on Appropriations of the Sen-
16 ate and the House of Representatives within at least 10
17 days of that determination and the basis for that deter-
18 mination: *Provided*, That for purposes of this section the
19 term “international conference” shall mean a conference
20 occurring outside of the United States attended by rep-
21 resentatives of the United States Government and of for-
22 eign governments, international organizations, or non-
23 governmental organizations: *Provided further*, That the
24 total cost to the Department of Homeland Security of any
25 such conference shall not exceed \$500,000.

1 SEC. 526. None of the funds made available in this
2 Act may be used to reimburse any Federal department
3 or agency for its participation in a National Special Secu-
4 rity Event.

5 SEC. 527. None of the funds made available to the
6 Department of Homeland Security by this or any other
7 Act may be obligated for any structural pay reform that
8 affects more than 100 full-time positions or costs more
9 than \$5,000,000 in a single year before the end of the
10 30-day period beginning on the date on which the Sec-
11 retary of Homeland Security submits to Congress a notifi-
12 cation that includes—

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

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

18 (3) justification for such change; and

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

22 SEC. 528. (a) Any agency receiving funds made avail-
23 able in this Act shall, subject to subsections (b) and (c),
24 post on the public website of that agency any report re-
25 quired to be submitted by the Committees on Appropria-

1 tions of the Senate and the House of Representatives in
2 this Act, upon the determination by the head of the agency
3 that it shall serve the national interest.

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

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

7 (2) the report contains proprietary information.

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

13 SEC. 529. (a) Funding provided in this Act for “Op-
14 erations and Support” may be used for minor procure-
15 ment, construction, and improvements.

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

19 SEC. 530. None of the funds made available by this
20 Act may be obligated or expended to implement the Arms
21 Trade Treaty until the Senate approves a resolution of
22 ratification for the Treaty.

23 SEC. 531. For fiscal year 2019, the Secretary of
24 Homeland Security may provide, out of discretionary
25 funds available to the Department of Homeland Security,

1 for the primary and secondary schooling of dependents of
2 Department of Homeland Security personnel who are sta-
3 tioned outside the continental United States and for the
4 transportation of such dependents in the same manner
5 and to the same extent that, pursuant to section 544 of
6 title 14, United States Code, the Secretary may provide,
7 out of funds appropriated to or for the use of the Coast
8 Guard, for the primary and secondary schooling of, and
9 the transportation of, dependents of Coast Guard per-
10 sonnel stationed outside the continental United States:
11 *Provided*, That no amounts may be provided from
12 amounts that were designated by the Congress for Over-
13 seas Contingency Operations/Global War on Terrorism or
14 as an emergency requirement pursuant to a concurrent
15 resolution on the budget or section 251(b)(2)(A) of the
16 Balanced Budget and Emergency Deficit Control Act of
17 1985: *Provided further*, That no amounts may be provided
18 from amounts that were designated by the Congress as
19 being for disaster relief pursuant to section 251(b)(2)(D)
20 of the Balanced Budget and Emergency Deficit Control
21 Act of 1985.

22 SEC. 532. Within 60 days of any budget submission
23 for the Department of Homeland Security for fiscal year
24 2020 that assumes revenues or proposes a reduction from
25 the previous year based on user fees proposals that have

1 not been enacted into law prior to the submission of the
2 budget, the Secretary of Homeland Security shall provide
3 the Committees on Appropriations of the Senate and the
4 House of Representatives specific reductions in proposed
5 discretionary budget authority commensurate with the
6 revenues assumed in such proposals in the event that they
7 are not enacted prior to October 1, 2019.

8 SEC. 533. (a) If Congress enacts a law on or after
9 the date of enactment of this Act that specifically author-
10 izes the Countering Weapons of Mass Destruction Office
11 and such authorization identifies the functions that are
12 authorized to be transferred to such Office, the Secretary
13 of Homeland Security may immediately after enactment
14 of such law—

15 (1) create new programs, projects, and activi-
16 ties in accordance with the President’s budget pro-
17 posal fiscal year 2019, submitted pursuant to section
18 1105(a) of title 31, United States Code, and accom-
19 panying justification materials, for the Countering
20 Weapons of Mass Destruction Office; and

21 (2) transfer any funds made available to the
22 Department of Homeland Security under the head-
23 ings “Domestic Nuclear Detection Office” and “Of-
24 fice of Health Affairs” by any appropriations Acts
25 for functions that are authorized to be transferred to

1 such Office and to be used for the purpose of exe-
2 cuting authorization of such Office to a Countering
3 Weapons of Mass Destruction account that is estab-
4 lished in the Treasury of the United States.

5 (b) The authority provided in subsection (b)(2) shall
6 only be available if the Secretary has notified the Commit-
7 tees on Appropriations of the Senate and the House of
8 Representatives at least 15 days in advance of each such
9 transfer.

10 (RESCISSION)

11 SEC. 534. Of the available unobligated balances from
12 Public Law 115–31 under the heading “Coast Guard—
13 Research and Development, Test, and Evaluation”,
14 \$17,471,912 are hereby rescinded: *Provided*, That no
15 amounts may be rescinded from amounts that were des-
16 ignated by the Congress as an emergency requirement
17 pursuant to a concurrent resolution on the budget or the
18 Balanced Budget and Emergency Deficit Control Act of
19 1985 (Public Law 99–177).

20 (RESCISSION)

21 SEC. 535. From the unobligated balances available
22 in the Department of the Treasury Forfeiture Fund estab-
23 lished by section 9703 of title 31, United States Code
24 (added by section 638 of Public Law 102–393),

1 \$120,000,000 shall be permanently rescinded not later
2 than September 30, 2019.

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

Calendar No. 481

115TH CONGRESS
2^D SESSION

S. 3109

[Report No. 115-283]

A BILL

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

JUNE 21, 2018

Read twice and placed on the calendar