

Adopted VV

Committee on Appropriations
Subcommittee on Homeland Security

FY 2020 Department of Homeland Security Appropriations Bill
Full Committee Markup

MANAGER'S AMENDMENT
Offered by Ms. Roybal Allard of California
(Roybal Allard #1)

In the BILL:

On page 35, line 24, strike “(e)” and insert the following:

“(e) Each additional amount appropriated by paragraphs (b)(1) through (b)(5) of this section shall be appropriated not more than once, in accordance with the certification requirements in subsection (d) of this section.

(f)”

On page 41, line 17, strike “\$2,000,000” and insert “\$3,000,000”.

On page 54, after Section 407, insert the following:

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Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329; 122 Stat. 3688) is repealed.

(b) Section 538 of title V of division D of the Consolidated Appropriations Act, 2012 (Public Law 112–74; 125 Stat. 976) is repealed.”.

In the REPORT:

On page 7, insert the following immediately preceding the paragraph entitled “*Domestic Sourcing*”:

Deportation Priorities.—The Committee notes with concern the detention of members of religious minorities from Iraq, particularly the Iraqi Chaldean Christian community, by Immigration and Customs Enforcement for possible deportation. Congress and the Department of State have recognized that a genocide has been committed against Chaldeans and other religious minorities in Iraq. The Committee recommends that ICE refrain from prioritizing the deportation of people who will be subject to violent persecution and death in their countries of origin.

On page 19, insert the following immediately preceding the paragraph entitled “*Incident-Driven Video Recording System*”:

High-speed Pursuit.—Due to concerns over the fatalities caused by Border Patrol high speed pursuits, the Committee directs CBP to provide a briefing on the following: current policy on CBP vehicle pursuit standards; how the policy differs from Department of Justice policy; how CBP justifies pursuits; does CBP consider whether the potential offense in justifying the pursuit is a misdemeanor or a nonviolent felony; the number of high speed pursuits over the last three years; the number of convictions resulting from the pursuits (to include type of convictions); the number of crashes resulting from a pursuit; and the number of migrants injured or killed during a pursuit.”

On page 21, insert the following immediately preceding the paragraph entitled “*Migrants–Nutrition*”:

Migrants–Medical Professionals.—Within the \$82,000,000 provided for humanitarian efforts, not less than \$2,00,000 shall be provided to deploy social workers, medical professionals, and pediatric specialists with the cultural and linguistic competency to process arriving migrants, including survivors of trauma, torture, and gender-based violence.”

On page 21, insert the following immediately after the fourth full paragraph, directly above the paragraph beginning, “*Migrants–In-Custody Time for Unaccompanied Children*”:

“*Migrants–Release of Families.*—CBP is encouraged to work with local non-profits and governments on the timing and location of the release of migrants to allow organizations and local governments time to prepare for large influxes of families. As a result of many non-profit shelters facing overcrowding and with limited transportation option in many border towns, CBP is encouraged to provide transport to adjacent towns to facilitate the movement of migrants away from the border area.

The Committee is aware that the Border Patrol is transporting migrant families out of high-volume sectors, such as the Rio Grande Valley, to other Border Patrol sectors along the southwest border to assist in processing and release from CBP custody. The Committee directs CBP to provide a briefing within 30 days of date of enactment of this Act on how the agency determines which individuals or groups will be transferred and how CBP decides which stations to send migrants.”

On page 26, insert the following paragraph immediately preceding the paragraph entitled “*User Fee Airports*”:

“*Sea Ports of Entry Staffing and Upgrades.* – Not later than 90 days after the date of enactment of this Act, CBP is directed to provide a briefing to the Committee on requirements for staffing and security upgrades for seaports to include marine and cruise terminals. The briefing should address staffing shortages, upgraded security requirements, and plans for technology recapitalization. Additionally, the CBP should address the process used to decide how initiatives are funded.”

On page 35, insert the following paragraph immediately preceding the paragraph beginning, “*Parental Interests*”:

“*Improving Conditions at ICE Field Offices and Sub-Offices.*—The Committee is concerned about the conditions and lack of adequate infrastructure at ICE’s

Enforcement and Removal Operations field offices and sub-offices that service migrants. The Committee understands that visitors who appear at these facilities for an appointment or processing may be required to wait inordinate amounts of time, without shelter or shade. Further, there may be insufficient restroom or drinking water infrastructure. The Committee has also been made aware that visitors who appear at these facilities for appointments may experience difficulty while attempting to confirm their appointment letters via phone due to insufficient capacity, and many visitors have had trouble contacting an ICE employee who can speak their native language, including Spanish. To address these conditions, the Committee directs ICE to work with the General Services Administration (GSA) to determine what steps must be taken and what additional infrastructure is necessary at facilities in order to improve conditions and processing times, as well as to determine how to improve planning and design for future ICE ERO facilities. ICE is directed to provide a report on its findings to the Committee within 180 days of the date of enactment of this Act. ICE is also directed to ensure that proper oversight of conditions at its ERO field offices, sub-offices, and contractor facilities is conducted by its quality assurance teams. Finally, the Committee encourages ICE to permit the distribution of food and water by outside individuals or advocates to visitors who are waiting to be seen.”

On page 38 insert the following paragraph immediately preceding the paragraph on “Explosive Detection Systems”.

Enhanced Advanced Imaging Technology. The Committee supports the Administrator's efforts to accelerate the introduction of innovative and high performance technology, including enhanced advanced imaging technology, (e-AIT) to increase threat detection checkpoint efficiency to accommodate increasing passenger volumes. TSA's public private partnership initiatives have supported the introduction of new technology to airport security operations and the Committee encourages the Administrator to establish expedited processes to validate and make new higher performance e-AIT technology available for TSA's stakeholders to procure and gift to TSA for use in their security operations.

On page 48, insert the following paragraph immediately preceding the paragraph beginning with, “*Cybersecurity Briefings*”:

“Cybersecurity Advisors Increase.—The Committee is concerned that significant cybersecurity vulnerabilities persist at the state, local, tribal, and territorial (SLTT) and private sector levels, as evidenced by recent cyber-attacks in Baltimore, MD and Atlanta, GA. Accordingly, the recommendation includes \$10,000,000 above the request to increase the number of CISA’s regionally-deployed cybersecurity advisors, which will allow CISA to engage a larger number and broader set of regional stakeholders, help those stakeholders understand risk to their systems, and connect those stakeholders with cybersecurity and infrastructure protection services that can help identify and mitigate those risks.”

On page 50, in the third full paragraph, strike “State, Local, Tribal, and Territorial (SLTT)” and replace it with “SLTT”.

On page 50, after the phrase, “large crowds” insert the following:

“; and public venues that face a high risk due to being frequented by high profile attendees”

On page 53, in the table at the bottom of the page, after “(Over the Road Bus Security)” strike “\$2,000,000” and insert “\$3,000,000”.

On Page 54, preceding the paragraph beginning with “*Emergency Management Performance Grants*”, insert the following:

“Continuing Training Grants. – The total under this heading includes \$8,000,000 for Continuing Training Grants to support competitively-awarded training programs to address specific national preparedness gaps, such as cybersecurity, economic recovery, housing, and rural and tribal preparedness. Of this amount, not less than \$3,000,000 shall be prioritized to be competitively awarded for FEMA-certified rural and tribal training.”

On page 59, replace the existing paragraph beginning, “*Adjudication Backlogs*” with the following:

“*Adjudication Backlogs*.—Not later than 90 days after the date of enactment of this Act, USCIS is directed to brief the Committee on a plan to better address areas with significant processing delays and an estimate of the resources required to clear the backlog of applications and petitions for temporary status, adjustment of status, and naturalization. The plan should include a strategy for reducing wait times for adjudication to not more than one year for all applications and petitions processed by the agency. The briefing shall account for the resources required to address asylum and refugee processing backlogs and improve coordination with the intelligence community to reduce the time required for expanded vetting of certain refugees.”

On page 59, in the paragraph on “*H-2B and H-2A Visa Programs*”, insert the following words between the phrases, “improve processing facilities,” and “and reduce employer burden”:

“combat human trafficking, protect worker rights,”

On page 63, insert the following paragraph immediately preceding the paragraph beginning “*Public Access to Research*”:

“*Plum Island Animal Disease Center (PIADC)*.— The Committee is concerned that plans to potentially sell PIADC to the highest bidder could result in a use that would be detrimental to the local community and encourages the Department to limit the use of the new development to the purposes of research, education, and conservation.”

On page 76, after Section 407, insert the following:

“Section 408. The Committee includes a new provision repealing the authorization to sell PIADC.”

Adopted VV

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

Amend section 528 to read as follows:

1 SEC. 528. (a) None of the funds appropriated or oth-
2 erwise made available to the Department of Homeland Se-
3 curity by this Act may be used to prevent any of the fol-
4 lowing persons from entering, for the purpose of con-
5 ducting oversight, any facility operated by or for the De-
6 partment of Homeland Security used to detain or other-
7 wise house aliens, or to make any temporary modification
8 at any such facility that in any way alters what is observed
9 by a visiting member of Congress or such designated em-
10 ployee, compared to what would be observed in the absence
11 of such modification:

12 (1) A Member of Congress.

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

16 (b) Nothing in this section may be construed to re-
17 quire a Member of Congress to provide prior notice of the

1 intent to enter a facility described in subsection (a) for
2 the purpose of conducting oversight.

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



DeLauro Amendment
to Homeland
Security

Adopted ✓

AMENDMENT TO ~~HOMELAND SECURITY~~
APPROPRIATIONS BILL
OFFERED BY MS. DELAURO OF CONNECTICUT

Page 49, after line 14, insert the following:

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

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

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DeLauro Amendment – Report Language

“Private Property Debris Removal - The Committee reminds FEMA that the removal of debris from private residences is an eligible activity for assistance under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Not later than 180 days after the date of enactment of this Act, FEMA shall brief the Committee as to whether the criteria in section 206.48 of title 44, Code of Federal Regulations for recommending when to provide assistance under section 408 currently includes the costs of debris removal on private property and whether any such changes are appropriate. In addition, the briefing shall include information on the implementation of section 308.”

On page 58 immediately preceding the heading “TITLE IV — RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES” insert the following paragraph:

“Section 308. The Committee adds a new provision allowing for reconsideration for State’s requests for Individual Assistance under the Stafford Act.”

Price-Aguilar-Lee-Pocan
to DHS #1

Adopted
28-21

**AMENDMENT TO HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MR. PRICE OF NORTH CAROLINA**

At the end of the bill (before the short title), insert the following:

1 SEC. 5 _____. No Federal funds may be made available
2 to the Secretary of Homeland Security or to the head of
3 any other Federal department or agency to implement, ad-
4 minister, enforce, or carry out (including through the
5 issuance of any regulations) any of the policy changes set
6 forth in the following documents (or any substantially
7 similar policy changes issued or taken on or after the date
8 of enactment of this Act, whether set forth in memo-
9 randum, Executive order, regulation, directive, or by other
10 action):

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

13 (2) The memorandum from the Principal Legal
14 Advisor on Litigating Domestic Violence-Based Per-
15 secution Claims Following Matter of A-B-, dated
16 July 11, 2018.

17 (3) Executive Order 13780, issued on March 6,
18 2017.

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

3 (5) Executive Order 13815, issued on October
4 24, 2017.

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

9 (7) The Interim Final Rule published November
10 9, 2018, entitled, "Aliens Subject to a Bar Under
11 Certain Presidential Proclamations, Procedures for
12 Protection Claims" (83 Fed. Reg. 55934).

13 (8) Presidential Proclamation 9822, issued on
14 November 9, 2018.

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

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

22 (11) Any regulation, policy, guideline, or prac-
23 tice applying the provisions of section 235(b)(2)(C)
24 of the Immigration and Nationality Act (8 U.S.C.

1 1225(b)(2)(C)) to nationals of noncontiguous coun-
2 tries.

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

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

- 1 (1) Public and private preschools.
- 2 (2) Public and private elementary or secondary
- 3 schools.
- 4 (3) Postsecondary schools, including colleges
- 5 and universities.
- 6 (4) Other institutions of learning, including
- 7 trade and vocational schools.
- 8 (5) Scholastic or education-related activities or
- 9 events.
- 10 (6) Bus stops.
- 11 (7) Licensed adult or child day care facilities.
- 12 (8) Medical treatment or health care facilities,
- 13 including hospitals, community health centers, and
- 14 health clinics.
- 15 (9) Federal, State, or local courthouses, includ-
- 16 ing the office of an individual's legal counsel or rep-
- 17 resentative, and probation offices.
- 18 (10) Congressional offices.
- 19 (11) Public assistance offices.
- 20 (12) Social Security offices.
- 21 (13) U.S. Citizenship and Immigration Services
- 22 offices.
- 23 (14) Facilities of organizations that assist chil-
- 24 dren, pregnant women, victims of crime or abuse, or
- 25 individuals with significant mental or physical dis-

1 abilities, including domestic violence shelters, rape
2 crisis centers, supervised visitation centers, family
3 justice centers, and victim services providers.

4 (15) Facilities of organizations that provide dis-
5 aster or emergency social services and assistance, in-
6 cluding food banks and homeless shelters.

7 (16) Sites of funerals, weddings, or other public
8 religious ceremonies.

9 (17) Places of religious worship, including
10 churches, synagogues, mosques, gurdwaras, and
11 buildings rented for religious services.

12 (18) Indoor and outdoor premises of depart-
13 ments of motor vehicles.

14 (19) Food banks.

15 (20) Community centers.

16 (c) The prohibition in subsection (b) shall not apply
17 in the case of officers or agents of either such agency exe-
18 cuting a judicial warrant.



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**AMENDMENT TO HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MR. CUELLAR OF TEXAS AND
MR. NEWHOUSE OF WASHINGTON**

At the end of the bill (before the short title), insert
the following:

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

adopted
JV

PINGREE #1

HOMELAND
SECURITY

AMENDMENT TO HOMELAND SECURITY

APPROPRIATIONS BILL

OFFERED BY MS. PINGREE OF MAINE

+ DR. HARRIS AND MR. RUPPERSBERGER

Page 43, line 20, increase the first dollar amount by

\$7,000,000.

Page 68, after line 19, insert the following (and re-designate succeeding provisions accordingly):

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

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



adopted ✓

HURD #1

AMENDMENT

**OFFERED BY MR. HURD OF TEXAS TO THE
AMENDMENT OFFERED BY MR. NEWHOUSE OF
WASHINGTON**

[Page and line numbers refer to NEWHOUSE #1]

At the end of page 4, insert the following:

FEDERAL EMERGENCY MANAGEMENT AGENCY

FEDERAL ASSISTANCE

For an additional amount for "Federal Assistance", \$30,000,000 for the emergency food and shelter program under Title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.) for the purposes of providing assistance to aliens released from the custody of the Department of Homeland Security: *Provided*, That notwithstanding Sections 315 and 316(b) of such Act, funds made available under this section shall be disbursed by the Emergency Food and Shelter Program National Board not later than 30 days after the date on which such funds becomes available: *Provided further*, That the Emergency Food and Shelter Program National Board shall distribute such funds only to jurisdictions or local recipient organizations serving communities that have experienced a significant influx of such aliens: *Provided further*, That such funds may be used to reimburse such jurisdictions or local recipient organizations for costs incurred in providing services to such aliens after January 1, 2019: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That such amount shall be available only if the President designates such amount as an emergency requirement pursuant to section 251(b)(2)(A)(i) of such Act.