

AMENDMENTS ADOPTED TO THE HOMELAND SECURITY
APPROPRIATIONS BILL FOR FY 2019

Full Committee Markup
House Appropriations Committee
Wednesday, July 25, 2018

Amend #1 offered

adopted vv

YODER #1

Committee on Appropriations
Subcommittee on Homeland Security

FY 2019 Department of Homeland Security Appropriations Bill
Full Committee Markup

MANAGER'S AMENDMENT
Offered by Mr. Yoder of Kansas
(Yoder #1)

In the BILL:

On page 2, line 15, strike "\$139,926,000" and insert "\$134,110,000".

On page 2, line 20, strike "\$845,528,000" and insert "\$842,712,000".

On page 3, line 19, strike "\$162,369,000" and insert "\$168,001,000".

On page 24, line 5, strike "3,356,525,000" and insert "\$3,359,525,000".

On page 25, line 6, strike "\$100,000,000" and insert "\$103,000,000".

On page 25, line 13, strike "\$4,000,000" and insert "\$7,000,000".

On page 32, line 21, strike "solely".

At the appropriate place in the bill, insert the following:

"SEC. __. None of the funds made available by this Act may be used to prevent a Member of the United States Congress from entering, for the purpose of conducting oversight, any facility in the United States used for purposes of detaining or otherwise housing foreign national minors, or to require Members of the United States Congress to coordinate through a Congressional entity for their

entry into, for the purpose of conducting oversight, any facility in the United States used for purposes of detaining or otherwise housing foreign national minors, or to make any temporary modification at any such facility that in any way alters what is observed by a visiting Member of the United States Congress, compared to what would be observed in the absence of such modification.”

In the REPORT:

On page 4, after the third full paragraph, insert the following:

“The Committee directs the Secretary to ensure that persons detained by DHS are able to make phone calls, at no cost or at a reasonable, fair market cost, to include any state, local, territorial, tribal, or private entity who is detaining such persons per an agreement with DHS. All facilities should also allow detainees to access the ICE pro bono platform provided by ICE’s phone provider that allows for free calls to courts, consulates, and free legal service providers.”

On page 7, at the end of the third full paragraph, insert the following: “The Committee is aware that DHS is complying with U.S. District Court Instruction requiring the federal government to pay the costs of such communications, as well as the costs of family reunification.”

On page 7, before the heading “Office of Policy”, insert the following:

“The Committee directs the Department to report semiannually, beginning not later than 90 days after the date of enactment of this Act, on the activities of ICE and USCIS to implement the recommendations of OIG-16-130, including the incremental cost of those activities; FTE devoted to the effort; criteria and methodology for reviewing and making determinations on potential denaturalization cases; number of records reviewed; number of cases subject to in-depth review for potential denaturalization, including whether such were cases investigated outside the scope of the recommendations of OIG-16-130, number of cases referred to the Justice Department for denaturalization proceedings, delineated by cases that were identified by the OIG for review and those that were not so identified; countries of origin of the individuals whose cases were subject to

in-depth review and for Justice Department referral; and a compilation of the infractions underlying referrals to the Justice Department.”

On page 8, after the third paragraph under the heading “Office of Partnership and Engagement”, insert the following:

“The Committee encourages interagency coordination between DHS and other agencies when developing school safety reports.”

On page 15, strike the last sentence in the second full paragraph and insert the following:

“The increase above the request is for increased unannounced inspections of immigration detention facilities and CBP holding processing facilities. ICE shall continue to publish the results of detention facility inspections and other reports related to custody operations activities on its public website.

As the OIG continues to conduct unannounced inspections of detention facilities, the Committee encourages the OIG to pay particular attention to the health needs of detainees.

Within 30 days of the date of enactment of this Act, the Inspector General shall report to the Committee on the implementation of and any interagency coordination associated with the previous policy of separating migrant families, the Executive Order issued on June 20, 2018 entitled “Affording Congress an Opportunity to Address Family Separation,” and efforts made to reunify families separated under the previous family separation policy.”

On page 20, before the heading “Border Security Operations”, insert the following:

“The Committee understands that it is CBP’s policy that enforcement actions at sensitive locations – including but not limited to schools, healthcare facilities, places of worship, religious or civil ceremonies or observances, and public demonstrations – should generally be avoided, and require either prior approval from an appropriate supervisory official or exigent circumstances necessitating immediate action. The policy is intended to ensure that anyone seeking to participate in activities or utilize services provide at such locations are

free to do so without fear or hesitation. The Committee expects CBP to continue to follow this policy, which balances the requirement to enforce the law with the impacts that these actions may have on communities.

The Committee encourages the Department to utilize its authority to accept donations from the private sector, nongovernmental organizations, and other groups independent of the federal government, including medical goods and services, school supplies, toys, clothing, and any other items intended to promote the wellbeing of alien children in the custody of CBP.

To the extent practicable, and so long as it is appropriate and in the best interest of the children involved, in cases where U.S. Customs and Border Protection is responsible for the custody of siblings who are unaccompanied alien children (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)), the Commissioner shall place such siblings in the same facility.

U.S. Border Patrol Sector Chiefs shall play a primary role in determining the type and location of all tactical infrastructure, such as physical barriers, roads, communication towers, surveillance towers, or other tactical infrastructure and technology to be deployed in their area of responsibility. The Committee encourages Sector Chiefs to consult State and local elected officials and other stakeholders during the decision making process.

The Committee commends the Department's efforts to help facilitate the development of common or complementary approaches with Mexico in areas of mutual, including facilitating the cross-border transit of low-risk cargo and passengers and combatting cross-border violence and criminal networks. The Committee encourages the Department, in cooperation with the Department of State, to continue these efforts with the new Mexican administration and to explore new opportunities for cooperation, such as through the establishment of a cross-border working group, and to report back to the Committee within 90 days of the date of enactment of this Act on progress made in this regard.

The Committee is concerned with reports that transnational criminal organizations may combine narcotics and humans in illicit smuggling attempts, thereby endangering the lives of individuals being smuggled. The Committee directs the Department to work with its federal law enforcement partners to ensure that the enforcement of anti-drug and anti-smuggling laws is carried out in a manner protective of human life and safety. In particular, DHS should work to prevent the passage of any vehicle through a checkpoint or port of entry for

purposes of a controlled delivery by another law enforcement agency if the vehicle may contain individuals being smuggled under unsafe conditions, such as the smuggling of one or more individuals in a confined or non-air conditioned space.

The Committee encourages CBP to explore the feasibility of allowing older firearms being cycled out of CBP inventories to be purchased by other law enforcement agencies, along with whether any additional authorities would be necessary for this approach, as a way of partially offsetting the costs of new, replacement firearms.

The Committee encourages CBP to collaborate with the Science and Technology Directorate to explore a demonstration of building-scale, direct potable water reuse capabilities for on-site sustainable water at CBP Forward Operating Bases (FOB). A deployable and easy-to-use on-site, wastewater treatment system that minimizes energy and water usage would improve the security of U.S. Border Patrol agents, while reducing costs and environmental impacts by avoiding the need to transport fresh water to the FOBs.

The Committee directs DHS to coordinate with the Department of Justice to facilitate the availability of courtroom space within immigration detention facilities along the U.S.-Mexico border to accommodate the appointment of additional immigration judges, as necessary to provide for a more timely adjudication of asylum claims and reduce the immigration court backlog while ensuring that due process is observed.”

On page 22, in the first paragraph, strike the last sentence and insert the following:

“The Committee further directs CBP to develop strategies that will allow for more accurate CDSOA payments in the future.”

On page 23, before the heading “Integrated Operations”, insert the following:

“The Committee expects CBP to work with seaports, cruise vessel operators, and other stakeholders to determine the appropriate number of CBP officers that need to be deployed at seaports to properly and efficiently handle the clearance of cruise passengers.”

On page 27, before the heading “Homeland Security Investigations”, insert the following:

“The Committee directs ICE’s Office of Detention Oversight to conduct unannounced inspections of all ICE family residential centers at least twice per year, with the results of each inspection promptly published on ICE's website.

The Committee directs the Department to make any form required to be signed by a detained person to be written in both English and Spanish.”

On page 29, in the second full paragraph before the last sentence, insert: “The report shall also include details on the number of DACA recipients detained.”

On page 32, at the end of the second full paragraph under the heading “Aviation Screening Operations”, insert the following: “Not later than 60 days after the date of enactment of this Act, TSA shall brief the Committee on the feasibility of establishing a program through which the agency would develop standards and an approved vendor list of certified third party canine providers for use by TSA and trusted aviation stakeholders at passenger checkpoints and passenger baggage screening.

The Committee directs that TSA provide a report not later than 60 days after the date of enactment of this Act on the agency's plans for identifying 3D-printed guns at passenger screening checkpoints.

The Committee directs that TSA coordinate with ICE to facilitate the passenger screening of parents who lack valid identification documents and are attempting to reunite with their children through use of the Identity Verification Call Center.”

On page 34, after the first full paragraph, insert the following:

“As recommended by the Aviation Security Advisory Committee in 2015, TSA is encouraged to assess the benefits of establishing an air cargo security division within the agency that is responsible for carrying out all policy related to air cargo and providing stakeholders with a central interface at the agency on all matters related to air cargo security.”

On page 37, before the heading “Procurement, Construction, and Improvements”, insert the following:

“The Committee recognizes the Coast Guard Academy’s current efforts to recruit and retain a diverse and highly qualified Corps through programs like Eclipse Week, and encourages further expansion of these efforts, particularly through implementing the recommendations of the 2017 Equity Scorecard.

The Committee urges the Coast Guard to expand existing Partnership in Education programs, and use up to \$1,000,000 of the funds provided to help buildout efforts in cooperation with museums, schools, and other nontraditional classroom settings and on limnology and oceanographic programs that support Science, Technology, Engineering, and Mathematics education through regional headquarters, and consider expanding these programs with minority-serving institutions.

The Committee reminds the Coast Guard of its finding that the location of the Maryland Wind Energy Area poses “unacceptable navigational safety risks”. The Committee urges the Coast Guard to take any and all steps to ensure the navigational safety for maritime traffic off the coast of Maryland, including but not limited to the designation of fairways and traffic separation schemes identified as priorities in the Coast Guard Atlantic Coast Port Access Route Study.”

On page 46, after the first full paragraph, insert the following:

“Given that elections infrastructure – election and voting systems, products, and service vendors and related supply-chain participants – have been designated as part of the nation’s critical infrastructure, DHS has a significant role in assisting state and local election officials as they prepare for federal elections. The Committee appreciates that DHS is working to provide that assistance and that there is an ongoing OIG investigation to examine the status of that work. To aid the Committee in its oversight function, the GAO shall examine how DHS is implementing its key responsibilities in overseeing protection of the elections critical infrastructure subsector and the reported benefits and challenges of such efforts.”

On page 46, at the beginning of the second full paragraph, strike “Further, t” and insert “T”.

On page 54, after the first full paragraph, insert the following:

“In addition to its “natural valley” method for analyzing and mapping flood hazards, for coastal areas, FEMA should consider an approach, including dynamic, two-dimensional modeling or methods, that would be technically sound, credible, and cost-effective, and that would provide results that more precisely reflect the flood risk in coastal areas impacted by levees.”

On page 55, before the heading “National Flood Insurance Fund,” insert the following:

“The Committee notes the release of the 2017 Hurricane Season FEMA After-Action Report and remains concerned about the response to Hurricane Maria in Puerto Rico. Within 90 days of the date of enactment of this Act, the Committee directs the OIG to review the response and recovery effort to Hurricane Maria. The OIG shall make recommendations for improvements in the future including improvements to FEMA’s response to appeals for housing assistance resulting in increasing the number of persons in need receiving assistance.

As noted in the 2017 Hurricane Season FEMA After-Action Report, FEMA faced staffing shortages and logistical challenges in the tracking, moving, and delivery of resources to Puerto Rico and the U.S. Virgin Islands during the lead up and response to Hurricanes Maria and Irma. These challenges were in part due to response plans that were at least five years old for both locations. The Committee directs FEMA to work with states and territories to more frequently update response plans, make the necessary revisions to the National Response Framework and the Response Federal Interagency Operational Plan, and report back to the Committee within 90 days of the date of enactment of this Act on its progress. FEMA is further directed to brief the Committee on its disaster workforce review, as recommended in the 2017 Hurricane Season After-Action, to include incident management, incident support, and mission essential functions.

Within 90 days of the date of enactment of this Act, the Inspector General shall conduct an audit of contracts subject to FEMA reimbursement for the removal of debris resulting from Hurricane Irma, and shall report to the Committee on the results of such audit, including a determination of whether the services could have been provided at lower taxpayer cost.”

On page 56, in the third paragraph, strike “solely”.

On page 56, in the table under the heading “U.S. Citizenship and Immigration Services”, strike “132,919,000” and insert “131,919,000”.

On page 62, strike the last paragraph and insert the following instead:

“The Committee is pleased that S&T has been engaged in a three-year binational research and development pilot. The recommendation includes \$2,000,000 for continuation of this pilot. The pilot should continue its focus on border security, maritime security, biometrics, cybersecurity, and video analytics among other topics. Within 180 days of the enactment of this act, S&T shall provide a report to the Committee on the results of each grant awarded through the pilot and on any commercialization or transition to practice that has resulted from the pilot's projects.”

Amend #2 offered

adopted vv

*Aguilar
#1*

**AMENDMENT TO HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MR. AGUILAR OF CALIFORNIA AND
MR. AMODEI OF NEVADA**

At the end of the bill (before the spending reduction account), insert the following:

1 SEC. _____. None of the funds made available by
2 this Act may be used to place in detention, remove, refer
3 for removal, or initiate removal proceedings against, non-
4 citizen veterans or active duty service members who were
5 approved by the Secretary of Homeland Security to par-
6 ticipate in the Deferred Action for Childhood Arrivals ini-
7 tiative described in the June 15, 2012, memorandum enti-
8 tled "Exercising Prosecutorial Discretion with Respect to
9 Individuals Who Came to the United States as Children",
10 except that this section shall not apply with respect to an
11 individual who no longer qualifies for deferred action
12 under the conditions on the grant of deferred action estab-
13 lished under such initiative.

☒

Amend #3 offered

Yoder 2

adopted v.v.

Committee on Appropriations
Subcommittee on Homeland Security

FY 2019 Department of Homeland Security Appropriations Bill
Full Committee Markup

Offered by Mr. Yoder of Kansas and Mrs. Roybal-Allard of California

In the REPORT:

Insert on page 4 of the report before the paragraph that begins "The security of our borders...."

"The United States is a nation of immigrants that values diversity and welcomes those in need. We also have an obligation to enforce the laws that protect the integrity of our borders, along with those that grant asylum to people found eligible. We cannot help every foreign national who may want or deserve it, but all individuals and families who come to our borders, including those who cross them illegally, deserve to be treated humanely and with respect while in the custody of the Department of Homeland Security. The Committee has included direction throughout this report to address these issues."

On page 7 insert the following sentence at the beginning of the paragraph that starts "DHS is directed to ensure"

"The Department shall only separate a child from a parent if the parent has a criminal history, a communicable disease, or is determined to be unfit or a danger to the child."

On page 16 of the Committee Report, replace the paragraph in the report beginning with "The Committee understands CBP" with:

"The Committee understands CBP is currently developing plans to provide medical and mental health screening, triage, and referral services by specialized personnel to support unaccompanied children in USBP custody in high volume southwest border locations, and recommends an additional \$3,700,000 to continue this effort. The Committee is also concerned by the trauma experienced by children and their relatives, including parents, aunts, uncles, and grandparents, who have entered the United States fleeing violence, and makes available \$3,000,000 to provide on-site mental health services for children and their families at CBP

facilities in southwest border locations, along with mental health training to officers and other personnel by mental health professionals specializing in trauma treatment.”

On page 26 of the Committee Report, under the heading “Operations,” insert the following language:

“The Committee is concerned by the trauma that has been suffered by children and their relatives, including parents, aunts, uncles, and grandparents, entering into the United States, many of whom are fleeing violence. The Committee provides \$3,000,000 to provide on-site mental health services for children and their families and mental health training to officers and staff by mental health professionals specializing in trauma treatment at ICE detention facilities.”

Replace the paragraph on page 28 of the report beginning with “pending an elimination of the current legal limit” with

“The Committee recommends an increase of \$35,000,000 above the budget request for the ATD program, and directs ICE to prioritize ATD participation for vulnerable populations, including families. Within the total, \$28,000,000 shall be for additional capacity in the current ATD program and \$7,000,000 shall be for the first year of a five-year family case management pilot program (FCMP) that leverages holistic case management strategies to improve participant compliance with immigration court adjudication obligations. The pilot shall include an annual average of not fewer than 1,000 head of household participants. ICE should use lessons learned from the February 2018 *Family Case Management Close-out Report* to inform the design and implementation of this new pilot, and shall brief the Committee prior to initiating the pilot.

Funding provided under Custody Operations supports the hiring of additional personnel, including personnel to help manage the increased number of ATD participants and participants in the FCMP.

The Committee directs GAO to provide to the Committee an annual review of the FCMP pilot, with a particular focus on the design, implementation, performance, and costs of the pilot when compared to a “control population” of ATD participants that receive traditional case management support. ICE is strongly encouraged to consult with GAO on best practices for the design, implementation, and evaluation of pilot programs prior to the initiation of this pilot.

Additionally, ICE is directed to work with the Department of Justice to better prioritize the adjudication of the cases of families, such as enrolling families on ATD, including the FCMP, onto the detained docket, which should ensure that their cases would be heard just as quickly as if they were in detention. While the immigration adjudication process for families enrolled in ATD has historically taken years, the process could be significantly shortened if the immigration courts were to make the adjudication of family cases a top priority.”

Amend #5 offered

Aderholt

adopted r.c. 30-20

**AMENDMENT TO HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MR. ADERHOLT OF ALABAMA**

At the end of the bill (before the spending reduction account), insert the following:

1 SEC. _____. (a) None of the funds made available
2 by this Act for "U.S. Immigration and Customs Enforce-
3 ment" may be used to pay for an abortion, except where
4 the life of the mother would be endangered if the fetus
5 were carried to term, or in the case of rape or incest, ex-
6 cept that, if this limitation is held to be unconstitutional
7 by a court of competent jurisdiction, this subsection shall
8 be null and void and the remainder of this Act shall not
9 be affected.

10 (b) None of the funds made available by this Act for
11 "U.S. Immigration and Customs Enforcement" may be
12 used to require any person to perform, or facilitate in any
13 way the performance of, any abortion.



Amend #8 offered

Lee #3

adopted V.V.

**AMENDMENT TO HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MS. LEE OF CALIFORNIA**

At the end of title V, before the spending reductions account, insert the following:

1 SEC. _____. (a) Notwithstanding any other provi-
2 sion of law, in the case of an individual eligible to receive
3 unemployment assistance under section 410(a) of the Rob-
4 ert T. Stafford Disaster Relief and Emergency Assistance
5 Act (42 U.S.C. 5177(a)) as a result of a disaster declara-
6 tion made for Hurricane Irma and Hurricane Maria in
7 the Commonwealth of Puerto Rico and the United States
8 Virgin Islands, the President shall make such assistance
9 available for the one-year period beginning on the date of
10 the applicable disaster declaration. (b) Subsection (a) shall
11 be effective as if enacted on the date of the disaster dec-
12 laration under such Act for Hurricane Irma and Hurri-
13 cane Maria. (c) No additional funds are authorized to
14 carry out the requirements of this section.



Amend #9 offered

NEWHOUSE AND CUELLAR

Adopted V.V.

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

At the appropriate place in title V insert the following:

1 SEC. _____. In fiscal year 2019, 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.

Amend #11 offered

Adopted vv

AMENDMENT TO HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MR. HARRIS OF MARYLAND

Page 2, line 15, reduce the first dollar amount by \$6,000,000.

At the appropriate place in the bill, insert the following:

1 SEC. ____ . (a) Section 214(g)(9)(A) of the Immigra-
2 tion and Nationality Act (8 U.S.C. 1184(g)(9)(A)) is
3 amended by striking “who has already been counted to-
4 ward the numerical limitation of paragraph (1)(B) during
5 fiscal year 2013, 2014, or 2015 shall not again be counted
6 toward such limitation during fiscal year 2016.” and in-
7 serting “shall not be counted toward the numerical limita-
8 tion of paragraph (1)(B) for a fiscal year if that alien al-
9 ready has been counted toward such limitation during one
10 or both of the 2 fiscal years immediately preceding that
11 fiscal year.”.

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

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

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

10 “(ii) the second quarter of such fiscal year is
11 not more than 26,400, plus any number not used
12 under clause (i);

13 “(iii) the third quarter of such fiscal year is not
14 more than 26,400, plus any number not used under
15 clauses (i) and (ii); and

16 “(iv) the fourth quarter of such fiscal year is
17 not more than 3,300, plus any number not used
18 under clauses (i) through (iii).

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

24 “(C) With respect to each quarter of a fiscal year,
25 the Secretary of Labor shall accept applications for tem-

1 porary labor certification in support of petitions for non-
2 immigrants described in section 101(a)(15)(H)(ii)(b) only
3 during a one-week period to be selected by such Secretary,
4 and shall not finally approve any of such applications dur-
5 ing any such week.

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

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

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

20 “(i) willful failures to meet any of the condi-
21 tions of the petition that involve harm to United
22 States workers; and

23 “(ii) willful misrepresentations of the number of
24 necessary nonimmigrants in an application for tem-
25 porary labor certification in support of a petition for

1 nonimmigrants described in section
2 101(a)(15)(H)(ii)(b).”.



Amend #12 offered

adopted v.v.

KILMER AMENDMENT #2

AMENDMENT TO HOMELAND SECURITY APPROPRIATIONS BILL

OFFERED BY MR. KILMER OF WASHINGTON

At the appropriate place in the bill insert the following new section:

Sec. ____ - None of the funds made available to the Department of Homeland Security by this or any other Act may be used to deny, or otherwise affect, the right of American Indians born in Canada or the United States to pass the borders of the United States in accordance with 8 U.S.C. § 1359, with such right extending to persons who possess at least 50 per centum of blood of the American Indian race or who are members, or eligible to be members, of a Federally recognized Indian tribe in the United States or Canada.

Amend #13 offered

adopted v.v.

Amendment to the Homeland Security Appropriations Report offered by Rep. John Moolenaar (MI-04).

On Page 27 of the report, before the heading "Homeland Security Investigations" insert the following:

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.

Amend #14 offered

*Wasserman Schultz
#7*

adopted v.v.

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

At the appropriate place in the bill, insert the following:

1 SEC. ____ . STATUTE OF LIMITATIONS.

2 (a) IN GENERAL.—Section 705 of the Robert T.
3 Stafford Disaster Relief and Emergency Assistance Act
4 (42 U.S.C. 5205) is amended—

5 (1) in subsection (a)(1)—

6 (A) by striking “Except” and inserting
7 “Notwithstanding section 3716(e) of title 31,
8 United States Code, and except”; and

9 (B) by striking “report for the disaster or
10 emergency” and inserting “report for project
11 completion as certified by the grantee”; and

12 (2) in subsection (b)—

13 (A) in paragraph (1) by striking “report
14 for the disaster or emergency” and inserting
15 “report for project completion as certified by
16 the grantee”; and

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

4 (b) APPLICABILITY.—

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

8 (A) no administrative action may be taken
9 to recover a payment of such assistance after
10 the date of enactment of this Act if the action
11 is prohibited under section 705(a)(1) of the
12 Robert T. Stafford Disaster Relief and Emer-
13 gency Assistance Act (42 U.S.C. 5205(a)(1));
14 and

15 (B) any administrative action to recover a
16 payment of such assistance that is pending on
17 such date of enactment shall be terminated if
18 the action is prohibited under section 705(a)(1)
19 of such Act.

20 (2) LIMITATION.—This section and the amend-
21 ments made by this section, may not be construed
22 to invalidate or otherwise affect any administration
23 action completed before the date of enactment of
24 this Act.



Amend #15 offered

Yoder #3

adopted v.v.

**AMENDMENT TO HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MR. YODER OF KANSAS**

Page 22, after line 9, insert the following:.

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

Page 51, after line 19, insert the following:

5 NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE
6 SEC. _____. (a) IN GENERAL.—Section 202(a)(2) of
7 the Immigration and Nationality Act (8 U.S.C.
8 1152(a)(2)) is amended—
9 (1) in the paragraph heading, by striking “AND
10 EMPLOYMENT-BASED”;
11 (2) by striking “(3), (4), and (5),” and insert-
12 ing “(3) and (4),”;
13 (3) by striking “subsections (a) and (b) of sec-
14 tion 203” and inserting “section 203(a)”;
15 (4) by striking “7” and inserting “15”; and
16 (5) by striking “such subsections” and inserting
17 “such section”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (2) PER-COUNTRY LEVELS.—

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

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

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

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

22 (4) RULES FOR CHARGEABILITY.—Section
23 202(b) of such Act (8 U.S.C. 1152(b)) shall apply

1 in determining the foreign state to which an alien is
2 chargeable for purposes of this subsection.



Amend #17 offered

PALAZZO #1

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Adopted v.v.

**AMENDMENT TO HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MR. PALAZZO OF MISSISSIPPI**

Page 11, line 5, before the period insert “, and in addition \$95,000,000 for the procurement of Long Lead Time Materials for a twelfth National Security Cutter, which shall be derived by transfer from unobligated balances from prior-year appropriations available under the heading ‘Science and Technology Directorate__Research and Development’ ”.



Amendment #21 offered

adopted v.v.

AMENDMENT TO HOMELAND SECURITY

APPROPRIATIONS BILL

OFFERED BY MR. CULBERSON OF TEXAS

At the end of the bill (before the spending reduction account), insert the following:

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

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

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

17 (3) who has been convicted of an aggravated
18 felony, as defined in section 101(a)(43) of the Immi-

1 gration and Nationality Act (8 U.S.C. 1101(a)(43))
2 at the time of conviction;

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

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



Amend #26 offered

Price #1

adopted v.v.

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

At the end of the bill (before the spending reduction account), insert the following:

1 SEC. _____. None of the funds, resources, or fees
2 made available to the Secretary of Homeland Security, or
3 to any other official of a Federal agency, by this Act or
4 any other Act for any fiscal year, including any deposits
5 into the "Immigration Examinations Fee Account" estab-
6 lished under section 286(m) of the Immigration and Na-
7 tionality Act (8 U.S.C. 1356(m)), may be used to imple-
8 ment, administer, enforce, or carry out (including through
9 the issuance of any regulations) any of the policy changes
10 set forth in U.S. Citizenship and Immigration Services
11 Policy Memo 602-0162, dated July 11, 2018, or the
12 memorandum from the Principal Legal Advisor on Liti-
13 gating Domestic Violence-Based Persecution Claims Fol-
14 lowing Matter of A-B-, dated July 11, 2018.

⊗

Amend #29

#1

adopted v.v.

**AMENDMENT TO HOMELAND SECURITY
APPROPRIATIONS BIL
OFFERED BY MS. CLARK OF MASSACHUSETTS
AND MS. LEE OF CALIFORNIA**

At the end of the bill (before the spending reduction account), insert the following:

1 SEC. _____. (a) Except as provided in subsection
2 (b), none of the funds made available in this Act may be
3 used to place restraints on a woman in the custody of the
4 Department of Homeland Security (including during
5 transport, in a detention facility, or at an outside medical
6 facility) who is pregnant or in post-delivery recuperation.

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

9 (1) an appropriate official of the Department of
10 Homeland Security makes an individualized deter-
11 mination that the woman—

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

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

1 (2) a medical professional responsible for the
2 care of the pregnant woman determines that the use
3 of therapeutic restraints is appropriate for the med-
4 ical safety of the woman.

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



Amend. #33

Aguilar #2

adopted vv

**AMENDMENT TO HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MR. AGUILAR OF CALIFORNIA**

At the end of the bill (before the spending reduction account), insert the following:

1 SEC. _____. None of the funds made available by
2 this Act may be used to place in detention, remove, refer
3 for removal, or initiate removal proceedings against, indi-
4 viduals who were approved by the Secretary of Homeland
5 Security to participate in the Deferred Action for Child-
6 hood Arrivals initiative, as delineated in the June 15,
7 2012, memorandum entitled "Exercising Prosecutorial
8 Discretion with Respect to Individuals Who Came to the
9 United States as Children", or individuals granted tem-
10 porary protected status under section 244 of the Immigra-
11 tion and Nationality Act (8 U.S.C. 1254a), except that
12 this section shall not apply with respect to an individual
13 who no longer qualifies either for deferred action under
14 the Deferred Action for Childhood Arrivals initiative or
15 temporary protected status under section 244 of the Im-
16 migration and Nationality Act.

