

DEPARTMENT OF HOMELAND SECURITY  
APPROPRIATIONS BILL, 2021

\_\_\_\_, 2020.—Committed to the Committee of the Whole House on the State of the  
Union and ordered to be printed

Ms. ROYBAL-ALLARD of California, from the Committee on  
Appropriations, submitted the following

R E P O R T

together with

\_\_\_\_ VIEWS

[To accompany H.R. \_\_\_\_]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2021.

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### Overview

The Committee recommendation includes \$55,991,949,000 in total discretionary appropriations for the Department of Homeland Security (DHS), including \$50,718,000,000 within the bill's 302(b)

budget allocation, \$215,000,000 as a budget cap adjustment for overseas contingency operations, and \$5,059,949,000 as a budget cap adjustment for major disaster response and recovery activities. The discretionary total is a reduction of \$12,016,163,000 below the fiscal year 2020 total and \$1,136,546,000 below the President's budget request. The total within the allocation is \$250,000,000 above the fiscal year 2020 level.

#### Balanced Homeland Security Investments

Investments in this bill are intended to balance competing priorities across the Department's important missions, all of which are critical to the security of the country. Among other efforts, the bill continues important investments in Coast Guard readiness and to recapitalize Coast Guard air and sea fleets, including continued support for the Polar Security Cutter and Offshore Patrol Cutter programs; to complete the Fast Response Cutter program; to hire more Secret Service agents and Uniformed Division officers to reduce mandatory overtime; to restore funding for the National Computer Forensics Institute; to restore the Transportation Security Administration's (TSA) Law Enforcement Office Reimbursement program and Visible Intermodal Prevention and Response program; and to expedite the procurement of more effective imaging technology for TSA and U.S. Customs and Border Protection (CBP).

The bill sustains prior year increases for Homeland Security Investigations at U.S. Immigration and Customs Enforcement (ICE); continues to expand ICE's Alternatives to Detention programs; funds at least two detention facility inspections per year at ICE's over-72 hour detention facilities; provides targeted increases for the Federal Emergency Management Agency's (FEMA) major preparedness and response grant programs; and recommends increased resources for the Cybersecurity and Infrastructure Security Agency to better protect federal civilian cyber networks and help state and local governments and the private sector secure both cyber and physical infrastructure, including election infrastructure.

The bill recommends significant new CBP resources for procuring and deploying new technologies to improve situational awareness at the border and for Office of Field Operations hiring; discretionary resources recommended in the bill, combined with fee revenue, will allow CBP to hire over 1,500 new personnel, including 1,200 new CBP officers, 200 new agriculture specialists, and 100 mission support personnel.

#### Risk-Based Border Security

The Department of Homeland Security Appropriations Acts for fiscal years 2017 through 2020 required the Secretary to submit to the Committees a risk-based plan for improving security along the borders of the United States, including the use of personnel, fencing, other forms of tactical infrastructure, and technology. While the Department delivered updates of its Border Security Infrastructure Plan (BSIP) for fiscal year 2017 and 2018, those BSIPs did not address the specific elements required by law, as confirmed by a GAO review of the fiscal year 2018 BSIP. To date, the Department has failed to submit a fiscal year 2019 BSIP, despite a legal requirement to comply with Congress's reporting requirements by

August 2019. For fiscal year 2020, the reporting requirement was statutorily due at the end of June.

Without the comprehensive analysis Congress has required in law for the past four fiscal years, Congress lacks essential information for determining how best to invest scarce taxpayer dollars. Given the Department's failure to comply with the law, no additional funding for border barrier construction is provided and \$5,000,000 is withheld from CBP until it submits a plan that fully complies with congressional requirements.

There are also significant concerns about the negative impacts of physical barriers on border communities and border area ecology. While the Secretary may currently have the authority to issue waivers to the requirements of environmental, natural resource, and land management laws to expedite construction of funded border barriers, that authority does not obviate the obligation to provide Congress with an analysis of such impacts as part of the justification for new barriers prior to funds being appropriated. A report on border barrier environmental impacts and mitigation options required by House Report 116–180 was to be submitted to the Committee in late June and is now overdue. In anticipation of receiving that report, the bill recommends \$75,000,000 to begin mitigating the impacts of border barrier construction on federal lands, including through land acquisition.

#### Detention Beds

The Committee recommendation includes funding to support an overall average daily population in detention for single adult aliens of 22,000 during fiscal year 2021, which will allow ICE to arrest, detain, and remove high priority individuals while also reflecting the Department's continued use of the inaptly named "Migrant Protection Protocols" program, asylum cooperative agreements, and expedited removal programs that require no ICE detention capacity. While DHS continues to use these novel and legally suspect approaches to turning asylum seekers and other migrants away at the border, any associated requirement for ICE detention beds does not exist. In addition, the bill reduces a portion of the funds appropriated for detention for each day that CBP continues to immediately return most migrants to Mexico or to their countries of origin without due process under the Department of Health and Human Services (HHS) order first issued on March 20, 2020.

#### Pandemic Response

The Committee is closely monitoring the Department's estimates of how the COVID–19 pandemic will impact departmental operations, programs, and funding requirements, both for fiscal year 2020 and for fiscal year 2021. To date, Congress has appropriated \$45,873,000,000 for DHS pandemic response activities, including \$476,000,000 for Operations and Support, \$400,000,000 for Federal Assistance; and \$44,997,000,000 for the Disaster Relief Fund. Another \$289,000,000 was made available to CBP and ICE via transfer from the Department of Health and Human Services for pandemic-related medical care of individuals in DHS custody. Additional funding for Federal Assistance is currently awaiting Senate action.

While it is too early to effectively estimate the impact of the pandemic on the Department's fiscal year 2021 requirements, the Committee stands ready to address those needs based on formal requests from the Administration as the appropriations process moves forward.

#### Due Process Rights of Migrants

There is a strong bipartisan consensus on the importance of homeland security, even if the focus in recent years has too often been on funding and policy disagreements related to border security and immigration enforcement. The COVID-19 pandemic has reinforced the importance of homeland security beyond the immigration issue, particularly as FEMA has taken a major response coordination role.

It is unfortunate, therefore, that the Administration has taken advantage of the current crisis to continue its aggressive and unbalanced obsession with vastly curtailing legal immigration to the United States and significantly eroding the rights of asylum seekers and others who enter the country fleeing desperate circumstances. Time and time again, this Administration's response to challenges at the border has been to ignore or seemingly even exacerbate the negative impacts on migrants.

One of the latest examples has been the Department's abuse of title 42 authority under the *Order Suspending Introduction of Certain Persons From Countries Where a Communicable Disease Exists*, which was first issued by HHS on March 20, 2020. While prudent precautions are unarguably required during a worldwide pandemic to prevent the further spread of illness, the extreme policies of quickly removing almost all migrants who cross the border, including asylum-seeking families and unaccompanied children, are not required and are likely not legal as currently implemented. Once again, faced with the need to balance competing values and priorities, the Administration and the Department of Homeland Security have readily jettisoned the rights of vulnerable migrants, sending them back across the border where their security and health are in serious jeopardy. While the order permits CBP to take humanitarian concerns into consideration when implementing the order, there is no indication that such concerns are being taken into account.

According to the Federal Register notice from HHS, "the danger to public health that results from the introduction of [migrants] into congregate settings at or near the borders is the touchstone of this order" because it would exhaust local or regional healthcare resources" and "further expose local or regional healthcare workers to COVID-19." At the same time CBP began enforcing this order, however, it was demobilizing temporary holding facilities along the southern border that might otherwise have been repurposed to safely allow more asylum seekers and others fleeing desperate circumstances to seek protection in the United States while minimizing any danger to public health.

The Administration has taken an antithetical approach for individuals detained in ICE detention facilities. While the ICE detention population has decreased over the course of the pandemic, most of that drop is attributable to the reduced number of individuals transferred to ICE custody from CBP. ICE has made only

modest changes to its interior enforcement posture and the resulting drop in the detention population has been late and entirely insufficient; in late June, more than 2,600 detained individuals were being monitored for potential COVID-19 infection, another 809 had tested positive, and at least two had died of the illness.

ICE detention is civil detention; almost no one in ICE custody is a criminal in the sense of having been convicted of a crime for which they have not served a criminal sentence. That is not to say that some individuals ICE arrests and detains are not threats to public safety; but the vast majority of detained individuals to whom ICE refers as criminals or fugitives pose no such threat and, were they U.S. citizens, there would be no clamor and no authority to detain them. It is not, nor should it be, ICE's mission to require anyone to essentially serve a second criminal sentence for the same crime—which should be considered unconstitutional. Unfortunately, the Administration's misleading rhetoric on this issue distorts the public's view of ICE's mission, leads to unnecessary detention costs, and dehumanizes people who are placed in immigration removal proceedings.

There is a long running debate about how high a priority immigration enforcement should be compared to other homeland security priorities. During a pandemic, however, it should be clear that detention in congregate settings is neither safe for those who are detained nor for those assigned to monitor their custody. Just as the crowding of CBP's short term holding facilities should be avoided during the pandemic, so should ICE detention facilities, which provide little opportunity for social distancing and are understaffed for the level of medical monitoring now required.

#### Defiance of Congressional Intent and Oversight

This Administration and the Department have increasingly ignored the constitutional role of Congress in providing oversight of the Executive Branch. The Administration ignored the will of Congress, represented by the agreements on border wall construction funding in Public Law 116–6 and Public Law 116–93, to limit fiscal year 2019 and fiscal year 2020 funding for border barriers. Instead, the Administration diverted billions of dollars from Department of Defense accounts that Congress intended for Department of Defense priorities. To partially compensate for this Administration overreach, the bill rescinds \$1,375,000,000 from CBP's Procurement, Construction, and Improvements account, the amount appropriated in fiscal year 2020 for border wall construction.

The Department has also provided inadequate and untimely responses to numerous and repeated requests for information by the Committee—bipartisan requests for information appropriate and necessary for fulfilling the Committee's oversight role, including requests for details on funding execution and personnel hiring from CBP, ICE, U.S. Citizenship and Immigration Services (USCIS), and the United States Secret Service; metrics and data necessary for evaluating "pilot" programs; guidance to personnel and data on new expedited removal pathways and the legally questionable Return to Mexico program; briefings and information from the Department's Chief Medical Officer and CBP related to medical guidance governing CBP operations; guidance to CBP personnel on family separation; resistance to requests for information from CBP and

ICE on expulsions carried out under the Secretary's interpretation of title 42 authority; details regarding ICE's interior enforcement, detention, and removal operations; information on FEMA's pandemic response planning; and information related to the Coast Guard's procurement decisions. As a consequence, funding levels for various departmental headquarters offices are reduced.

In addition, the Department has violated the long-standing agreement on proposed reprogramming and transfer actions, whereby the Department seeks concurrence from the Committee prior to implementing such actions and works with the Committee to resolve impediments to such concurrence. As a result, the bill provides no transfer authority and limits most reprogramming activity for the Department in fiscal year 2021.

### USCIS Operations

USCIS responsiveness has improved incrementally since mid-May, when the agency provided the Committee with technical assistance on an emergency funding requirement stemming from an imbalance between fee revenue and operational costs. Curiously, despite acknowledging the agency's funding shortfall, the Office of Management and Budget has failed to submit a formal request for emergency funding.

While USCIS has asserted that its shortfall in resources is due primarily to impacts of the COVID-19 pandemic, close analysis indicates that the agency has ramped up its administrative, vetting and fraud detection activities in a way that has been unsustainable, and with no convincing justification beyond the directives of the White House. The Committee is working with USCIS and the House Judiciary Committee, which has jurisdiction over USCIS fee funding, to draft a recommendation for emergency funding that would ensure USCIS can continue operating for the rest of fiscal year 2020 and into fiscal year 2021, while also imposing new oversight requirements and fee revenue authorities to help prevent future funding shortfalls and prevent the burden of the current shortfall from falling on applicants for immigration benefits.

### Summary

Title I contains funds for departmental management and oversight activities, biometric identification services, and law enforcement and protective security services at federally owned, leased, or operated facilities. Title II ensures the Department's frontline operational components have the resources to carry out effectively their security, enforcement, and investigative missions. Title III includes funds necessary to prepare for, respond to, and recover from disasters and cyber-attacks on the population or the nation's critical infrastructure. Title IV supports citizenship, immigration, and employment eligibility verification services; law enforcement training; research and development functions; and efforts to counter chemical, biological, radiological, and nuclear threats. Title V includes basic general provisions for oversight, reprogramming notification requirements, reporting requirements, and funding limitations.

Account level funding details at the program, project, and activity levels are included in the back of this report.

TITLE I—DEPARTMENTAL MANAGEMENT, OPERATIONS,  
INTELLIGENCE, AND OVERSIGHT

Mission

The mission of Departmental Management, Operations, Intelligence, and Oversight is to provide leadership and services to DHS components; formulate policy guidance and directives; disseminate intelligence; identify and track performance measurements relating to DHS missions; and provide oversight for all DHS operations.

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

The Office of the Secretary and Executive Management (OSEM) plans and executes departmental strategies to accomplish agency objectives and provides policy guidance to departmental components.

OPERATIONS AND SUPPORT

Appropriation, fiscal year 2020 .....	\$168,808,000
Budget request, fiscal year 2021 .....	150,359,000
Recommended in the bill .....	158,868,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	-9,940,000
Budget request, fiscal year 2021 .....	+8,509,000

The recommendation includes increases above the request totaling \$19,588,000 to help maintain current services as follows: \$43,000 for the Office of the Secretary; \$1,415,000 for the Privacy Office; \$2,113,000 for the Office of Strategy, Policy, and Plans; \$5,081,000 for the Office of Civil Rights and Civil Liberties (CRCL); \$753,000 for the Office of the Citizenship and Immigration Services Ombudsman; \$10,000,000 for the Office of the Immigration Detention Ombudsman; and \$183,000 for the Office of Partnership and Engagement.

In addition, the Committee provides \$19,000,000 in enhancements above the request, including: \$1,000,000 for the Office of Strategy, Policy, and Plans; \$6,500,000 for CRCL; \$10,000,000 for the Office of the Immigration Detention Ombudsman, for a total for the office of \$20,000,000; and \$1,500,000 for the Office of Partnership and Engagement;

Proposed amounts are reduced by \$30,079,000, consisting of \$1,079,000 for Awards Spending and \$29,000,000 due to inadequate responsiveness to requests for information to inform Committee oversight, including \$3,000,000 from the Office of the Secretary; \$1,500,000 from the Office of Legislative Affairs; 4,500,000 from the Office of General Counsel; and \$20,000,000 from the Office of Strategy, Policy, and Plans.

*Access to Counsel.*—The Committee is concerned about reports of DHS components denying attorney access to clients in DHS custody and failing to permit meaningful attorney participation in credible or reasonable fear screenings and non-refoulement interviews taking place in CBP custody. A provision is included in the bill prohibiting the use of funds to obstruct migrants from having unimpaired access to counsel, including prospective pro-bono counsel, and requiring the Secretary and the CRCL Director to certify to the Committee as to whether such obstruction is occurring.



In addition, not later than 60 days after the date of enactment of this Act, the Committee directs the Secretary to develop and make publicly available online a procedure for reasonable and timely attorney access to clients at each land port of entry, CBP holding facility along the southern land border, and ICE detention facility, including processes for ensuring that attorneys are able to communicate in person or via telephone in any credible or reasonable fear screening or non-refoulement interview taking place while the individual is in custody. DHS shall also provide free unimpeded access to telephones for all individuals held in its custody.

*Blue Campaign.*—The recommendation includes an increase above the request of \$1,000,000 to the Office of Public Engagement (OPE) for the Blue Campaign, for a total of \$2,160,000 for the program. A department-wide initiative to combat human trafficking, the Blue Campaign has historically been funded through end-of-year contributions from components, an approach that is inappropriate for the program’s long-term sustainment. In addition to this direct appropriation, DHS is directed to account for and propose full, direct funding for program operations in the justification materials that accompany future budget submissions.

The Committee recognizes the importance of Blue Campaign work with private sector and non-profit organizations to identify and report human trafficking and notes that House Report 116–180 directed OPE to provide a briefing on the potential for in-person training of airline personnel on recognizing the signs of human trafficking and for expanding such training to include the identification of individuals at risk for forced marriage abroad. The briefing provided by the Office of Partnership and Engagement (OPE) on June 30, 2020, concluded that the large number of airline personnel nation-wide makes in-person training challenging and noted that adding new training modules to identify signs of forced marriage abroad or other trafficking indicators would require OPE to partner across the federal government and academia to define such indicators. Within the additional funding recommended for the Blue Campaign, OPE is urged to pilot in-person, interactive training approaches and to add additional modules, including forced marriage indicators, to its training curriculum.

*Chief Medical Officer (CMO).*—As the primary DHS medical authority, the CMO has oversight responsibility for the Department’s medical and public health policies and operations. As such, the Secretary shall ensure that the CMO:

- (1) reviews all contracts that broadly impact how the Department delivers healthcare to individuals in its custody and to departmental personnel; and
- (2) develops departmental requirements for medical services in collaboration with departmental components, to include professional healthcare system administration; disease surveillance, reporting, and outbreak response; and measurable performance standards for current and future healthcare record systems.

*Counterfeit and Pirated Goods.*—The report to the President on Combating Trafficking in Counterfeit and Pirated Goods includes an 11-point action plan to help commerce stakeholders become more active in preventing the online trafficking in counterfeit and pirated goods. The Committee directs the Department to provide an

update on the implementation of the action plan within 30 days of the date of enactment of this Act. In addition, the Department is directed to include in its annual budget justifications a display on the implementation status of this initiative.

*CRCL Compliance Division.*—The Committee recommends \$36,161,000 for CRCL, including an increase of \$1,500,000 for the Compliance Division to enhance the monitoring and investigation of Secure Communities; the 287(g) program; the Criminal Alien Program; detention facility conditions and contracting; Fugitive Operations; enforcement at and near sensitive locations, including courthouses, hospitals, houses of worship, and schools; protections for crime victims and witnesses; access to interpretation services; and border enforcement actions, including due process protections and the treatment of individuals in CBP facilities. Not later than 30 days after the date of enactment of this Act, CRCL shall provide an obligation plan to the Committee on the use funds provided above the budget request.

CRCL shall ensure that all individuals whose complaints it investigates receive information within 30 days of the submission of a final report or recommendations memorandum, including findings of fact, conclusions, and recommendations. CRCL shall also ensure that such information is included in its annual report to Congress, consistent with individual privacy protections.

*Freedom of Information Act (FOIA) Backlog Reduction Plan.*—The Committee notes that the November 8, 2019, plan the Department provided to the Committees on April 17, 2020, for eliminating the department-wide backlog of FOIA requests by the end of fiscal year 2022 failed to include any funding estimates, as required by House Report 116–80. The Secretary shall provide an updated plan within 90 days of the date of enactment of this Act that includes such funding estimates.

*Homeland Security Academic Advisory Council.*—Following the termination of the Homeland Security Academic Advisory Council, the Committee is aware of support for increased departmental engagement with higher education institutions on a range of issues, including foreign influence; student and recent graduate recruitment; international students; academic research and faculty exchanges; campus resilience; homeland security academic programs; visa processing; proposed regulatory changes; and cybersecurity. Within the funds provided, the Secretary is directed to support expanded outreach to universities, including through the establishment of an advisory body consisting of representatives of universities and education associations.

*Immigration Case Processing.*—The Committee is aware that the Department is working with the Department of Justice (DOJ) to develop a common, interoperable and automated immigration case processing system for DHS and DOJ components that have immigration related responsibilities. The Committee directs the Office of Policy provide an update on the implementation plan for this system 90 days of the date of enactment of this Act.

*Immigration Data Integration Initiative.*—The Committee recommends \$3,113,000 above the request for the Immigration Data Integration Initiative, which is focused on enabling the Department to provide timely reporting of border security and immigration enforcement data. Such data is important for informing component

operations and for supporting departmental and congressional oversight. Specifically, the initiative will enable DHS to develop uniform immigration data standards; provide stakeholders with real- or near real-time access to relevant data; ensure that immigration records are fully linked across DHS and other federal agency data systems; and meet transparency requirements directed by the Committee.

*Joint Cybersecurity Coordination Group.*—The Committee recommendation includes \$2,596,000 for the Joint Cybersecurity Coordination Group (JCCG), as requested. The JCCG will serve as a coordinating entity that will help the Department identify strategic priorities and synchronize cyber-related activities across the operational components. Not later than 180 days after the date of enactment of this Act, the JCCG and the Cybersecurity and Infrastructure Security Agency (CISA) shall jointly brief the Committee on the Department’s efforts to develop, plan, and execute strategic operational priorities for long-term cyber protection and deterrence in a risk reduction framework. The briefing shall include a particular focus on how the JCCG mission does not overlap on or intrude into CISA’s mission and shall also address the potential benefits of adopting a” Cybersecurity as a Service” approach to better mitigate risk across the Department.

*Joint Requirements Council.*—The Committee directs the Department to continue providing quarterly updates on Joint Requirements Council activities.

*Metrics and Reporting on Removals, Expulsions, and Returns.*—The bill includes a provision requiring the Secretary to establish, collect, and report on metrics related to migrants who are removed under the Department’s novel expedited removal pathways, including the so-called Humanitarian Asylum Review Process and Prompt Asylum Claim Review programs; expelled under the Secretary’s interpretation of title 42 authority; or returned under the Return to Mexico program and asylum cooperative agreements. The bill withholds \$10,000,000 from the Office of the Secretary and Executive Management until the Secretary submits the first semi-monthly data required by this provision.

*National Use of Force Database.*—The Committee directs the Department to develop policies and procedures to submit use of force data by departmental law enforcement components to the Federal Bureau of Investigation (FBI)’s National Use of Force Data Collection database. The Committee further directs the Department to update the Committee, not later than 90 days after the date of enactment of this Act, on its efforts to tabulate and submit its use of force data to the FBI.

*Office of the Immigration Detention Ombudsman.*—The recommendation includes a total of \$20,000,000 for the Office of the Immigration Detention Ombudsman. The annual report of the Immigration Detention Ombudsman, as required by Public Law 116–93, shall include descriptions of its activities, findings, and recommendations, including a copy of any complaint form or mechanism created; the number and types of complaints received, investigated, referred to the Office of Detention Oversight, and referred to the Office of Inspector General. In addition, the Ombudsman shall brief the Committee quarterly on the Office’s activities.

The Committee notes that the Secretary has not yet appointed a qualified individual to the ombudsman position and reminds the Department that Public Law 116–93 withholds \$500,000 from the Office of the Secretary until that appointment is made.

*Performance Measures.*—The Committee directs all agencies funded by this Act to comply with title 31 of the United States Code, including the development of their organizational priority goals and outcomes such as performance outcome measures, output measures, efficiency measures, and customer service measures.

*Public Complaint and Feedback System Working Group.*—The Committee continues to support efforts to improve departmental performance in its interactions with the public and includes an increase of \$500,000 to support the activities of the Public Complaint and Feedback System Working Group. The Working Group should work to develop standards to improve customer service and incorporate such standards into the performance plans required under 31 U.S.C. 1115. The Office of Partnership Engagement shall continue to brief the Committee semi-annually on the progress of the Working Group, as described in the explanatory statement accompanying Public Law 115–141.

*Sodium Cyanide.*—The Committee is aware of concerns about certain containers used to import sodium cyanide briquettes for use in mining operations. The Department is directed to work with the Environmental Protection Agency and the Department of Transportation to assess the safety and security of so-called “bag-box” containers when used to import sodium cyanide. Not later than 45 days after the date of enactment of this Act, the Department and these agency partners are directed to jointly brief the Committee on whether such containers pose a safety or security threat that might warrant a legal or regulatory prohibition on the use of such containers.

*Strategic Response Strategy for Biological Threats.*—The Committee directs the Secretary to establish and maintain a strategic response strategy for biological threats that have the potential to impact the ability of the Department to execute or sustain its homeland-security mission. The Committee directs DHS to provide a briefing on the strategy not later than 120 days after the date of enactment of this Act. At a minimum, the strategy should contain a plan to safeguard front-line personnel, travelers, and migrants at and between the land ports of entry and procedures that facilitate international trade and all essential travel by U.S. citizens and lawful permanent residents seeking entry into the United States.

*Targeted Violence and Terrorism Prevention.*—A total increase of \$80,000,000 is provided for Targeted Violence and Terrorism Prevention (TVTP), including increases of \$11,000,000 for the TVTP Office within the Office of Strategy, Policy, and Plans; \$10,000,000 for TVTP grants under the Federal Emergency Management Agency; \$1,000,000 through the Federal Law Enforcement Training Centers; \$20,000,000 through Intelligence, Analysis, and Operations Coordination; \$31,000,000 through the Cybersecurity and Infrastructure Security Agency; and \$7,000,000 through the Science and Technology Directorate.

Over the last few decades, white supremacists and other far-right extremists have been responsible for almost three times as many

targeted attacks on U.S. soil as Islamic terrorists. One of the most recent examples was the brazen murder of a contract Federal Protective Service Officer David Patrick Underwood and the injury of a second officer in Oakland, California, in late May, allegedly by an individual associated with a far-right extremist group; the same individual allegedly murdered a Santa Cruz County, California, law enforcement officer. The Committee is supportive of the rebalancing of resources throughout the Department to reflect this preponderance of threat. The Committee directs the Office of Strategy, Policy, and Plans to continue to provide regular updates on the programs and activities of the Office for TVTP, including its efforts to broaden the Department's focus on countering domestic extremism, terrorist radicalization, and recruitment.

*Training.*—The Committee supports vigorous action to improve training for all federal, state and local law enforcement officers on racial profiling, implicit bias, procedural justice, the use of force, and the duty for officers to intervene when witnessing the use of excessive force against civilians. The Committee therefore directs the Secretary to work with the Attorney General and the Federal Law Enforcement Training Centers to establish improved, mandatory training on these topics for all federal law enforcement officers, along with the development of related standards that can be applied in hiring and performance assessments. Such standards should be designed to also apply to state and local governments as an eligibility requirement for receiving federal grant funding, including State Homeland Security Program grants and Urban Areas Security Initiative grants. These training requirements and standards should be based on the related provisions in H.R. 7120, as passed by the House of Representatives in June 2020.

The Committee recommends an increase of \$4,700,000 above the request for the Federal Law Enforcement Training Centers to expand use of force and de-escalation training to additional state and local law enforcement personnel.

*Transnational Criminal Use of Agriculture Imports.*—The Committee is concerned with reports that transnational criminal organizations (TCO) are combining narcotics smuggling and money laundering with agriculture operations, thereby further subsidizing foreign produce and harming domestic farm operations. TCOs have concealed narcotics or comingled them within produce shipments entering the United States, while comingling or concealing illicit financial proceeds within goods or merchandise being exported from the country. The Committee directs the Department to determine the extent of TCO involvement in foreign produce bound for the United States and to brief the Committee on efforts taken to address these threats in fiscal year 2020s and 2021 and how those efforts compare to prior years.

*Translation Services.*—The Committee reminds the Department of the requirement in House Report 116–180 to provide a plan for ensuring access to appropriate translation services for all individuals encountered by CBP, ICE, and U.S. Citizenship and Immigration Services, including an estimate of related resource requirements and the feasibility and potential benefit of these components jointly procuring such services. The Committee looks forward to receiving this overdue plan as soon as possible.

*Travel Costs.*—A provision is included in the bill requiring the Department to provide a quarterly travel report to the Committee not later than 30 days after the end of each fiscal quarter, beginning with the end of the first quarter after the date of enactment of this Act. The report shall detail all direct and indirect costs of both official and nonofficial travel by the Secretary and the Deputy Secretary, delineated by trip for that quarter, within all DHS appropriations.

MANAGEMENT DIRECTORATE

Mission

The mission of the Management Directorate is to provide policy, guidance, operational oversight and support, and management solutions for the Department.

OPERATIONS AND SUPPORT

Appropriation, fiscal year 2020 .....	\$1,182,142,000
Budget request, fiscal year 2021 .....	1,402,196,000
Recommended in the bill .....	1,401,757,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	+219,615,000
Budget request, fiscal year 2021 .....	- 349,000

The recommendation includes \$4,105,000 above the request to help maintain current services, including: \$1,693,000 for the Office of the Chief Procurement Officer; \$1,154,000 for the Office of the Chief Financial Officer; and \$1,258,000 for the Office of the Chief Information Officer. A reduction to the request of \$2,569,000 is associated with the proposal for Award Spending.

*Advertising Services.*—The Committee directs the Department to provide, as part of the fiscal year 2022 budget justification or as a report to the Committee not later than 60 days after the date of enactment of this Act, the following information: the total amount obligated for advertising service contracts for the prior fiscal year and a target amount for the current year and the budget year, including delineations of such total amounts obligated to socially and economically disadvantaged small business concerns, as defined in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)), and to women-owned and minority-owned businesses.

*Obligation Plans.*—The Department shall continue to submit obligation plans on a quarterly basis, as detailed in Public Law 114–113 and Public Law 115–31. The Office of the Chief Financial Officer (OCFO) shall require the use of a uniform obligation plan template to ensure consistency across components, which shall include quarterly spending targets for each account and PPA. Each component shall be required to report to OCFO all actual obligations and expenditures within 20 days of the close of each quarter and OCFO shall provide the consolidated set of plans to the Committee within 30 days of the close of each quarter. OCFO will also be responsible for ensuring that components with major acquisition programs include the breakout of these programs within their quarterly plans and provide additional context to describe and justify any changes from the prior submission. During the period of any continuing resolution, OCFO shall provide a briefing on the corresponding obliga-

tion and budget execution plan, as directed in House Report 114–215.

*Shooting Ranges.*—The Committee again reminds DHS of the directive in House Report 116–9 to assess options for expanding the availability of shooting ranges across departmental components. The required briefing on this fiscal year 2019 directive shall be provided to the Committee as soon as possible.

*Summary Ratings.*—The Committee directs the Department’s Chief Acquisition Officer to provide quarterly updates on summary ratings for all Level 1 and 2 programs.

*Traveler Identity Verification.*—The Committee reminds the Department of the requirement in House Report 116–180 to brief the Committee on the status of testing CBP’s Traveler Verification System (TVS) in TSA’s operational environment, and the potential for TVS to serve as an enterprise level solution for biometric identification of travelers for the Department.

The Committee looks forward to receiving this overdue briefing as soon as possible.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

Appropriation, fiscal year 2020 .....	\$381,298,000
Budget request, fiscal year 2021 .....	359,450,000
Recommended in the bill .....	359,450,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	– 21,484,000
Budget request, fiscal year 2021 .....	– – –

*Headquarters Consolidation.*—The Committee directs the Department to provide an update on headquarters consolidation not later than 30 days after the date of enactment of this Act.

FEDERAL PROTECTIVE SERVICE

Appropriation, fiscal year 2020 .....	\$1,563,440,000
Budget request, fiscal year 2021 .....	1,588,748,000
Recommended in the bill .....	1,588,748,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	+28,818,000
Budget request, fiscal year 2021 .....	– – –

Mission

The Federal Protective Service (FPS) delivers law enforcement and protective security services to federally owned, leased, or operated facilities.

The Committee recommends \$1,761,646,000 for the FPS, the same as the amount requested, which is fully offset by fees collected from FPS customer agencies.

INTELLIGENCE, ANALYSIS, AND OPERATIONS COORDINATION

Appropriation, fiscal year 2020 .....	\$281,141,000
Budget request, fiscal year 2021 .....	312,638,000
Recommended in the bill .....	311,263,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	+27,122,000
Budget request, fiscal year 2021 .....	– 1,375,000

Mission

The missions supported through Intelligence, Analysis, and Operations Coordination are twofold: to equip the Homeland Security Enterprise with timely intelligence and information to keep the homeland safe, secure, and resilient; and to provide operations coordination, information sharing, situational awareness, a common operating picture, and departmental continuity.

OPERATIONS AND SUPPORT

Appropriation, fiscal year 2020 .....	\$281,141,000
Budget request, fiscal year 2021 .....	312,638,000
Recommended in the bill .....	311,263,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	+27,122,000
Budget request, fiscal year 2021 .....	- 1,357,000

Recommended adjustments to classified programs and more detailed oversight of funding for the Office of Intelligence and Analysis are addressed in the classified annex accompanying this report.

OFFICE OF INSPECTOR GENERAL

Appropriation, fiscal year 2020 .....	\$190,186,000
Budget request, fiscal year 2021 .....	177,779,000
Recommended in the bill .....	190,186,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	- - -
Budget request, fiscal year 2021 .....	+12,407,000

Mission

The DHS Office of Inspector General (OIG) conducts and supervises independent audits, investigations, and inspections of DHS programs, projects, and activities; identifies fraud, abuse, mismanagement, and inefficiencies in the use of funds; and makes recommendations for improving the execution of DHS missions.

OPERATIONS AND SUPPORT

Appropriation, fiscal year 2020 .....	\$190,186,000
Budget request, fiscal year 2021 .....	177,779,000
Recommended in the bill .....	190,186,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	- - -
Budget request, fiscal year 2021 .....	+12,407,000

The recommendation includes increases to the request totaling \$12,407,000 to partially restore current services. A reduction of \$952,000 to the request is associated with a proposed increase in awards spending.

*Border Security and Immigration Oversight.*—The OIG is directed to enhance oversight and investigations related to immigration and border security policies and activities, including: the implementation of executive orders and policies; enhanced vetting; processing delays or denials associated with immigration benefit applications, particularly those disproportionately affecting a particular applicant category; Deferred Action for Childhood Arrival renewals; safeguards for the due process rights of asylum seekers and other migrants; the implementation of the “Migrant Protection Protocols,” “Asylum Cooperative Agreements,” the “Prompt Asylum



Claim Review” program, and the “Humanitarian Asylum Review Process;” the “Criminal Alien Program” and the “Fugitive Operations” program; random inspections of ICE and CBP detention facilities; detention facility contracting; the 287(g) and Secure Communities programs; and enforcement activities at and near sensitive locations. Within the amount provided, at least \$300,000 shall be dedicated to obtaining expert support for unannounced inspections of ICE and CBP detention facilities, including experts in the fields of medical care, mental health care, hygiene, and sanitation.

The OIG is directed to provide a briefing to the Committee, not later than 30 days after the date of enactment of this Act, detailing the funding baseline for its activities in these areas during fiscal years 2019 and 2020.

*Deaths in Custody.*—The Committee is particularly concerned about the deaths of individuals in the custody of ICE and CBP. In addition to the categories of activities noted in the section above, the OIG is directed to invest additional resources in assessing whether systemic factors, policies, or processes have played a role in such deaths and make recommendations for reducing the risk of future deaths.

*Reports and Detention Inspections.*—The Committee is concerned by the recent reduction in the number of OIG reports. While the number of reports published is not an absolute measure of OIG productivity, it is a quantifiable metric that is related to workload for purposes of resource analysis. In fiscal year 2015, for instance, the OIG published a total of 161 reports, but has only published 40 reports during the first three quarters of fiscal year 2020.

The COVID-19 pandemic has likely contributed to reduced productivity during the past few months, but it is insufficient as an explanation for the broader trend that became apparent during the first half of the fiscal year. When comparing the first half of fiscal year 2015 to the first half of 2020, the number of published reports decreased from 61 reports to 22 reports, a reduction of 64 percent. The Committee notes that OIG funding for the current year is 42 percent higher than fiscal year 2015, increases that allowed the OIG to hire for an additional 100 positions, or an increase of over 15 percent.

Equally concerning are questions about the timeliness and thoroughness of the reporting related to immigration detention and enforcement. Several members of Congress have expressed such concerns in writing to the Department, including concerns about inadequate investigations into the tragic deaths of migrants in CBP custody. In two instances, those investigations took over a year and were published without any recommendations. One of the reports consisted of only a one-page summary of findings. Another investigation into the death of a child in June 2019 is still awaiting completion.

Most concerning, the OIG has been directed and explicitly funded in recent years to increase the frequency of its unannounced inspections of the Department’s detention centers but conducted only three such inspections of ICE facilities in fiscal year 2019, despite numerous and continued allegations of deficient care. When asked by the Committee about plans for increased unannounced inspections, the OIG indicated that although it planned to conduct 38 un-

announced inspections in fiscal year 2020, it had completed only three such inspections prior to the imposition of COVID-19 travel restrictions.

On June 18, 2020, the OIG published a report, *Early Experiences with COVID-19 at ICE Detention Facilities (OIG-20-42)* based on survey results and policy reviews at ICE detention centers. Given the gravity of concerns with ICE detention, it was disappointing to learn that the OIG used its resources to conduct a simple survey that allowed the agency and its contractors to evaluate themselves. Not only is this a concern regarding the use of resources, but also about the loss of time to institute timely corrective actions where a communicable disease has captured the world's attention and the lives and health of detainees and detention facility personnel are at risk. The OIG has indicated that it is in the process of planning on-site inspections as a follow-on to the survey; the Committee urges the OIG to proceed with all due haste and looks forward to a report on the results.

At a minimum, the Committee directs that future reviews and inspections of DHS detention operations:

1. be thorough to evaluate actual conditions at facilities and be based on a sufficiently large, representative sample of unannounced inspections;
2. involve meaningful, confidential conversations with detained individuals, using interpreters as needed; and
3. include interviews with legal service providers and visitation groups.

Not later than 30 days after the date of enactment of this Act, the OIG is directed to brief the Committee on its planned use of fiscal year 2021 funding in line with the directives in this report. That briefing should include a description of how the OIG determines which complaints are sufficiently serious to warrant an OIG investigation and which complaints it determines can be effectively investigated at the component level.

*Unannounced Inspections.*—The OIG shall continue unannounced inspections of immigration detention facilities and publish the results of such inspections and other reports related to custody operations activities on its public website.

#### TITLE I—ADMINISTRATIVE PROVISIONS—THIS ACT

Section 101. The Committee continues a provision requiring the Department to submit a report to the Inspector General regarding grants or contracts awarded by means other than full and open competition and requires the Inspector General to review such grants or contracts and report the results to the Committees.

Section 102. The Committee includes a provision requiring the Chief Financial Officer of the Department to provide a monthly budget and staffing report to the Committees.

Section 103. The Committee continues a provision requiring the Secretary to link all contracts that provide award fees to successful acquisition outcomes.

Section 104. The Committee continues a provision requiring the Secretary to notify the Committees of any proposed transfer of funds from the Department of Treasury Forfeiture Fund to any DHS component and modifies it to prohibit the use of such funds for border security infrastructure.

Section 105. The Committee continues a provision related to official costs of the Secretary and Deputy Secretary.

Section 106. The Committee includes a provision requiring the Secretary to collect and publish data on asylum cooperative agreements signed with other countries, expedited removal programs, and the Migrant Protection Protocols program.

Section 107. The Committee includes a provision requiring the Secretary to conduct a survey and report to Congress on the extent of human trafficking in the United States.

Section 108. The Committee includes a provision requiring the Secretary to conduct pilot programs in certain states allowing Mexican citizens with certain identification documents to travel more extensively in those states.

Section 109. The Committee includes a provision requiring the Secretary to provide quarterly reports on the travel of the Secretary and Deputy Secretary.

Section 110. The Committee includes a provision limiting the use of funds for pilot programs unless the Secretary first provides information to the Committee related to the goals and evaluation of such programs.

TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

Appropriation, fiscal year 2020*	\$14,915,867,000
Budget request, fiscal year 2021	15,558,792,000
Recommended in the bill	14,407,785,000
Bill compared with:	
Appropriation, fiscal year 2020	– 508,082,000
Budget request, fiscal year 2021	– 1,151,007,000

\*Note—total includes \$233,000,000 in emergency funding.

Mission

The mission of U.S. Customs and Border Protection (CBP) is to enforce laws regarding the admission of foreign-born persons into the United States and facilitate the flow of legitimate trade and travel.

OPERATIONS AND SUPPORT

(INCLUDING TRANSFERS OF FUNDS)

Appropriation, fiscal year 2020*	\$12,735,399,000
Budget request, fiscal year 2021	12,987,432,000
Recommended in the bill	13,240,238,000
Bill compared with:	
Appropriation, fiscal year 2020	+504,839,000
Budget request, fiscal year 2021	+252,806,000

\*Note—total includes \$203,000,000 in emergency funding.

The recommendation includes increases above the request for the following: \$241,445,000 to maintain baseline operations; \$20,000,000 for the Office of Professional Responsibility; \$2,000,000 for the Office of the Chief Financial Officer; \$25,000,000 for innovative technology; \$2,000,000 for rescue beacons for a total of \$4,000,000; \$4,000,000 for Carrizo cane eradication, for a total of \$6,000,000; \$132,000,000 for 1,200 CBP Officers, to include 350 officers funded with fee revenue; \$7,000,000 for 70 Enterprise Serv-

ices mission support personnel; \$3,000,000 for 30 Office of Field Operations operational support positions; \$30,000,000 for 200 agriculture specialists; \$20,000,000 for port of entry (POE) technology; \$14,044,000 for incident driven video recording systems; and \$5,000,000 for border patrol roads. The recommendation does not provide funding increases requested for awards spending, Border Patrol relocation and retention, additional Border Patrol Agents, or to sustain Border Patrol hiring carried out above the funded level in fiscal year 2020.

*Border Barrier Mitigation Activities.*—The Committee continues to be concerned about the impacts of border barrier construction on sensitive lands and wildlife along the southwest land border, including in national wildlife refuges, national forests, national monuments, wilderness areas, and on imperiled species. CBP is reminded that House Report 116–180 requires a report on potential mitigation opportunities, which is due to the Committee in late June. In anticipation of that report, the Committee provides an additional \$75,000,000 for barrier mitigation in the Procurement, Construction, and Improvements (PC&I) account.

*Custody and Transfer Metrics.*—The Committee continues the direction in the explanatory statement accompanying Public Law 116–6 on custody and transfer metrics requiring the Department to publish the following on a publicly accessible website on a semi-monthly basis: the number of migrants detained in CBP facilities broken out by sector, field office, temporary spaces, humanitarian care centers, and central processing centers; and the utilization rates of all such facilities. On a monthly basis, CBP shall publish the number of migrants transferred out of CBP custody, delineated by transfer destination, removal modality, and processing disposition. The Committee is encouraged by CBP’s efforts over the last six months to build the capability to fulfill this reporting requirement.

*Deaths in Custody.*—The Committee directs CBP to notify the applicable consulate, congressional committees with relevant jurisdiction, the Office of the Inspector General, and the Office of Civil Rights and Civil Liberties within 24 hours of the death of any individual in CBP custody or any individual not in custody if CBP personnel were involved in the death. The notification shall include the name of the individual and the circumstances of the death. For purposes of this requirement, CBP custody includes any individuals detained on CBP’s behalf by another law enforcement agency or admitted to a medical facility while still in CBP’s legal custody. The Committee also directs CBP to:

- (1) provide the same notifications to the public after the next-of-kin have been notified, or after reasonable efforts have been made to notify the next-of-kin;
- (2) preserve all video recordings of such individuals during their time in custody until the completion of all related investigations;
- (3) conduct interviews of relevant parties regarding the circumstances of the death;
- (4) conduct an autopsy as part of a review of the circumstances leading to the death; and
- (5) with the assistance of independent clinicians, conduct a prompt mortality review of each death, including a review of

whether the individual's treatment in detention complied with CBP's standards on Transport, Escort, Detention, and Search (TEDS).

Not later than 30 days after the end of each fiscal year, CBP shall submit a report to the Committee detailing all such deaths, including summaries of mortality reviews and compliance with TEDS. In addition, the Office of Professional Responsibility (OPR) shall brief the Committee on its findings and associated recommendations for any deaths it investigates.

*Fee Revenue.*—The Committee understands that the COVID-19 pandemic has had a significant impact on the collection of trade and travel fee revenue on which the Office of Field Operations depends for a significant portion of its operations. Because the impact on fiscal year 2021 collections is uncertain and still being estimated by CBP, the recommendation is based on fee revenue estimates provided in CBP's budget request. As reliable estimates of the pandemic's impact on fee collections in the budget become available, the Committee will address potential funding shortfalls later in the appropriations process.

*Human Smuggling.*—The Committee is concerned about 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.

*Incident-Driven Video Recording System.*—The Committee provides \$14,044,000 to deploy the Incident-Driven Video Recording System to additional Border Patrol Stations. This enhancement is in addition to \$20,000,000 provided for this purpose in Public Law 116–93. Not later than 90 days after the date of enactment of this Act, CBP shall brief the Committee on the execution plan for the effort, to include an implementation schedule and relevant policies and procedures for the use of the technology and retention of and access to video data.

*Innovative Technology.*—The Committee recommends a total of \$55,000,000 for innovation technologies, to include \$25,000,000 within Operations and Support (O&S) and \$20,000,000 under PC&I. CBP is encouraged to review such technologies as mobile mini-aerostat surveillance systems, Intelligence-Surveillance-Reconnaissance technologies, countermeasures for unmanned aerial vehicles, geospatial search and rescue platforms, remote sensing technologies, high altitude persistence drones, and innovative tower technologies. CBP is directed to update the Committee on the planned obligation of these funds not fewer than 15 days prior to any obligation of funds. Funding shall not exceed \$5,000,000 for any individual project.

*Migrant Care.*—To address deficiencies in CBP's guidance and associated implementation plans for ensuring the humane care of

migrants in custody, the Commissioner shall modify the existing guidance to include the following:

(1) *Initial Health Screening*.—Health screening shall include an interview, questionnaire, and physical exam, including a measurement of vital signs and an age-appropriate assessment of signs, symptoms, or risks, including for communicable diseases, mental health conditions, or traumatic experiences.

(2) *High-Priority Populations*.—The initial health screening shall take place within six hours of being detained for individuals requiring prompt medical attention or who exhibit signs of acute or potentially severe physical or mental illness; have an acute or chronic physical or mental disability or illness; pregnant women; children; and elderly individuals.

(3) *Medical Equipment and Personnel*.—Each location to which detainees are first transported after an initial encounter shall have the necessary equipment and trained personnel to conduct the initial health screening, prevent the spread of communicable diseases, provide basic over-the-counter medications appropriate for all age groups, and provide basic mental health interventions for children or other vulnerable individuals. Detainees shall not be deprived of the use of any medication required to manage a chronic illness.

(4) *Access to Water and Food*.—In lieu of the report directed in House Report 116–80, the Committee directs the CBP to ensure that detainees have access to not less than one gallon of water per person per day; three meals per day totaling not fewer than 2,000 calories per day for adults; food with age-appropriate calorie content for children under the age of twelve; and accommodations for any dietary needs or restrictions.

(5) *Holding Facility Standards*.—The Committee directs CBP to ensure, within 60 days of the date of enactment of this Act, that each facility at which an individual is detained is well lit and well ventilated, with humidity and temperature kept at comfortable levels (between 68 and 74 degrees Fahrenheit), and has noise levels that are safe and conducive for sleeping throughout the night between the hours of 10:00 in the evening and 6:00 in the morning. In addition, each detainee shall be provided with clean and temperature appropriate clothing and bedding and no detainee may be placed in a room for any period of time in which the number of individuals exceeds the maximum occupancy level as determined by the appropriate building code, fire marshal, or other authority.

(6) *Consumables*.—CBP shall maintain a sufficient supply of sleeping mats, toothbrushes, toothpaste, feminine hygiene products, other personal hygiene supplies, and diapers for holding facilities, and make each available upon request. CBP shall also ensure that showers are available to individuals held in custody for longer than 48 hours and that individuals with wet or soiled clothing are provided age and gender-appropriate clothing that is clean and dry.

*Migrants—Child Welfare Professionals*.—Within the funds provided in this and prior Acts for new operational support positions, the Committee directs the Department to hire or otherwise obtain the services of state-licensed child welfare professionals with culturally competent, trauma-centered, and developmentally appro-

appropriate interviewing skills to provide child welfare expertise and screening services on a full-time basis at each land POE and Border Patrol station along the southern land border. Not later than 60 days after the date of enactment of this Act, CBP shall provide an execution plan for hiring child welfare professionals, to include how the personnel will be deployed in the field and how translation services will be provided.

*Migrants—Families in Custody.*—When considering whether a family unit should remain together while in custody, the Commissioner should consider the criminal history of the parent, safety and comfort of the child, and physical and mental health of all members of the family. When appropriate and feasible, CBP shall ensure that separated family units are reunited and transferred together prior to removal, release from CBP custody, or transfer to Immigration and Customs Enforcement custody. When CBP is responsible for the custody of unaccompanied alien children who are siblings, the Commissioner shall, to the extent practicable and when in the best interest of the children, place such siblings together in the same facility before the Department of Health and Human Services assumes custody pursuant to 8 U.S.C. 1232(b).

*Migrants—Personnel Training.*—Because of the high incidence of physical and mental trauma experienced by many migrants, particularly women and children, during their journey to the United States, the Committee directs CBP to provide training on trauma-informed care for all personnel who interact with migrants. This training should include field personnel as well as mission support personnel. Not later than 60 days after the date of enactment of this Act, CBP shall provide an execution plan for such training, to include a timetable for full implementation.

*Migrant Property.*—The Committee directs CBP to provide a briefing, not later than 90 days after the date of enactment of this Act, on its policies and protocols regarding the storage and transfer or return of the personal property of migrants.

*Migrants—Safety.*—CBP shall continue its policies and activities that help protect people who travel on foot through dangerous terrain after having entered the United States between the ports of entry. CBP shall continue to prohibit its personnel from engaging in any activity that could damage water and food caches and increase efforts to increase migrant safety, including through the placement and maintenance of additional rescue beacons. The recommendation includes \$4,000,000 for this purpose, an increase of \$2,000,000 above the fiscal year 2020 level.

*Mitigation in Floodplains.*—Not later than 60 days after the date of enactment of this Act, CBP shall brief the Committee on its specific efforts to mitigate flooding and the negative economic, environmental, and quality of life impacts of flooding on property owners, communities, and wildlife in areas where border barriers have been constructed.

*National Standards on Transport, Escort, Detention, and Search (TEDS).*—The Committee directs GAO to review CBP's performance metrics and oversight processes for the adherence of CBP personnel to the TEDS standards. The review should consider whether CBP has processes in place to detect and correct failures to meet standards; identify systemic challenges that lead to recurrent failures across the component; coordinate TEDS oversight to com-

plaints filed by individuals placed in CBP custody; and be informed by input from stakeholder groups, including non-profit migrant services organizations. GAO shall provide the Committee an update on its progress and its preliminary findings not later than 180 days after the date of enactment of this Act.

*Polygraph Waivers.*—The Committee continues to direct CBP to provide quarterly reports on the number of applicants for employment to whom the Commissioner has granted polygraph waivers, accompanied by the current Significant Admissions Summary, which is a list of admissions to criminal and national-security-compromising acts that are uncovered during polygraph exams.

*Prison Rape Elimination Act Compliance (PREA).*—The Committee directs CBP to brief the Committee, not later than 90 days after the date of enactment of this Act, on its planned schedule for achieving 100 percent compliance with PREA requirements, the results of completed PREA audits, and an assessment of whether the standards are effective in protecting vulnerable populations.

*Prosecution of Asylum Seekers.*—The Committee is concerned by reports of the prosecution for illegal entry and reentry of individuals who express a fear of return to their country of origin during processing by CBP. The Administration is reminded of the United States' obligation under the 1951 Refugee Convention to refrain from punishing asylum seekers for the way in which they enter the country.

*Reporting Requirements.*—CBP shall continue to follow the directives in the explanatory statement accompanying Public Law 116–6 related to the following according to the previously directed timeframes unless otherwise specified:

- (1) CBP-wide capability gaps;
- (2) Border Patrol Workforce Staffing Model;
- (3) Combined table of CBP interdictions of currency and major categories of drugs;
- (4) The number of detainees held by CBP for more than 48 and 72 hours, respectively;
- (5) Allegations related to employee corruption;
- (6) Use of force abuses;
- (7) Checkpoint, transportation check, and roving patrol stop operations, to include a timeline for full compliance with directed reporting;
- (8) Search and rescue efforts for fiscal year 2020;
- (9) Land Port of Entry Infrastructure Capital Investment Plan, to be provided to the Committee not later than 30 days after the submission of the President's budget request for fiscal year 2022; and
- (10) Staffing gains and losses.

Additionally, CBP shall continue to follow the directive in House Report 116–180 related to the following according to the previously directed timeframes unless otherwise specified:

- (1) Electronic Device Searches, beginning not later than 180 days after the date of enactment of this Act;
- (2) High-Speed Pursuits, beginning not later than 90 days after the date of enactment of this Act including any recommendations made by OPR based on its investigations of the use of high-speed pursuits and tactics used to stop vehicles;
- (3) U.S. Citizens Held in CBP Custody;



- (4) In-Custody Time for Unaccompanied Children; and
- (5) Polygraph Waivers.

*Staffing Shortages.*—The Committee remains aware of continued staffing shortages at land, sea, and air POEs, to include International Mail Facilities (IMF) and Express Consignment Facilities (ECF). The most recent resource allocation model states that CBP requires at least 26,837 officers and 3,148 agriculture specialists for existing requirements at the POEs, compared to current on-board personnel levels of approximately 25,000 and 2,500, respectively. Unfortunately, the President’s discretionary budget request makes no significant attempt to mitigate this gap. To help address these concerns, the recommendation includes funding for over 750 new CBP Officers, including 200 agricultural specialists, along with 30 operational support staff and 70 mission support staff. Combined with 350 new officers CBP plans to hire using fee resources, the total increase in CBP officer and support staff in fiscal year 2021 will total more than 1,500.

*Training Facilities.*—CBP should ensure that Air and Marine Operations training centers have sufficient resources to meet training requirements for Air and Marine Agents, including funding for a sufficient number of training simulators to accommodate newly hired Agents.

*Transparency.*—The Committee continues to direct CBP to reiterate its commitment to a policy of “maximum disclosure, minimum delay” in releasing information to the media and public; continue to post all policies and guidelines that may be of interest to the public on the agency’s website; and continue—or expand as practicable—data collection that more effectively detects and deters abuse, strengthens accountability, and ensures effective use of limited resources.

*Video Monitoring.*—The Committee continues the direction included in the statement accompanying Public Law 116–03 that any failure of closed caption television and associated storage equipment in excess of 120 hours at any CBP facility that detains migrants must be reported to the Office of Professional Responsibility. Such reporting shall be updated weekly.

While CBP continues to implement this type of accountability across a component that has over 12,000 cameras, it is clear to the Committee that not only are there concerns with outages but with the age and type of equipment. To address these concerns, the Committee recommends an increase of \$20,000,000 to procure new and updated video monitoring equipment. CBP is encouraged to include automated processes for maintenance detection and reporting.

#### Border Security Operations

*Carrizo Cane.*—The recommendation includes an increase of \$4,000,000 above the fiscal year 2020 funding level for efforts to control the growth of Carrizo cane along the Rio Grande River in Texas, for a total of \$6,000,000. CBP should continue to coordinate with the Texas State Soil and Water Conservation Board and other stakeholders on control efforts. The Committee reminds CBP that it is directed to provide regular updates to the Committee on the performance of this program related to increased visibility, biomass reduction, and miles of river treated.

*Collaboration with the Border Patrol.*—The Committee continues to encourage all state, local, tribal, and federal law enforcement agencies working in the southwest land border region to collaborate and operationally coordinate, when feasible, with sector chiefs in their respective geographical regions.

*Radios.*—The Committee directs CBP to review the need to retrofit U.S. Border Patrol radios to allow agents to operate on either the CBP system or transfer to either a commercial LTE carrier or the First Responder Network Authority (FirstNet) LTE Network.

#### Trade and Travel Operations

*Agriculture Inspections—African Swine Flu.*—CBP is directed to ensure that its agriculture specialists are provided appropriate training on detecting African Swine Flu.

*Agriculture Inspections—Contaminated Products.*—The Secretary of Homeland Security, in coordination with the Secretary of Agriculture, shall provide a report on the inspection requirements for identifying contamination in shipments of processed or raw food products; raw processed, and finished meat products; or goods used in agriculture, including livestock feeds and feed ingredients. The report should provide recommendation for how such inspections may be expanded or improved, including any associated resource requirements. Additionally, CBP shall report quarterly on a public facing website on the number of shipments seized due to contamination, along with details on the contents of such shipments; the intended use of products in the shipments; and their origin and final destination.

*Agriculture Inspections—Invasive Species.*—The Committee is concerned by the continued introduction of invasive species to Hawai'i and to non-contiguous U.S. territories. The Committee directs CBP to consult with the Department of Agriculture and other state and local partners to better prevent the introduction of invasive species to these locations, and to provide a report to the Committee not later than 180 days after the date of enactment of this Act on recommendations for preventing the introduction of invasive species to these non-contiguous jurisdictions.

*Biometric Exit.*—The Committee continues direction for CBP to provide a detailed expenditure plan for biometric exit activities within 90 days of the date of enactment of this Act, as directed in House Report 114–668.

*Cargo Processing.*—The Committee continues to direct CBP to provide a briefing on its efforts to improve automated commercial cargo processing, to include passive scanning at land ports of entry (POE), not later than 60 days after the date of enactment of this Act.

*Forced Labor.*—The recommendation includes \$290,746,000 for the Office of Trade (OT), including \$8,052,000 for Trade Agreement, Remedies and Enforcement personnel to strengthen enforcement actions and processes that prevent the importation of products made with forced labor.

*Jones Act.*—The Committee recognizes the need for uniform application and enforcement of coastwise laws across the nation and directs CBP to devote not less than \$1,000,000 to its Jones Act Division of Enforcement.

*Land POE Hours of Operation.*—The Committee directs CBP to refrain from reducing the hours of operation at any POE unless CBP can demonstrate that the reduction will benefit commerce without introducing increased local traffic delays, and that it has consulted with elected officials at all levels, community members, and impacted private sector stakeholders prior to making changes. In addition, CBP shall notify the Committee not later than 30 days in advance of any proposed changes.

*Mail Interdiction of Heroin & Opioids.*—The Committee supports CBP's partnership with the United States Postal Service to use innovative technologies to detect opioids at international processing centers. The Committee expects this collaboration to reach higher capture rates and to continue the deployment of new technologies to increase the detection of opioids and related substances.

*Outbound Inspections.*—DHS is directed to enhance its focus on interdicting the outbound flow of smuggled firearms and illicit currency that fund and facilitate transnational criminal organizations. The Committee includes funding in the PC&I account that may be used for outbound inspection equipment and directs CBP to provide a briefing, not later than 90 days after the date of enactment of this Act, on a plan for expanding outbound inspections.

*POE Hardening.*—The Committee is concerned about the extensive hardening and placement of barriers around POEs and directs CBP to brief the Committee on the policy and guidance for when such changes to the POE footprint are warranted and how long they remain in place.

*POE Technology.*—The recommendation includes not less than \$20,000,000 for upgrades to POE technology, to include Border Security Deployment Program equipment and license plate reader technology for inspection lanes.

*Resource Allocation Model.*—The Committee continues direction concerning the CBP resource allocation model. Any modifications to the model shall be described in future budget submissions at the field office level. Additionally, not later than 60 days after the date of enactment of this Act, CBP shall brief the Committee on resource staffing shortfalls on the northern and southern borders compared to levels prescribed by the resource allocation model for rail crossings and POEs in the land, air, and sea environments, including cruise ship terminals. CBP is encouraged to continue to improve the model by seeking external review.

*Trade Remedy Enforcement.*—The Committee directs CBP to review whether duties on importers of recycled, scrap, and primary aluminum exempt from the Section 232 tariff are being properly assessed, along with whether assessed tariffs have been remitted to the government. Not later than 120 days after the date of enactment of this Act, CBP shall submit a report to the Committee of the findings of this review and any actions taken to address inappropriate assessments.

*User Fee Airports.*—Consistent with House Report 114–668 and House Report 116–180, the Committee strongly encourages CBP to give priority consideration to an application for POE status to any user fee airport that served at least 75,000 deplaned international passengers in the previous calendar year.

*Visa Waiver Program (VWP).*—The Committee continues to direct CBP to better clarify which types of educational experiences are

permitted under VWP travel, including what evidence or information is required to satisfy CBP that a traveler does not intend to overstay the 90-day VWP time limit.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

Appropriation, fiscal year 2020*	\$1,904,468,000
Budget request, fiscal year 2021	2,281,360,000
Recommended in the bill	877,547,000
Bill compared with:	
Appropriation, fiscal year 2020	- 1,026,921,000
Budget request, fiscal year 2021	- 1,403,813,000

\*Note—total includes \$30,000,000 in emergency funding.

The Committee recommends the following increases above the request: \$190,000,000 for border technology procurement; \$20,000,000 for innovation technology; \$75,000,000 for border barrier mitigation; \$190,000,000 for non-intrusive inspection (NII) equipment; and \$86,000,000 for three additional multi-role enforcement aircraft. The recommendation provides no funding for additional border barriers.

*Border Technology Procurement.*—Within the funds provided for border technology procurement, the Committee encourages CBP to consider such projects as: cross border tunnel detection, autonomous towers, and counter unmanned aerial systems. CBP is directed to update the Committee on the planned obligation of these funds at least 15 days prior to any obligation.

*Environmental Mitigation.*—The bill includes \$75,000,000 to help mitigate the impact of border barrier construction on environmentally sensitive federal lands, including land acquisition, which shall be transferred to the United States Fish and Wildlife Service for execution.

*Non-Intrusive Inspection (NII).*—The Committee recommends an additional \$190,000,000 for NII technology at seaports and land POEs, to include outbound inspection equipment. CBP shall continue to update the Committee on the obligation of funds for NII acquisition as a part of the required quarterly obligation plans directed in title I of this report. The Committee expects any procurement of technology to be competitively awarded.

*One Hundred Percent Scanning.*—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee a plan to scan all commercial and passenger vehicles entering the United States at land ports of entry along the border using large NII systems. The plan shall include the following:

- (1) fiscal year benchmarks for achieving incremental progress towards 100 percent scanning and rationales for the specified timeframes for each land port of entry;
- (2) estimated costs, together with an acquisition plan, for achieving 100 percent scanning within the timeframes specified, including total acquisition, operations, and maintenance costs for large-scale NII systems and associated costs for any necessary infrastructure enhancements or configuration changes at each POE;
- (3) anticipated impacts on the total number of commercial and passenger vehicles entering at land ports of entry where such systems are in use, and average wait times at peak and non-peak travel times by lane type, if applicable, as scanning rates are increased;

- (4) anticipated impacts on land POE operations, including any changes to the required number of CBP officers or their duties and assignments; and
- (5) a description of the likely impact on secondary screening requirements and operations.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

Appropriation, fiscal year 2020 .....	\$8,080,071,000
Budget request, fiscal year 2021 .....	9,927,063,000
Recommended in the bill .....	7,411,248,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	- 668,823,000
Budget request, fiscal year 2021 .....	- 2,515,815,000

Mission

U.S. Immigration and Customs Enforcement (ICE) enforces federal laws governing border control, customs, trade, and immigration to promote homeland security and public safety.

Homeland Security Investigations (HSI) is responsible for disrupting and dismantling transnational criminal threats facing the United States. HSI special agents also conduct national security investigations targeting violations of the nation’s customs and immigration laws.

Enforcement and Removal Operations (ERO) enforces the nation’s immigration laws by identifying and apprehending removable aliens, detaining apprehended individuals when necessary, and removing them from the United States in a manner consistent with legal processes and procedures.

OPERATIONS AND SUPPORT

(INCLUDING TRANSFER OF FUNDS)

Appropriation, fiscal year 2020 .....	\$8,032,801,000
Budget request, fiscal year 2021 .....	9,822,109,000
Recommended in the bill .....	7,313,449,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	- 719,352,000
Budget request, fiscal year 2021 .....	- 2,508,660,000

The recommendation includes increases above the request totaling \$12,938,000 to help sustain current services, including \$2,586,000 for HSI and \$10,352,000 for Mission Support.

In addition, the Committee provides \$169,498,000 in enhancements above the request, including: \$5,500,000 for the Human Exploitation Rescue Operative (HERO) Child-Rescue Corps; \$147,733,000 for the Alternatives to Detention (ATD) program; \$10,000,000 to partially address the backlog of critical facility maintenance and repairs requirements; \$3,100,000 to expand the ICE employee safety program; and \$3,165,000 to address ICE’s FOIA backlog.

Proposed amounts are reduced by \$2,691,096,000, consisting of: \$79,779,000 for proposed increases in Awards Spending; \$4,452,000 of the proposed increase in HSI staffing intended to support anticipated increases in workload along the southwest border associated with increased deployments of NII technology; \$6,548,000 for proposed increases for the Task Force Officer program; \$264,199,000 for proposed increases in staffing; \$126,000,000 in proposed in-

creases for the Migrant Protection Protocols program; and \$2,210,118,000 in costs associated with detention and removal. The recommendation also transitions funding for alternatives to detention case management services to the Federal Emergency Management Agency to be executed as a grant program.

The recommendation does not assume the use of \$112,287,000 from the Immigration Examination Fee Account (IEFA) to reimburse costs in the ICE Operations and Support account due to concerns with the impact on U.S. Citizenship and Immigration Services (USCIS) operations and the growing backlog in applications for immigration benefits; an administrative provision in the bill prohibits the use of IEFA funds for ICE operations.

*Body Worn Cameras.*—The Committee continues to believe that the use of body-worn cameras would be beneficial for the execution of many ICE operations. To that end, in consultation with CRCL, ICE is directed to design a pilot program for the implementation of body-worn cameras. Not later than 90 days after the date of enactment of this Act, ICE and CRCL shall provide a joint briefing to the Committee that details the parameters of the forthcoming pilot; the metrics for success; a cost and workload analysis; activities and civil liberties concerns that may present challenges; how recorded footage would interface with Freedom of Information Act requirements; specific activities/operations where the use of body-worn cameras could compromise undercover criminal investigations; and activities where the use of body-worn cameras would be of particular benefit to the safety and wellbeing of officers, detainees, and the public.

*Expenditure and Operations Plan Requirements.*—Despite the increased funding provided for the Office of the Chief Financial Officer in the fiscal year 2020 appropriation, the Department and ICE failed to comply timely with the requirements set forth in the explanatory statement accompanying Public Law 116–6 and reiterated in Public Law 116–93 regarding detailed operational and spending plans for fiscal years 2019 and 2020, respectively. The Committee acknowledges recent improvements on these efforts but notes that significant work remains. The Department and ICE are again directed to fulfill such requirements for fiscal year 2021, and the bill withholds funding in the Operations and Support account until the second such plan has been provided.

#### Homeland Security Investigations

*HSI Workforce.*—The Committee is concerned about the growing complexity and workload associated with executing HSI's missions—especially given the increase in online and dark web activity, such as growing reports of online child sex abuse; criminal activity related to illicit opioid/fentanyl smuggling; and increased commercial trade fraud and intellectual property rights infringements. The Committee recognizes the advanced investigative skillset of the HSI workforce, its unique compilation of legal authorities, and its critical role in investigating Transnational Criminal Organizations involved in trafficking individuals into and within the United States. Therefore, the Committee provides \$84,845,000 for increased HSI staffing and directs that not less than \$10,000,000 be used to increase the capabilities of the Child Exploitation Investigations Unit above fiscal year 2020 levels. Fur-

ther, to improve its effectiveness against these threats, the bill includes a new provision to focus HSI activities on functions that are not redundant to those of ERO. The Committee encourages HSI to work with appropriate nonprofit organizations and victim service providers that can help identify human trafficking victims, ensuring they receive the proper care and access to victim service organizations.

*Human Exploitation Rescue Operative Child-Rescue Corps.*—The recommendation includes an increase of \$5,500,000 above the request for the training, equipping, and hiring of HERO Child-Rescue Corps program graduates. The Committee reminds ICE of the briefing on performance indicators for the HERO program required by House Report 116–180 and looks forward to receiving this briefing as soon as possible.

*Intellectual Property Rights Enforcement.*—The recommendation provides not less than \$15,000,000 for intellectual property law enforcement through HSI and the National Intellectual Property Rights (IPR) Coordination Center. ICE is directed to ensure that the National IPR Center is properly staffed in order to facilitate continued enforcement actions against theft of U.S. intellectual property, particularly online. Based on a new wave of digital copyright piracy involving devices and software that connect consumers televisions directly to copyright-theft sites, the Committee directs ICE to increase investigation and enforcement to thwart illicit streaming involving media boxes and televisions.

*Worksite Immigration Enforcement Actions.*—The Committee continues to be concerned about the disproportionate use of HSI resources dedicated to civil administrative arrests of employees when the focus of worksite enforcement operations should be accountability for employer violations. The Committee reminds ICE of the briefing on worksite immigration enforcement actions required by House Report 116–180 and looks forward to receiving this overdue briefing as soon as possible.

#### Enforcement and Removal Operations

*287(g) Program.*—The recommendation continues a provision in the bill that requires ICE to provide a report to the Committees and the public regarding 287(g) steering committee membership and activities; performance data; the number of individuals placed into removal proceedings by 287(g)-designated officers; and any plans for future expansion of or changes to the program. ICE, OIG, and CRCL are also directed to provide rigorous oversight of the 287(g) program, and ICE is directed to notify the Committee prior to implementing any significant changes to the program, including any changes to training requirements, data collection, selection criteria, or the jurisdictions with which ICE has agreements. The Committee also reminds ICE that communities are not legally required to enter into or continue with 287(g) agreements and that immigration enforcement should not be used either to induce communities to enter or deter them from discontinuing such agreements.

*Age-Outs.*—The Committee reminds ICE of the semi-annual updates on unaccompanied alien child (UAC) age-outs required by House Report 116–180 and looks forward to receiving the overdue updates as soon as possible.

ICE is further directed to prohibit the transfer or maintenance of custody by ICE of any person formerly designated as a UAC who reaches 18 years of age in the custody of the Department of Health and Human Services Office of Refugee Resettlement (ORR), as described in 8 U.S.C. § 1232(c)(2), unless the ICE juvenile coordinator provides written certification of compliance with the requirement in 8 U.S.C. § 1232(c)(2)(B) to consider placement in the least restrictive setting. This written certification must document the specific factors demonstrating that any alternatives to detention, including but not limited to any recommended in ORR's post-18 plan, would be insufficient to mitigate any danger to self, threat to public safety, and/or risk of flight. The Committee notes that neither the lack of a sponsor nor the lack of an ORR developed post-18 plan should be dispositive factors. This written certification shall be provided to the individual and the individual's attorney of record upon request.

In addition, the Committee directs ICE to ensure that training is provided to relevant personnel, including contract personnel, on policies and procedures to ensure compliance with 8 U.S.C. § 1232(c)(2)(B). Such training shall be mandated annually for all officers who make custody decisions for children who turn 18 in ORR custody, including but not limited to deportation officers, field office juvenile coordinators, and supervisory detention and deportation officers.

Finally, ICE shall provide a monthly report to the Committee with the number of UAC who turned 18 in ORR custody and were then transferred to ICE detention, including a breakdown by ICE area of responsibility and the UAC's most recent type of ORR placement, the reason for detention, and whether ORR provided a post-18 plan.

*Alternatives to Detention and Detention Capacity.*—The recommendation reduces Custody Operations by \$2,074,015,000 and correspondingly reduces the Transportation and Removal Program by \$292,689,000 from the fiscal year 2021 President's Budget. The funding provided supports an average daily population (ADP) in detention of 22,000 for single adults. Funding provided for family detention is intended to phase out this activity by not later than December 31, 2020. The Committee notes that the Administration's border security operations in response to the coronavirus public health crisis has dramatically reduced the number of migrants transferred to ICE custody from CBP. In recognition of that reduced operational demand on ICE, the recommendation includes a proviso in the appropriating paragraph that reduces availability of funds to support an ADP of 10,000 for single adults for as long as an order or policy is in effect that suspends the introduction of any persons into the U.S. based on public health concerns related to the coronavirus pandemic.

The Committee also remains concerned about the over-detention of individuals in ICE custody and notes that the average lengths of stay in detention continue to increase. The bill includes a new provision (section 219) that restricts detention for individuals who do not pose a public safety threat and are not a flight risk to not more than 20 days and, in the case of individuals who identify as transgender, to not more than 5 days. The provision also continues



detailed reporting requirements related to ICE's detained population.

In recognition of the impact of this new provision, the recommendation includes an increase of \$147,733,000 above the request to expand the ATD program. ICE is directed to use the least onerous form of supervision necessary to ensure compliance with the terms of the program; conduct regular reviews of each participant's compliance obligations, with input each participant's counsel and/or case manager; and de-escalate supervision requirements when warranted by such reviews.

*Arrest, Detention, and Removal Data.*—Not later than 60 days after the date of enactment of this Act, ICE is directed to publish on a publicly accessible website semiannual reports on the arrests, detention, and removal of individuals who (a) served in the United States Armed Forces; (b) were U.S. citizens at the time of apprehension or subsequently determined to be United States citizens while in Department custody; (c) were granted deferred action under or are qualified to participate in the Deferred Action for Childhood Arrivals initiative, as delineated in the June 15, 2012, memorandum entitled “Exercising Prosecutorial Discretion with respect to Individuals Who Came to the United States as Children”; (d) are nationals of a foreign state that was designated for Temporary Protected Status under section 244(b) of the Immigration and Nationality Act as of October 1, 2017; or (e) are parents of a U.S. citizen minor. ICE shall also provide this information for fiscal years 2018 and 2019 in the first such publication.

*Bond Payments.*—The Committee reminds ICE of its requirements to provide the monthly bond statistics described in House Report 116–9 and directs ICE to continue providing such information in fiscal year 2021. Further, not later than 30 days after the delivery of the fiscal year 2021 budget request, ICE is directed to provide a plan to allow the general public to post and pay bonds electronically and to identify the resources needed to execute such plan.

*Case Management Services.*—The Committee is concerned by the significant delay in ICE's execution of funding provided in fiscal years 2019 and 2020 for case management services. The recommendation therefore realigns and increases funding for case management services to be executed by nonprofit organizations and local communities through a FEMA grant program. Not later than 30 days after the date of enactment of this Act, ICE, in collaboration with CRCL and the Office of Privacy, is directed to develop a process to ensure that any individual released from its custody on parole, bond, or into the ATD program and anyone enrolled in the ATD program as of the date of enactment of this Act:

- (1) is made aware of these case management services; and
- (2) has an opportunity to consent to having their contact information and relevant case file information provided to any such grantee for the purpose of receiving such services.

ICE shall provide Information describing this process to FEMA, the national board responsible for administering the grant program, and each grant recipient. The Committee directs ICE, CRCL, and the Office of Privacy to jointly brief the Committee on this process prior to its execution.

*Detainee Access to Legal, Medical, and Mental Health Services.*—ICE should not enter into, expand, or renew a contract with any entity to operate an immigration detention facility unless it is located fewer than 100 miles from:

- (1) a Level IV (or lower) designated trauma center; and
- (2) at least one government-listed, legal aid resource on the Executive Office for Immigration Review (EOIR) “List of Pro Bono Legal Service Providers” from which the Director has received confirmation that it is able to provide legal services to detainees at the facility.

ICE is directed to continue adhering to the requirements in House Report 116–9 regarding legal resources available to detainees and shall ensure that such information is provided in a language in which the detainee is proficient or is made fully accessible to the detainee through the use of interpreter services.

The Committee directs ICE to publish on a public facing website, not later than 30 days after the date of the close of the fiscal year, a description of the medical and mental health staffing—delineated by position and qualification—at each detention facility with a capacity to house at least 50 ICE detainees, along with the average daily population of each facility. The report should indicate the hours of availability of in-person, specialized medical service typically available during the week; whether any positions were unfilled for more than one month of the previous year; and the average detainee wait time for seeing a medical professional. ICE shall also include in the report the number of individuals taken into ICE custody with a serious medical or mental health condition, including pregnant women, and their average and median lengths of time in ICE custody. The Committee urges ICE to reinstate the policies in its August 2016 directive on the Identification and Monitoring of Pregnant Detainees that was superseded by its December 2017 update.

The Committee directs ICE to ensure that each family detention center has on-site at least one medical professional qualified to provide pediatric care for every 200 children in residence. In addition, at least one such medical professional should be on-site or on-call for every 100 children detained in the facility. The Committee further directs ICE to ensure that each family detention center makes available at least one mental health professional specializing in pediatric care. The Committee urges ICE to explore working with nonprofit organizations for the provision of mental health services of those in its custody.

*Detainee Forms.*—The Committee directs ICE to provide all forms that are required to be signed by a detained person in the detainee’s native language. The Committee reminds ICE of the overdue report required by House Report 116–180 on a plan and timeline for achieving this goal and looks forward to receiving it.

*Detaining Individuals with Credible Fear.*—The Committee reminds ICE of its policy to avoid the detention of an individual who has received a positive credible fear determination from an asylum officer or immigration judge, absent a finding by an immigration officer that the individual poses a risk to the community or is a flight risk. Not later than 30 days after the date of enactment of this Act, and monthly thereafter, ICE is directed to report data to the Committee on the number of individuals who received a positive cred-

ible fear or reasonable fear determination who were: considered for parole; granted parole; or denied release on parole, along with an individualized description of the justification for each denial.

*Detention Inspection Reporting.*—ICE shall continue to report and make public the following, as described in House Report 116–9, and shall follow the previously directed timeframes unless otherwise specified:

- (1) Secure Communities report;
- (2) Requirements related to detention facility inspection reports;
- (3) Death in custody reporting, with subsequent reporting to be released within 90 days of the initial report;
- (4) Access to facilities;
- (5) Detainee locator information;
- (6) Changes to the current detention facility category and inspection framework;
- (7) Compliance with the 2011 Performance Based National Detention Standards (PBNDS 2011) and PREA requirements; and
- (8) Weekly rate of operations for Custody Operations.

*Detention Oversight.*—The Committee remains concerned about the conditions and care provided at ICE’s civil detention facilities and consequently recommends sustaining prior year investments in the Office of Detention Oversight (ODO) within the Office of Professional Responsibility to fully fund the inspection of each over-72-hour detention facility not less than twice per year. Not later than 120 days after the date of enactment of this Act, ODO is directed to brief the Committee on Appropriations, the House Judiciary Committee, and the House Committee on Oversight and Government Reform on a detailed description of the process it will use for detention facility inspections.

ICE is reminded that the detailed results of these inspections shall be promptly published on a public-facing website, redacted as needed to protect any personally identifiable information, along with a plan of action and milestones to address any deficiencies that were identified during the inspection. The status of addressing such deficiencies shall be validated by the Office of Immigration Detention Ombudsman and shall be updated on the website not less than quarterly.

Consistent with direction provided in House Report 116–9, the ICE Director shall have sole authority to approve detention standard waivers and shall notify the Committee of each such waiver within 3 business days of approval. Additionally, ICE shall report publicly on a quarterly basis on any waivers issued, including the justification for each such waiver.

*Family Unity.*—ICE must ensure that criminal and civil immigration charging decisions and immigration custody decisions carefully consider and prioritize family unity as a primary factor and must, consistent with assessments of the best interest of the child, ensure first and foremost that any arrest in the interior of the United States does not result in prolonged separation of family members from one another. This directive should be followed regardless of whether family members were together at the time of apprehension or are subjects of an enforcement action.

If, in the course of an arrest in the interior of the United States, DHS separates a minor child from a parent, primary caregiver, or close relative who is caring for or traveling with that child, DHS personnel must ensure that each such person is asked about and has opportunities to report family separation incidents; to verify the status, location, and disposition of family members; and to regularly communicate with one another. DHS shall advise adults of arrangements made for the child's care and record tracking information about both separated adults and children in all relevant DHS databases.

*Immigration Detention Contract Transparency.*—Not later than 90 days after the date of enactment of this Act, ICE is directed to publish on a publicly accessible website a consolidated compilation of contract documents for each of the facilities it uses for immigration detention purposes, including the most current and complete contract modification or addendum, any subcontracts, and all bid solicitation requests. The Committee also directs ICE to update this compilation on a monthly basis. For any documents requiring redaction, ICE shall provide to the Committees on Appropriations, Judiciary, and Oversight a written explanation for each such redaction along with an unredacted version of each such document.

*Immigration Enforcement at Sensitive Locations.*—The Committee understands it is ICE's policy that enforcement actions at or near sensitive locations—identified by ICE as 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 provided at such locations are free to do so without fear or hesitation. The Committee directs ICE to follow this policy and to broaden the scope of the category to include courthouses; bus stops; USCIS offices; mental health, emergency, and social services centers; and other locations where community impacts should be better balanced against ICE law enforcement interests.

Further, ICE is directed to provide its officers with guidance and training for engaging with victims and witnesses of crime, and to clarify policy guidance on enforcement actions in or near sensitive locations in order to minimize the effects of immigration enforcement on the willingness and ability of victims and witnesses to pursue justice.

The Committee also reminds ICE of the report on enforcement actions at sensitive locations required by House Report 116–180 and looks forward to receiving this report as soon as possible.

*Phone Access in Detention.*—The Committee continues to expect ICE to apply the terms of the *Lyon v. ICE, et al.* Settlement Agreement regarding detainee telephone access to the greatest extent possible at each of its detention facilities and shall ensure that such access is free to the detainee. The Committee reminds ICE of the briefing on phone access in detention required by House Report 116–180 and looks forward to receiving this overdue briefing as soon as possible. In addition, not later than 90 days after the date of enactment of this Act, ICE is directed to provide a report to the Committee listing each facility that does not comply with this re-

quirement, to include the name of the entity responsible for detention operations at the facility; the address of the facility; the period of performance for the contract with the facility (if applicable), along with any option periods; and the entity's justification for not complying with these requirements.

*Rape Prevention in Immigration Detention Facilities.*—The Committee encourages ICE to collaborate with the National Prison Rape Elimination Act (PREA) Resource Center, which is supported by the Department of Justice, to help facilitate PREA compliance. The Committee reminds ICE of the briefing on PREA compliance required by House Report 116–180 and looks forward to receiving this overdue briefing as soon as possible.

*Reporting on Criminality.*—ICE is directed to continue monthly reporting regarding criminality, as described in House Report 116–9, and shall further differentiate such individuals detained as a result of interior enforcement efforts versus those from CBP border security operations.

*Risk Classification Assessment.*—The Committee is concerned about ICE's inconsistent treatment of similarly situated individuals, to include decisions on whether to release or detain; length of time in detention; whether to require a bond and the amount of such bond; custody classification level of those detained; and community supervision level of those not detained. The Committee reminds ICE of the briefing on the results of a reevaluation of its Risk Classification Assessment (RCA) required by House Report 116–180 and looks forward to receiving this briefing as soon as possible. The Committee reiterates that the recommendations must provide a strong preference for using ATD in lieu of detention, especially for interior arrests, and clear guidance that describes situations when detention must be used, such as when the officer can clearly demonstrate with individualized evidence that a migrant poses a flight risk or a risk to public safety. The Committee finds that the current RCA does not adequately provide this individualized assessment and is therefore not currently a valid approach for meeting the requirement in section 219 of the bill. ICE is directed to work with CRCL to improve this assessment.

*Transgender Detainees.*—The Committee is concerned about the health and wellbeing of transgender immigrants detained by ICE given this population's vulnerability to sexual assault, abuse, and harassment in custody, and is also concerned about the frequent use of administrative solitary confinement for these individuals. The Committee directs ICE to report monthly, on a publicly available website, on the following for transgender individuals, by detention facility:

- (1) the average and median number in detention;
- (2) the average and median number of days in detention, along with the number of days in detention for the longest-held individual;
- (3) For each individual in solitary confinement, the number of days in and the rationale for placement in such confinement;
- (4) For each individual not in solitary confinement—
  - (a) the number of days detained in a separate transgender unit;

- (b) if a transgender woman, the number of days detained with other women and the number of days detained with men; and
- (c) if a transgender man, the number of days detained with other men and the number of days detained with women;
- (5) the number of requests made each month for hormone treatments and of that number how many requests were approved and the average wait time for receiving such treatments; and
- (6) the number of requests made each month for HIV screening tests versus the number provided and the average wait time for receiving the test.

*U Visas.*—The Committee recognizes the value of the U visa program in protecting victims of violent crime and promoting public safety by enabling criminal investigations. The Committee reminds ICE of the report on U Visas required by House Report 116–180 and looks forward to receiving this overdue report as soon as possible. Further, ICE is directed to provide an updated report on this subject within 90 days of the date of enactment of this Act.

#### Office of the Principal Legal Advisor

*Access to Counsel.*—The Committee is disappointed by the Department’s lack of willingness to work with Congress to protect the due process rights of individuals who are placed in removal proceedings by ensuring that each one has unimpaired access to counsel, including prospective legal counsel. This denial of meaningful access to counsel is especially concerning when considered against the request to increase the number of attorneys for the Office of the Principal Legal Advisor (OPLA), which acts as the prosecution in civil immigration cases. These due process shortfalls have been especially prevalent in the Department’s execution of its Migrant Protection Protocols program because non-Mexican migrants who are returned to Mexico are rarely able to contact prospective U.S.-based legal counsel. Similarly, the Committee is concerned about the lack of know-your-rights presentations for individuals in DHS custody. Therefore, the bill includes a new provision requiring the Secretary and CRCL to each certify that requirements to improve access to counsel, prospective counsel, and know-your-rights presentations are satisfied. The bill imposes a \$10,000,000 withholding from OPLA until the requirement has been met.

#### Mission Support

*Critical Facility Maintenance and Repairs Backlog.*—The Committee recommends an increase of \$10,000,000 to address the significant backlog of critical facility repairs, complete ongoing leasehold projects, and fulfill operations and maintenance requirements for ICE’s owned and leased real property portfolio. Not later than 30 days after the date of submission of the fiscal year 2022 budget request, ICE shall brief the Committee on its plan for the use of these funds.

*Employee Safety Program Expansion.*—The recommendation includes an increase of \$3,100,000 above the request to improve

ICE’s employee safety program, to include the purchase of a safety management information system.

*Freedom of Information Act (FOIA) Backlog.*—The Committee is concerned about the growing backlog of FOIA requests and the delays in providing responses. The recommendation includes an increase of \$3,165,000 to address this concern.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

Appropriation, fiscal year 2020 .....	\$47,270,000
Budget request, fiscal year 2021 .....	104,954,000
Recommended in the bill .....	97,799,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	+50,529,000
Budget request, fiscal year 2021 .....	– 7,155,000

The recommendation does not include \$7,155,000 proposed for the expansion of Executive Office for Immigration Review (EOIR) facilities.

TRANSPORTATION SECURITY ADMINISTRATION

Appropriation, fiscal year 2020 .....	\$7,813,567,000
Budget request, fiscal year 2021 .....	7,632,328,000
Recommended in the bill .....	8,111,423,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	+297,856,000
Budget request, fiscal year 2021 .....	+479,095,000

Mission

The Transportation Security Administration (TSA) is charged with protecting U.S. transportation systems, while facilitating the flow of travelers and commerce.

OPERATIONS AND SUPPORT

Appropriation, fiscal year 2020 .....	\$7,680,565,000
Budget request, fiscal year 2021 .....	7,569,419,000
Recommended in the bill .....	7,927,407,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	+246,842,000
Budget request, fiscal year 2021 .....	+357,988,000

The recommendation includes \$357,988,000 above the request including: \$25,378,000 to maintain funding for the Screening Partnership Program (SPP) base, rejecting a proposed contract renewal delay; \$62,752,000 to continue the Visible Intermodal Prevention and Response (VIPR) Team program; \$46,414,000 to continue the Law Enforcement Officer Reimbursement Program; \$90,066,000 to continue legally mandated staffing at certain exit lanes; \$ 3,100,000 to maintain Federal Flight Deck Officer and Crew Training; and \$240,036,000 to maintain current services. Reductions to the request totaling \$41,038,000 are associated with proposed Awards Spending increases.

*Civil Aviation Screening Technology Maintenance.*—GAO recently issued a report, Aviation Security: TSA Should Ensure Screening Technologies Continue to Meet Detection Requirements after Deployment (GAO–20–56), which raised concerns about TSA’s ability to address ongoing requirements after the deployment of screening technology. Within 90 days of the date of enactment of this Act,

TSA shall brief the Committee on steps it has taken or is taking to implement those recommendations.

*Countering Unmanned Aerial Systems (c-UAS).*—The Committee is aware that TSA is establishing a c-UAS testbed for detecting, identifying, monitoring, and classifying UAS operating in the vicinity of airports, which can pose a serious threat to arriving and departing aircraft. Included in the recommendation is \$3,000,000 to expand the c-UAS testing program to a second major U.S. airport. In selecting a second airport, TSA should consider factors such as geographic diversity, frequency of UAS intrusions, and high passenger volume. TSA is directed to brief the Committee, not later than 60 days after the date of enactment of this Act, on the status of the testing program, including the process for selecting a second testbed site and a multi-year plan and schedule for the program.

*Exit lanes.*—The recommendation restores full funding to maintain TSA staffing at certain existing airport exit lanes, as required by law.

*Federal Air Marshalls (FAMS).*—GAO recently addressed the mental and physical health challenges facing Federal Air Marshalls in Aviation Security: Federal Air Marshal Service Has taken Steps to Address Workforces Issues, but Additional Actions Needed (GAO-20-125). Within 90 days of the date of enactment of this Act, TSA shall brief the Committee on the steps it has taken or is in the process of taking to address the recommendations in the report.

*Interoperable Communications.*—TSA is directed to identify gaps within its interoperable communications networks across media platforms, including radio, voice, text, video, data files, and telephone communications. Based on the results of that analysis, TSA shall brief the Committee, not later than 120 days after the date of enactment of this Act, on a plan for pilot testing technology solutions at multiple airports to fill such gaps.

*K-9 Program.*—The Office of Inspector General recently released a report, *TSA's Challenges with Passenger Screening Canine Teams* (OIG-20-28), that addressed concerns with the current approach to using canines and included recommendations for improvement. Within 60 days of the date of enactment of this Act, TSA shall brief the Committee on the steps it is taking to implement the report's recommendations, as well as its methodology for determining where teams are deployed.

*Screener Training.*—GAO released a report in February 2020, *TSA Updated Screener Training to Address Risks, but Should Enhance Processes to Monitor Compliance* (GAO-20-219), highlighting the need for the screener workforce to complete and track training requirements. Within 60 days of the date of enactment of this Act, TSA shall brief the Committee on the steps it is taking to implement the report's recommendations, as well as its plan to incorporate innovative training solutions to enhance screening performance, including an evaluation of distributed, game-based training.

*Screening Medical Devices.*—The Committee is aware that TSA works with other federal agencies to identify best practices for appropriately identifying medical devices during the passenger screening process while respecting passenger privacy and minimizing the risk of damaging the devices. TSA is directed to brief the Committee, not later than 90 days of the date of enactment of



this Act, on its screening practices related to medical device equipment.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

Appropriation, fiscal year 2020 .....	\$110,100,000
Budget request, fiscal year 2021 .....	33,385,000
Recommended in the bill .....	154,492,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	+44,392,000
Budget request, fiscal year 2021 .....	+121,107,000

The recommendation includes increases above the request totaling \$121,107,000, including \$46,107,000 for computed tomography equipment; \$55,000,000 for credential authentication and standoff detection technology; and \$20,000,000 for reimbursements to airports for the purchase of legacy in-line explosive detection equipment.

*Aviation Security Capital Fund.*—The Public Area Security National Framework, which TSA issued in 2017 in coordination with aviation security stakeholders, recognizes Airport Operations Centers (AOC) as the best manifestations of aligning resources across various domains in support of aviation security. The establishment of joint AOCs is one of the Framework’s 11 recommendations. As TSA continues to work with airports around the country to establish AOCs, the Committee encourages TSA to consider the use of ASCF funding to support such efforts, and directs TSA to brief the Committee, not later than 60 days after the date of enactment of this Act, on the feasibility of using the ASCF for this purpose.

*Computed Tomography Equipment (CT).*—The recommendation includes \$75,000,000, an increase of \$46,107,000 above the request, to accelerate the procurement and installation of CT equipment, which provides enhanced detection capabilities for carry-on baggage at airport checkpoints.

*Credential Authentication and Standoff Detection.*—The recommendation includes \$55,000,000 to finish the nationwide deployment of credential authentication technology (CAT) and for standoff detection technology. The Committee is aware of TSA’s interest in deploying technology that will minimize physical contact between screeners and passengers, including Credential Authentication Technology with Camera (CAT–C). Not later than 90 days after the date of enactment of this Act, TSA shall provide a briefing on technology in use, being deployed or being considered that would reduce physical contact with passengers including CAT–C. The Committee is aware that TSA is working on a technology solution and legal framework that would help facilitate the continued operation of the Registered Traveler Program. As part of the CAT briefing, TSA shall address how CAT implementation will impact the Registered Traveler Program and progress TSA is making on this technology solution and legal framework. The briefing shall also address steps being taken to safeguard passenger privacy.

*Explosive Detection System Reimbursements.*—The recommendation includes \$20,000,000 for TSA to continue reimbursing airports that incurred costs associated with the development of a partial or completed in-line baggage system prior to August 3, 2007. TSA is directed to brief the Committee, within 60 days after the date of enactment of this Act, on its timeline and allocation plan for these

funds and on a plan for how it will address the remaining balance of reimbursement claims in future budget requests.

#### RESEARCH AND DEVELOPMENT

Appropriation, fiscal year 2020 .....	\$22,902,000
Budget request, fiscal year 2021 .....	29,524,000
Recommended in the bill .....	29,524,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	+6,622,000
Budget request, fiscal year 2021 .....	— —

#### COAST GUARD

Appropriation, fiscal year 2020* .....	\$11,966,124,000
Budget request, fiscal year 2021 .....	12,101,598,000
Recommended in the bill** .....	12,812,825,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	+846,701,000
Budget request, fiscal year 2021 .....	+711,227,000

\*Note—total includes \$190,000,000 in overseas contingency operations funding.

\*\*Note—total includes \$215,000,000 in overseas contingency operations funding.

#### Mission

The Coast Guard is the principal federal agency charged with maritime safety, security, and stewardship. It is a military, multi-mission, maritime service within the Department of Homeland Security and one of the nation's armed services.

#### OPERATIONS & SUPPORT

Appropriation, fiscal year 2020* .....	\$8,181,253,000
Budget request, fiscal year 2021 .....	8,377,740,000
Recommended in the bill** .....	8,560,267,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	+379,014,000
Budget request, fiscal year 2021 .....	+182,527,000

\*Note—total includes \$190,000,000 in overseas contingency operations funding.

\*\*Note—total includes \$215,000,000 in overseas contingency operations funding.

The recommendation in this bill continues and expands upon on this Committee's support for the Coast Guard, by not only providing additional air and sea assets, but also to investing further in personnel and families, operational readiness, and shore facilities. The recommendation includes the following increases above the request: \$6,000,000 for recruitment and retention; \$6,359,000, for training and critical course development; \$14,000,000 for infrastructure modernization—Rescue 21 Alaska; \$6,000,000 to implement a big data platform; \$6,500,000 for phone systems modernization; \$15,000,000 for next generation cutter underway connectivity; \$3,000,000 to support MH-65 Link 16; \$16,000,000 for cyber readiness; \$17,500,000 for cutter navigation and domain awareness Systems; \$5,000,000 for critical depot level maintenance for cutters, boats, and aircraft; \$26,866,000 to begin to address the backlog for Command, Control, Communications, Computers, Cyber, and Intelligence Systems; \$20,000,000 for depot maintenance for shore assets; \$5,000,000 for per- and polyfluoroalkyl substances evaluations and response; \$2,500,000 for the Safe Homes Initiative; \$19,500,000 to maintain current services; \$4,900,000 for mental health support and services; and \$5,000,000 to continue fiscal year 2020 support activities authorized under section 303 of Public Law 115-282.

The recommendation includes \$215,000,000 in Overseas Contingency Operations funding, rejecting the Administration's proposal to fund those activities in the Coast Guard's discretionary base. The recommendation does not include \$11,662,000 proposed for civilian awards spending increases.

*Asian American and Pacific Islander (AAPI) report*—The Commandant is directed to provide to the Committee, not later than 90 days after the date of enactment of this Act, data on the number of Coast Guard personnel who identify as AAPI, disaggregated by sub-ethnic groups identified in the American Community Survey.

*Ballast Water*—The Committee is concerned by the spread of invasive species and other threats to marine and coastal ecosystems through ballast water discharge infecting reefs around Florida, the Caribbean Sea, and the Pacific Region. The Committee directs the Coast Guard to provide a report not later than 180 days after enactment of this Act on current enforcement efforts on ballast water management and discharge and additional resources needed to expand enforcement to include a requirement for owners and operators of vessels with ballast systems to conduct biological assessments and testing of ballast water discharge.

*Center of Expertise for Great Lakes Oil Spill Preparedness and Response*—The Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) directed the Coast Guard to establish a Center of Expertise for Great Lakes Oil Spill Preparedness and Response. That Act specified that the Center of Expertise shall be located in close proximity to critical crude oil transportation infrastructure on the Great Lakes, such as submerged pipelines, and near an institution of higher education with adequate aquatic research laboratory facilities and capabilities and expertise in Great Lakes aquatic ecology, environmental chemistry, fish and wildlife, and water resources. In accordance with Public Law 115–282, the Committee urges the Coast Guard to prioritize a location for the Center of Expertise that has established infrastructure, including deep-water berths for large vessels, along with laboratories and facilities for freshwater microbial research.

*Coast Guard Museum*.—The Recommendation includes \$5,000,000 for the Coast Guard Museum, which may be used for authorized activities including the preservation and protection of Coast Guard artifacts and the design, fabrication, and installation of exhibits or displays in which these artifacts are included. The Coast Guard is directed to brief the Committee on a plan for the use of these funds prior to their obligation.

*Countering Transnational Criminal Organizations*.—The recommendation includes the request of \$9,000,000 to expand the Coast Guard's capacity to execute a multi-layered approach in the Western Hemisphere maritime transit zone and dismantle Transnational Criminal Organizations in the region. Within 60 days of the date of enactment of this Act, the Coast Guard shall report to the Committee on its allocation plan for these funds, including a detailed assessment on how the Coast Guard will enhance the effectiveness of interdiction efforts and mission requirements across the Eastern Pacific and the Caribbean.

The Committee recognizes the importance of the Joint Homeland Operations Center in San Diego, California, as a part of this initia-

tive and encourages future additional investments to sustain mission capabilities in this critical region.

*Expedited Requests for Transfer.*—The Committee directs the Coast Guard to report, not later than 90 days of the enactment of this Act, on the number of “expedited requests for transfer” that have been made by victims of sexual assault during the previous fiscal year, the number of applications denied, and, for each application denied, a description of the reasons why such application was denied. As part of this report, the Coast Guard shall also report on the number of service members served by its Special Victim Counsel program in the previous fiscal year.

*Great Lakes Icebreaker Program.*—The Committee includes the requested amount to continue support for the Great Lakes Icebreaker program office.

*Indo-Pacific Strategy.*—The Committee supports an expanded operational role for the Coast Guard in the implementation of the Administration’s Indo-Pacific Strategy, especially in building closer ties with partner countries and assisting in capacity building in maritime security. The Committee directs the Coast Guard to provide a new strategic intent report to the Committee on its evolving role in the Indo-Pacific Strategy, including risk assessments, strategy, implementation, partnerships, and performance measures not later than 180 days after the date of enactment of this Act.

*Junior ROTC Program.*—Section 519 of Public Law 116–92, the National Defense Authorization Act of 2020, authorized the Secretary to establish and maintain a Junior Reserve Officers’ Training Corps, at public and private secondary educational institutions. The Committee directs the Coast Guard, within 60 days of the date of enactment of this Act, to report on the requirements for establishing this program.

*My Career Advancement Account Initiative.*—The Committee recognizes the strong correlation between servicemember retention and the employment outcomes of their spouses. Section 580G of Public Law 116–92, the National Defense Authorization Act of 2020, allows the spouse of a member of the Coast Guard to participate in the My Career Advancement Account (MyCAA) program of the Department of Defense. The Committee strongly encourages the Coast Guard to ensure Coast Guard spouses are able to benefit from this program and directs the Coast Guard within 60 days of enactment of this Act to submit to the Committee a report describing the resource requirements for establishing this program.

*Natural Disaster Resiliency.*—The Committee remains concerned about the risks posed by natural disasters and the effects of climate change on Coast Guard facilities. Within 90 days of the date of enactment of this Act, the Coast Guard is directed to brief the Committee on its efforts to address the risk management recommendations in GAO 19 675 and GAO 19 711T, including an assessment on the effects of sea level rise.

*Powered Ascenders for Rotary-Wing Fleet.*—The Committee recognizes the importance of redundant systems for aviation rescue operations and encourages the Coast Guard to consider equipping its rotary-wing aircraft with lightweight, portable, powered ascenders with lift capacity equivalent to conventional rescue hoists.

*STARBASE.*—The Committee is pleased with the Coast Guard’s expanded authority to engage with the Department of Defense on

the youth STARBASE program. Based on the availability of resources, the Coast Guard is encouraged to explore the feasibility of participating in this program; evaluate and obtain an understanding of best practices in implementing the program; and keep the Committee informed of its activities.

#### PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

Appropriation, fiscal year 2020 .....	\$1,772,506,000
Budget request, fiscal year 2021 .....	1,637,091,000
Recommended in the bill .....	2,158,791,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	+386,285,000
Budget request, fiscal year 2021 .....	+521,700,000

The Coast Guard is directed to continue to brief the Committee quarterly on all major acquisitions, consistent with the direction in the explanatory statement accompanying Public Law 114–4.

#### Vessels

*Cutter Boats.*—The recommendation includes \$5,500,000 above the requested level to procure combat craft assault vessels for the Maritime Security Response Teams to address mission capability requirements and standardize the mix of vessels across both units.

*Fast Response Cutter (FRC).*—The recommendation provides \$260,000,000 for four FRCs, \$240,000,000 above the request to finish the program of record for this asset.

*National Security Cutter (NSC).*—The Committee rejects the proposed rescission of \$70,000,000 appropriated in Public Law 116–93. The Committee understands that Coast Guard’s current NSC program is underfunded in fiscal year 2021 by \$68,400,000 for follow-on acquisition needs, including Post Delivery Activities, due in part to the Administration’s redirection of funds appropriated for this purpose through transfers to other DHS components. The Committee directs the Coast Guard to utilize those funds to ensure operationalization of the NSC fleet.

*Offshore Patrol Cutter (OPC).*—The recommendation provides the requested \$546,000,000 to continue the program of record for these critical assets. The Committee directs the Coast Guard to continue briefings, as described in Public Law 116–93, on the metrics used to evaluate adherence to production timelines and costs, as well as progress towards or challenges experienced in meeting these metrics.

*Polar Security Cutter (PSC).*—The recommendation includes the requested \$555,000,000 for the procurement of a second PSC. The Committee is committed to the importance of a U.S. presence in the polar regions, especially the Arctic, and is pleased to be able to continue to advance the procurement of these assets.

#### Aircraft

*HC–130J Acquisition/Conversion/Sustainment.*—The Committee recommends \$120,000,000, \$110,000,000 above the request, for one HC–130J long range surveillance aircraft, which will support the production and missionization of the eighteenth plane as part of an acquisition program goal of twenty-two aircraft.

*Long Range Command and Control Aircraft (LRCCA).*—The Coast Guard’s LRCCA fleet includes one owned legacy asset that

was procured in 2001 and a newer leased asset. The Committee understands that the Coast Guard currently plans to use funding provided in its fiscal year 2020 appropriation to replace the newer leased asset. Before committing to that approach, the Commandant is directed to reassess whether replacement of the older aircraft could be more cost effective and provide added operational capability. The Committee directs the Coast Guard to provide an updated analysis to the Committee not later than 60 days after the date of enactment of this Act.

In addition, the Coast Guard is directed to provide semi-annual updates to the Committee on the utilization of these aircraft, including operating and maintenance costs; dates when the aircraft are out of service for maintenance, and whether such maintenance was planned or unplanned; and the names and titles of departmental officials and non-departmental individuals traveling on the aircraft, including their dates of travel. The first such update is due not later than 60 days after the date of enactment of this Act and shall include the required information for fiscal year 2020.

Shore Facilities and Aids to Navigation

*Major Construction; Housing; Aids-to-Navigation; and Survey & Design.*—The recommendation includes \$166,200,000 above the request to support Coast Guard personnel and families by funding the top two projects from the Housing, Family Support, Safety, and Training Facilities category of the Coast Guard’s Unfunded Priority List (UPL) and the top four projects from the Shore Construction Supporting Operational Assets and Maritime Commerce category of the UPL. In addition to the amounts provided, the recommendation assumes \$4,000,000 from the Coast Guard Housing Fund will be used for these projects. The Coast Guard is directed to report to the Committee the actual receipts collected into the fund not later than 30 days after the end of the fiscal year.

*Runway 1/19.*—The Committee continues to support plans to recapitalize Runway 1/19 at Base/Air Station Elizabeth City. The Committee expects that the Coast Guard will continue to work with state and local partners, including institutions of higher learning on a plan for this project. The Committee also expects the Coast Guard will continue to provide timely information regarding the scope, costs, and benefits of the project, including the viability of a financial and/or operational partnership with non-federal stakeholders.

RESEARCH AND DEVELOPMENT

Appropriation, fiscal year 2020 .....	\$4,949,000
Budget request, fiscal year 2021 .....	5,276,000
Recommended in the bill .....	8,276,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	+3,327,000
Budget request, fiscal year 2021 .....	+3,000,000

*Blue Technology Center of Expertise.*—The Committee understands the Coast Guard has detailed personnel to the new Blue Technology Center of Expertise with a goal of advancing opportunities for rapid identification, evaluation, and transition of new blue technologies into Coast Guard capabilities. The Committee directs the Coast Guard to report periodically on the successes of the Cen-

ter and encourages the Coast Guard to continue and expand this partnership.

*Comprehensive Incident Management System.*—The Committee understands that the Coast Guard currently lacks a unified technology platform for situational awareness, including the status of Coast Guard resources and assets, at U.S. ports. The Committee encourages the Coast Guard to assess the feasibility of conducting a pilot program to evaluate comprehensive maritime incident management systems at one or more ports; report to the Committee on the results of its assessment; and, if warranted, provide a plan and timeline for carrying out such a pilot.

*Small Unmanned Aerial Systems (sUAS).*—The Committee supports the integration of unmanned aerial systems into Coast Guard operations to provide greater situational awareness and take advantage of developments in rapidly improving reconnaissance technology. The Committee includes \$3,000,000 above the request for further R&D as described in the UPL. The Committee directs the Coast Guard to report to the Committee on the results of this effort, to include the viability of sUAS on appropriate assets in its existing fleets and any plans utilize this capability for future programs, such as the OPC and PSC.

*Unmanned Surface Vehicles (USV).*—The Committee directs the Coast Guard to report on the plans for research and development activities related to USVs not later than 90 days after the date of enactment of this Act, and of the subsequent findings when they are available. Such findings should include how data collected by these vehicles could augment current assets and support operational maritime awareness, surveillance and reconnaissance.

HEALTH CARE FUND CONTRIBUTION \*

Appropriation, fiscal year 2020 .....	\$205,107,000
Budget request, fiscal year 2021 .....	215,787,000
Recommended in the bill .....	215,787,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	+10,680,000
Budget request, fiscal year 2021 .....	---

\*This is a permanent indefinite discretionary appropriation.

The Health Care Fund Contribution accrues the Coast Guard’s military Medicare-eligible health benefit contribution to the Department of Defense Medicare-Eligible Retiree Health Care Fund. Contributions are for future Medicare-eligible retirees, as well as retiree dependents and their potential survivors.

RETIRED PAY

Appropriation, fiscal year 2020 .....	\$1,802,309,000
Budget request, fiscal year 2021 .....	1,869,704,000
Recommended in the bill .....	1,869,704,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	+67,395,000
Budget request, fiscal year 2021 .....	---

The Retired Pay mandatory appropriation provides payments as identified under the Retired Serviceman’s Family Protection and Survivor Benefits Plans and other retired personnel entitlements identified under prior-year National Defense Authorization Acts. This appropriation also includes funding for medical care of retired personnel and their dependents.

## UNITED STATES SECRET SERVICE

Appropriation, fiscal year 2020 .....	\$2,415,845,000
Budget request, fiscal year 2021* .....	2,360,538,000
Recommended in the bill .....	2,432,796,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	+16,951,000
Budget request, fiscal year 2021 .....	+72,258,000

\*Note—funding for the Secret Service was proposed in the Administration's fiscal year 2021 budget through the Department of the Treasury.

## Mission

The United States Secret Service (USSS) protects and investigates threats against the President and Vice President, their families, visiting heads of state, and other designated individuals; protects the White House, the Vice President's Residence, foreign missions, and certain other facilities within Washington, D.C.; and coordinates the security at National Special Security Events (NSSE). The Secret Service also investigates violations of laws relating to counterfeiting of obligations and securities of the United States; financial crimes, including access device fraud, financial institution fraud, identity theft, and computer fraud; and computer-based attacks on financial, banking, and telecommunications infrastructure. In addition, the agency provides support for investigations related to missing and exploited children.

## OPERATIONS AND SUPPORT

Appropriation, fiscal year 2020 .....	\$2,336,401,000
Budget request, fiscal year 2021 .....	2,310,296,000
Recommended in the bill .....	2,368,553,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	+32,152,000
Budget request, fiscal year 2021 .....	+58,257,000

The fiscal year 2021 budget proposes transferring USSS to the Treasury Department. Absent an enacted law to effect such a transfer, the Committee recommends continued funding for the Secret Service through the Department of Homeland Security.

The recommendation includes the following increases above the request: \$7,500,000 for overtime pay; \$10,000,000 for additional retention initiatives; \$1,500,000 for Electronic Crimes Task Force modernization; \$20,000,000 for radio modernization; \$29,140,000 for basic and advanced computer forensics training for state and local law enforcement officers, judges, and prosecutors in support of the Secret Service mission; \$11,300,000 for IT support and infrastructure modernization; and \$14,000,000 for Operational Mission Support (OMS).

Within the total amount provided, the bill makes \$41,807,000 available until September 30, 2022, of which \$11,480,000 is for the James J. Rowley Training Center; \$7,827,000 is for OMS; \$4,500,000 is for NSSEs; and \$18,000,000 is for protective travel. As directed in House Report 115–239, USSS should attempt to fully obligate its Operations and Support (O&S) funding during the fiscal year, including for OMS projects.

*Electronic Crimes.*—The Committee notes that the Secret Service is a lead federal agency in the effort to protect U.S. consumers, banks, and small businesses from complex, cyber-enabled financial crimes. This includes such crimes as Business Email Compromise



scams, network intrusions, online identity theft, and the use of electronic “skimming” devices, typically at gas station pumps or ATM machines, that steal encoded information from debit and credit cards. The Committee is concerned about the growing threat to consumers posed by skimming, and encourages the Secret Service, in partnership with the Federal Trade Commission, law enforcement officials and gas station owners, to strengthen efforts to educate the public about skimming, conduct anti-skimming investigations, and apprehend the criminals responsible.

The Committee recognizes the efforts of the Secret Service’s Financial and Electronic Crimes Task Forces to combat skimming across the United States, as well as the work of the National Computer Forensics Institute (NCFI) to train and equip state, local, and tribal law enforcement personnel to effectively investigate and prosecute electronic crimes, including skimming. To help address these concerns, the Committee includes \$1,500,000 above the request for electronic crimes task force modernization, in addition to funds provided for NCFI.

*National Computer Forensics Institute.*—The recommendation includes \$33,140,00 for continued support of the NCFI, which is \$29,140,000 above the request. The NCFI provides electronic crimes investigation training to state and local law enforcement officers, prosecutors, and judges who are nominated for participation by USSS field offices.

*Support to Missing and Exploited Children.*—The recommendation includes \$6,000,000 for support of missing and exploited children investigations, as requested, for a grant related to investigations.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

Appropriation, fiscal year 2020 .....	\$66,989,000
Budget request, fiscal year 2021 .....	38,305,000
Recommended in the bill .....	52,306,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	– 14,683,000
Budget request, fiscal year 2021 .....	+14,001,000

The recommendation includes an increase of \$14,001,000 above the request for the James J. Rowley Training Center.

RESEARCH AND DEVELOPMENT

Appropriation, fiscal year 2020 .....	\$12,455,000
Budget request, fiscal year 2021 .....	11,937,000
Recommended in the bill .....	11,937,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	– 518,000
Budget request, fiscal year 2021 .....	– – –

TITLE II—ADMINISTRATIVE PROVISIONS—THIS ACT

Section 201. The Committee continues by reference a provision regarding overtime compensation.

Section 202. The Committee continues and modifies a provision allowing CBP to sustain or increase operations in Puerto Rico and the U.S. Virgin Islands with appropriated funds.

Section 203. The Committee continues a provision regarding the availability of fee revenue collected from certain arriving passengers.

Section 204. The Committee continues a provision allowing CBP access to certain reimbursements for preclearance activities.

Section 205. The Committee continues a provision regarding the importation of prescription drugs by an individual for personal use.

Section 206. The Committee continues a provision regarding waivers of the Jones Act.

Section 207. The Committee continues a provision prohibiting DHS from establishing a border crossing fee.

Section 208. The Committee continues a provision prohibiting the obligation of funds prior to the submission of an expenditure plan for funds made available for CBP Procurement, Construction, and Improvements.

Section 209. The Committee continues and modifies a provision allocating funds within CBP Procurement, Construction, and Improvements account for specific purposes and directs an updated risk-based plan be submitted.

Section 210. The Committee continues and modifies a provision prohibiting the construction of border security barriers in specified areas.

Section 211. The Committee includes a provision prohibiting the construction of physical barriers along the southern land border except by using amounts made available for such purposes by prior appropriations Acts.

Section 212. The Committee continues and modifies a provision prohibiting the construction of border security barriers in specified areas.

Section 213. The Committee continues a provision prohibiting the use of funds provided under the heading “U.S. Immigration and Customs Enforcement—Operations and Support” for the 287(g) program if the terms of the agreement governing the delegation of authority have been materially violated.

Section 214. The Committee continues a provision prohibiting the use of funds provided under the heading “U.S. Immigration and Customs Enforcement—Operations and Support” to contract for detention services if the facility receives less than “adequate” ratings in two consecutive performance evaluations.

Section 215. The Committee continues and modifies a provision related to information sharing between ICE and the Office Refugee Resettlement (ORR) that prohibits ICE from using information for removal purposes if it was provided by as part of a process of sponsoring an unaccompanied alien child or reuniting a child with a family member or if it is based on information gathered in therapy sessions for child while in ORR.

Section 216. The Committee continues a provision that requires ICE to provide information and statistics about the 287(g) program.

Section 217. The Committee continues and modifies a provision that requires ICE to provide statistics about its detention population.

Section 218. The Committee includes a new provision ensuring aliens’ access to legal counsel and know your rights presentations for specified legal proceedings and requires the Secretary and the Director of the Office of Civil Rights and Liberties to certify that such requirements have been met.

Section 219. The Committee includes a provision that prohibits the detention of individuals for more than the specified periods if

they don't pose a threat to public safety or a flight risk and ensures that transgender detainees are detained in facilities that comply with ICE standards for such individuals.

Section 220. The Committee includes a provision to focus Homeland Security Investigations activities on functions that are not redundant to those of Enforcement and Removal Operations.

Section 221. The Committee includes a provision that prohibits ICE from removing individuals with a pending Violence Against Women Act (VAWA), U-visa, or T-visa application or a pending appeal of a denial related to such visas.

Section 222. The Committee continues a provision clarifying that certain elected and appointed officials are not exempt from federal passenger and baggage screening.

Section 223. The Committee continues a provision directing the deployment of explosive detection systems based on risk and other factors.

Section 224. The Committee continues a provision authorizing TSA to use funds from the Aviation Security Capital Fund for the procurement and installation of explosive detection systems or for other purposes authorized by law.

Section 225. The Committee includes a provision directing the Administrator of TSA to report to specified Committees about the agency's investment plans.

Section 226. The Committee includes a provision to extend the authority for a reimbursable TSA pilot program in Public Law 116-6 through fiscal year 2023 to enable completion of the pilot.

Section 227. The Committee continues a provision prohibiting funds made available by this Act under the heading "Coast Guard—Operations and Support" for recreational vessel expenses, except to the extent fees are collected from owners of yachts and credited to this appropriation.

Section 228. The Committee continues and modifies a provision allowing up to \$10,000,000 to be reprogrammed to or from Military Pay and Allowances within "Coast Guard—Operations and Support".

Section 229. The Committee continues a provision requiring submission of a future-years capital investment plan.

Section 230. The Committee includes a provision allowing the allocations of funds made available for Overseas Contingency Operations/Global War on Terrorism.

Section 231. The Committee includes a provision allowing for the use of the Coast Guard Housing Fund.

Section 232. The Committee continues a provision allowing the Secret Service to obligate funds in anticipation of reimbursement for personnel receiving training.

Section 233. The Committee continues a provision prohibiting funds made available to the Secret Service from being used for the protection of the head of a federal agency other than the Secretary of Homeland Security, except when the Director has entered into a reimbursable agreement for such protection services.

Section 234. The Committee continues and modifies a provision allowing the reprogramming of funds within "United States Secret Service—Operations and Support".

Section 235. The Committee continues a provision allowing for funds made available for "United States Secret Service—Oper-

ations and Support” to be available for travel of employees on protective missions without regard to limitations on such expenditures in this or any other Act after notification to the Committees on Appropriation.

Section 236. The Committee includes a provision requiring semi-monthly reporting on a public website related to requests by law enforcement agencies for support from DHS law enforcement personnel and requiring notification to the Committee when DHS provides such support.

### TITLE III—PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

#### CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY

Appropriation, fiscal year 2020 .....	\$2,015,622,000
Budget request, fiscal year 2021 .....	1,757,798,000
Recommended in the bill .....	2,254,747,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	+239,125,000
Budget request, fiscal year 2021 .....	+496,949,000

#### Mission

The Cybersecurity and Infrastructure Security Agency (CISA) is responsible for enhancing the security of the nation’s physical and cyber infrastructure and interoperable communications systems; safeguarding and securing cyberspace; and strengthening national preparedness and resilience.

#### OPERATIONS AND SUPPORT

Appropriation, fiscal year 2020 .....	\$1,566,229,000
Budget request, fiscal year 2021 .....	1,437,888,000
Recommended in the bill .....	1,843,891,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	+277,662,000
Budget request, fiscal year 2021 .....	+406,003,000

The recommendation includes increases above the request totaling \$240,902,000 to help maintain current services through restorations of proposed program reductions and annualizations of prior year initiatives. In addition, the Committee provides \$170,742,000 in enhancements above the request, which are describe in more detail below.

Proposed amounts are reduced by \$3,866,000 for proposed increases in awards spending and a net reduction of \$1,775,000 associated with proposed adjustments across the account that were either unjustified or in error.

The Committee is disappointed in the lack of quality and detail provided in CISA’s fiscal year 2021 budget justification documents, to include several errors and unjustified adjustments that appear to be attributable to CISA’s premature proposal for a new PPA structure and raise questions about whether the budget could be executed as requested. The Committee is also concerned that the request did not sustain funding for initiatives funded in fiscal years 2019 and 2020, to include significant hiring initiatives, and the budget justification materials failed to address the personnel who would be impacted.

While the recommendation adopts the proposed PPA structure, it rejects adjustments that CISA was unable to adequately defend and it allocates funding at a more detailed accounting level to ensure transparency and executability and to encourage accountability. CISA is directed to submit the fiscal year 2022 budget request at the same level of PPA detail as provided in the table at the end of this report with no further adjustments to the PPA structure.

Additionally, CISA is directed to continue to provide the quarterly spend plan and hiring briefings required by the explanatory statement accompanying the Department of Homeland Security Appropriations Act, 2020, (Public Law 116–93), to be updated for the new initiatives funded in this Act.

### Cybersecurity

*Consequence Analysis.*—The Committee encourages CISA to continue to use commercial, human-led threat behavioral analysis and technology, and to employ private sector, industry-specific, threat intelligence and best practices to better characterize potential consequences to critical infrastructure sectors during a systemic cyber event.

*Cyber Defense Education and Training Initiative.*—The Committee provides an increase above the request of \$32,607,000 to support the Cyber Defense Education and Training Initiative, of which \$11,907,000 is to sustain related prior year initiatives, including \$4,300,000 for the Cybersecurity Education and Training Assistance Program (CETAP). The recommended increase also includes \$5,700,000 above the request to further expand cybersecurity education programs targeting the Kindergarten through 12th grade (K–12) community, including CETAP, to support the development of education delivery methods that engage K–12 students, teachers, counselors and post-secondary institutions and encourage students to pursue cybersecurity careers. Lastly, the recommended increase includes \$15,000,000 above the request to support the National Institute of Standards and Technology (NIST) National Initiative for Cybersecurity Education (NICE) Challenge project or for similar efforts to address shortages in the cybersecurity workforce through the development of content and curriculum for colleges, universities, and other higher education.

*Cyber Threats to Critical Election Infrastructure.*—The Committee is encouraged by CISA’s election-related support to state and local election officials and urges CISA and the Election Infrastructure Information Sharing and Analysis Center (EI–ISAC) to expand outreach to the most vulnerable jurisdictions. By not later than December 1, 2020, CISA is directed to brief the Committee on the outcome of its efforts related to the 2020 elections, to include any preliminary findings.

*Cybersecurity Briefings.*—The Committee directs CISA to continue providing the semiannual briefing on the National Cybersecurity Protection System (NCPS) program and the Continuous Diagnostics and Mitigation (CDM) program as described in House Report 116–180. The Committee also reminds CISA of the briefing on CDM and NCPS modernization required by the Explanatory Statement accompanying Public Law 116–93 and looks forward to receiving this briefing as soon as possible.

*Cybersecurity Mission Systems Engineering.*—The recommendation provides an increase of \$3,633,000 above the request in the Operations and Support account and \$47,846,000 in the Procurement, Construction, and Improvements account to upgrade and invest in a strategic, agency-wide approach to the systems engineering lifecycle of capabilities that support all CISA cybersecurity operations, including Threat Hunting and Vulnerability Management. This funding will help protect federal networks and critical infrastructure from nation-state threats and reduce vulnerabilities.

*Cybersecurity Workforce.*—The Committee reminds CISA of the briefing on addressing shortages in the cybersecurity workforce required by the Explanatory Statement accompanying Public Law 116–93 and looks forward to receiving this briefing as soon as possible.

*Federal Cybersecurity.*—Advanced CDM cybersecurity capabilities and the Agency-Wide Adaptive Risk Enumeration (AWARE) scoring system have enabled agencies to prioritize actions and improve their basic cybersecurity hygiene. However, CISA can do more to assist agencies in using CDM tools. CISA is encouraged to ensure agencies have the training and information necessary to fully leverage their CDM capabilities, to include guidance on best practices, sample architectures, and downloadable security policy sets.

Additionally, given NCPS’s success at delivering core capabilities for CISA and the federal government, it may be a useful platform on which to overlay other critical cybersecurity capabilities. Therefore, the Committee directs CISA to develop an analysis of alternatives for aligning vulnerability management, incident response, and NCPS capabilities. Not later than 60 days after the date of enactment of this Act, CISA shall brief the Committee on its findings.

*Federal Cyber Risk Administration.*—The Federal Information Security Modernization Act (FIMA) requires that the Secretary, in consultation with the Director of the Office of Management and Budget, “administer the implementation of agency information security policies and practices” for specified federal civilian information systems and operate a “central Federal information security incident center” (44 U.S.C. 3553, 3556). To support this role, the Committee provides an increase of \$5,881,000 above the request to establish a formal program office to help federal civilian agencies understand, adopt, and implement effective cybersecurity governance practices and promote proactive interagency planning and coordination. The Committee also provides an increase of \$9,257,000 to establish a formal program office to coordinate supply chain risk management efforts for federal civilian agencies; act as the executive agent for the Federal Acquisition Security Council (FASC), as authorized by the SECURE Technology Act, 2018 (Public Law 115–390); and fund various supply chain related efforts and services.

*Hunt and Incident Response Teams.*—In the face of cyber threats from nation-state adversaries such as Russia, China, Iran, and North Korea, the Committee recommends an increase of \$6,000,000 above fiscal year 2020 funding levels to continue to grow CISA’s threat hunting capabilities. CISA’s threat hunting teams are a critical capability to identifying and mitigating threats that are present on our federal government networks and nation’s critical infrastructure. CISA’s threat hunters pursue advanced threat actors by leveraging information from the U.S. intelligence commu-

nity, private sector threat intelligence providers, and international partners, and from private sector partners through voluntary partnerships.

*Joint Cyber Center (JCC) for National Cyber Defense.*—The recommendation provides an increase of \$11,568,000 above the request to establish a JCC to bring together federal and SLTT governments, industry, and international partners to strategically and operationally counter nation-state cyber threats. The Committee directs CISA to brief the Committee not later than 60 days after the date of enactment of this Act on a plan for establishing the JCC, including a charter; budget and hiring plan; description of how it will complement and leverage other CISA capabilities; and strategy for partnering with the aforementioned stakeholders.

*Multi-State Information Sharing and Analysis Center (MS-ISAC).*—The Committee is encouraged by the successes of the MS-ISAC to provide cost effective and innovative solutions to SLTT governments. The recommendation restores the proposed \$11,439,000 reduction to this capability and provides an additional \$8,007,000 to sustain and continue to expand and invest in the program's capabilities, to include endpoint detection and response; malicious domain activity blocking; and improving threat intelligence capabilities.

*Shared Cybersecurity Services Office.*—Through the Shared Cybersecurity Services Office (SCSO), CISA serves as the Quality Services Management Office for federal cybersecurity. To help improve efforts to make strategic cybersecurity services available to federal agencies, the Committee includes \$5,064,000 above the request to sustain prior year investments and an additional \$5,000,000 to continue to expand the office.

The Committee also supports continuing efforts by the Department to protect its networks from adversaries, including the development of a vulnerability disclosure policy, and supports CISA's efforts to implement similar policies across federal civilian agencies, such as through Binding Operational Directive 20-01. Within the funds provided for SCSO, CISA is directed to work with the Management Directorate to conduct a crowd-sourced security testing program that uses technology platforms and ethical security researchers to test for vulnerabilities on departmental systems. In addition, not later than 90 days after the date of enactment of this Act, CISA is directed to brief the Committee on opportunities for state and local governments to leverage shared services provided through SCSO or a similar capability and to explore the feasibility of executing a pilot program focused on this goal.

*Vulnerability Management Infrastructure.*—The Committee recognizes that as the number of networked devices across cyberspace increases exponentially, so has the number of identified and reported vulnerabilities in the software and hardware that operates critical infrastructure globally. The Committee provides an increase of \$10,022,000 above the request for the underlying infrastructure that enables better identification, analysis, and publication of known vulnerabilities and common attack patterns, including through the National Vulnerability Database, and to expand the coordinated responsible disclosure of vulnerabilities.

### Infrastructure Security

*Bombing Prevention—Advanced Training Initiative.*—The Committee provides an increase of \$5,370,000 above the request for the bombing prevention advanced training initiative, to include improvements to the counterterrorism and targeted violence program and to expand capacity and coverage.

*Stakeholder Exercise Program.*—The Committee provides an increase of \$5,185,000 above the request to address the growing demand for CISA exercise services.

### Emergency Communications

*First Responder Emergency Medical Communications.*—The recommendation continues prior year funding of \$2,000,000 to administer SLTT projects that aid in the implementation of the National Emergency Communications Plan and demonstration of emergency medical communications in rural areas.

### Integrated Operations

*Grid Security and Resiliency.*—Electricity grid security and resiliency are issues of paramount importance to our national security. In the face of global cyber threats from nations such as Iran, Russia, China, and North Korea, the U.S. national grid infrastructure remains a top target for attacks. The committee encourages CISA to work closely with electric cooperatives, state investor owned utilities, municipal utilities, and other utility providers to plan and build out needed cybersecurity infrastructure and enhance ongoing efforts to improve cybersecurity posture.

### Risk Management Operations

*Critical Infrastructure Dependency Analyses.*—The Committee provides an increase of \$2,000,000 above the request to accelerate the availability of capabilities to better understand, operationalize, and visualize critical infrastructure dependencies. CISA is encouraged to consider enhanced capabilities provided by emerging technologies, such as Artificial Intelligence (AI)/Machine Learning (ML), to support the understanding and visualization of cross-sector dependencies. These analyses aid CISA's ability to make available information required for decision support to government and community cross-domain cyber and physical incident planning, response, and recovery actions.

*Modeling Capability Transition Environment (MCTE).*—MCTE is the National Risk Management Center's (NRMC) analytic environment for the integration, refinement, and running of models, simulations, and geospatial analyses. The NRMC's expanded mission set has necessitated an increase in requirements, which has impacted the MCTE's lifecycle cost estimate. The Committee provides an increase of \$4,056,000 above the request to fund these additional requirements.

*National Critical Functions (NCFs) Analytic Capability.*—The Committee provides an increase of \$25,200,000 above the request to develop an agile analytic capability that can evaluate evolving strategic technology risks for NCF assets over a 5 to 20-year time-span. The NRMC is directed to brief the Committee not later than



60 days after the date of enactment of this Act on a plan of action and milestones for bringing this capability online, including a budget and hiring plan.

*Payment Systems.*—CISA is directed to perform a risk assessment, not later than 180 days after the date of enactment of this Act, on vulnerabilities in U.S. payments systems, including point of sale and online purchase systems, vulnerable to data breaches. CISA shall make an unclassified version of the assessment publicly available to help inform businesses and consumers.

*Supply Chain Risk Management.*—The Committee continues to be concerned about cyber vulnerabilities within supply chains, which pose unacceptable risks to the nation’s physical and cyber infrastructure and, therefore, to national security. The recommendation includes an increase of \$18,005,000 above the request to continue the development of capabilities to address these risks through the ICT Supply Chain Risk Management Task Force and other stakeholders, such as the FASC. This funding shall be used for activities such as supply chain mapping and risk assessments; qualified bidder and manufacturer lists criteria development; and critical infrastructure commodities supply chain analysis and modeling.

#### Stakeholder Engagement and Requirements

*Critical Infrastructure Sector Management.*—The recommendation provides an increase of \$5,000,000 to begin to increase CISA’s critical infrastructure sector management support for the 8 sectors for which it is the Sector Specific-Agency, and for its role in coordinating all 16 sectors on behalf of the Secretary of Homeland Security, as defined in Presidential Policy Directive 21.

*Public Awareness Campaigns.*—The recommendation includes an increase of \$5,500,000 to expand CISA’s public awareness campaigns to improve public resiliency to cybersecurity attacks.

*SLTT Resilience Technical Assistance.*—The Committee is concerned by the increasing prevalence of cyber-attacks on SLTT governments, including ransomware attacks. The recommendation provides an increase of \$8,078,000 above the request to increase technical assistance and other support for SLTT partners to enhance cyber resilience and cyber information sharing across the critical infrastructure ecosystem. The Committee encourages CISA to explore opportunities to partner with universities to leverage their expertise to help public and private institutions prevent and respond quickly to crippling cyber-attacks.

The Committee also directs CISA to work with appropriate stakeholders on the development and promotion of cybersecurity plans that could be adopted or modified for adoption by SLTT governments, and to partner with FEMA to better leverage DHS grant assistance authorities to support cybersecurity investments. Not later than 45 days after the date of submission of the fiscal year 2022 budget request, CISA is directed to brief the Committee on its SLTT technical assistance efforts, including a current understanding of the threats to SLTT cybersecurity, known vulnerabilities, and an assessment of SLTT capability gaps.

*Stakeholder Relationship Management.*—The recommendation provides an increase of \$6,100,000 above the request to formally establish a Stakeholder Experience branch within the Stakeholder

Management subdivision, which shall be responsible for implementing, operating, and maintaining CISA’s Stakeholder Relationship Management (SRM) system; implementing the CISA-wide stakeholder Knowledge Management Program; coordinating, publishing, and maintaining CISA’s products and service catalog; and managing a Stakeholder Analytics program.

*State Court Electronic Data.*—The Committee is concerned with potential cyber-attacks on State Court electronic data, which contain more than 95 percent of court filings in the United States and on which state and federal agencies, including law enforcement, rely on as a source of criminal information. The Committee recommends that CISA advance its efforts to help secure State Court electronic case management systems, electronic data systems, and data transfers between state courts and the state and federal agencies that rely on this data.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

Appropriation, fiscal year 2020 .....	\$434,962,000
Budget request, fiscal year 2021 .....	313,479,000
Recommended in the bill .....	396,425,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	– 38,537,000
Budget request, fiscal year 2021 .....	+82,946,000

Infrastructure Security

*CISA Gateway Enterprise Data Platform.*—The recommendation provides an increase of \$10,000,000 above the request to modernize the CISA Gateway Enterprise Data Platform, which has not been modernized significantly since 2014. These capabilities need to be updated and aligned to provide value to owners, operators, and decision makers, and to create an information collection and analysis system that is mobile, scalable, and user friendly.

*Next Generation Networks (NGN) Priority Services (PS).*—The Committee provides an increase of \$25,100,000 to accelerate development and deployment of NGN–PS Phase 2 video, data, and information services. This enhancement will support the addition of priority voice capabilities to support all levels of decision making, from senior leadership to first responders, with real-time information to prevent, protect, and preserve human life, critical infrastructures, and property from acts of terrorism and natural disasters. Not later than 90 days after the date of enactment of this Act, CISA is directed to provide a briefing to the Committee on an updated NGN–PS acquisition plan and deployment schedule.

RESEARCH AND DEVELOPMENT

Appropriation, fiscal year 2020 .....	\$14,431,000
Budget request, fiscal year 2021 .....	6,431,000
Recommended in the bill .....	14,431,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	– – –
Budget request, fiscal year 2021 .....	+8,000,000

Integrated Operations

Consistent with the funding provided in fiscal year 2020, the recommendation includes increases above the request to restore the proposed \$5,000,000 reduction to the Technology Development and

Deployment Program and \$3,000,000 to sustain funding to develop capabilities to model, simulate, and conduct other advanced analytics of disruptions to cyber and infrastructure networks.

#### FEDERAL EMERGENCY MANAGEMENT AGENCY

Appropriation, fiscal year 2020 .....	\$22,536,700,000
Budget request, fiscal year 2021 .....	9,594,388,000
Recommended in the bill .....	10,831,610,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	- 11,705,090,000
Budget request, fiscal year 2021 .....	+1,237,222,000

*Note:* These amounts include funding designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### Mission

The Federal Emergency Management Agency (FEMA) helps build, sustain, and improve the nation's capability to prepare for, protect against, respond to, recover from, and mitigate all hazards through disaster response, recovery, and grant programs supporting first responders, emergency management, mitigation activities, and preparedness.

#### OPERATIONS AND SUPPORT

Appropriation, fiscal year 2020 .....	\$ 1,102,199,000
Budget request, fiscal year 2021 .....	1,134,195,000
Recommended in the bill .....	1,155,750,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	+53,551,000
Budget request, fiscal year 2021 .....	+21,555,000

The recommendation includes the following increases above the request: \$4,000,000 to restore the Emergency Management Assistance Compact (EMAC); \$20,000,000 for the Next Generation Warning System as part of the Emergency Alert System; \$4,500,000 for the Integrated Public Alert and Warning System (IPAWS); \$3,000,000 for National Geospatial Infrastructure for Disaster Response; and \$1,000,000 to maintain current services of the Interoperable Gateway System.

This recommendation also includes a reduction to the request totaling \$10,945,000 associated with proposed Awards Spending increases.

#### Mitigation

*Access to Flood Information.*—The Committee supports FEMA's efforts to integrate and improve technology in the National Flood Insurance Program and other mitigation programs, and is concerned about reports that state and local floodplain managers, emergency managers, and other officials are no longer able to access data critical to performance of their preparedness, mitigation and recovery responsibilities. Within 60 days of the date of enactment of this Act, FEMA is directed to brief the Committee on steps that it can take within its existing authorities to ensure state and local officials receive the necessary access to this data while assuring appropriate privacy protections.

*Chief Resilience Officer.*—The Committee is aware and supportive of the six states that have designated a Chief Resilience Officer (CRO) to coordinate planning and response activities associ-

ated with addressing risks resulting from flooding, sea level rise, and severe storms. The Committee expects FEMA to coordinate with the existing state CROs in addition to all of FEMA's state, tribal and other state agency partners to identify opportunities for collaboration, create new efficiencies in federal-state relations, and identify how new or existing federal funding and other resources, including non-federal resources, may be used to develop state-wide resilience master plans and to work with additional states that are beginning to take the lead on resilience by creating agencies or offices specifically tasked with overseeing large adaptation projects, proactively incorporating resilience into old and new infrastructure, and coordinating across agencies. To the extent possible, existing programs and initiatives should be leveraged to include resilience and adaptation in lieu of creating entirely new programs or initiatives that would run in parallel with but disconnected from existing state programs.

*Mississippi River Resilience.*—The Committee recognizes that the Mississippi River basin from Minnesota to Louisiana is a vital American waterway. Therefore, the Committee urges FEMA to participate and coordinate as an essential federal stakeholder with the Environmental Protection Agency on developing a Mississippi River restoration and resiliency strategy focused on improving water quality, restoring habitat and natural systems, improved navigation, eliminating aquatic invasive species, and building local resilience to natural disasters.

#### Preparedness and Protection

The recommendation includes \$20,000,000 for the Next Generation Warning System as part of the Emergency Alert System, including up to three percent for administration. The Committee expects FEMA to work with Corporation for Public Broadcasting to implement this program for public broadcasting entities, as defined in 47 USC 397(11). The recommendation also includes \$4,500,000 round the clock support for state, local, tribal and territorial users for the Integrated Public Alert and Warning System (IPAWS). The recommendation rejects the proposed cuts the Emergency Management Assistance Compact (EMAC) and provides \$4,000,000 for EMAC.

#### Response and Recovery

The Committee recommends the requested funding level for the Urban Search and Rescue Response System (USAR) to fully support the 28 USAR Task Forces and also includes an additional \$3,000,000 above the request for National Geospatial Infrastructure for Disaster Response.

#### Mission Support

The recommendation rejects a proposed cut to the Interoperable Gateway System.

*Interoperable Communications.*—The Committee directs FEMA to assess the feasibility of using commercial off-the-shelf, mobile mesh networking technology to ensure communications and interoperability between federal, state, and local emergency responders during disaster response efforts and to brief the Committee on the

results of the assessment not later than 180 days after the date of enactment of this Act.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

Appropriation, fiscal year 2020 .....	\$ 133,363,000
Budget request, fiscal year 2021 .....	86,503,000
Recommended in the bill .....	122,353,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	- 11,010,000
Budget request, fiscal year 2021 .....	+35,850,000

The recommendation includes \$30,500,000 above the request for construction and facility improvements for the Mount Weather Emergency Operations Center as well as an additional \$5,350,000 above the request for Grants Management Modernization.

FEDERAL ASSISTANCE

Appropriation, fiscal year 2020 .....	\$3,188,467,000
Budget request, fiscal year 2021 .....	2,482,552,000
Recommended in the bill .....	3,662,369,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	+473,902,000
Budget request, fiscal year 2021 .....	+1,179,817,000

A comparison of the budget request to the Committee recommended level by budget activity is as follows:

	Budget Request	Recommendation
Federal Assistance:		
Grants:		
State Homeland Security Grant Program .....	\$331,939,000	\$700,000,000
(Operation Stonegarden) .....	---	(90,000,000)
(Nonprofit Security) .....	---	(180,000,000)
(Tribal Homeland Security Grant Program) .....	---	(15,000,000)
Urban Area Security Initiative .....	426,461,000	795,000,000
(Nonprofit Security) .....	---	(180,000,000)
Public Transportation Security Assistance .....	36,358,000	110,000,000
(Amtrak Security) .....	---	(10,000,000)
(Other-the Road Bus Security) .....	---	(3,000,000)
Port Security Grants .....	36,358,000	110,000,000
Assistance to Firefighter Grants .....	344,344,000	385,000,000
Staffing for Adequate Fire and Emergency Response .....	344,344,000	385,000,000
Emergency Management Performance Grants .....	279,335,000	385,000,000
National Priority Security Grant Program .....	406,909,000	---
Flood Hazard Mapping and Risk Analysis Program .....	100,000,000	263,000,000
Emergency Food and Shelter .....	---	150,000,000
Alternatives to Detention Case Management Program .....	---	75,000,000
Terrorism and Targeted Violence Prevention Grants .....	20,000,000	20,000,000
Subtotal, Grants .....	2,326,048,000	3,378,000,000
Education, Training, and Exercises		
Center for Domestic Preparedness .....	67,326,000	67,209,000
Center for Homeland Defense and Security .....	---	18,000,000
Emergency Management Institute .....	20,229,000	21,868,000
U.S. Fire Administration .....	49,716,000	49,038,000
National Domestic Preparedness Consortium .....	---	101,000,000
Continuing Training Grants .....	---	8,000,000
National Exercise Program .....	19,359,000	19,254,000
Subtotal, Education, Training, and Exercises .....	156,504,000	284,369,000
Total, Federal Assistance .....	\$2,482,675,000	\$3,662,369,000

## Grants

A general provision is included in title V of the bill, providing \$41,000,000 to reimburse state and local law enforcement for extraordinary costs associated with the protection of the President in jurisdictions where the President maintains a residence.

*Alternatives to Detention Case Management.*—The bill includes funding for a new grant program to provide case management services through nonprofit organizations and local communities for individuals released from immigration custody. The Committee directs FEMA to develop a program that will be administered through a National Board. Such board shall be chaired by and composed of non-profit organizations, similar in structure to the Emergency Food and Shelter Grant Program, and the funds shall be delivered through state and local boards and services provided by non-profit organizations and local government entities that normally provide services to such individuals. Not later than 30 days after the date of enactment of this Act, FEMA shall brief the Committees on its plan to develop and administer the program.

*Assistance to Firefighter Grants.*—Recognizing the economic and operational hardships caused by the current pandemic an administrative provision is included the bill to allow FEMA to waive the matching and maintenance of expenditure provisions for the Assistance to Firefighter Grants program. The Committee expects that the Administrator will use the discretion granted in section 309 as much as possible to relieve the economic and operational hardships caused by the current pandemic.

*Emergency Food and Shelter Grant Program (EFSGP).*—The bill includes an increase of \$25,000,000 for EFSGP. The Committee directs FEMA, in conjunction with the Emergency Food and Shelter Board National Board, to provide a briefing not later than 60 days after the date of enactment of this Act on the current methodology used to determine funding allocations to local food and shelter boards, as well as its methodology for distributing supplemental funding appropriated in the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136). The briefing should also include an assessment of whether other data sources related to hunger and homelessness, such as U.S. Department of Agriculture data on the prevalence of food insecurity or the U.S. Department of Housing and Urban Development point-in-time homelessness count, could be incorporated into the annual grant methodology to more effectively address the goals of the program.

The Committee recognizes that lack of access to menstrual hygiene products for homeless individuals can be devastating and exacerbate already existing health care and hygiene concerns and injustice. The Committee reminds FEMA that under the Emergency Food and Shelter Grant program funds may be used to provide menstrual hygiene products.

*Flood Hazard Mapping and Risk Analysis.*—Under the National Flood Insurance Reform Act of 1994, FEMA is required to assess the need to update all floodplains and flood risk zones once every five years. To comply with this requirement, FEMA set a national goal for floodplain mapping of having New, Valid, or Updated Engineering (NVUE) for 80 percent of flood maps, defined as a ratio of all floodplain miles studied divided by the number of miles in

FEMA's mapped inventory. FEMA has indicated to the Committee that it will reach the 80 percent target during fiscal year 2020 and that the reduced request of \$100,000,000 for the Flood Hazard Mapping and Risk Analysis program in fiscal year 2021 is sufficient as the program enters its maintenance phase. The Committee shares the concerns of many stakeholder groups, however, that the scope of the current program, which represents maps of approximately 1/3 of stream miles in the country, is insufficient. Not later than 90 days after the date of enactment of this Act, FEMA is directed to brief the Committee on an analysis of whether additional stream miles should be incorporated into the program to ensure that accurate flood maps are available in more inhabited areas at risk of flooding. Correspondingly, the Committee recommends level funding of \$263,000,000 for Flood Hazard Mapping and Risk Analysis; this is in addition to \$190,506,000 for Floodplain Management and Mapping made available through the National Flood Insurance Program.

*Presidential Residence Protection Assistance.*—The Committee recognizes that increased protest activity occurring near the President's residences outside of Washington, D.C. causes a strain on local police, requiring departments to incur overtime to keep the public safe. The Committee reminds FEMA to consider these overtime costs to be applicable when distributing funds under the Presidential Residence Protection Assistance Grant program, which is intended to provide reimbursement of extraordinary law enforcement for protection of the President.

*School Safety.*—School hardening measures are eligible activities under the Urban Areas Security Initiative and State Homeland Security Grants. Funds may be used for bullet resistant doors and glass, hinge-locking mechanisms, immediate notification to emergency 911 systems, mechanisms that provide real time actionable intelligence directly to law enforcement and first responders, installation of distraction devices or other countermeasures administered by law enforcement, and other measures determined to provide significant improvement to schools physical security. The Committee encourages FEMA to work with states and school districts to increase awareness of these funding opportunities.

*Staffing for Adequate Fire and Emergency Response.*—Recognizing the economic and operational hardships caused by the current pandemic an administrative provision is included the bill to allow FEMA to waive the matching and maintenance of expenditure provisions for the Staffing for Adequate Fire and Emergency Response (SAFER) program. The Committee expects that the Administrator will use the discretion granted in section 306 as much of possible to relieve the economic and operational hardships caused by the current pandemic.

*Tribal Homeland Security Grant Program.*—Within the total for the State Homeland Security Grant Program, the recommendation includes \$15,000,000 for the Tribal Homeland Security Grant Program (THSGP), to help tribes continue to develop their homeland security and emergency management capacity. The Committee notes that the development and production of identification documents compliant with Western Hemisphere Travel Initiative standards are eligible uses of THSGP funds.

*Urban Area Security Initiative (UASI).*—The Implementing Recommendations of the 9/11 Commission Act of 2007 requires the FEMA Administrator to conduct an annual assessment of the relative threat, vulnerabilities, and consequences from acts of terrorism faced by each of the 100 most populous metropolitan statistical areas (MSA) in the United States. Based on this assessment, the Administrator designates high-risk urban areas that are eligible for UASI grants. While the factors included in this assessment are defined in statute, the specific criteria that inform these factors and the methodology used to carry out the assessment are at the discretion of the Secretary and the Administrator, who review them on an annual basis. Within 60 days of the date of enactment of this Act, the Committee directs FEMA to provide an update on its risk assessment methodology and results.

The Committee expects the Secretary to prioritize UASI funding towards urban areas that are subject to the greatest terrorism risk, and to allocate resources in proportion to that risk. Consistent with prior years, the Department shall limit UASI funding to urban areas representing up to 85 percent of the national urban area risk.

DISASTER RELIEF FUND

(INCLUDING TRANSFER OF FUNDS)

Appropriation, fiscal year 2020 .....	\$17,863,259,000
Budget request, fiscal year 2021 .....	5,653,366,000
Recommended in the bill .....	5,653,366,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	– 12,209,893,000
Budget request, fiscal year 2021 .....	– – –

*Note:* Totals include funding designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

The bill authorizes FEMA to transfer up to \$200,000,000 to the Disaster Assistance Direct Loan Program Account for the cost of Community Disaster Loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184).

*2017 Hurricane Recovery.*—While it appears that the pace of recovery from 2017 Hurricanes in Puerto Rico and the US Virgin Islands has improved, the Committee is still concerned about the overall pace of recovery and the impact of the recent earthquakes and the current pandemic. The Committee urges FEMA to continue to work expeditiously with Puerto Rico and the U.S. Virgin Islands on recovery projects including using the additional authority given to FEMA in the Bipartisan Balanced Budget Act of 2018 (Public Law 115–123), the Disaster Recovery Reform Act of 2018 (division D of Public Law 115–254) and the Additional Supplemental Appropriations for Disaster Relief Act, 2019 (Public Law 116–20). The Committee appreciates the interagency briefings that have been provided on recovery from the 2017 Hurricanes in Puerto Rico and the US Virgin Islands. The Committee expects the briefings to continue and to include the recent earthquakes and the impact of the current pandemic on disaster recovery.

*Bilingual and Multi-Lingual Staff.*—The Committee encourages FEMA to continue hiring bilingual and multi-lingual staff to meet the language needs of disaster survivors.

*Breastfeeding.*—The Committee recognizes that breastfeeding confers meaningful clinical benefits for babies and mothers while



reducing healthcare costs and urges FEMA to continue to ensure that breastfeeding mothers impacted by disasters continue to have appropriate breastfeeding services and supplies through its Critical Needs Assistance and other programs. The Committee understands that FEMA is currently updating its guidance on shelters to clarify the eligibility of breastfeeding equipment and encourages FEMA to take additional steps as appropriate to clarify that the cost of breastfeeding equipment is eligible for reimbursement.

*Disaster Communications.*—Because electric infrastructure is often damaged during natural disasters, many individuals are unable to communicate with emergency response providers, other support service providers, and family members because they are unable to recharge mobile phones.

The Committee therefore encourages FEMA to examine cost effective ways to provide mobile phone charging capabilities to disaster survivors as it addresses other vital needs, such as water, blankets and food.

*Disaster Recovery Reform Act Implementation (DRRA).*—The Committee recognizes the efforts FEMA has made to implement the DRRA (division D of Public Law 115–254) and the positive impact that has made for states, communities and disaster survivors. However, several provisions have still not been implemented that were required to be immediately effective or that have overdue statutory deadlines. These include section 1206 which authorizes FEMA to provide assistance to state and local governments for building code implementation and enforcement; section 1211, which modifies the provisions for state administration of housing programs; and the rule making under section 1235 which would define “resilient” and “resiliency.” The Committee directs FEMA to implement those sections of the DRRA that have not been implemented as expeditiously as possible, especially those that were immediately effect or those with overdue statutory deadlines. In implementing section 1206, the Committee encourages FEMA to broadly use its authority to effectuate the purposes of that section and the DRRA as a whole.

*Electric Grid Resiliency.*—Within 120 days of enactment of this Act, FEMA shall brief the Committee on the costs and benefits of using alternative methods to repair, rebuild, and fortify disaster damaged electric grids. The briefing shall include a cost/benefit analysis of various alternatives such as traditional wood poles, composite utility poles, and underground cables, and take into account such considerations as geography, availability of materials, ease of storage, delivery and installation logistics of replacement materials, annual maintenance, and the effects of climate change. The briefing shall also include the potential impact or lack of equipment maintenance and minimal to no vegetation management over the life of the project.

*Fixed Cost Estimates.*—In light of the current additional burdens caused by the pandemic, the Committee encourages FEMA to extend the deadline for the Virgin Islands to finalize fixed-cost estimates for projects from Hurricanes Irma and Maria using the Public Assistance Alternative Procedures pursuant to section 428 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by at least six months.

*Jones Act.*—Within 180 days of the date of enactment of this Act, FEMA shall brief the Committee on the impact of the Jones Act and its waiver on disaster relief for non-contiguous U.S. state, territories and possessions, including an assessment of the impact on recovery from the 2018 Puerto Rico disasters and other actual and potential disasters affecting non-contiguous territories and states such as Hawai'i and Alaska

*Public Assistance Project Worksheet Development and Duplicative and Conflicting Administrative Requirement.*—In House Report 116–180, FEMA was directed to brief the Committee on the process for Project Worksheet Development and Duplicative and Conflicting Administrative Requirements. While recognizing current operational constraints, the Committee expects FEMA to provide those briefings in an expeditious manner as conditions permit. When providing the briefing on Public Assistance Project Worksheet Development, the Committee expects FEMA to discuss technology it is using, how the Grants Program Directorate is providing assistance, and how FEMA is making improvements on project worksheet development, processing and reimbursement timelines. When providing the briefing on Duplicative and Conflicting Administrative Requirements, the Committee expects FEMA to include other agencies that provide disaster assistance as appropriate.

*STEM Education After Disasters.*—The Committee encourages FEMA to continue working with SLTT governments and eligible private, nonprofit educational institutions to ensure that disaster recovery planning includes the establishment of temporary facilities to provide continuity in STEM education, as appropriate.

NATIONAL FLOOD INSURANCE FUND

Appropriation, fiscal year 2020 .....	\$206,878,000
Budget request, fiscal year 2021 .....	204,412,000
Recommended in the bill .....	204,412,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	–2,370,000
Budget request, fiscal year 2021 .....	– – –

*National Rating Organization (NRO).*—Funding appropriated in the bill from the National Flood Insurance Fund reflects a change to FEMA’s method of reimbursing the NRO as part of the Community Rating System. Beginning in fiscal year 2021, FEMA will reimburse the NRO directly rather than making reimbursements through companies participating in the Write Your Own program.

TITLE III—ADMINISTRATIVE PROVISIONS—THIS ACT

Section 301. The Committee continues a provision limiting expenses for the administration of grants.

Section 302. The Committee continues a provision specifying timeframes for grant applications and awards.

Section 303. The Committee continues a provision requiring a five-day advance notification for certain grant awards under “Federal Emergency Management Agency—Federal Assistance.”

Section 304. The Committee continues a provision addressing the availability of certain grant funds for the installation of communications towers.

Section 305. The Committee continues a provision requiring the submission of a monthly Disaster Relief Fund report.

Section 306. The Committee continues a provision permitting the Secretary to grant waivers from specified requirements of section 34 of the Federal Fire Prevention and Control Act of 1974.

Section 307. The Committee continues a provision providing for the receipt and expenditure of fees collected for the Radiological Emergency Preparedness Program, as authorized by Public Law 105–276.

Section 308. The Committee includes a provision allowing the merger of funds provided in different parts of the Robert T Stafford Act after the Administrator of FEMA notifies the Committees of how it intends on using the merged funds.

Section 309. The Committee includes a provision granting the FEMA Administrator authority to waive certain requirements pertaining to Assistance to Firefighter Grants.

Section 310. The Committee includes a provision making CISA Operations and Support funding available for a cybersecurity competition established by Executive Order No. 13870.

Section 311. The Committee includes a provision allowing for reconsideration of certain state requests for Individual Assistance under the Stafford Act.

Section 312. The Committee includes a provision authorizing FEMA to provide Community Disaster Loans to U.S. territories where major disasters were declared in 2018 and permits FEMA to waive certain provisions of the Community Disaster Loan program for such loans.

#### TITLE IV—RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES

##### U.S. CITIZENSHIP AND IMMIGRATION SERVICES

Appropriation, fiscal year 2020 .....	\$132,395,000
Budget request, fiscal year 2021 .....	118,676,000
Recommended in the bill .....	183,949,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	+51,554,000
Budget request, fiscal year 2021 .....	+65,273,000

##### Mission

U.S. Citizenship and Immigration Services (USCIS) adjudicates and grants immigration and citizenship benefits, confirms eligibility for employment and public services, and promotes an awareness and understanding of citizenship in support of immigrant integration. USCIS activities are primarily funded through fees collected from applicants for immigration benefits.

##### OPERATIONS AND SUPPORT

Appropriation, fiscal year 2020 .....	\$122,395,000
Budget request, fiscal year 2021 .....	118,676,000
Recommended in the bill .....	163,949,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	+41,554,000
Budget request, fiscal year 2021 .....	+45,273,000

The recommendation includes an increase of \$8,807,000 above the request to fund the Office of Citizenship; an increase of \$36,972,000 above the request to fund the Systematic Alien Verification for Entitlements (SAVE) program; and a reduction to

the request of \$506,000 for proposed increases in Awards Spending for the E-Verify program.

*Compliance with Transparency and Oversight Requirements.*—The Committee is disappointed and concerned with the deterioration of U.S. Citizenship and Immigration Services' (USCIS) transparency and compliance with oversight requirements related to its policies and operations. Examples include a failure to adhere to briefing and reporting deadlines; significantly delayed responses to congressional inquiries; and the failure of many responses to answer questions and provide requested information.

The recommendation therefore includes a new provision that withholds funding for the USCIS Office of the Director until USCIS fully complies with the briefing and reporting requirements in the explanatory statement accompanying the Department of Homeland Security Appropriations Act, 2020, and in this report.

The Committee is also concerned about the lack of transparency in USCIS budget justification materials for its mandatory funding accounts; biennial fee studies; and supplemental documentation submitted in support of the rule, "U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements," published in the Federal Register on November 14, 2019. The Committee notes that USCIS fee rates are intended to ensure full cost recovery for the operations they fund; without detailed financial data, Congress is unable to provide adequate oversight of any budget or fee rate setting proposals. For future budget justifications, fee studies, and fee rules, USCIS is directed to provide a more detailed justification and accounting level to ensure transparency and executability and to encourage accountability. For the budget justification materials, such details shall include justifications for each adjustment to base and program change from the prior year for each PPA and shall provide such information at the office-level for the Administration PPA.

*Domestic and Sexual Violence Training.*—Not later than 120 days after the date of enactment of this Act, USCIS is directed to require that each individual performing asylum officer duties or reviewing the decisions of such personnel, receive annual training on the dynamics of domestic and sexual violence and how such dynamics impact asylum seekers and their applications. The training must be conducted by individuals with documented expertise in this subject area. Not later than 90 days after the date of enactment of this Act, USCIS shall brief the Committee on the status of meeting this requirement.

*E-Verify.*—The Committee is concerned about the E-Verify program's performance. While the database errors have improved as the system's functionality has evolved, the program's accuracy is still insufficient, resulting in individuals falsely being identified as ineligible to work, especially those with temporary protected status. When an individual is falsely identified as ineligible to work and has received a final non-confirmation from the system, there is no formal process for review of this determination. Not later than 90 days after the date of enactment of this Act, USCIS is directed to brief the Committee on a proposed review process for E-Verify final non-confirmations.

*Fee Waivers.*—USCIS is directed to continue the use of full fee waivers for applicants who can demonstrate an inability to pay im-

migration and naturalization benefit application fees, and to provide partial fee waivers for applicants who can demonstrate earnings or income between 150 percent and 200 percent of the federal poverty guidelines and are otherwise ineligible for full fee waivers. The Committee directs USCIS to accept any one of the following items as proof of inability to pay an immigration or naturalization benefit application fee:

- (1) documentation of receipt of a means-tested public benefit;
- (2) documentation of income that is at or below 200 percent of the Federal Poverty Guidelines at the time of filing; or
- (3) documentation of financial hardship based on extraordinary expenses or other circumstances.

Further, USCIS is directed to maintain naturalization fees at an affordable level; reduce the backlog of applicants; and reduce the costs of obtaining replacement certificates of naturalization and certificates of citizenship, including by cooperating with the Department of State on the screening of derivative citizens.

*H-2A and H-2B Visa Program Processes.*—The Committee reminds USCIS of the report on H-2A and H-2B Visa program processes required by the Explanatory Statement accompanying Public Law 116–93.

*H-2B Visa Program Oversight.*—The recommendation includes a new provision that prohibits certain employers from participating in the H-2B visa program if they have a history of violating certain employment-related laws or regulations. Not later than 120 days after the date of enactment of this Act, the Department shall report to the Committee on the administrative remedies that the Department of Labor has issued in each of the last three fiscal years against entities or persons who violate H-2B requirements. The report should contain, but not be limited to:

- (1) a list of entities or persons cited, by industry and violation;
- (2) the number of H-2B workers impacted and the nature of those impacts;
- (3) the effects on the domestic workforce;
- (4) the number of entities or persons debarred from the H-2B program due to violations;
- (5) a description of the criteria and methodology for debarment decisions; and
- (6) a justification for why repeat offenders, if any, are allowed to continue to participate in the program.

*H-2B Visa Program Reporting.*—Within 120 days of the date of enactment of this Act, the Department shall report to the Committee on the distribution of visas granted through the H-2B program. The report should contain, but not be limited to, a tabulation of the percent of overall visas issued to the top 15 employers.

*Humanitarian Petitions.*—The Committee directs USCIS to refrain from imposing fees upon any individual filing a humanitarian petition, including but not limited to a request for asylum; refugee admission; protection under the Violence Against Women Act (VAWA); Special Immigrant Juvenile status; a T or U visa; or a Special Immigrant Visa for Iraqi and Afghan nationals. USCIS shall also refrain from imposing fees on any individual who receives humanitarian protection and subsequently requests adjust-

ment of status or petitions for another benefit. USCIS is also directed to adjudicate U Visa certification requests within 90 days of submission, and to provide a report not later than 180 days after the date of enactment of this Act that identifies, on a quarterly basis, the average response time for adjudicating U Visa applications for each of the past five fiscal years and describes concrete steps that are being taken to speed the process.

For each individual filing a humanitarian petition for U Visa status who has provided a completed Form I-918, Supplement B (U Nonimmigrant Status Certification) certified by a sponsoring law enforcement agency, the Committee directs USCIS to make a rebuttable presumption that the individual has met the helpfulness requirement if there is no evidence showing otherwise. USCIS shall report, on a publicly accessible website, state-by-state data on denial and approval ratios for such petitions, redacted as necessary to protect the safety or privacy of the individual.

The Committee also urges USCIS to increase the number of personnel dedicated to reviewing and adjudicating VAWA Self-Petition applications, T-visa applications, and U-visa applications, and to issue employment authorization to individuals who have filed VAWA Self-Petition applications or applications for nonimmigrant status under section 101(a)(15)(T) or 101(a)(5)(U) of the Immigration and Nationality Act not later than the approval date or 180 days after the application filing, whichever is earlier.

*International Operations Division.*—The Committee remains concerned by USCIS’s lack of planning and transparency as it closed and plans to continue closing several of its international offices. While USCIS provided a high-level summary of anticipated cost-savings in its response to the consulting and briefing directives on this topic in House Report 116–180, it did not fully address the requirement to provide a full accounting or provide descriptions related to changes in service delivery. Information related to how personnel have been impacted was also lacking, as was any evidence that each of the relevant stakeholders was consulted prior to decisions being made to close any international office. The Committee directs USCIS to resubmit this briefing to more fully meet the spirit and intent of the original requirement.

*Military Naturalization Applications.*—USCIS is directed to ensure that military naturalization applications are processed within six months, as required by the Military Personnel Citizenship Processing Act of 2008 (Public Law 110–382), and to establish a military naturalization promotion program, in conjunction with the Department of Defense, to ensure all military service members and their families learn about and consider their eligibility to apply for naturalization before the military service member’s separation from the military. Not later than 90 days after the date of enactment of this Act, USCIS shall brief the Committee on the status of meeting this requirement.

*Office of Citizenship.*—The Committee provides \$8,807,000 in discretionary funding for the Office of Citizenship in lieu of relying on fee funding. Not later than 90 days after the date of enactment of this Act, USCIS shall provide a briefing to the Committee detailing the Office of Citizenship’s accomplishments during fiscal year 2020 and its planned accomplishments for fiscal year 2021.

Further, in response to the briefing required by House Report 116–180 regarding the promotion of U.S. citizenship to legal permanent residents (LPRs) at ports of entry, CBP and USCIS identified steps that each will take to educate LPRs about their potential eligibility and the naturalization process. The Committee encourages CBP and USCIS to continue exploring the most effective methods to be used to ensure that LPRs arriving at ports of entry are aware of the benefits of citizenship and the process of becoming a U.S. citizen, to include self-service kiosks, signage, videos, and verbal scripts.

*Processing Times.*—USCIS is directed to prioritize the timely processing of citizenship and other applications, with a goal of adjudicating all requests within six months of submission. Further, if USCIS publishes a Notice of Proposed Rulemaking or Final Rule that proposes or adopts any amendment to 8 C.F.R. § 103.7(c)(3–5) that would impact fee levels, USCIS shall include the following information in its associated publications in the Federal Register:

- (1) a detailed description of steps the agency will take to reduce all average processing times to fewer than six months within one year of publication; and
- (2) an analysis of the amount of discretionary funding needed, if any, to enable USCIS to limit fees to rates that do not exceed appropriate inflation rates.

USCIS is further directed to provide a report to the Committee, not later than 90 days after the date of enactment of this Act, on the number of application forms processed by month for fiscal years 2016 to 2020 for the following:

- (1) form I–130 (Petition for Alien Relative);
- (2) form I–360 (Petition for Amerasian, Widow(er), or Special Immigrant);
- (3) form I–485 (Application to Register Permanent Residence or Adjust Status);
- (4) form I–751 (Petition to Remove Conditions on Residence);
- (5) form N–400 (Application for Naturalization); and
- (6) forms for initial and renewed employment authorization.

The report shall also include the following data, as applicable:

- (1) the immigration status of the petitioner (U.S. citizen or legal permanent resident (LPR));
- (2) the nationality of the applicant;
- (3) the date the application was initially filed;
- (4) the processing time; and
- (5) the field office or service center responsible for processing the application.

The report shall also describe the reasons for any changes in processing rates or trends; any policy changes related to processing; and what steps USCIS is taking to address any delays.

*Protections for Foreign Workers.*—The Committee reminds USCIS of the briefing requirement on protections for foreign workers required by House Report 116–180 and looks forward to receiving it as soon as possible.

*Public Charge Rule.*—The Committee continues to be concerned about the potential impacts of the Department’s proposed rule entitled, “Inadmissibility on Public Charge Grounds” that was entered in the Federal Register on October 10, 2018 (83 Fed. Reg. 51114), and strongly urges the Department to rescind this proposal.

*Refugee Security Vetting.*—The Committee is concerned that enhanced security-vetting requirements may be overburdening the agencies responsible for the U.S. Refugee Admissions Program (USRAP), potentially exacerbating historic lows in refugee admissions. Accordingly, USCIS is directed to collaborate with the Department of State and the Federal Bureau of Investigation to provide a report, not later than 90 days after the date of enactment of this Act, that identifies for the past five fiscal years the yearly number of refugees in the USRAP pipeline who are: awaiting an interview with USCIS; pending security clearance after a USCIS interview; cleared for admission into the United States; and awaiting departure. This report shall also specify the average processing times, disaggregated by the applicant's nationality, for completing each step listed above. Finally, this report shall establish the number of DHS personnel assigned to security screening of refugees for the each of the five reported years and the estimated number of personnel for the budget year.

*Review of Fraud Operations.*—The Committee is concerned with reports of inefficiencies in fraud and other vetting operations, particularly given the growth in staffing and expenditures in recent years in those operations. Among these are reports that the number of hours required to complete investigations is being artificially increased to justify increasing staffing and resources and with no concomitant increase in actual measures of productivity. If true, it is particularly alarming at a time when the agency is facing a significant shortfall in its operational funding and plans to soon impose significant increases in the fees paid by applicants for immigration benefits. The Committee directs GAO to review USCIS fraud and vetting operations, including a focus on: changes to fraud and vetting operations and resource requirements over the past 5 years; changes to metrics that assess fraud and vetting operations over the past 5 years; the evaluation and self-reporting processes for tracking the work hours and productivity of personnel; workload volume; the effectiveness of current fraud and other vetting strategies and operations; and the use of technology to improve operational efficiency. GAO shall provide the Committee an update on its progress and its preliminary findings not later than 180 days after the date of enactment of this Act.

*Spouse Petitions.*—With respect to fiancé(e) or spouse petitions involving a minor party, the Committee directs USCIS to document the age of the minor party at the time of the civil/legal marriage, along with the age difference between the parties, with ages given in months as well as years.

*Systematic Alien Verification for Entitlements (SAVE) Program.*—The Committee provides \$36,972,000 in discretionary funding for the SAVE program in lieu of relying solely on fee funding. Not later than 120 days after the date of enactment of this Act, USCIS shall provide a report to the Committees that includes calculations of the percentage of all SAVE inquiries from user agencies made pursuant to mandates in federal law and the percentage related to benefits for which federal law does not require immigration status verification. The report shall provide this information for the last three fiscal years. In addition, the report shall include estimates of the per-inquiry and total amount of SAVE operational costs not recouped in user fees for each fiscal year.



*Unused Visas.*—The Committee is concerned that the Departments of Homeland Security and State have neglected their duty under the Immigration and Nationality Act to take affirmative steps to fully allocate all available immigrant visa numbers to prospective family- and employment-based immigrants. This inaction is especially concerning given the unprecedented demand for such visa numbers and the availability of ready and willing applicants currently within the United States, including many currently employed in occupations deemed essential by the Department of Homeland Security. Not later than 30 days after the date of enactment of this Act, the Committee directs USCIS, in consultation with the Department of State, to brief the Committee on a plan to fully allocate family- and employment-based visas in fiscal year 2021, and a contingency plan to allocate prior year unused visas in the event that such action is required (*see, e.g., Silva v. Bell*, 605 F.2d 978 (7th Cir. 1979)).

*USCIS Resource Optimization Strategy.*—Not later than 60 days after the date of submission of the fiscal year 2022 budget request, USCIS shall brief the Committee on Appropriations and the House Judiciary Committee on an agency-wide workload staffing allocation model for eliminating all workload backlogs within three years and ensure that applications and petitions are processed in a timely manner within a sustainable resource profile. The model should reflect the impact of business transformation initiatives such as improved use of information technology; business process re-engineering; the streamlining of data required on forms from applicants/petitioners; and the review of policy changes and vetting procedures for necessity and efficiency. The model shall not assume that work will be performed by employees detailed from other agencies to perform core USCIS mission duties and shall include cost saving measures to help lower fee rates. The briefing shall identify current resource gaps; implementation challenges; and any key policy or legislative proposals that would help accelerate these objectives.

*Voter Registration of New U.S. Citizens.*—The Committee urges USCIS to facilitate the voter registration of new U.S. citizens upon their successful completion of oath ceremonies, including through Memoranda of Understanding and other agreements with state and local agencies responsible for election administration that permit USCIS to electronically transfer voter registration information of new citizens.

*Website Data.*—The Committee reminds USCIS of the briefing requirement in House Report 116–180 on the feasibility of posting data on DHS-administered visa categories, including the J–1 and OPT categories administered by ICE through the Student and Exchange Visitor Information System, on its website and looks forward to receiving this briefing as soon as possible.

#### FEDERAL ASSISTANCE

Appropriation, fiscal year 2020 .....	\$10,000,000
Budget request, fiscal year 2021 .....	— — —
Recommended in the bill .....	20,000,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	+10,000,000
Budget request, fiscal year 2021 .....	+20,000,000

The recommendation includes \$20,000,000 above the request to support the Citizenship and Integration Grant Program to ensure the availability of sufficient funding for worthy project proposals and to support projects that will test or bring to scale innovative methods of English and civics education and citizenship preparation that help set new Americans up for economic and social success in the United States.

*Donation Acceptance Authority.*—USCIS continues to have the authority to accept private donations to support the Citizenship and Integration Grant Program. The Committee directs USCIS to provide an update on its planned use of this authority not later than 30 days after the date of enactment of this Act, to include efforts undertaken to increase public awareness of this authority.

*Grant Guidelines and Requirements.*—The Committee is concerned that the guidelines set forth in USCIS’s Notice of Funding Opportunity (NOFO) for fiscal year 2019 imposed unnecessary and overly restrictive conditions on prospective grant recipient organizations. USCIS is directed to provide more flexible consideration to proposals that:

- (1) provide portions of the English and civics instruction and naturalization assistance in native languages in addition to English;
- (2) propose the use of personnel with non-traditional qualifications for teaching English as a second language; and
- (3) are focused on helping individuals prepare and file N–400 applications submitted without an attached G–28 filed by a representative of the grant recipient organization.

USCIS is also directed to return to the E-Verify requirements and factors specified in the NOFO for fiscal year 2018, and to provide at least two months for the submission of grant proposals after publication of the NOFO.

#### FEDERAL LAW ENFORCEMENT TRAINING CENTERS

Appropriation, fiscal year 2020 .....	\$321,882,000
Budget request, fiscal year 2021 .....	331,479,000
Recommended in the bill .....	343,945,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	–7,225,000
Budget request, fiscal year 2021 .....	+12,466,000

#### Mission

The Federal Law Enforcement Training Centers (FLETC) provide or facilitate basic and advanced law enforcement training for over 90 federal agencies and numerous state, local, tribal, and international law enforcement organizations.

#### OPERATIONS AND SUPPORT

Appropriation, fiscal year 2020 .....	\$263,709,000
Budget request, fiscal year 2021 .....	305,479,000
Recommended in the bill .....	317,945,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	+24,948,000
Budget request, fiscal year 2021 .....	+12,466,000

The recommendation includes \$9,256,000 above the request to maintain current services and \$4,700,000 above the request for the expansion of the Use of Force Instructor Training Program. A re-

duction of \$1,490,000 to the request is associated with a proposed increase in Awards Spending.

*Community College Partnerships.*—The Committee encourages FLETC to partner with community colleges to develop pre-academy and other law enforcement training programs, including along the southwest border where it is particularly important to improve the Department’s hiring pipeline for law enforcement positions.

*Interagency Training Centers.*—The Committee is aware of efforts by the Department and the National Guard to establish interagency domestic operation training centers, and notes the success of the Muscatatuck Urban Training Facility in supporting a wide range of training requirements for Active Duty service members, the National Guard, other federal agencies, and domestic law enforcement. The Committee encourages the Department to continue working with the National Guard, as well as state and local leaders, to identify opportunities for expanding domestic training on federal or state property, particularly in regions that lack facilities for training related to active shooters, dense urban terrain, and cyber and electromagnetic response.

*International Partnerships.*—The Committee supports international law enforcement capacity building programs to develop new partnerships with other countries that build shared values around the rule of law and good governance. The Committee encourages FLETC to expand its capacity to enroll and provide training for law enforcement officers of foreign partners, especially as part of international capacity building programs. The Committee directs FLETC to provide an annual report to the Committee, beginning not later than 90 days after the date of enactment of this Act, on the status of its international programs, including the number of international students trained, their countries of origin, programs administered, and plans to expand existing partnerships and develop new ones.

*Training Facilities.*—The Director shall schedule basic or advanced law enforcement training, or both, at all four training facilities to ensure they are operated at the highest capacity throughout the fiscal year.

*Use of Force Training.*—The Committee is aware that FLETC proactively convened a working group on Use of Force to improve training for federal law enforcement officers in response to recent events. The Committee directs FLETC to continue expanding and improving upon training on racial profiling, implicit bias, procedural justice, the use of force, and the duty for officers to intervene when witnessing the use of excessive force against civilians in accordance with the related provisions in H.R. 7120, as passed by the House of Representatives in June 2020. The Committee also directs FLETC to expand training opportunities for state and local law enforcement in these areas and provides \$4,700,000 above the request for this purpose. Not later than 60 days after the date of enactment of this Act, FLETC shall brief the Committee on the use of these funds.

## PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

Appropriation, fiscal year 2020 .....	\$58,173,000
Budget request, fiscal year 2021 .....	26,000,000
Recommended in the bill .....	26,000,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	- 32,173,000
Budget request, fiscal year 2021 .....	---

## SCIENCE AND TECHNOLOGY DIRECTORATE

Appropriation, fiscal year 2020 .....	\$737,275,000
Budget request, fiscal year 2021 .....	643,729,000
Recommended in the bill .....	755,311,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	+18,036,000
Budget request, fiscal year 2021 .....	+111,582,000

Mission The mission of the Science and Technology Directorate (S&T) is to conduct and support research, development, developmental and operational testing and evaluation, and the timely transition of homeland security capabilities to operational end users at the federal, state, and local levels.

## OPERATIONS AND SUPPORT

Appropriation, fiscal year 2020 .....	\$314,864,000
Budget request, fiscal year 2021 .....	284,789,000
Recommended in the bill .....	303,162,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	- 11,702,000
Budget request, fiscal year 2021 .....	+18,373,000

The recommendation rejects the proposed decreases to the Operations and Support account of \$3,824,000 for Test and Evaluation, \$6,276,000 for Administration Support Services and \$8,884,000 for Management Efficiencies and does not fund the proposed increase for an increase to awards of \$122,000.

*Laboratory Facilities.*—As the Department is called upon to research threats such as COVID-19, it is imperative that our nation's labs are equipped to respond in a timely and effective manner. The Committee is aware of infrastructure requirements for several S&T labs and directs S&T to complete an assessment of unmet requirements to be submitted in conjunction with the President's fiscal year 2022 budget request. This assessment shall include a prioritized list of maintenance and repair requirements; an inventory of equipment and systems that require routine replacement or upgrades; an inventory and assessment of facility capacity and additional space requirements; and a prioritized schedule for the replacement of and/or upgrades to equipment and systems.

## PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

Appropriation, fiscal year 2020 .....	---
Budget request, fiscal year 2021 .....	18,927,000
Recommended in the bill .....	18,927,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	+18,927,000
Budget request, fiscal year 2021 .....	---

The recommendation includes the requested amount to begin activities to close the Plum Island Animal Disease Center.

## RESEARCH AND DEVELOPMENT

Appropriation, fiscal year 2020 .....	\$422,411,000
Budget request, fiscal year 2021 .....	340,013,000
Recommended in the bill .....	433,222,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	+10,811,000
Budget request, fiscal year 2021 .....	+93,209,000

## Research, Development, and Innovation

The recommendation includes \$93,209,000 above the request for Research, Development, and Innovation (RD&I), an increase to fiscal year 2020 funding. S&T is directed to brief the Committee not later than 30 days after the date of enactment of this Act on the proposed allocation of RD&I funds by project and to subsequently update the Committee on any changes from the planned allocations. For research initiatives encouraged by the Committee in this report but for which S&T does not allocate funding, the agency shall provide an update within 90 days of the date of enactment of this Act on its assessment of those initiatives and any future planned investments.

*Active Neutron Interrogation for Cargo Screening.*—The Committee is aware of the Department's efforts to increase the percentage of commercial cargo vehicles undergoing non-intrusive inspection in primary or pre-primary lanes at POEs, which will increase demand for alarm resolution through direct inspection by CBP personnel at secondary screening zones. To more effectively detect narcotics and hazardous materials in cluttered cargo loads at POEs and improve the efficiency of screening operations, the Committee encourages the Department to continue work on the development of a multi-purpose, high yield active neutron interrogation system that does not require the use of radioactive material, including efforts to reduce system size and improve operator safety.

*Advanced Sensor Technology.*—The Committee encourages S&T to focus on critical research to develop and field next generation first responder technologies that utilize advanced sensors and imaging.

*Aerially Distributed Communication Devices.*—S&T is encouraged to explore the feasibility of using air drop communication technology for disseminating dynamic and real-time information to disaster victims when power, cellular towers and congestion render modern forms of communication useless.

*Bi-National Cooperation Pilot.*—The Committee recommends \$2,000,000, as requested, for the Bi-National Cooperation Pilot, which focuses on cooperative efforts related to border security, maritime security, biometrics, cybersecurity, and video analytics.

*Biosurveillance Systems.*—The Committee directs S&T and the Countering Weapons of Mass Destruction Office (CWMD) to provide a joint report to the Committee, within 60-days of the date of enactment of this Act, on the status of developing and testing a successor bio-threat detection system to Biowatch, along with plans to complete development and field the new capability. The report shall also describe planned changes to biodetection operations to improve upon the legacy program and how CWMD and S&T will coordinate their respective biodetection roles and activities.

The report should include information on the progress of the Homeland Security Advanced Research Projects Agency Chemical and Biological Defense Division in developing novel prototype sensors for real-time detection of aerosolized biological threat agents, using newer technologies, such as using matrix assisted laser desorption ionization-time of flight mass spectrometry technology.

*Biothreat Characterization.*—The Biothreat Characterization Program provides technical analyses of biological threats, including their properties and hazards. The Committee encourages S&T to fund this program at not less than the fiscal year 2020 level.

*Composite Shipping Containers.*—The Committee is aware that Presidential Determination No. 2017 09 identifies secure composite chipping containers as a critical item shortfall in industrial capacity and supports S&T efforts to develop composite materials that reduce costs and improve intrusion sensor integration.

*Countering Unmanned Aerial Systems (c-UAS) at Airports.*—The Committee is concerned about the threat posed by UAS to air travel in the United States and abroad, and notes that activity at one of the nation's largest gateway airports was curtailed in January 2019 because of illegal UAS use. The Committee encourages S&T to continue and expand its efforts to test c-UAS technologies at airports.

*Cyber-Related Project Transitions.*—The Committee is concerned that past funding provided to S&T for cyber-related research and development projects and activities has not resulted in timely transition to intended stakeholders. Not later than 90 days after the date of enactment of this Act, S&T and CISA are directed to brief the Committee on the status of each cyber-related R&D project and activity that received funding in fiscal years 2018 through 2020; the status of a transition to practice plan for each; and details regarding any completed projects or activities that were not considered viable for practice. Such briefing shall include the status of software assurance projects, such as the Software Assurance Marketplace.

*Datacasting Technology.*—The Committee encourages S&T, in consultation with the National Institute for Standards and Technology, the Corporation for Public Broadcasting, and the First Responder Network Authority, to provide pilot funding to local public broadcasters to further demonstrate and evaluate the benefits of datacasting technology to public safety agencies.

*Enabling UAS.*—The Department's designated test site is providing critical testing and technology evaluations across multiple DHS operational entities. The Committee urges the Department to fund this program at not less than the fiscal year 2020 level.

*First Responder Interagency Working Groups.*—The Committee recognizes the effectiveness of interagency working groups, composed of first responders from local, state, and federal agencies, to meet the ever-changing needs of the nation's emergency preparedness and response plans. The Committee encourages S&T to continue and, if appropriate expand, its partnerships in this area, including with nonprofits with a history of collaboration with interagency working groups.

*Gunshot Detection Technology.*—The Committee urges S&T to evaluate existing gunshot detection systems to determine their

technological capabilities and ability to rapidly locate the source of shots fired during an incident.

*Intelligent Memory Fabric.*—The Committee continues to recognize the need for testing and evaluation of next generation information technology platforms and urges S&T to explore Intelligent Memory Fabric as a modular, scalable and distributed technology that could maintain and support agency resources from data centers to field levels in all operational environments.

*Maritime and Coastal Surveillance.*—The Committee encourages S&T to conduct maritime system and sensor studies for the research, development, testing, and evaluation of wind and solar powered unmanned maritime vessels with surface and subsurface capabilities. Such technologies could significantly contribute to DHS component missions such as counter narcotics; search and rescue; aids to navigation; marine safety; marine environmental protection; illegal, unregulated and unreported fishing; enforcement of laws and treaties; oceanographic research; and defense readiness.

*Maritime and Port Resiliency and Security.*—The Committee recognizes the vast data threat facing the U.S. Maritime/Port sector and the potential consequences for mission critical infrastructure and operations. The Committee urges S&T to establish a Maritime/Port Resiliency & Security research program to support the design and development of tactics, techniques, and procedures for effectively responding to critical maritime infrastructure threats.

*Research and Prototyping for IED Defeat Program (RAPID).*—The Committee encourages S&T to enhance support for the RAPID program, which is used to train bomb squads and technicians on critical render safe technologies.

*Stand-alone Power Generation Solutions.*—The Committee urges S&T to collaborate with other federal laboratories on research and development efforts to develop innovative, stand-alone alternative power generation solutions for CBP Forward Operating Bases and to consider a demonstration of on-site sustainable energy technologies that improve energy resilience and security while eliminating fuel supply-chain costs and environmental impacts.

*Wildfire Management.*—The Committee encourages S&T to apply predictive analytics to study wildfire ignition, including the application of advanced artificial intelligence and machine learning, and to develop new data collection methodologies, such as crowd sourcing, as indicators for pinpointing high-risk ignition locations in the wildland urban interface.

#### University Programs

The recommendation includes \$46,761,000 for University Programs, \$25,015,000 above the requested level. S&T shall notify the Committee of any plan or proposal to reduce funding for, diminish the role of, or eliminate Centers of Excellence (COEs) prior to taking any action to do so. S&T is encouraged to prioritize collaborations with qualified research universities to support critical research topics in priority areas, including maritime security, cross-border threat screening, unmanned systems, counterterrorism, emerging analytics, cybersecurity, first responder safety, disaster-driven displacement, and critical infrastructure.

*Minority Serving Institutions Program (MSIP).*—The Committee underscores the importance of minority serving institutions in supporting homeland security related science, technology, engineering and mathematics, and includes \$5,187,000 for MSIP, \$1,761,000 above the requested level.

*Voting Technology and Election Procedures.*—S&T is encouraged to explore options for a competitively selected new COE focused on election system security focused on quality assurance and continuous evaluation of voting technologies and election procedures. This should include the development of new tools and training modules to enable states and localities to ensure that their election systems are secure. The work should be coordinated with the Elections Assistance Commission and CISA, as well as relevant operational election security information sharing and analysis organizations, to ensure its recommendations are both practical and fully implemented.

COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

Appropriation, fiscal year 2020 .....	\$432,299,000
Budget request, fiscal year 2021 .....	377,160,000
Recommended in the bill .....	395,262,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	– 37,037,000
Budget request, fiscal year 2021 .....	+18,102,000

Mission

The Countering Weapons of Mass Destruction Office (CWMD) leads DHS efforts to develop and enhance programs and capabilities that defend against WMD and combat bio-threats and pandemics.

OPERATIONS AND SUPPORT

Appropriation, fiscal year 2020 .....	\$179,467,000
Budget request, fiscal year 2021 .....	\$172,875,000
Recommended in the bill .....	179,977,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	+510,000
Budget request, fiscal year 2021 .....	+7,102,000

The recommendation includes increases above the request of \$5,000,000 for the National Biosurveillance Integration Center and \$2,600,000 for Technical Forensics. The recommendation does not include the requested \$498,000 for an increase to awards spending.

*Chief Medical Officer (CMO).*—As the primary DHS medical authority, the CMO has oversight responsibility for the Department’s medical and public health policies and operations. As such, DHS is directed to ensure that the CMO reviews all contracts that broadly impact how the Department delivers healthcare to individuals in its custody and to departmental personnel. In coordination with operational components, the CMO shall develop departmental requirements for medical services, to include professional healthcare system administration; disease surveillance, reporting, and outbreak response; and measurable performance standards for current and future healthcare record systems. The CMO is additionally required to continue reporting on the plans and obligations for CBP’s electronic health record system. The CMO, in conjunction with CBP



leadership as appropriate, is directed to brief the Committees within 90 days of the date of enactment of this Act on these efforts.

*Visualization Tool.*—The Committee encourages CWMD to continue its engagement in support of a visualization tool that incorporates data from state and local entities and can serve as a bio-preparedness tool for emergency response, emergency management, and law enforcement at all levels of government.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

Appropriation, fiscal year 2020 .....	\$118,988,000
Budget request, fiscal year 2021 .....	87,413,000
Recommended in the bill .....	87,413,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	- 31,575,000
Budget request, fiscal year 2021 .....	---

RESEARCH AND DEVELOPMENT

Appropriation, fiscal year 2020 .....	\$69,181,000
Budget request, fiscal year 2019 .....	\$58,209,000
Recommended in the bill .....	58,209,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	- 10,972,000
Budget request, fiscal year 2021 .....	---

FEDERAL ASSISTANCE

Appropriation, fiscal year 2020 .....	\$64,663,000
Budget request, fiscal year 2021 .....	\$58,663,000
Recommended in the bill .....	69,663,000
Bill compared with:	
Appropriation, fiscal year 2020 .....	+5,000,000
Budget request, fiscal year 2021 .....	+11,000,000

The recommendation rejects the proposed decrease of \$11,000,000 to the Securing the Cities program.

TITLE IV—ADMINISTRATIVE PROVISIONS—THIS ACT

Section 401. The Committee continues a provision allowing USCIS to acquire, operate, equip, and dispose of up to five vehicles under certain scenarios.

Section 402. The Committee continues a provision limiting the use of A 76 competitions by USCIS.

Section 403. The Committee includes a provision withholding a set amount of funds from the USCIS Office of the Director until the specified reports and briefings have been provided.

Section 404. The Committee continues a provision requiring USCIS to provide data about its credible and reasonable fear processes.

Section 405. The Committee includes a provision prohibiting the use of Immigration Examination Fee Account revenue to reimburse activities in appropriations that did not receive such reimbursements in fiscal year 2020.

Section 406. The Committee continues a provision authorizing FLETC to distribute funds for incurred training expenses.

Section 407. The Committee continues a provision directing the FLETC Accreditation Board to lead the federal law enforcement training accreditation process to measure and assess federal law enforcement training programs, facilities, and instructors.

Section 408. The Committee continues a provision allowing for the acceptance of funding transfers from other government agencies for construction of special use facilities.

Section 409. The Committee continues a provision classifying FLETC instructor staff as inherently governmental for certain purposes.

Section 410. The Committee includes a provision repealing requirements pertaining to the liquidation of assets at Plum Island, New York, if the Secretary decides to locate the National Bio and Agro-defense Facility at a different location.

## TITLE V—GENERAL PROVISIONS

### (INCLUDING RECISSION OF FUNDS)

Section 501. The Committee continues a provision limiting the availability of appropriations to one year unless otherwise expressly provided.

Section 502. The Committee continues and modifies a provision providing that unexpended balances of prior year appropriations may be merged with new appropriation accounts and used for the same purpose.

Section 503. The Committee continues and modifies a provision limiting authority to reprogram funds within an appropriation or fee account above a specified threshold.

Section 504. The Committee continues by reference a provision prohibiting funds appropriated or otherwise made available to the Department to make payment to the Working Capital Fund (WCF), except for activities and amounts proposed in the President's fiscal year 2021 budget request. Funds provided to the WCF are available until expended. The Department may only charge components for services directly provided through the WCF and may only use such funds for purposes intended by the contributing component. Any funds paid in advance or for reimbursement must reflect the full cost of each service. The Department shall submit a notification to the Committees prior to adding a new activity to the fund or eliminating an existing activity from the fund. For activities added to the fund, such notifications shall detail the source of funds by account, program, project, and activity level. In addition, the Department shall submit quarterly WCF execution reports to the Committees that include activity-level detail.

Section 505. The Committee continues a provision that deems intelligence activities to be specifically authorized during fiscal year 2021 until the enactment of an Act authorizing intelligence activities for fiscal year 2021.

Section 506. The Committee continues a provision requiring notification to the Committees at least three days before DHS executes or announces grant allocations, grant awards, contract awards (including contracts covered by the Federal Acquisition Regulation), other transaction agreements, letters of intent, or a task or delivery order on multiple award contracts totaling more than \$1,000,000; a task or delivery order greater than \$10,000,000 from multi-year funds; or sole-source grant awards. Notifications shall include a description of projects or activities to be funded and their location, including city, county, and state.

Section 507. The Committee continues a provision prohibiting all agencies from purchasing, constructing, or leasing additional facilities for federal law enforcement training without advance notification to the Committees.

Section 508. The Committee continues a provision prohibiting the use of funds for any construction, repair, alteration, or acquisition project for which a prospectus, if required under chapter 33 of title 40, United States Code, has not been approved.

Section 509. The Committee continues a provision that consolidates by reference prior-year statutory provisions related to a contracting officer's technical representative training and the use of funds in conformance with section 303 of the Energy Policy Act of 1992.

Section 510. The Committee continues a provision prohibiting the use of funds in contravention of the Buy American Act.

Section 511. The Committee continues a provision regarding the oath of allegiance required by section 337 of the Immigration and Nationality Act.

Section 512. The Committee continues a provision prohibiting DHS from using funds in this Act to use reorganization authority.

Section 513. The Committee continues a provision prohibiting funds for planning, testing, piloting, or developing a national identification card.

Section 514. The Committee continues a provision directing that any official required by this Act to report or certify to the Committees on Appropriations may not delegate such authority unless expressly authorized to do so in this Act.

Section 515. The Committee continues a provision prohibiting funds in this Act to be used for first-class travel.

Section 516. The Committee continues a provision prohibiting funds appropriated or otherwise made available by this Act to pay for award or incentive fees for contractors with below satisfactory performance or performance that fails to meet the basic requirements of the contract.

Section 517. The Committee continues a provision prohibiting the use of funds to enter into a federal contract that does not meet the requirements of the Federal Property and Administrative Services Act of 1949 or chapter 137 of title 10 U.S.C.; and the Federal Acquisition Regulation, unless the contract is otherwise authorized by statute without regard to this section.

Section 518. The Committee continues a provision requiring DHS computer systems to block electronic access to pornography, except for law enforcement purposes.

Section 519. The Committee continues a provision regarding the transfer of firearms by federal law enforcement personnel.

Section 520. The Committee continues a provision regarding funding restrictions and reporting requirements related to conferences occurring outside of the United States.

Section 521. The Committee continues a provision prohibiting funds to reimburse any federal department or agency for its participation in a National Special Security Event.

Section 522. The Committee continues a provision requiring a notification, including justification materials, prior to implementing any structural pay reform that affects more than 100 full-time positions or costs more than \$5,000,000.

Section 523. The Committee continues a provision directing the Department to post on a public website reports required by the Committees on Appropriations unless public posting compromises homeland or national security or contains proprietary information.

Section 524. The Committee continues a provision authorizing minor procurement, construction, and improvements under Operations and Support appropriations, as specified.

Section 525. The Committee continues by reference a provision to authorize DHS to fund out of existing discretionary appropriations the expenses of primary and secondary schooling of eligible dependents in areas of U.S. territories that meet certain criteria.

Section 526. The Committee continues by reference a provision providing \$41,000,000 for “Federal Emergency Management Agency—Federal Assistance” to reimburse extraordinary law enforcement personnel overtime costs for protection activities directly and demonstrably associated with a residence of the President that is designated for protection.

Section 527. The Committee continues and modifies a provision extending other transaction authority for the Department through fiscal year 2021.

Section 528. The Committee continues a provision regarding access to detention facilities by members of Congress or their designated staff.

Section 529. The Committee continues a provision prohibiting the use of funds to use restraints on pregnant detainees in DHS custody except in certain circumstances.

Section 530. The Committee continues and modifies a provision prohibiting the use of funds for the destruction of records related to detainees in custody and requires that such records be provided to detainees, as specified.

Section 531. The Committee continues and modifies a provision prohibiting funds for a Principal Federal Official during a declared disaster or emergency under the Stafford Act, with certain exceptions.

Section 532. The Committee includes a provision requiring the submission of an unfunded priorities report not later than 10 days after the submission of the fiscal year 2022 budget request.

Section 533. The Committee includes a provision rescinding unobligated balances from “U.S. Customs and Border Protection—Procurement, Construction, and Improvements”.