

[FULL COMMITTEE PRINT]

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Union Calendar No. \_\_\_\_\_

117TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

[Report No. \_\_-\_\_]

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2022, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

--, 2021

Ms. Roybal-Allard, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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**A BILL**

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2022, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 That the following sums are appropriated, out of any  
2 money in the Treasury not otherwise appropriated, for the  
3 Department of Homeland Security for the fiscal year end-  
4 ing September 30, 2022, and for other purposes, namely:

5 TITLE I  
6 DEPARTMENTAL MANAGEMENT, OPERATIONS,  
7 INTELLIGENCE, AND OVERSIGHT  
8 OFFICE OF THE SECRETARY AND EXECUTIVE  
9 MANAGEMENT  
10 OPERATIONS AND SUPPORT

11 For necessary expenses of the Office of the Secretary  
12 and for executive management for operations and support,  
13 \$233,153,000: *Provided*, That not to exceed \$30,000 shall  
14 be for official reception and representation expenses.

15 FEDERAL ASSISTANCE  
16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses of the Office of the Secretary  
18 and for executive management for Federal assistance  
19 through grants, contracts, cooperative agreements, and  
20 other activities, \$35,000,000, which shall be transferred  
21 to “Federal Emergency Management Agency—Federal  
22 Assistance”, of which \$20,000,000 shall be for targeted  
23 violence and terrorism prevention grants and of which  
24 \$15,000,000 shall be for an Alternatives to Detention  
25 Case Management pilot program, to remain available until

1 September 30, 2023: *Provided*, That the amounts made  
2 available for the pilot program shall be awarded as de-  
3 scribed in the first proviso under this heading in title I  
4 of division F of Public Law 116–260 and services shall  
5 be provided as described in the second and third such pro-  
6 visos.

7 MANAGEMENT DIRECTORATE

8 OPERATIONS AND SUPPORT

9 For necessary expenses of the Management Direc-  
10 torate for operations and support, including for the pur-  
11 chase or lease of electric passenger motor vehicles,  
12 \$1,653,553,000, of which \$77,500,000 shall remain avail-  
13 able until September 30, 2023: *Provided*, That not to ex-  
14 ceed \$2,000 shall be for official reception and representa-  
15 tion expenses.

16 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

17 For necessary expenses of the Management Direc-  
18 torate for procurement, construction, and improvements,  
19 \$511,816,000, of which \$132,116,000 shall remain avail-  
20 able until September 30, 2024; and of which  
21 \$379,700,000 shall remain available until September 30,  
22 2026.

23 FEDERAL PROTECTIVE SERVICE

24 The revenues and collections of security fees credited  
25 to this account shall be available until expended for nec-

1 essary expenses related to the protection of federally  
2 owned and leased buildings and for the operations of the  
3 Federal Protective Service.

4           INTELLIGENCE, ANALYSIS, AND OPERATIONS  
5                           COORDINATION  
6                           OPERATIONS AND SUPPORT

7           For necessary expenses of the Office of Intelligence  
8 and Analysis and the Office of Operations Coordination  
9 for operations and support, \$320,620,000, of which  
10 \$82,620,000 shall remain available until September 30,  
11 2023: *Provided*, That not to exceed \$3,825 shall be for  
12 official reception and representation expenses and not to  
13 exceed \$2,000,000 is available for facility needs associated  
14 with secure space at fusion centers, including improve-  
15 ments to buildings.

16           OFFICE OF THE INSPECTOR GENERAL  
17                           OPERATIONS AND SUPPORT

18           For necessary expenses of the Office of the Inspector  
19 General for operations and support, \$205,359,000: *Pro-*  
20 *vided*, That not to exceed \$300,000 may be used for cer-  
21 tain confidential operational expenses, including the pay-  
22 ment of informants, to be expended at the direction of the  
23 Inspector General.

## 1 ADMINISTRATIVE PROVISIONS

2 SEC. 101. (a) The Secretary of Homeland Security  
3 shall submit a report, not later than 15 days after the  
4 date of enactment of this Act, to the Inspector General  
5 of the Department of Homeland Security listing all grants  
6 and contracts awarded by any means other than full and  
7 open competition during the fiscal year funded by this Act  
8 or the prior fiscal year.

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

16 SEC. 102. Not later than 30 days after the last day  
17 of each month, the Chief Financial Officer of the Depart-  
18 ment of Homeland Security shall submit to the Commit-  
19 tees on Appropriations of the Senate and the House of  
20 Representatives a monthly budget and staffing report that  
21 includes total obligations of the Department for that  
22 month and for the fiscal year at the appropriation and  
23 program, project, and activity levels, by the source year  
24 of the appropriation.

1           SEC. 103. The Secretary of Homeland Security shall  
2 require that all contracts of the Department of Homeland  
3 Security that provide award fees link such fees to success-  
4 ful acquisition outcomes, which shall be specified in terms  
5 of cost, schedule, and performance.

6           SEC. 104. (a) The Secretary of Homeland Security,  
7 in consultation with the Secretary of the Treasury, shall  
8 notify the Committees on Appropriations of the Senate  
9 and the House of Representatives of any proposed trans-  
10 fers of funds available under section 9705(g)(4)(B) of title  
11 31, United States Code, from the Department of the  
12 Treasury Forfeiture Fund to any agency within the De-  
13 partment of Homeland Security.

14           (b) None of the funds identified for such a transfer  
15 may be obligated until the Committees on Appropriations  
16 of the Senate and the House of Representatives are noti-  
17 fied of the proposed transfer.

18           SEC. 105. All official costs associated with the use  
19 of Government aircraft by Department of Homeland Secu-  
20 rity personnel to support official travel of the Secretary  
21 and the Deputy Secretary shall be paid from amounts  
22 made available for the Office of the Secretary.

23           SEC. 106. (a) The Under Secretary for Management  
24 shall submit to the Committees on Appropriations of the

1 Senate and the House of Representatives a quarterly ac-  
2 quisition progress report, which shall include—

3 (1) a listing of Level 1 and Level 2 programs  
4 being tracked on the Master Acquisition Oversight  
5 List between Acquisition Decision Event 1 and Full  
6 Operational Capability; and

7 (2) a listing of Level 1 and Level 2 programs  
8 between such decision event and such operating ca-  
9 pability that have been cancelled, paused, or are in  
10 breach.

11 (b) For each major (Level 1 and 2) acquisition pro-  
12 gram on the Master Acquisition Oversight List that has  
13 at least one department-approved acquisition program  
14 baseline and has not yet fully deployed all planned capa-  
15 bilities, the report described in subsection (a) shall in-  
16 clude—

17 (1) a narrative describing the purpose of the  
18 program, including the capabilities being acquired  
19 and the component(s) sponsoring the acquisition;

20 (2) the total number of increments or units to  
21 be acquired, as appropriate, including a schedule  
22 outlining the quantity of increments or units to be  
23 procured annually until procurement is complete, as  
24 appropriate;

1           (3) the Acquisition Review Board status, in-  
2           cluding the current acquisition phase (by increment  
3           as applicable), the date of the most recent review,  
4           and a copy of the approved Acquisition Decision  
5           Memorandum;

6           (4) a comparison between the Department-ap-  
7           proved acquisition program baseline cost thresholds  
8           and the program's current estimate amount, includ-  
9           ing the confidence interval for the estimate, the fis-  
10          cal years included in the estimate, and a description  
11          of and rationale for any changes during the quarter;

12          (5) a comparison between the schedule goals in  
13          the current Department-approved acquisition pro-  
14          gram baseline, and those of the current schedule, in-  
15          cluding a description of and rationale for any  
16          changes during the last quarter;

17          (6) a description of current Department-ap-  
18          proved acquisition program baseline performance  
19          thresholds and an explanation of the extent to which  
20          such goals have been reached; and

21          (7) the top 5 risks associated with the program,  
22          including narrative descriptions.

23          SEC. 107. (a) No Federal funds made available to  
24          the Department of Homeland Security may be obligated  
25          for any pilot or demonstration program that uses more



1 than 5 full-time equivalents or costs in excess of  
2 \$1,000,000 until 30 days after the date on which the Sec-  
3 retary of Homeland Secretary provides the following to the  
4 Committees on Appropriations of the Senate and the  
5 House of Representatives for such program:

6 (1) Objectives that are well-defined and meas-  
7 urable;

8 (2) An assessment methodology that details—

9 (A) the type and source of assessment  
10 data;

11 (B) the methods for and frequency of col-  
12 lecting such data; and

13 (C) how such data will be analyzed;

14 (3) An implementation plan, including mile-  
15 stones, a cost estimate, and schedule, including an  
16 end date; and

17 (4) A signed interagency agreement or memo-  
18 randum of agreement for any pilot or demonstration  
19 program involving the participation of more than  
20 one Department of Homeland Security component or  
21 that of an entity not part of such Department.

22 (b) Not later than 30 days after the date of comple-  
23 tion of a pilot or demonstration program described in sub-  
24 section (a), the Secretary of Homeland Security shall pro-  
25 vide a report to the Committees on Appropriations of the

1 Senate and the House of Representatives detailing lessons  
2 learned, actual costs, and any planned expansion or con-  
3 tinuation of the pilot or demonstration program.

4 (c) For the purposes of this section, a pilot or dem-  
5 onstration program is a policy implementation, study,  
6 demonstration, experimental program, or trial that is a  
7 small-scale, short-term experiment conducted in order to  
8 evaluate feasibility, duration, costs, or adverse events, and  
9 improve upon the design of an effort prior to implementa-  
10 tion of a larger scale effort.

11 TITLE II

12 SECURITY, ENFORCEMENT, AND

13 INVESTIGATIONS

14 U.S. CUSTOMS AND BORDER PROTECTION

15 OPERATIONS AND SUPPORT

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses of U.S. Customs and Border  
18 Protection for operations and support, including the trans-  
19 portation of unaccompanied minors; the provision of air  
20 and marine support to Federal, State, local, and inter-  
21 national agencies in the enforcement or administration of  
22 laws enforced by the Department of Homeland Security;  
23 at the discretion of the Secretary of Homeland Security,  
24 the provision of such support to Federal, State, and local  
25 agencies in other law enforcement and emergency humani-

1 tarian efforts; the purchase and lease of up to 7,500  
2 (6,500 for replacement only) police-type vehicles; the pur-  
3 chase, maintenance, or operation of marine vessels, air-  
4 craft, and unmanned aerial systems; and contracting with  
5 individuals for personal services abroad; \$13,562,809,000;  
6 of which \$3,274,000 shall be derived from the Harbor  
7 Maintenance Trust Fund for administrative expenses re-  
8 lated to the collection of the Harbor Maintenance Fee pur-  
9 suant to section 9505(c)(3) of the Internal Revenue Code  
10 of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding sec-  
11 tion 1511(e)(1) of the Homeland Security Act of 2002 (6  
12 U.S.C. 551(e)(1)); of which \$500,000,000 shall be avail-  
13 able until September 30, 2023; of which \$74,340,000 shall  
14 be available until September 30, 2024; and of which such  
15 sums as become available in the Customs User Fee Ac-  
16 count, except sums subject to section 13031(f)(3) of the  
17 Consolidated Omnibus Budget Reconciliation Act of 1985  
18 (19 U.S.C. 58c(f)(3)), shall be derived from that account:  
19 *Provided*, That not to exceed \$34,425 shall be for official  
20 reception and representation expenses: *Provided further*,  
21 That not to exceed \$150,000 shall be available for pay-  
22 ment for rental space in connection with preclearance op-  
23 erations: *Provided further*, That not to exceed \$2,000,000  
24 shall be for awards of compensation to informants, to be  
25 accounted for solely under the certificate of the Secretary

1 of Homeland Security: *Provided further*, That not to ex-  
2 ceed \$5,000,000 may be transferred to the Bureau of In-  
3 dian Affairs for the maintenance and repair of roads on  
4 Native American reservations used by the U.S. Border Pa-  
5 trol.

6 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

7 For necessary expenses of U.S. Customs and Border  
8 Protection for procurement, construction, and improve-  
9 ments, including procurement of marine vessels, aircraft,  
10 and unmanned aerial systems, \$333,780,000, of which  
11 \$261,555,000 shall remain available until September 30,  
12 2024; and of which \$72,225,000 shall remain available  
13 until September 30, 2026.

14 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

15 OPERATIONS AND SUPPORT

16 For necessary expenses of U.S. Immigration and  
17 Customs Enforcement for operations and support, includ-  
18 ing the purchase and lease of up to 3,790 (2,350 for re-  
19 placement only) police-type vehicles; overseas vetted units;  
20 and maintenance, minor construction, and minor leasehold  
21 improvements at owned and leased facilities;  
22 \$7,820,275,000; of which not less than \$6,000,000 shall  
23 remain available until expended for efforts to enforce laws  
24 against forced child labor; of which \$46,696,000 shall re-  
25 main available until September 30, 2023; of which not less

1 than \$1,500,000 is for paid apprenticeships for partici-  
2 pants in the Human Exploitation Rescue Operative Child-  
3 Rescue Corps; of which not less than \$15,000,000 shall  
4 be available for investigation of intellectual property rights  
5 violations, including operation of the National Intellectual  
6 Property Rights Coordination Center; and of which  
7 \$3,787,263,000 shall be for civil immigration enforce-  
8 ment, detention, transportation of unaccompanied alien  
9 minors and to effectuate the safe return of aliens or their  
10 release to nonprofit organizations with capacity to provide  
11 shelter and other services, and for case management serv-  
12 ices, including but not limited to: mental health services;  
13 human and sex trafficking screening; legal orientation pro-  
14 grams; cultural orientation programs; connections to so-  
15 cial services; and for individuals who will be removed, re-  
16 integration services: *Provided*, That not to exceed \$11,475  
17 shall be for official reception and representation expenses:  
18 *Provided further*, That not to exceed \$10,000,000 shall be  
19 available until expended for conducting special operations  
20 under section 3131 of the Customs Enforcement Act of  
21 1986 (19 U.S.C. 2081): *Provided further*, That not to ex-  
22 ceed \$2,000,000 shall be for awards of compensation to  
23 informants, to be accounted for solely under the certificate  
24 of the Secretary of Homeland Security: *Provided further*,  
25 That not to exceed \$11,216,000 shall be available to fund

1 or reimburse other Federal agencies for the costs associ-  
2 ated with the care, maintenance, and repatriation of aliens  
3 unlawfully present in the United States.

4 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

5 For necessary expenses of U.S. Immigration and  
6 Customs Enforcement for procurement, construction, and  
7 improvements, \$51,700,000, of which \$34,321,000 shall  
8 remain available until September 30, 2024, and of which  
9 \$17,379,000 shall remain available until September 30,  
10 2026.

11 FEDERAL ASSISTANCE

12 (INCLUDING TRANSFER OF FUNDS)

13 For necessary expenses of U.S. Immigration and  
14 Customs Enforcement for Federal assistance through  
15 grants, contracts, cooperative agreements, and other ac-  
16 tivities, \$100,000,000, to remain available until Sep-  
17 tember 30, 2024, which shall be transferred to “Federal  
18 Emergency Management Agency—Operations and Sup-  
19 port” and be distributed to state, local, tribal, or terri-  
20 torial jurisdictions or local non-profit organizations to pro-  
21 vide shelter to individuals released from the custody of the  
22 Department of Homeland Security and to provide accom-  
23 modations in support of enrollments into an Alternatives  
24 to Detention program and related Case Management serv-

1 ices, including necessary infrastructure improvements and  
2 investments.

3           TRANSPORTATION SECURITY ADMINISTRATION

4                           OPERATIONS AND SUPPORT

5           For necessary expenses of the Transportation Secu-  
6 rity Administration for operations and support,  
7 \$8,094,787,000, to remain available until September 30,  
8 2023: *Provided*, That not to exceed \$7,650 shall be for  
9 official reception and representation expenses: *Provided*  
10 *further*, That security service fees authorized under section  
11 44940 of title 49, United States Code, shall be credited  
12 to this appropriation as offsetting collections and shall be  
13 available only for aviation security: *Provided further*, That  
14 the sum appropriated under this heading from the general  
15 fund shall be reduced on a dollar-for-dollar basis as such  
16 offsetting collections are received during the current fiscal  
17 year so as to result in a final fiscal year appropriation  
18 from the general fund estimated at not more than  
19 \$5,984,787,000.

20           PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

21           For necessary expenses of the Transportation Secu-  
22 rity Administration for procurement, construction, and  
23 improvements, \$134,492,000, to remain available until  
24 September 30, 2024.

## 1 RESEARCH AND DEVELOPMENT

2 For necessary expenses of the Transportation Secu-  
3 rity Administration for research and development,  
4 \$35,532,000, to remain available until September 30,  
5 2023.

## 6 COAST GUARD

## 7 OPERATIONS AND SUPPORT

8 For necessary expenses of the Coast Guard for oper-  
9 ations and support including the Coast Guard Reserve;  
10 purchase or lease of not to exceed 25 passenger motor ve-  
11 hicles, which shall be for replacement only; purchase or  
12 lease of small boats for contingent and emergent require-  
13 ments (at a unit cost of not more than \$700,000) and  
14 repairs and service-life replacements, not to exceed a total  
15 of \$31,000,000; purchase, lease, or improvements of boats  
16 necessary for overseas deployments and activities; pay-  
17 ments pursuant to section 156 of Public Law 97-377 (42  
18 U.S.C. 402 note; 96 Stat. 1920); and recreation and wel-  
19 fare; \$9,139,070,000, of which \$530,000,000 shall be for  
20 defense-related activities; of which \$24,500,000 shall be  
21 derived from the Oil Spill Liability Trust Fund to carry  
22 out the purposes of section 1012(a)(5) of the Oil Pollution  
23 Act of 1990 (33 U.S.C. 2712(a)(5)); of which \$5,000,000  
24 shall remain available until September 30, 2024; of which  
25 \$30,356,000 shall remain available until September 30,



1 2025, for environmental compliance and restoration; and  
2 of which \$70,000,000 shall remain available until Sep-  
3 tember 30, 2023, which shall only be available for vessel  
4 depot level maintenance: *Provided*, That not to exceed  
5 \$23,000 shall be for official reception and representation  
6 expenses.

7 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

8 For necessary expenses of the Coast Guard for pro-  
9 curement, construction, and improvements, including aids  
10 to navigation, shore facilities (including facilities at De-  
11 partment of Defense installations used by the Coast  
12 Guard), and vessels and aircraft, including equipment re-  
13 lated thereto, \$1,817,100,000, to remain available until  
14 September 30, 2026; of which \$20,000,000 shall be de-  
15 rived from the Oil Spill Liability Trust Fund to carry out  
16 the purposes of section 1012(a)(5) of the Oil Pollution Act  
17 of 1990 (33 U.S.C. 2712(a)(5)); and of which such sums  
18 as were deposited into the Coast Guard Housing Fund  
19 prior to fiscal year 2021 that remain unavailable for obli-  
20 gation shall be available to carry out the purposes of sec-  
21 tion 2946 of title 14, United States Code, in addition to  
22 amounts otherwise available for such purposes, and shall  
23 be derived from such deposits.

## 1 RESEARCH AND DEVELOPMENT

2 For necessary expenses of the Coast Guard for re-  
3 search and development; and for maintenance, rehabilita-  
4 tion, lease, and operation of facilities and equipment;  
5 \$12,476,000, to remain available until September 30,  
6 2024, of which \$500,000 shall be derived from the Oil  
7 Spill Liability Trust Fund to carry out the purposes of  
8 section 1012(a)(5) of the Oil Pollution Act of 1990 (33  
9 U.S.C. 2712(a)(5)): *Provided*, That there may be credited  
10 to and used for the purposes of this appropriation funds  
11 received from State and local governments, other public  
12 authorities, private sources, and foreign countries for ex-  
13 penses incurred for research, development, testing, and  
14 evaluation.

## 15 RETIRED PAY

16 For retired pay, including the payment of obligations  
17 otherwise chargeable to lapsed appropriations for this pur-  
18 pose, payments under the Retired Serviceman's Family  
19 Protection and Survivor Benefits Plans, payment for ca-  
20 reer status bonuses, payment of continuation pay under  
21 section 356 of title 37, United States Code, concurrent  
22 receipts, combat-related special compensation, and pay-  
23 ments for medical care of retired personnel and their de-  
24 pendants under chapter 55 of title 10, United States Code,  
25 \$1,963,519,000, to remain available until expended.

## 1 UNITED STATES SECRET SERVICE

## 2 OPERATIONS AND SUPPORT

3 For necessary expenses of the United States Secret  
4 Service for operations and support, including purchase of  
5 not to exceed 652 vehicles for police-type use for replace-  
6 ment only; hire of passenger motor vehicles; purchase of  
7 motorcycles made in the United States; hire of aircraft;  
8 rental of buildings in the District of Columbia; fencing,  
9 lighting, guard booths, and other facilities on private or  
10 other property not in Government ownership or control,  
11 as may be necessary to perform protective functions; con-  
12 duct of and participation in firearms matches; presen-  
13 tation of awards; conduct of behavioral research in sup-  
14 port of protective intelligence and operations; payment in  
15 advance for commercial accommodations as may be nec-  
16 essary to perform protective functions; and payment, with-  
17 out regard to section 5702 of title 5, United States Code,  
18 of subsistence expenses of employees who are on protective  
19 missions, whether at or away from their duty stations;  
20 \$2,518,658,000; of which \$51,621,000 shall remain avail-  
21 able until September 30, 2023; of which \$6,000,000 shall  
22 be for a grant for activities related to investigations of  
23 missing and exploited children; and of which up to  
24 \$15,000,000 may be for calendar year 2021 premium pay  
25 in excess of the annual equivalent of the limitation on the

1 rate of pay contained in section 5547(a) of title 5, United  
2 States Code, pursuant to section 2 of the Overtime Pay  
3 for Protective Services Act of 2016 (5 U.S.C. 5547 note),  
4 as amended by Public Law 115–383: *Provided*, That not  
5 to exceed \$19,125 shall be for official reception and rep-  
6 resentation expenses: *Provided further*, That not to exceed  
7 \$100,000 shall be to provide technical assistance and  
8 equipment to foreign law enforcement organizations in  
9 criminal investigations within the jurisdiction of the  
10 United States Secret Service.

11       PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

12       For necessary expenses of the United States Secret  
13 Service for procurement, construction, and improvements,  
14 \$54,849,000, to remain available until September 30,  
15 2024.

16                       RESEARCH AND DEVELOPMENT

17       For necessary expenses of the United States Secret  
18 Service for research and development, \$2,310,000, to re-  
19 main available until September 30, 2023.

20                       ADMINISTRATIVE PROVISIONS

21                       (INCLUDING TRANSFER OF FUNDS)

22       SEC. 201. Section 201 of the Department of Home-  
23 land Security Appropriations Act, 2018 (division F of  
24 Public Law 115–141), related to overtime compensation  
25 limitations, shall apply with respect to funds made avail-

1 able in this Act in the same manner as such section ap-  
2 plied to funds made available in that Act, except that “fis-  
3 cal year 2022” shall be substituted for “fiscal year 2018”.

4       SEC. 202. Funding made available under the head-  
5 ings “U.S. Customs and Border Protection—Operations  
6 and Support” and “U.S. Customs and Border Protec-  
7 tion—Procurement, Construction, and Improvements”  
8 shall be available for customs expenses when necessary to  
9 maintain operations and prevent adverse personnel actions  
10 in Puerto Rico and the U.S. Virgin Islands, in addition  
11 to funding provided by sections 740 and 1406i of title 48,  
12 United States Code.

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

20       SEC. 204. (a) For an additional amount for “U.S.  
21 Customs and Border Protection—Operations and Sup-  
22 port”, \$31,000,000, to remain available until expended,  
23 to be reduced by amounts collected and credited to this  
24 appropriation in the fiscal year funded by this Act from  
25 amounts authorized to be collected by section 286(i) of

1 the Immigration and Nationality Act (8 U.S.C. 1356(i)),  
2 section 10412 of the Farm Security and Rural Investment  
3 Act of 2002 (7 U.S.C. 8311), and section 817 of the Trade  
4 Facilitation and Trade Enforcement Act of 2015 (Public  
5 Law 114–25), or other such authorizing language.

6 (b) To the extent that amounts realized from such  
7 collections exceed \$31,000,000, those amounts in excess  
8 of \$31,000,000 shall be credited to this appropriation, to  
9 remain available until expended.

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

21 (1) a controlled substance, as defined in section  
22 102 of the Controlled Substances Act (21 U.S.C.  
23 802); or

1           (2) a biological product, as defined in section  
2           351 of the Public Health Service Act (42 U.S.C.  
3           262).

4           SEC. 206. (a) Notwithstanding any other provision  
5 of law, none of the funds provided in this or any other  
6 Act shall be used to approve a waiver of the navigation  
7 and vessel-inspection laws pursuant to section 501(b) of  
8 title 46, United States Code, for the transportation of  
9 crude oil distributed from and to the Strategic Petroleum  
10 Reserve until the Secretary of Homeland Security, after  
11 consultation with the Secretaries of the Departments of  
12 Energy and Transportation and representatives from the  
13 United States flag maritime industry, takes adequate  
14 measures to ensure the use of United States flag vessels.

15           (b) The Secretary shall notify the Committees on Ap-  
16 propriations of the Senate and the House of Representa-  
17 tives, the Committee on Commerce, Science, and Trans-  
18 portation of the Senate, and the Committee on Transpor-  
19 tation and Infrastructure of the House of Representatives  
20 within 2 business days of any request for waivers of navi-  
21 gation and vessel-inspection laws pursuant to section  
22 501(b) of title 46, United States Code, with respect to  
23 such transportation, and the disposition of such requests.

1       SEC. 207. (a) Beginning on the date of enactment  
2 of this Act, the Secretary of Homeland Security shall  
3 not—

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

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

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

15       SEC. 208. (a) Not later than 90 days after the date  
16 of enactment of this Act, the Secretary of Homeland Secu-  
17 rity shall submit an expenditure plan for any amounts  
18 made available for “U.S. Customs and Border Protec-  
19 tion—Procurement, Construction, and Improvements” in  
20 this Act and prior Acts to the Committees on Appropria-  
21 tions of the Senate and the House of Representatives.

22       (b) No such amounts may be obligated prior to the  
23 submission of such plan.

24       SEC. 209. Section 211 of the Department of Home-  
25 land Security Appropriations Act, 2021 (division F of



1 Public Law 116–260), prohibiting the use of funds for the  
2 construction of fencing in certain areas, shall apply with  
3 respect to funds made available in this Act in the same  
4 manner as such section applied to funds made available  
5 in that Act.

6 SEC. 210. (a) Funding made available under the  
7 headings “U.S. Customs and Border Protection—Oper-  
8 ations and Support” and “U.S. Immigration and Customs  
9 Enforcement—Operations and Support” may be used to  
10 provide or reimburse third-parties for the provision of  
11 COVID-19 testing and shelter for the purpose of voluntary  
12 isolation of persons encountered by U.S. Customs and  
13 Border Protection after entering the United States along  
14 the southwest border and deemed inadmissible under sec-  
15 tion 212(a) of the Immigration and Nationality Act (8  
16 U.S.C. 1182(a)).

17 (b) Such testing and shelter shall be provided imme-  
18 diately after such persons leave Department of Homeland  
19 Security custody.

20 (c) For purposes of this section, funds may only be  
21 used in States or jurisdictions that do not have an agree-  
22 ment with the Federal government for the provision or re-  
23 imbursement of such services.

24 SEC. 211. (a) Notwithstanding any other provision  
25 of law, the Commissioner of U.S. Customs and Border

1 Protection may use up to \$100,000,000 of amounts ref-  
2 erenced in section 230(a) of division F of the Consolidated  
3 Appropriations Act, 2018 (Public Law 115–141), section  
4 230(a)(1) of division A of the Consolidated Appropriations  
5 Act, 2019 (Public Law 116–6), section 209(a)(1) of divi-  
6 sion D of the Consolidated Appropriations Act, 2020  
7 (Public Law 116–93), and section 210 of division F of  
8 the Consolidated Appropriations Act, 2021 (Public Law  
9 116–260) for mitigation activities, including land acquisi-  
10 tion, related to the construction of border barriers on Fed-  
11 eral lands.

12 (b) Amounts described in subsection (a) may be  
13 transferred to the Bureau of Land Management, the  
14 United States Fish and Wildlife Service, the United States  
15 Forest Service, and the National Park Service for the pur-  
16 poses described in such subsection.

17 (c) The Commissioner shall submit a notification to  
18 the Committees on Appropriations of the Senate and the  
19 House of Representatives prior to the obligation of the  
20 amounts described in this section.

21 SEC. 212. (a) No Federal funds may be used to con-  
22 tinue a delegation of law enforcement authority authorized  
23 under section 287(g) of the Immigration and Nationality  
24 Act (8 U.S.C. 1357(g))—

1           (1) for the investigation or apprehension func-  
2           tions described in paragraph (1) of such section;

3           (2) if the Department of Homeland Security In-  
4           spector General determines that the terms of the  
5           agreement governing the delegation of authority  
6           have been materially violated; or

7           (3) if the Department of Homeland Security  
8           Office for Civil Rights and Civil Liberties or the  
9           U.S. Immigration and Customs Enforcement Office  
10          of Professional Responsibility determines that the  
11          participating jurisdiction has violated the civil rights  
12          or liberties of an individual who was subsequently  
13          the subject of immigration enforcement activity dele-  
14          gated under the authority described in this section.

15          (b) Subsection (a)(3) shall not apply if the Secretary  
16          of Homeland Security determines that the violation is not  
17          part of a pattern or practice of civil rights or liberties vio-  
18          lations or that sufficient subsequent remediation steps  
19          have been taken to prevent future such violations.

20          SEC. 213. (a) None of the funds provided under the  
21          heading “U.S. Immigration and Customs Enforcement—  
22          Operations and Support” may be used to continue any  
23          contract for the provision of detention services if the two  
24          most recent overall performance evaluations received by  
25          the contracted facility are less than “adequate” or the

1 equivalent median score in any subsequent performance  
2 evaluation system.

3 (b) The performance evaluations referenced in sub-  
4 section (a) shall be conducted by the U.S. Immigration  
5 and Customs Enforcement Office of Professional Respon-  
6 sibility.

7 SEC. 214. The reports required to be submitted under  
8 section 216 of the Department of Homeland Security Ap-  
9 propriations Act, 2021 (division F of Public Law 116-  
10 260) shall continue to be submitted semimonthly during  
11 the fiscal year funded by this Act and each matter re-  
12 quired to be included in such report by such section 216  
13 shall apply in the same manner and to the same extent  
14 during the period described in this section.

15 SEC. 215. The terms and conditions of section 217  
16 of the Department of Homeland Security Appropriations  
17 Act, 2020 (division D of Public Law 116-93) shall apply  
18 to this Act.

19 SEC. 216. No Federal funds may be used to place  
20 in detention, remove, refer for a decision whether to ini-  
21 tiate removal proceedings, or initiate removal proceedings  
22 against any individual—

23 (1) based on information provided to a Federal  
24 employee or contractor related to facilitating the  
25 sponsorship of an unaccompanied alien child (as de-

1        fined in section 462(g) of the Homeland Security  
2        Act of 2002 (6 U.S.C. 279(g)) or the reunification  
3        of such child with a family member; or

4            (2) based on information gathered in therapy  
5        sessions conducted while in the care of the Office of  
6        Refugee Resettlement of the Department of Health  
7        and Human Services.

8        SEC. 217. (a) Not later than 30 days after the date  
9        of enactment of this Act, the Secretary of Homeland Secu-  
10       rity shall—

11            (1) ensure that individuals in the custody of the  
12        Department of Homeland Security who are placed  
13        into proceedings under section 240 of the Immigra-  
14        tion and Nationality Act (8 U.S.C. 1229a) have, at  
15        a minimum—

16            (A) daily telephonic, video, or in-person ac-  
17        cess to legal counsel, including prospective legal  
18        counsel, in a setting that allows for private con-  
19        sultation;

20            (B) opportunities for prospective pro-bono  
21        legal counsel to be accessible to such individ-  
22        uals; and

23            (C) meaningful opportunities to consult  
24        with legal counsel prior to required appearances  
25        for such proceedings; and

1           (2) implement a program to conduct a Know  
2       Your Rights presentation, provided by a nonprofit  
3       organization or an entity that provides pro-bono  
4       legal counsel, to be made available to all individuals  
5       prior to any asylum-based interview or proceeding  
6       who are placed into expedited removal proceedings  
7       under section 235 of the Immigration and Nation-  
8       ality Act (8 U.S.C. 1225(b)(1)) and indicate an in-  
9       tention to apply for asylum or a fear of persecution.

10       (b) Not later than 30 days after the date of enact-  
11      ment of this Act, the Secretary and the Officer for Civil  
12      Rights and Civil Liberties shall each certify to the Com-  
13      mittees on Appropriations of the Senate and the House  
14      of Representatives as to whether the requirements under  
15      subsection (a) have been met.

16       SEC. 218. No Federal funds may be used for the de-  
17      tention or removal of any individual who has a dem-  
18      onstrated bona fide or prima facie eligibility for—

19           (1) an application under section 101(a)(15)(T),  
20       101(a)(15)(U), 106, 240A(b)(2), or 244(a)(3) (as in  
21       effect on March 31, 1997) of the Immigration and  
22       Nationality Act; or

23           (2) a self-petition pursuant to the Violence  
24       Against Women Act, as defined in section  
25       101(a)(51) of the Immigration and Nationality Act,

1 with a pending application for relief under a provi-  
2 sion referred to in one of the subparagraphs (A)  
3 through (G) of such section, or section  
4 101(a)(27)(J) of such Act.

5 SEC. 219. (a) Not later than 30 days after the date  
6 of enactment of this Act, the Secretary of Homeland Secu-  
7 rity shall approve a segmented risk classification assess-  
8 ment process, developed by U.S. Immigration and Cus-  
9 toms Enforcement that includes a determination as to  
10 whether a detained individual is—

- 11 (1) a flight risk;
- 12 (2) a public safety threat; or
- 13 (3) a national security threat.

14 (b) The process described in subsection (a) shall be  
15 developed only with the review of, and concurrence by, the  
16 Officer for Civil Rights and Civil Liberties and the Immi-  
17 gration Detention Ombudsman.

18 (c) Following approval of the assessment process in  
19 subsection (a), U.S. Immigration and Customs Enforce-  
20 ment shall conduct a risk classification for each detained  
21 individual held in custody for at least 14 days, to be com-  
22 pleted within 20 days of such individual being taken into  
23 custody, and make an individualized, documented custody  
24 determination that shall include the option to release such

1 individual from custody, notwithstanding section 236(c) of  
2 the Immigration and Nationality Act (8 U.S.C. 1226(c)).

3 (d) Determinations based on the assessment process  
4 described in subsection (a) shall be recorded and reviewed  
5 on a monthly basis by the Office of the Immigration De-  
6 tention Ombudsman.

7 (e) In the case of an individual who self-identifies as  
8 transgender—

9 (1) the custody determination described in sub-  
10 section (c) shall be completed within 10 days of such  
11 individual being taken into custody;

12 (2) such person shall only be detained in a fa-  
13 cility that is contractually obligated to meet, at a  
14 minimum, the requirements described in Attachment  
15 1 of the June 19, 2015, U.S. Immigration and Cus-  
16 toms Enforcement memorandum entitled, “Further  
17 Guidance Regarding the Care of Transgender Indi-  
18 viduals” unless such person declines placement in  
19 such a facility after being informed of the oppor-  
20 tunity to do so.

21 (f) Not later than 30 days after the date of enactment  
22 of this Act, the Director of U.S. Immigration and Customs  
23 Enforcement shall provide the Committees on Appropria-  
24 tions of the Senate and the House of Representatives the  
25 defined metrics used to make such assessments.



1           SEC. 220. (a) None of the funds provided under the  
2 heading “U.S. Immigration and Customs Enforcement—  
3 Operations and Support” may be used to engage in civil  
4 immigration enforcement activities, such as arrests, deten-  
5 tions, removals, or the processing or issuance of charging  
6 documents, using Homeland Security Investigations per-  
7 sonnel or resources, absent probable cause that the indi-  
8 vidual facing such enforcement action has committed a  
9 criminal offense not solely related to migration or immi-  
10 gration status.

11           (b) For purposes of this section, criminal offenses  
12 solely related to migration or immigration status include  
13 any offense for which penalties may be imposed pursuant  
14 to sections 243, 264, 266(a) or (b), 275, or 276 of the  
15 Immigration and Nationality Act.

16           SEC. 221. Not later than 180 days after the date of  
17 enactment of this Act, allowances to individuals held in  
18 custody under the immigration laws for work performed  
19 may not be less than the rates established under para-  
20 graph (1) of section 6703 of title 41, United States Code.

21           SEC. 222. Members of the United States House of  
22 Representatives and the United States Senate, including  
23 the leadership; the heads of Federal agencies and commis-  
24 sions, including the Secretary, Deputy Secretary, Under  
25 Secretaries, and Assistant Secretaries of the Department

1 of Homeland Security; the United States Attorney Gen-  
2 eral, Deputy Attorney General, Assistant Attorneys Gen-  
3 eral, and the United States Attorneys; and senior mem-  
4 bers of the Executive Office of the President, including  
5 the Director of the Office of Management and Budget,  
6 shall not be exempt from Federal passenger and baggage  
7 screening.

8       SEC. 223. Any award by the Transportation Security  
9 Administration to deploy explosives detection systems  
10 shall be based on risk, the airport's current reliance on  
11 other screening solutions, lobby congestion resulting in in-  
12 creased security concerns, high injury rates, airport readi-  
13 ness, and increased cost effectiveness.

14       SEC. 224. Notwithstanding section 44923 of title 49,  
15 United States Code, for the fiscal year funded by this Act,  
16 any funds in the Aviation Security Capital Fund estab-  
17 lished by section 44923(h) of title 49, United States Code,  
18 may be used for the procurement and installation of explo-  
19 sives detection systems or for the issuance of other trans-  
20 action agreements for the purpose of funding projects de-  
21 scribed in section 44923(a) of such title.

22       SEC. 225. Not later than 30 days after the submis-  
23 sion of the President's budget proposal, the Administrator  
24 of the Transportation Security Administration shall sub-  
25 mit to the Committees on Appropriations and Commerce,

1 Science, and Transportation of the Senate and the Com-  
2 mittees on Appropriations and Homeland Security in the  
3 House of Representatives a single report that fulfills the  
4 following requirements:

5 (1) a Capital Investment Plan that includes a  
6 plan for continuous and sustained capital investment  
7 in new, and the replacement of aged, transportation  
8 security equipment;

9 (2) the 5-year technology investment plan as re-  
10 quired by section 1611 of title XVI of the Homeland  
11 Security Act of 2002, as amended by section 3 of  
12 the Transportation Security Acquisition Reform Act  
13 (Public Law 113–245); and

14 (3) the Advanced Integrated Passenger Screen-  
15 ing Technologies report as required by the Senate  
16 Report accompanying the Department of Homeland  
17 Security Appropriations Act, 2019 (Senate Report  
18 115–283).

19 SEC. 226. (a) None of the funds made available by  
20 this Act under the heading “Coast Guard—Operations  
21 and Support” shall be for expenses incurred for rec-  
22 reational vessels under section 12114 of title 46, United  
23 States Code, except to the extent fees are collected from  
24 owners of yachts and credited to the appropriation made

1 available by this Act under the heading “Coast Guard—  
2 Operations and Support”.

3 (b) To the extent such fees are insufficient to pay  
4 expenses of recreational vessel documentation under such  
5 section 12114, and there is a backlog of recreational vessel  
6 applications, personnel performing non-recreational vessel  
7 documentation functions under subchapter II of chapter  
8 121 of title 46, United States Code, may perform docu-  
9 mentation under section 12114.

10 SEC. 227. Without regard to the limitation as to time  
11 and condition of subsection (d) of section 503 of this Act,  
12 after June 30, in accordance with the notification require-  
13 ment described in subsection (b) of such section, up to  
14 the following amounts may be reprogrammed within  
15 “Coast Guard—Operations and Support”—

16 (1) \$10,000,000 to or from the “Military Pay”  
17 funding category; and

18 (2) \$10,000,000 between the “Field Oper-  
19 ations” funding subcategories.

20 SEC. 228. Notwithstanding any other provision of  
21 law, the Commandant of the Coast Guard shall submit  
22 to the Committees on Appropriations of the Senate and  
23 the House of Representatives a future-years capital invest-  
24 ment plan as described in the second proviso under the  
25 heading “Coast Guard—Acquisition, Construction, and

1 Improvements” in the Department of Homeland Security  
2 Appropriations Act, 2015 (Public Law 114–4), which shall  
3 be subject to the requirements in the third and fourth pro-  
4 visos under such heading.

5       SEC. 229. Of the funds made available for defense-  
6 related activities under the heading “Coast Guard—Oper-  
7 ations and Support”, up to \$190,000,000 that are used  
8 for enduring overseas missions in support of the global  
9 fight against terrorism may be reallocated by program,  
10 project, and activity, notwithstanding section 503 of this  
11 Act.

12       SEC. 230. Amounts deposited into the Coast Guard  
13 Housing Fund in the fiscal year funded by this Act shall  
14 be available until expended to carry out the purposes of  
15 section 2946 of title 14, United States Code, and shall  
16 be in addition to funds otherwise available for such pur-  
17 poses.

18       SEC. 231. The United States Secret Service is au-  
19 thorized to obligate funds in anticipation of reimburse-  
20 ments from executive agencies, as defined in section 105  
21 of title 5, United States Code, for personnel receiving  
22 training sponsored by the James J. Rowley Training Cen-  
23 ter, except that total obligations at the end of the fiscal  
24 year shall not exceed total budgetary resources available

1 under the heading “United States Secret Service—Oper-  
2 ations and Support” at the end of the fiscal year.

3 SEC. 232. (a) None of the funds made available to  
4 the United States Secret Service by this Act or by previous  
5 appropriations Acts may be made available for the protec-  
6 tion of the head of a Federal agency other than the Sec-  
7 retary of Homeland Security.

8 (b) The Director of the United States Secret Service  
9 may enter into agreements to provide such protection on  
10 a fully reimbursable basis.

11 SEC. 233. For purposes of subsections (a) and (b)  
12 of section 503 this Act, up to \$15,000,000 may be repro-  
13 grammed within “United States Secret Service—Oper-  
14 ations and Support”.

15 SEC. 234. Funding made available in this Act for  
16 “United States Secret Service—Operations and Support”  
17 is available for travel of United States Secret Service em-  
18 ployees on protective missions without regard to the limi-  
19 tations on such expenditures in this or any other Act if  
20 the Director of the United States Secret Service or a des-  
21 ignee notifies the Committees on Appropriations of the  
22 Senate and the House of Representatives 10 or more days  
23 in advance, or as early as practicable, prior to such ex-  
24 penditures.

1           SEC. 235. (a) Amounts made available to U.S. Cus-  
2 toms and Border Protection and U.S. Immigration and  
3 Customs Enforcement in this Act under the heading “Op-  
4 erations and Support”, by transfer pursuant to the  
5 Coronavirus Aid, Relief, and Economic Security Act (Pub-  
6 lic Law 116–136), or pursuant to any other provision of  
7 law for enforcement of the immigration laws that remain  
8 available for obligation in the fiscal year funded by this  
9 Act may be used for the reunification of children separated  
10 from a parent or legal guardian at the United States-Mex-  
11 ico border, including the provision of shelter, temporary  
12 housing, subsistence expenses, transportation, medical  
13 care, access to legal services, and such other assistance  
14 or relief for separated families that the Secretary deter-  
15 mines necessary to accomplish reunification.

16           (b) Funds made available pursuant to this section  
17 shall be used solely to support the reunification of sepa-  
18 rated families.

19           (c) Each amount repurposed by this section that was  
20 previously designated by the Congress as an emergency  
21 requirement pursuant to the Balanced Budget and Emer-  
22 gency Deficit Control Act of 1985 or a concurrent resolu-  
23 tion on the budget is designated by the Congress as an  
24 emergency requirement pursuant to section 1(f) of H. Res.

1 467 as engrossed in the House of Representatives on June  
2 14, 2021.

3 TITLE III  
4 PROTECTION, PREPAREDNESS, RESPONSE, AND  
5 RECOVERY

6 CYBERSECURITY AND INFRASTRUCTURE SECURITY

7 AGENCY

8 OPERATIONS AND SUPPORT

9 For necessary expenses of the Cybersecurity and In-  
10 frastructure Security Agency for operations and support,  
11 \$1,927,750,000, of which \$28,293,000, shall remain avail-  
12 able until September 30, 2023: *Provided*, That not to ex-  
13 ceed \$3,825 shall be for official reception and representa-  
14 tion expenses.

15 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

16 For necessary expenses of the Cybersecurity and In-  
17 frastructure Security Agency for procurement, construc-  
18 tion, and improvements, \$467,167,000, to remain avail-  
19 able until September 30, 2024: *Provided*, That of the  
20 funds made available under this heading, \$100,000,000  
21 shall be withheld from obligation until the Director sub-  
22 mits the first plan described in section 304 of this Act.

23 RESEARCH AND DEVELOPMENT

24 For necessary expenses of the Cybersecurity and In-  
25 frastructure Security Agency for research and develop-



1 ment, \$7,431,000, to remain available until September 30,  
2 2023.

3 CYBERSECURITY RESPONSE AND RECOVERY FUND

4 For necessary expenses of the Cybersecurity and In-  
5 frastructure Security Agency for cyber response and re-  
6 covery, \$20,000,000, to remain available until expended:  
7 *Provided*, That such amounts shall be used to provide sup-  
8 port to critical infrastructure, including through the provi-  
9 sion of services, technology, or capabilities, with or without  
10 reimbursement, to respond to or recover from a significant  
11 cyber incident as defined in Presidential Policy Directive  
12 41: *Provided further*, That such support may include the  
13 provision of assistance to private entities and State, local,  
14 territorial, and tribal governments in responding to or re-  
15 covering from a significant cyber incident: *Provided fur-*  
16 *ther*, That amounts appropriated under this heading shall  
17 be available only upon a determination by the President  
18 that additional resources are needed for the purposes  
19 under this heading: *Provided further*, That amounts made  
20 available under this heading shall be in addition to any  
21 other amounts available for such purposes.

22 FEDERAL EMERGENCY MANAGEMENT AGENCY

23 OPERATIONS AND SUPPORT

24 For necessary expenses of the Federal Emergency  
25 Management Agency for operations and support,

1 \$1,262,966,000: *Provided*, That not to exceed \$2,250  
2 shall be for official reception and representation expenses.

3 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

4 For necessary expenses of the Federal Emergency  
5 Management Agency for procurement, construction, and  
6 improvements, \$188,212,000, of which \$77,002,000 shall  
7 remain available until September 30, 2024, and of which  
8 \$111,210,000 shall remain available until September 30,  
9 2026: *Provided*, That the Administrator of the Federal  
10 Emergency Management Agency may use up to  
11 \$10,400,000 of the amounts made available under this  
12 heading to acquire real property adjacent to the Center  
13 for Domestic Preparedness Lodging and Warehouse com-  
14 plex in Anniston, Alabama for the purpose of establishing  
15 a multi-use training facility.

16 FEDERAL ASSISTANCE

17 (INCLUDING TRANSFER OF FUNDS)

18 For activities of the Federal Emergency Management  
19 Agency for Federal assistance through grants, contracts,  
20 cooperative agreements, and other activities,  
21 \$3,525,017,000, which shall be allocated as follows:

22 (1) \$610,000,000 for the State Homeland Secu-  
23 rity Grant Program under section 2004 of the  
24 Homeland Security Act of 2002 (6 U.S.C. 605), of  
25 which \$90,000,000 shall be for Operation

1 Stonegarden, \$15,000,000 shall be for Tribal Home-  
2 land Security Grants under section 2005 of the  
3 Homeland Security Act of 2002 (6 U.S.C. 606), and  
4 \$90,000,000 shall be for organizations (as described  
5 under section 501(e)(3) of the Internal Revenue  
6 Code of 1986 and exempt from tax under section  
7 501(a) of such code) determined by the Secretary of  
8 Homeland Security to be at high risk of a terrorist  
9 attack: *Provided*, That notwithstanding subsection  
10 (c)(4) of such section 2004, for the fiscal year fund-  
11 ed by this Act, the Commonwealth of Puerto Rico  
12 shall make available to local and tribal governments  
13 amounts provided to the Commonwealth of Puerto  
14 Rico under this paragraph in accordance with sub-  
15 section (c)(1) of such section 2004.

16 (2) \$705,000,000 for the Urban Area Security  
17 Initiative under section 2003 of the Homeland Secu-  
18 rity Act of 2002 (6 U.S.C. 604), of which  
19 \$90,000,000 shall be for organizations (as described  
20 under section 501(e)(3) of the Internal Revenue  
21 Code of 1986 and exempt from tax under section  
22 501(a) of such code) determined by the Secretary of  
23 Homeland Security to be at high risk of a terrorist  
24 attack.

1           (3) \$110,000,000 for Public Transportation Se-  
2           curity Assistance, Railroad Security Assistance, and  
3           Over-the-Road Bus Security Assistance under sec-  
4           tions 1406, 1513, and 1532 of the Implementing  
5           Recommendations of the 9/11 Commission Act of  
6           2007 (6 U.S.C. 1135, 1163, and 1182), of which  
7           \$10,000,000 shall be for Amtrak security and  
8           \$3,000,000 shall be for Over-the-Road Bus Security:  
9           *Provided*, That such public transportation security  
10          assistance shall be provided directly to public trans-  
11          portation agencies.

12          (4) \$110,000,000 for Port Security Grants in  
13          accordance with section 70107 of title 46, United  
14          States Code.

15          (5) \$740,000,000, to remain available until  
16          September 30, 2023, of which \$370,000,000 shall be  
17          for Assistance to Firefighter Grants and  
18          \$370,000,000 shall be for Staffing for Adequate  
19          Fire and Emergency Response Grants under sec-  
20          tions 33 and 34 respectively of the Federal Fire Pre-  
21          vention and Control Act of 1974 (15 U.S.C. 2229  
22          and 2229a).

23          (6) \$365,000,000 for emergency management  
24          performance grants under the National Flood Insur-  
25          ance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-

1       ert T. Stafford Disaster Relief and Emergency As-  
2       sistance Act (42 U.S.C. 5121), the Earthquake Haz-  
3       ards Reduction Act of 1977 (42 U.S.C. 7701), sec-  
4       tion 762 of title 6, United States Code, and Reorga-  
5       nization Plan No. 3 of 1978 (5 U.S.C. App.).

6           (7) \$275,500,000 for necessary expenses for  
7       Flood Hazard Mapping and Risk Analysis, in addi-  
8       tion to and to supplement any other sums appro-  
9       priated under the National Flood Insurance Fund,  
10      and such additional sums as may be provided by  
11      States or other political subdivisions for cost-shared  
12      mapping activities under section 1360(f)(2) of the  
13      National Flood Insurance Act of 1968 (42 U.S.C.  
14      4101(f)(2)), to remain available until expended.

15          (8) \$12,000,000 for Regional Catastrophic Pre-  
16      paredness Grants.

17          (9) \$12,000,000 for Rehabilitation of High  
18      Hazard Potential Dams under section 8A of the Na-  
19      tional Dam Safety Program Act (33 U.S.C. 467f-2).

20          (10) \$140,000,000 for the emergency food and  
21      shelter program under title III of the McKinney-  
22      Vento Homeless Assistance Act (42 U.S.C. 11331),  
23      to remain available until expended: *Provided*, That  
24      not to exceed 3.5 percent shall be for total adminis-  
25      trative costs.

1           (11) \$151,916,686 for community project fund-  
2           ing grants, which shall be for the purposes, and the  
3           amounts, specified in the table entitled “Community  
4           Project Funding” under this heading in the report  
5           accompanying this Act, of which—

6                   (A) \$150,000 is for a nonprofit security  
7                   grant under sections 2003 and 2004 of the  
8                   Homeland Security Act of 2002 (6 U.S.C. 604  
9                   and 605);

10                   (B) \$21,399,403 is for emergency oper-  
11                   ations center grants under section 614 of the  
12                   Robert T. Stafford Disaster Relief and Emer-  
13                   gency Assistance Act (42 U.S.C. 6196c);

14                   (C) \$127,867,283 is for pre-disaster miti-  
15                   gation grants under section 203 of the Robert  
16                   T. Stafford Disaster Relief and Emergency As-  
17                   sistance Act (42 U.S.C. 5133(e), notwith-  
18                   standing subsections (f), (g), and (l) of that  
19                   section (42 U.S.C. 5133(f), (g), (l)); and

20                   (D) \$2,500,000 shall be transferred to  
21                   “Federal Emergency Management Agency—Op-  
22                   erations and Support”, to manage and admin-  
23                   ister community project funding grants.



1 4015(d)); of which \$15,706,000 shall be available for mis-  
2 sion support associated with flood management; and of  
3 which \$199,000,000 shall be available for flood plain man-  
4 agement and flood mapping: *Provided*, That any addi-  
5 tional fees collected pursuant to section 1308(d) of the  
6 National Flood Insurance Act of 1968 (42 U.S.C.  
7 4015(d)) shall be credited as offsetting collections to this  
8 account, to be available for flood plain management and  
9 flood mapping: *Provided further*, That in the fiscal year  
10 funded by this Act, no funds shall be available from the  
11 National Flood Insurance Fund under section 1310 of the  
12 National Flood Insurance Act of 1968 (42 U.S.C. 4017)  
13 in excess of—

14 (1) \$197,393,000 for operating expenses and  
15 salaries and expenses associated with flood insurance  
16 operations;

17 (2) \$876,743,000 for commissions and taxes of  
18 agents;

19 (3) such sums as are necessary for interest on  
20 Treasury borrowings; and

21 (4) \$175,000,000, which shall remain available  
22 until expended, for flood mitigation actions and for  
23 flood mitigation assistance under section 1366 of the  
24 National Flood Insurance Act of 1968 (42 U.S.C.



1       4104c), notwithstanding sections 1366(e) and  
2       1310(a)(7) of such Act (42 U.S.C. 4104c(e), 4017):  
3       *Provided further*, That the amounts collected under section  
4       102 of the Flood Disaster Protection Act of 1973 (42  
5       U.S.C. 4012a) and section 1366(e) of the National Flood  
6       Insurance Act of 1968 (42 U.S.C. 4104c(e)), shall be de-  
7       posited in the National Flood Insurance Fund to supple-  
8       ment other amounts specified as available for section 1366  
9       of the National Flood Insurance Act of 1968, notwith-  
10       standing section 102(f)(8), section 1366(e) of the National  
11       Flood Insurance Act of 1968, and paragraphs (1) through  
12       (3) of section 1367(b) of such Act (42 U.S.C. 4012a(f)(8),  
13       4104c(e), 4104d(b)(1)–(3)): *Provided further*, That total  
14       administrative costs shall not exceed 4 percent of the total  
15       appropriation: *Provided further*, That up to \$5,000,000 is  
16       available to carry out section 24 of the Homeowner Flood  
17       Insurance Affordability Act of 2014 (42 U.S.C. 4033).

18                                   ADMINISTRATIVE PROVISIONS

19                                   (INCLUDING TRANSFER OF FUNDS)

20       SEC. 301. (a) Funds made available under the head-  
21       ing “Cybersecurity and Infrastructure Security Agency—  
22       Operations and Support” may be made available for the  
23       necessary expenses of carrying out the competition speci-  
24       fied in section 2(e) of Executive Order No. 13870 (May  
25       2, 2019), including the provision of monetary and non-

1 monetary awards for Federal civilian employees and mem-  
2 bers of the uniformed services, the necessary expenses for  
3 the honorary recognition of any award recipients, and ac-  
4 tivities to encourage participation in the competition, in-  
5 cluding promotional items.

6 (b) Any awards made pursuant to this section shall  
7 be of the same type and amount as those authorized under  
8 sections 4501 through 4505 of title 5, United States Code.

9 SEC. 302. (a) The Under Secretary for Management  
10 shall submit, concurrent with the budget of the President  
11 that is submitted to Congress pursuant to section 1105(a)  
12 of title 31, United States Code, a report on the unfunded  
13 priorities for the Cybersecurity and Infrastructure Secu-  
14 rity Agency.

15 (b) The report under this section shall specify, for  
16 each such unfunded priority—

17 (1) a summary description, including the objec-  
18 tives to be achieved if such priority is funded  
19 (whether in whole or in part);

20 (2) the description, including the objectives to  
21 be achieved if such priority is funded (whether in  
22 whole or in part);

23 (3) account information, including the following  
24 (as applicable):

25 (A) appropriation account; and

1 (B) program, project, or activity name;

2 and

3 (4) the additional number of full-time or part-  
4 time positions to be funded as part of such priority.

5 (c) In this section, the term “unfunded priority”, in  
6 the case of a fiscal year, means a requirement that—

7 (1) is not funded in the budget referred to in  
8 subsection (a);

9 (2) is necessary to fulfill a requirement associ-  
10 ated with an operational or contingency plan for the  
11 Department; and

12 (3) would have been recommended for funding  
13 through the budget referred to in subsection (a) if—

14 (A) additional resources had been available  
15 for the budget to fund the requirement;

16 (B) the requirement has emerged since the  
17 budget was formulated; or

18 (C) the requirement is necessary to sustain  
19 prior-year investments.

20 SEC. 303. The Cybersecurity and Infrastructure Se-  
21 curity Agency shall provide to the Committees on Appro-  
22 priations of the Senate and the House of Representatives  
23 monthly reports to be submitted not later than the tenth  
24 business day following the end of each month, on the sta-  
25 tus of funds made available under the heading “Cyberse-

1 curity and Infrastructure Security Agency—Cyber Re-  
2 sponse and Recovery Fund”, including an accounting of  
3 the most recent funding allocation estimates, obligations,  
4 expenditures, and unobligated funds, delineated by signifi-  
5 cant cyber incident as defined in Presidential Policy Direc-  
6 tive 41.

7       SEC. 304. (a) Notwithstanding any other provision  
8 of law, the Director of the Cybersecurity and Infrastruc-  
9 ture Security Agency shall provide to the Committees on  
10 Appropriations of the Senate and the House of Represent-  
11 atives a plan, including a classified annex as necessary,  
12 to be submitted not later than 120 days after the date  
13 of enactment of this Act and to be updated annually there-  
14 after and submitted concurrent with the budget of the  
15 President that is submitted to Congress pursuant to sec-  
16 tion 1105(a) of title 31, United States Code, detailing doc-  
17 umented, capability-specific federal civilian executive  
18 branch department and agency cybersecurity investment  
19 requirements delineated by each such department and  
20 agency.

21       (b) The plan under this section shall specify for each  
22 such requirement—

23               (1) a description, including—

24                       (A) the capabilities intended to be deliv-  
25                       ered;

1 (B) the security gains such capabilities will  
2 yield; and

3 (C) the nexus of such capabilities to cyber-  
4 security;

5 (2) funding status as of the date of the report  
6 including any unobligated balances from any prior  
7 year appropriation;

8 (3) if such requirement is funded—

9 (A) a deployment schedule, or lifecycle  
10 management plan, as appropriate; and

11 (B) the funding source, by account;

12 (4) whether such requirement is proposed to be  
13 funded in the budget referred to in subsection (a)  
14 and if so, the funding source; and

15 (5) the relative priority within each agency for  
16 any requirement for which funds are not currently  
17 available.

18 (c) The plan required by this section shall not include  
19 investment requirements for any department or agency for  
20 which the Cybersecurity and Infrastructure Security  
21 Agency has not obligated nor has a plan to obligate fund-  
22 ing to further such department's or agency's cybersecurity  
23 capabilities.

24 SEC. 305. Notwithstanding section 2008(a)(12) of  
25 the Homeland Security Act of 2002 (6 U.S.C. 609(a)(12))

1 or any other provision of law, not more than 5 percent  
2 of the amount of a grant made available in paragraphs  
3 (1) through (4) under “Federal Emergency Management  
4 Agency—Federal Assistance”, may be used by the grantee  
5 for expenses directly related to administration of the  
6 grant.

7       SEC. 306. Applications for grants under the heading  
8 “Federal Emergency Management Agency—Federal As-  
9 sistance”, for paragraphs (1) through (4), shall be made  
10 available to eligible applicants not later than 60 days after  
11 the date of enactment of this Act, eligible applicants shall  
12 submit applications not later than 80 days after the grant  
13 announcement, and the Administrator of the Federal  
14 Emergency Management Agency shall act within 65 days  
15 after the receipt of an application.

16       SEC. 307. Under the heading “Federal Emergency  
17 Management Agency—Federal Assistance”, for grants  
18 under paragraphs (1) through (4), (8), and (9), the Ad-  
19 ministrator of the Federal Emergency Management Agen-  
20 cy shall brief the Committees on Appropriations of the  
21 Senate and the House of Representatives 5 full business  
22 days in advance of announcing publicly the intention of  
23 making an award.

24       SEC. 308. Under the heading “Federal Emergency  
25 Management Agency—Federal Assistance”, for grants

1 under paragraphs (1) and (2), the installation of commu-  
2 nications towers is not considered construction of a build-  
3 ing or other physical facility.

4 SEC. 309. The reporting requirements in paragraphs  
5 (1) and (2) under the heading “Federal Emergency Man-  
6 agement Agency—Disaster Relief Fund” in the Depart-  
7 ment of Homeland Security Appropriations Act, 2015  
8 (Public Law 114–4) shall be applied in the fiscal year  
9 funded by this Act with respect to the fiscal year after  
10 the fiscal year funded by this Act and the fiscal year fund-  
11 ed by this Act, respectively —

12 (1) in paragraph (1) by substituting “the fiscal  
13 year after the fiscal year funded by this Act” for  
14 “the budget year” and for “fiscal year 2016”; and

15 (2) in paragraph (2) by inserting “business”  
16 after “fifth”.

17 SEC. 310. In making grants under the heading “Fed-  
18 eral Emergency Management Agency—Federal Assist-  
19 ance”, for Staffing for Adequate Fire and Emergency Re-  
20 sponse grants, the Administrator of the Federal Emer-  
21 gency Management Agency may grant waivers from the  
22 requirements in subsections (a)(1)(A), (a)(1)(B),  
23 (a)(1)(E), (c)(1), (c)(2), and (c)(4) of section 34 of the  
24 Federal Fire Prevention and Control Act of 1974 (15  
25 U.S.C. 2229a).

1           SEC. 311. (a) Of the amount made available by sec-  
2 tion 4005 of the American Rescue Plan Act of 2021 (Pub-  
3 lic Law 117–2)—

4           (1) up to \$500,000,000, in addition to any  
5 amounts set aside pursuant to section 203(i) of the  
6 Robert T. Stafford Disaster Relief and Emergency  
7 Assistance Act (42 U.S.C. 5133(i)), shall be avail-  
8 able for the Building Resilient Infrastructure and  
9 Communities grant program to mitigate the effects  
10 of climate change; and

11           (2) \$14,000,000 shall be transferred to the De-  
12 partment of Homeland Security Office of Inspector  
13 General for oversight of the obligation of funds  
14 made available under such section 4005.

15           (b) Of the unobligated balances in “Department of  
16 Homeland Security—Federal Emergency Management  
17 Agency—Disaster Relief Fund” that were not previously  
18 specified in statute as being available for major disasters  
19 declared pursuant to the Robert T. Stafford Disaster Re-  
20 lief and Emergency Assistance Act (42 U.S.C. 5121 et  
21 seq.) and were previously designated as an emergency re-  
22 quirement pursuant to the Balanced Budget and Emer-  
23 gency Deficit Control Act of 1985 or a concurrent resolu-  
24 tion on the budget, \$500,000,000 shall be available only



1 for costs associated with major disasters declared pursu-  
2 ant to such Act.

3 (c) Each amount repurposed pursuant to subsection  
4 (b) that was previously designated by the Congress as an  
5 emergency requirement pursuant to the Balanced Budget  
6 and Emergency Deficit Control Act of 1985 or a concur-  
7 rent resolution on the budget is designated by the Con-  
8 gress as an emergency requirement pursuant to section  
9 1(f) of H. Res. 467 as engrossed in the House of Rep-  
10 resentatives on June 14, 2021.

11 SEC. 312. (a) The aggregate charges assessed during  
12 the fiscal year funded by this Act, as authorized in title  
13 III of the Departments of Veterans Affairs and Housing  
14 and Urban Development, and Independent Agencies Ap-  
15 propriations Act, 1999 (42 U.S.C. 5196e), shall not be  
16 less than 100 percent of the amounts anticipated by the  
17 Department of Homeland Security to be necessary for its  
18 Radiological Emergency Preparedness Program for the  
19 fiscal year after the fiscal year funded by this Act.

20 (b) The methodology for assessment and collection of  
21 such fees shall be fair and equitable and shall reflect costs  
22 of providing such services, including administrative costs  
23 of collecting such fees.

24 (c) Such fees shall be deposited in a Radiological  
25 Emergency Preparedness Program account as offsetting

1 collections and will become available for authorized pur-  
2 poses on the first day of the fiscal year after the fiscal  
3 year funded by this Act, and remain available until ex-  
4 pended.

5       SEC. 313. In making grants under the heading “Fed-  
6 eral Emergency Management Agency—Federal Assist-  
7 ance”, for Assistance to Firefighter Grants, the Adminis-  
8 trator of the Federal Emergency Management Agency  
9 may waive subsection (k) of section 33 of the Federal Fire  
10 Prevention and Control Act of 1974 (15 U.S.C. 2229).

#### 11                                   TITLE IV

### 12       RESEARCH, DEVELOPMENT, TRAINING, AND 13                                   SERVICES

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

#### 15                                   OPERATIONS AND SUPPORT

16       For necessary expenses of U.S. Citizenship and Im-  
17 migration Services for operations and support, including  
18 for the E-Verify Program, application processing, the re-  
19 duction of backlogs within asylum, field, and service center  
20 offices, and support of the refugee program;  
21 \$459,504,000, of which \$87,619,000 shall remain avail-  
22 able until September 30, 2023: *Provided*, That such  
23 amounts shall be in addition to any other amounts made  
24 available for such purposes, and shall not be construed to  
25 require any reduction of any fee described in section

1 286(m) of the Immigration and Nationality Act (8 U.S.C.  
2 1356(m)): *Provided further*, That not to exceed \$10,000  
3 shall be for official reception and representation expenses.

4 FEDERAL ASSISTANCE

5 For necessary expenses of U.S. Citizenship and Im-  
6 migration Services for Federal assistance for the Citizen-  
7 ship and Integration Grant Program, \$15,000,000.

8 FEDERAL LAW ENFORCEMENT TRAINING CENTERS

9 OPERATIONS AND SUPPORT

10 For necessary expenses of the Federal Law Enforce-  
11 ment Training Centers for operations and support, includ-  
12 ing the purchase of not to exceed 117 vehicles for police-  
13 type use and hire of passenger motor vehicles, and services  
14 as authorized by section 3109 of title 5, United States  
15 Code, \$322,436,000, of which \$61,618,000 shall remain  
16 available until September 30, 2023: *Provided*, That not  
17 to exceed \$7,180 shall be for official reception and rep-  
18 resentation expenses.

19 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

20 For necessary expenses of the Federal Law Enforce-  
21 ment Training Centers for procurement, construction, and  
22 improvements, \$33,200,000, to remain available until Sep-  
23 tember 30, 2026, for acquisition of necessary additional  
24 real property and facilities, construction and ongoing

1 maintenance, facility improvements and related expenses  
2 of the Federal Law Enforcement Training Centers.

3 SCIENCE AND TECHNOLOGY DIRECTORATE

4 OPERATIONS AND SUPPORT

5 For necessary expenses of the Science and Tech-  
6 nology Directorate for operations and support, including  
7 the purchase or lease of not to exceed 5 vehicles,  
8 \$310,590,000, of which \$180,112,000 shall remain avail-  
9 able until September 30, 2023: *Provided*, That not to ex-  
10 ceed \$10,000 shall be for official reception and representa-  
11 tion expenses.

12 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

13 For necessary expenses of the Science and Tech-  
14 nology Directorate for procurement, construction, and im-  
15 provements, \$8,859,000, to remain available until Sep-  
16 tember 30, 2026.

17 RESEARCH AND DEVELOPMENT

18 For necessary expenses of the Science and Tech-  
19 nology Directorate for research and development,  
20 \$510,954,000, to remain available until September 30,  
21 2024.

22 COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

23 OPERATIONS AND SUPPORT

24 For necessary expenses of the Countering Weapons  
25 of Mass Destruction Office for operations and support,

1 \$162,200,000, of which \$35,606,000 shall remain avail-  
2 able until September 30, 2023: *Provided*, That not to ex-  
3 ceed \$2,250 shall be for official reception and representa-  
4 tion expenses.

5 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

6 For necessary expenses of the Countering Weapons  
7 of Mass Destruction Office for procurement, construction,  
8 and improvements, \$76,604,000, to remain available until  
9 September 30, 2024.

10 RESEARCH AND DEVELOPMENT

11 For necessary expenses of the Countering Weapons  
12 of Mass Destruction Office for research and development,  
13 \$65,709,000, to remain available until September 30,  
14 2024.

15 FEDERAL ASSISTANCE

16 For necessary expenses of the Countering Weapons  
17 of Mass Destruction Office for Federal assistance through  
18 grants, contracts, cooperative agreements, and other ac-  
19 tivities, \$132,948,000, to remain available until Sep-  
20 tember 30, 2024.

21 ADMINISTRATIVE PROVISIONS

22 SEC. 401. (a) Notwithstanding any other provision  
23 of law, funds otherwise made available to U.S. Citizenship  
24 and Immigration Services may be used to acquire, operate,  
25 equip, and dispose of up to 5 vehicles, for replacement

1 only, for areas where the Administrator of General Serv-  
2 ices does not provide vehicles for lease.

3 (b) The Director of U.S. Citizenship and Immigration  
4 Services may authorize employees who are assigned to  
5 those areas to use such vehicles to travel between the em-  
6 ployees' residences and places of employment.

7 SEC. 402. None of the funds appropriated by this Act  
8 may be used to process or approve a competition under  
9 Office of Management and Budget Circular A-76 for serv-  
10 ices provided by employees (including employees serving  
11 on a temporary or term basis) of U.S. Citizenship and Im-  
12 migration Services of the Department of Homeland Secu-  
13 rity who are known as Immigration Information Officers,  
14 Immigration Service Analysts, Contact Representatives,  
15 Investigative Assistants, or Immigration Services Officers.

16 SEC. 403. The terms and conditions of section 403  
17 of the Department of Homeland Security Appropriations  
18 Act, 2020 (division D of Public Law 116-93) shall apply  
19 to this Act.

20 SEC. 404. Notwithstanding the seventh proviso under  
21 the heading "Immigration and Naturalization Service—  
22 Salaries and Expenses" in Public Law 105-119 (relating  
23 to FD-258 fingerprint cards), or any other provision of  
24 law, any Federal funds made available to U.S. Citizenship  
25 and Immigration Services may be used for the collection

1 and use of biometrics taken at a U.S. Citizenship and Im-  
2 migration Services Application Support Center that is  
3 overseen virtually by U.S. Citizenship and Immigration  
4 Services personnel using appropriate technology.

5 SEC. 405. The Director of the Federal Law Enforce-  
6 ment Training Centers is authorized to distribute funds  
7 to Federal law enforcement agencies for expenses incurred  
8 participating in training accreditation.

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

17 SEC. 407. (a) The Director of the Federal Law En-  
18 forcement Training Centers may accept transfers to its  
19 “Procurement, Construction, and Improvements” account  
20 from Government agencies requesting the construction of  
21 special use facilities, as authorized by the Economy Act  
22 (31 U.S.C. 1535(b)).

23 (b) Such transfers may include funds from the Immi-  
24 gration Examinations Fee Account described in section  
25 286(m) of the Immigration and Nationality Act (8 U.S.C.

1 1356(m)) that the Director of U.S. Citizenship and Immi-  
2 gration Services determines are necessary to support U.S.  
3 Citizenship and Immigration Services training programs.

4 (c) The Federal Law Enforcement Training Centers  
5 shall maintain administrative control and ownership upon  
6 completion of such facilities.

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

## 12 TITLE V

### 13 GENERAL PROVISIONS

14 (INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

15 SEC. 501. No part of any appropriation contained in  
16 this Act shall remain available for obligation beyond the  
17 fiscal year funded by this Act unless expressly so provided  
18 herein.

19 SEC. 502. Subject to the requirements of section 503  
20 of this Act, the unexpended balances of prior appropria-  
21 tions provided for activities in this Act may be transferred  
22 to appropriation accounts for such activities established  
23 pursuant to this Act, may be merged with funds in the  
24 applicable established accounts, and thereafter may be ac-



1 counted for as one fund for the same time period as origi-  
2 nally enacted.

3 SEC. 503. (a) None of the funds provided by this Act,  
4 or provided for the fiscal year funded by this Act from  
5 any accounts in the Treasury of the United States derived  
6 from the collection of fees available to the components  
7 funded by this Act, shall be available for—

8 (1) any obligation that—

9 (A) creates or eliminates a program,  
10 project, or activity; or

11 (B) contracts out any function presently  
12 performed by Federal employees or any new  
13 function proposed to be performed by Federal  
14 employees in the President's budget, submitted  
15 pursuant to section 1105(a) of title 31, United  
16 States Code, and accompanying justification  
17 materials for the fiscal year funded by this Act;  
18 or

19 (2) a reprogramming of funds that—

20 (A) augments funding for any program,  
21 project, or activity in excess of \$5,000,000 or  
22 10 percent, whichever is less; or

23 (B) reduces funding for any program,  
24 project, or activity, or numbers of personnel, by  
25 10 percent or more.

1 (b) Subsection (a) shall not apply if the Committees  
2 on Appropriations of the Senate and the House of Rep-  
3 resentatives are notified at least 15 days in advance of  
4 such obligation or reprogramming, respectively.

5 (c) Up to 5 percent of any appropriation made avail-  
6 able to the Department of Homeland Security by this Act  
7 may be transferred between appropriations to address un-  
8 foreseeable, exigent requirements or circumstances if the  
9 Committees on Appropriations of the Senate and the  
10 House of Representatives are notified at least 30 days in  
11 advance of such transfer, except that—

12 (1) no such appropriation shall be augmented  
13 by more than 10 percent by such transfer unless  
14 otherwise specifically provided in this Act; and

15 (2) no funding may be transferred from an ap-  
16 propriation that is designated by the Congress as  
17 being for—

18 (A) an emergency requirement pursuant to  
19 a concurrent resolution on the budget; or

20 (B) disaster relief pursuant to a concur-  
21 rent resolution on the budget.

22 (d) Notwithstanding subsections (b) and (c), no funds  
23 shall be obligated for any purpose described in subsection  
24 (a) and no funds shall be transferred between appropria-

1 tions based upon an initial notification provided after June  
2 30, except—

3 (1) as otherwise provided in this Act; or

4 (2) when the Secretary provides a written jus-  
5 tification and certifies in writing to the Committees  
6 on Appropriations of the Senate and the House of  
7 Representatives that such action is necessary due to  
8 extraordinary circumstances that imminently threat-  
9 en the safety of human life or the protection of  
10 property.

11 (e) An appropriation made available to the Depart-  
12 ment of Homeland Security by this Act may not be used  
13 for a purpose proposed in the President's budget, sub-  
14 mitted pursuant to section 1105(a) of title 31, United  
15 States Code, and accompanying justification materials for  
16 the fiscal year funded by this Act if the explanatory state-  
17 ment accompanying this Act explicitly directs that such  
18 appropriation is not available for such purpose.

19 (f) The notification procedure set forth in subsection  
20 (b) shall apply to the obligation of—

21 (1) Procurement, Construction, and Improve-  
22 ments funding in this Act for any purpose that was  
23 not—

24 (A) proposed in the President's budget  
25 proposal, submitted pursuant to section 1105(a)

1 of title 31, United States Code, and accom-  
2 panying justification materials for the fiscal  
3 year funded by this Act; or

4 (B) explicitly described in this Act or the  
5 explanatory statement accompanying this Act;  
6 and

7 (2) Operations and Support funding to estab-  
8 lish or eliminate any office or other functional unit  
9 affecting more than 10 full-time personnel equiva-  
10 lents.

11 (g) The notification thresholds and procedures set  
12 forth in subsections (b), (c), (d), and (f) shall apply to  
13 any use of de-obligated funds provided in previous Depart-  
14 ment of Homeland Security Appropriations Acts that re-  
15 main available for obligation.

16 (h) For purposes of this section—

17 (1) The term “program, project, or activity”  
18 means each item—

19 (A) listed under an appropriation account  
20 or fee funded program account for which an  
21 amount is specified in the detailed funding table  
22 located at the end of the explanatory statement  
23 accompanying this Act; or

24 (B) for which the explanatory statement  
25 accompanying this Act specifies a funding

1 amount, except for amounts identified in a  
2 funding table other than that described in sub-  
3 paragraph (A);

4 (2) The term “reprogramming of funds” means  
5 a reduction to or augmentation of a funding amount  
6 specified in the explanatory statement accompanying  
7 this Act for a program, project, or activity; and

8 (3) The term “unforeseeable, exigent require-  
9 ments or circumstances” means those requirements  
10 or circumstances—

11 (A) about which the Department of Home-  
12 land Security became aware after the date of  
13 enactment of this Act; and

14 (B) for which an inability to obligate  
15 transferred funds would result in a significant  
16 increase in costs to the Federal government in  
17 subsequent fiscal years or seriously compromise  
18 needed departmental capabilities, as determined  
19 by the Secretary and certified in the notifica-  
20 tion required under subsection (c).

21 (i) Unless otherwise provided in this Act, funding  
22 designated in the explanatory statement accompanying  
23 this Act as being for a “program, project, or activity” is  
24 not available for the purposes of any other such “program,  
25 project, or activity”.

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

7           (b) Funds from such working capital fund may be  
8 obligated and expended in anticipation of reimbursements  
9 from components of the Department of Homeland Secu-  
10 rity.

11          SEC. 505. (a) Except as otherwise specifically pro-  
12 vided by law, not more than 75 percent of the unobligated  
13 balances of amounts provided in this Act for “Operations  
14 and Support” that remain available at the end of the fiscal  
15 year funded by this Act, as recorded in the financial  
16 records at the time of a notification described in sub-  
17 section (b) but not later than June 30 of the fiscal year  
18 after the fiscal year funded by this Act, shall remain avail-  
19 able, of which—

20               (1) not more than 67 percent shall remain  
21 available, in the account and for the purposes for  
22 which the appropriations were provided, through  
23 September 30 of the fiscal year after the fiscal year  
24 funded by this Act; and

1           (2) not more than 33 percent shall be trans-  
2           ferred to and merged with the Department of Home-  
3           land Security “Information Technology Moderniza-  
4           tion Fund”, as authorized by section 1077(b)(1) of  
5           title X of division A of the National Defense Author-  
6           ization Act for Fiscal Year 2018 (Public Law 115–  
7           91), and shall remain available through the end of  
8           the third fiscal year after the fiscal year in which  
9           the transfer is made.

10          (b) The Secretary of Homeland Security shall submit  
11          a notification to the Committees on Appropriations of the  
12          Senate and the House of Representatives at least 15 days  
13          in advance of the obligation or transfer of balances de-  
14          scribed in subsections (a)(1) or (2), respectively.

15          SEC. 506. (a) Funds made available by this Act for  
16          intelligence activities are deemed to be specifically author-  
17          ized by the Congress for purposes of section 504 of the  
18          National Security Act of 1947 (50 U.S.C. 414) during the  
19          fiscal year funded by this Act until the enactment of an  
20          Act authorizing intelligence activities for such fiscal year.

21          (b) Amounts described in subsection (a) made avail-  
22          able for “Intelligence, Analysis, and Operations Coordina-  
23          tion—Operations and Support” that exceed the amounts  
24          in such authorization for such account shall be transferred  
25          to “Management Directorate—Operations and Support”.

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

6           (1) making or awarding a grant allocation or  
7 grant in excess of \$1,000,000;

8           (2) making or awarding a contract, other trans-  
9 action agreement, or task or delivery order on a De-  
10 partment of Homeland Security multiple award con-  
11 tract, or to issue a letter of intent totaling in excess  
12 of \$4,000,000;

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

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

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

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



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

4 (c) A notification under this section—

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

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

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

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

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

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

11 SEC. 511. (a) None of the funds made available in  
12 this Act may be used in contravention of the applicable  
13 provisions of the Buy American Act.

14 (b) For purposes of subsection (a), the term “Buy  
15 American Act” means chapter 83 of title 41, United  
16 States Code.

17 SEC. 512. None of the funds made available in this  
18 Act may be used to amend the oath of allegiance required  
19 by section 337 of the Immigration and Nationality Act  
20 (8 U.S.C. 1448).

21 SEC. 513. (a) None of the funds provided or other-  
22 wise made available in this Act shall be available to carry  
23 out section 872 of the Homeland Security Act of 2002  
24 (6 U.S.C. 452) unless explicitly authorized by the Con-  
25 gress.

1 (b) Subsection (a) shall not apply to—

2 (1) the use of such section 872 to establish an  
3 office within the Office of the Secretary that shall,  
4 for departmental workforce health, safety, and med-  
5 ical functions and activities—

6 (A) develop departmental policies;

7 (B) establish standards;

8 (C) provide technical assistance;

9 (D) conduct oversight; and

10 (E) serve as the primary liaison and coor-  
11 dinator; and

12 (2) the reallocation to an office established  
13 under paragraph (1) of—

14 (A) the position and responsibilities of the  
15 Chief Medical Officer and related personnel  
16 from the Countering Weapons of Mass Destruc-  
17 tion Office;

18 (B) the personnel, functions, and respon-  
19 sibilities related to departmental workforce  
20 health and medical activities from the Under  
21 Secretary for Management as authorized in sec-  
22 tion 710 of the Homeland Security Act, and re-  
23 lated safety activities; and

1                   (C) the responsibility of carrying out the  
2                   program authorized by section 528 of the  
3                   Homeland Security Act and related personnel.

4           (c) The Secretary of Homeland Security may transfer  
5 funds made available in this Act under the headings  
6 “Management Directorate” and “Countering Weapons of  
7 Mass Destruction Office” consistent with the establish-  
8 ment of the office and the reallocations of functions, posi-  
9 tions, and responsibilities described in subsection (b).

10          (d) The Secretary shall submit a notification to the  
11 Committees on Appropriations of the Senate and the  
12 House of Representatives, the Committee on Homeland  
13 Security of the House of Representatives, and the Home-  
14 land Security and Governmental Affairs Committee of the  
15 Senate at least 15 days prior to the establishment of the  
16 office described in subsection (b).

17          (e) The functions of the office described in subsection  
18 (b) shall not include chemical, biological, radiological, and  
19 nuclear programs of the Countering Weapons of Mass De-  
20 struction Office and the transfer of funds described in sub-  
21 section (c) shall not include funding appropriated for such  
22 programs.

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

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

6       SEC. 516. None of the funds made available in this  
7 Act may be used for first-class travel by the employees  
8 of agencies funded by this Act in contravention of sections  
9 301–10.122 through 301–10.124 of title 41, Code of Fed-  
10 eral Regulations.

11       SEC. 517. Notwithstanding any other provision of  
12 this Act, none of the funds appropriated or otherwise  
13 made available by this Act may be used to pay award or  
14 incentive fees for contractor performance that has been  
15 judged to be below satisfactory performance or perform-  
16 ance that does not meet the basic requirements of a con-  
17 tract.

18       SEC. 518. None of the funds appropriated or other-  
19 wise made available by this Act may be used by the De-  
20 partment of Homeland Security to enter into any Federal  
21 contract unless such contract is entered into in accordance  
22 with the requirements of subtitle I of title 41, United  
23 States Code, or chapter 137 of title 10, United States  
24 Code, and the Federal Acquisition Regulation, unless such

1 contract is otherwise authorized by statute to be entered  
2 into without regard to the above referenced statutes.

3 SEC. 519. (a) None of the funds made available in  
4 this Act may be used to maintain or establish a computer  
5 network unless such network blocks the viewing,  
6 downloading, and exchanging of pornography.

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

11 SEC. 520. None of the funds made available in this  
12 Act may be used by a Federal law enforcement officer to  
13 facilitate the transfer of an operable firearm to an indi-  
14 vidual if the Federal law enforcement officer knows or sus-  
15 pects that the individual is an agent of a drug cartel unless  
16 law enforcement personnel of the United States continu-  
17 ously monitor or control the firearm at all times.

18 SEC. 521. (a) None of the funds made available in  
19 this Act may be used to pay for the travel to or attendance  
20 of more than 50 employees of a single component of the  
21 Department of Homeland Security, who are stationed in  
22 the United States, at a single international conference un-  
23 less the Secretary of Homeland Security, or a designee,  
24 determines that such attendance is in the national interest  
25 and notifies the Committees on Appropriations of the Sen-

1 ate and the House of Representatives within at least 10  
2 days of that determination and the basis for that deter-  
3 mination.

4 (b) For purposes of this section the term “inter-  
5 national conference” shall mean a conference occurring  
6 outside of the United States attended by representatives  
7 of the United States Government and of foreign govern-  
8 ments, international organizations, or nongovernmental  
9 organizations.

10 (c) The total cost to the Department of Homeland  
11 Security of any such conference shall not exceed \$500,000.

12 (d) Employees who attend a conference virtually  
13 without travel away from their permanent duty station  
14 shall not be counted for purposes of this section, and the  
15 prohibition contained in this section shall not apply to pay-  
16 ments for the costs of attendance for such employees.

17 SEC. 522. None of the funds made available in this  
18 Act may be used to reimburse any Federal department  
19 or agency for its participation in a National Special Secu-  
20 rity Event.

21 SEC. 523. (a) None of the funds made available to  
22 the Department of Homeland Security by this or any other  
23 Act may be obligated for any structural pay reform that  
24 affects more than 100 full-time positions or costs more  
25 than \$5,000,000 in a single year before the end of the

1 30-day period beginning on the date on which the Sec-  
2 retary of Homeland Security submits to Congress a notifi-  
3 cation that includes—

4 (1) the number of full-time positions affected by  
5 such change;

6 (2) funding required for such change for the  
7 fiscal year funded by this Act and through the Fu-  
8 ture Years Homeland Security Program;

9 (3) justification for such change; and

10 (4) an analysis of compensation alternatives to  
11 such change that were considered by the Depart-  
12 ment.

13 (b) Subsection (a) shall not apply to such change if—

14 (1) it was proposed in the President's budget  
15 proposal for the fiscal year funded by this Act; and

16 (2) funds for such change have not been explic-  
17 itly denied or restricted in this Act or in the explan-  
18 atory statement accompanying this Act.

19 SEC. 524. (a) Any agency receiving funds made avail-  
20 able in this Act shall, subject to subsections (b) and (c),  
21 post on the public website of that agency any report re-  
22 quired to be submitted by the Committees on Appropria-  
23 tions of the Senate and the House of Representatives in  
24 this Act, upon the determination by the head of the agency  
25 that it shall serve the national interest.



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

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

4 (2) the report contains proprietary information.

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

10 SEC. 525. (a) Funding provided in this Act for “Op-  
11 erations and Support” may be used for minor procure-  
12 ment, construction, and improvements.

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

16 SEC. 526. The authority provided by section 532 of  
17 the Department of Homeland Security Appropriations  
18 Act, 2018 (Public Law 115–141) regarding primary and  
19 secondary schooling of dependents shall continue in effect  
20 during the fiscal year funded by this Act.

21 SEC. 527. (a) Section 831 of the Homeland Security  
22 Act of 2002 (6 U.S.C. 391) shall be applied—

23 (1) In subsection (a), by substituting “Sep-  
24 tember 30, 2022,” for “September 30, 2017,”; and

1           (2) In subsection (c)(1), by substituting “Sep-  
2           tember 30, 2022,” for “September 30, 2017”.

3           (b) The Secretary of Homeland Security, under the  
4 authority of section 831 of the Homeland Security Act of  
5 2002 (6 U.S.C. 391(a)), may carry out prototype projects  
6 under section 2371b of title 10, United States Code, and  
7 the Secretary shall perform the functions of the Secretary  
8 of Defense as prescribed.

9           (c) The Secretary of Homeland Security under sec-  
10 tion 831 of the Homeland Security Act of 2002 (6 U.S.C.  
11 391(d)) may use the definition of nontraditional govern-  
12 ment contractor as defined in section 2371b(e) of title 10,  
13 United States Code.

14           SEC. 528. (a) None of the funds appropriated or oth-  
15 erwise made available to the Department of Homeland Se-  
16 curity by this Act may be used to prevent any of the fol-  
17 lowing persons from entering, for the purpose of con-  
18 ducting oversight, any facility operated by or for the De-  
19 partment of Homeland Security used to detain or other-  
20 wise house aliens, or to make any temporary modification  
21 at any such facility that in any way alters what is observed  
22 by a visiting member of Congress or such designated em-  
23 ployee, compared to what would be observed in the absence  
24 of such modification:

25           (1) a Member of Congress; or

1           (2) an employee of the United States House of  
2           Representatives or the United States Senate des-  
3           ignated by such a Member for the purposes of this  
4           section.

5           (b) Nothing in this section may be construed to re-  
6           quire a Member of Congress to provide prior notice of the  
7           intent to enter a facility described in subsection (a) for  
8           the purpose of conducting oversight.

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

13          SEC. 529. (a) Except as provided in subsection (b),  
14          none of the funds made available in this Act may be used  
15          to place restraints on a woman in the custody of the De-  
16          partment of Homeland Security (including during trans-  
17          port, in a detention facility, or at an outside medical facil-  
18          ity) who is pregnant or in post-delivery recuperation.

19          (b) Subsection (a) shall not apply with respect to a  
20          pregnant woman if—

21                 (1) an appropriate official of the Department of  
22                 Homeland Security makes an individualized deter-  
23                 mination that the woman—

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

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

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

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

19 SEC. 530. (a) None of the funds made available by  
20 this Act may be used to destroy any document, recording,  
21 or other record pertaining to any—

22 (1) death of,

23 (2) potential sexual assault or abuse per-  
24 petrated against, or

1           (3) allegation of abuse, criminal activity, or dis-  
2           ruption committed by  
3 an individual held in the custody of the Department of  
4 Homeland Security.

5           (b) The records referred to in subsection (a) shall be  
6 made available, in accordance with applicable laws and  
7 regulations, and Federal rules governing disclosure in liti-  
8 gation, to an individual who has been charged with a  
9 crime, been placed into segregation, or otherwise punished  
10 as a result of an allegation described in paragraph (3),  
11 upon the request of such individual.

12         SEC. 531. Section 519 of division F of Public Law  
13 114–113, regarding a prohibition on funding for any posi-  
14 tion designated as a Principal Federal Official, shall apply  
15 with respect to any Federal funds in the same manner  
16 as such section applied to funds made available in that  
17 Act.

18         SEC. 532. (a) Not later than 30 days after the date  
19 of enactment of this Act and updated semi-monthly during  
20 this fiscal year and thereafter, the Secretary shall make  
21 available a report on a publicly accessible website in a  
22 downloadable, searchable, and sortable format that in-  
23 cludes not less than the previous 12 months of data, as  
24 of the last date of each such reporting period, on all re-  
25 quests to any law enforcement component of the Depart-

1 ment of Homeland Security for law enforcement support  
2 in the form of personnel, aircraft, equipment, or any other  
3 assets, which shall include each of the following for each  
4 requesting entity:

5 (1) The name of the entity.

6 (2) The purposes for which support is re-  
7 quested.

8 (3) The numbers of personnel and the cat-  
9 egories and numbers of assets requested.

10 (4) The duration of the requested support.

11 (5) Whether the requested support was pro-  
12 vided.

13 (6) The departmental official who approved pro-  
14 viding such support.

15 (7) The dates and descriptions of any support  
16 provided.

17 (8) The cost of providing such support.

18 (9) Whether the support is subject to reim-  
19 bursement by the requesting entity.

20 (b) The reporting requirements in subsection (a) shall  
21 apply to requests from—

22 (1) Non-Federal law enforcement entities; and

23 (2) Federal law enforcement entities, including  
24 other such entities of the Department of Homeland  
25 Security.

1 (c) No Federal funds may be obligated for such sup-  
2 port to a non-Federal entity related to a mass gathering  
3 or protest event unless approved in advance by the Sec-  
4 retary of Homeland Security or the Secretary's designee.

5 (d) The Secretary shall notify the Committees on Ap-  
6 propriations of the Senate and the House of Representa-  
7 tives not more than 24 hours after the approval of the  
8 support described in subsection (c).

9 SEC. 533. No Federal funds may be used by the De-  
10 partment of Homeland Security to deny any benefit, appli-  
11 cation for admission, or protection available to an indi-  
12 vidual under the Immigration and Nationality Act (8  
13 U.S.C. 1101 et. seq.) on the sole basis of any event, con-  
14 duct, finding, admission, history of addiction or abuse, ar-  
15 rest, juvenile adjudication, or conviction related to can-  
16 nabis possession, consumption, or use.

17 SEC. 534. (a) For an additional amount for "U.S.  
18 Customs and Border Protection—Procurement, Construc-  
19 tion, and Improvements", \$655,000,000, to remain avail-  
20 able until expended for construction and modernization of  
21 land port of entry facilities.

22 (b) Not later than 180 days after the completion of  
23 the construction or modernization of facilities funded in  
24 this section, the Administrator of the U.S. General Serv-  
25 ices Administration shall transfer ownership of such facili-

1 ties to the Commissioner of U.S. Customs and Border  
2 Protection.

3 (c) Section 503(c) of this Act shall not apply to  
4 the additional amount made available in this section.

5 (RESCISSIONS OF FUNDS)

6 SEC. 535. Of the funds appropriated to the Depart-  
7 ment of Homeland Security, the following funds are here-  
8 by rescinded from the following accounts and programs  
9 in the specified amounts: *Provided*, That no amounts may  
10 be rescinded from amounts that were designated by the  
11 Congress as an emergency requirement pursuant to a con-  
12 current resolution on the budget or the Balanced Budget  
13 and Emergency Deficit Control Act of 1985 (Public Law  
14 99–177):

15 (1) \$21,650 from the unobligated balances  
16 available in the “Office of the Executive Secretary—  
17 Operations and Support” account (70 X 0100).

18 (2) \$1,810 from the unobligated balances avail-  
19 able in the “Office of the Undersecretary for Man-  
20 agement” account (70 X 0112).

21 (3) \$12,628,523 from the unobligated balances  
22 available in the “Management Directorate—Office of  
23 the Chief Information Officer and Operations” ac-  
24 count (70 X 0113).



1           (4) \$8,456 from the unobligated balances avail-  
2           able in Treasury Account Fund Symbol 70 X 0504,  
3           “Immigration and Customs Enforcement, Border  
4           and Transportation Security, INS”.

5           (5) \$503 from the unobligated balances avail-  
6           able in Treasury Account Fund Symbol 70 X 8598,  
7           “U.S. Immigration and Customs Enforcement, Vio-  
8           lent Crime Reduction Program”.

9           (6) \$7,006 from the unobligated balances avail-  
10          able in Treasury Account Fund Symbol 70 X 0508,  
11          “Transportation Security Administration, Ex-  
12          penses”.

13          (7) \$11,412 from the unobligated balances  
14          available in the “Transportation Security Adminis-  
15          tration—Federal Air Marshals” account (70 X  
16          0541).

17          (8) \$311 from the unobligated balances avail-  
18          able in the “Transportation Security Administra-  
19          tion—Surface Transportation Security” account (70  
20          X 0551).

21          (9) \$5,308,328 from the unobligated balances  
22          available in the “Transportation Security Adminis-  
23          tration—Intelligence and Vetting” account (70 X  
24          0557).

1           (10) \$1.41 from the unobligated balances avail-  
2           able in the “Transportation Security Administra-  
3           tion—Research and Development” account (70 X  
4           0553).

5           (11) \$322,105 from the unobligated balances  
6           available in the “Transportation Security Adminis-  
7           tration—Transportation Security Support” account  
8           (70 X 0554).

9           (12) \$457,920 from the unobligated balances  
10          available in Treasury Account Fund Symbol 70 X  
11          0900, “Cybersecurity and Infrastructure Security  
12          Agency, Operating Expenses”.

13          (13) \$199,690 from the unobligated balances  
14          available in the “Federal Emergency Management  
15          Agency—State and Local Programs” account (70 X  
16          0560).

17          (14) \$1,670 from the unobligated balances  
18          available in the “Federal Emergency Management  
19          Agency—Administrative and Regional Operations,  
20          Emergency Preparedness and Response” account  
21          (70 X 0712).

22          (15) \$115,138 from the unobligated balances  
23          available in the “Federal Emergency Management  
24          Agency—Operations and Support” account (70 X  
25          0700).

1           (16) \$1,243,822 from the unobligated balances  
2 available in Treasury Account Fund Symbol 70 X  
3 0300, “U.S. Citizenship and Immigration Services,  
4 Operations and Support”.

5           (17) \$350,656 from the unobligated balances  
6 available in the “Countering Weapons of Mass De-  
7 struction Office—Research and Development” ac-  
8 count (70 X 0860).

9           (18) \$3,000,000 from the unobligated balances  
10 available in the “Federal Emergency Management  
11 Agency—National Predisaster Mitigation Fund” ac-  
12 count (70 X 0716).

13           (19) \$65,000,000 from Public Law 116–6  
14 under the heading “Coast Guard—Procurement,  
15 Construction, and Improvements”.

16           (20) \$24,339,000 from the unobligated bal-  
17 ances available in the “U.S. Customs and Border  
18 Protection—Border Security Fencing, Infrastruc-  
19 ture, and Technology” account (70 X 0533).

20           (21) \$10,000,000 from Public Law 116–260  
21 under the heading “U.S. Customs and Border Pro-  
22 tection—Procurement, Construction, and Improve-  
23 ments”.

24           (22) \$6,161,000 from the unobligated balances  
25 available in the “U.S. Customs and Border Protec-

1       tion—Procurement, Construction, and Improve-  
2       ments” account (70 X 0532).

3           (23) \$4,500,000 from Public Law 115–141  
4       under the heading “U.S. Customs and Border Pro-  
5       tection—Construction and Facility Improvements”.

6           (24) \$6,999 from the unobligated balances  
7       available in the “U.S. Customs and Border Protec-  
8       tion—Operations and Support” account (70 X  
9       0530).

10          (25) \$2,168,776,000 from the unobligated prior  
11       year balances from “U.S. Customs and Border Pro-  
12       tection—Procurement, Construction, and Improve-  
13       ments”.

14          (26) \$21,000,000 from Public Law 115–141  
15       under the heading “Coast Guard—Acquisition, Con-  
16       struction, and Improvements”.

17       This Act may be cited as the “Department of Home-  
18       land Security Appropriations Act, 2022”.



**[FULL COMMITTEE PRINT]**

Union Calendar No. \_\_\_\_\_

117<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R.** \_\_\_\_\_

[Report No. \_- \_]

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## **A BILL**

Making appropriations for the Department of  
Homeland Security for the fiscal year ending  
September 30, 2022, and for other purposes.