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117TH CONGRESS
1ST SESSION

H. R. 4431

[Report No. 117–87]

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

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 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

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

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

7 For necessary expenses of the Office of the Secretary
8 and for executive management for operations and support,
9 \$233,153,000: *Provided*, That not to exceed \$30,000 shall
10 be for official reception and representation expenses.

11 FEDERAL ASSISTANCE
12 (INCLUDING TRANSFER OF FUNDS)

13 For necessary expenses of the Office of the Secretary
14 and for executive management for Federal assistance
15 through grants, contracts, cooperative agreements, and
16 other activities, \$35,000,000, which shall be transferred
17 to “Federal Emergency Management Agency—Federal
18 Assistance”, of which \$20,000,000 shall be for targeted
19 violence and terrorism prevention grants and of which
20 \$15,000,000 shall be for an Alternatives to Detention
21 Case Management pilot program, to remain available until
22 September 30, 2023: *Provided*, That the amounts made
23 available for the pilot program shall be awarded as de-
24 scribed in the first proviso under this heading in title I
25 of division F of Public Law 116–260 and services shall

1 be provided as described in the second and third such pro-
2 visos.

3 MANAGEMENT DIRECTORATE

4 OPERATIONS AND SUPPORT

5 For necessary expenses of the Management Direc-
6 torate for operations and support, including for the pur-
7 chase or lease of electric passenger motor vehicles,
8 \$1,653,553,000, of which \$77,500,000 shall remain avail-
9 able until September 30, 2023: *Provided*, That not to ex-
10 ceed \$2,000 shall be for official reception and representa-
11 tion expenses.

12 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

13 For necessary expenses of the Management Direc-
14 torate for procurement, construction, and improvements,
15 \$511,816,000, of which \$132,116,000 shall remain avail-
16 able until September 30, 2024; and of which
17 \$379,700,000 shall remain available until September 30,
18 2026.

19 FEDERAL PROTECTIVE SERVICE

20 The revenues and collections of security fees credited
21 to this account shall be available until expended for nec-
22 essary expenses related to the protection of federally
23 owned and leased buildings and for the operations of the
24 Federal Protective Service.

1 INTELLIGENCE, ANALYSIS, AND OPERATIONS

2 COORDINATION

3 OPERATIONS AND SUPPORT

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

13 OFFICE OF THE INSPECTOR GENERAL

14 OPERATIONS AND SUPPORT

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

21 ADMINISTRATIVE PROVISIONS

22 SEC. 101. (a) The Secretary of Homeland Security
23 shall submit a report, not later than 15 days after the
24 date of enactment of this Act, to the Inspector General
25 of the Department of Homeland Security listing all grants

1 and contracts awarded by any means other than full and
2 open competition during the fiscal year funded by this Act
3 or the prior fiscal year.

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

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

20 SEC. 103. The Secretary of Homeland Security shall
21 require that all contracts of the Department of Homeland
22 Security that provide award fees link such fees to success-
23 ful acquisition outcomes, which shall be specified in terms
24 of cost, schedule, and performance.

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

9 (b) None of the funds identified for such a transfer
10 may be obligated until the Committees on Appropriations
11 of the Senate and the House of Representatives are noti-
12 fied of the proposed transfer.

13 SEC. 105. All official costs associated with the use
14 of Government aircraft by Department of Homeland Secu-
15 rity personnel to support official travel of the Secretary
16 and the Deputy Secretary shall be paid from amounts
17 made available for the Office of the Secretary.

18 SEC. 106. (a) The Under Secretary for Management
19 shall submit to the Committees on Appropriations of the
20 Senate and the House of Representatives a quarterly ac-
21 quisition progress report, which shall include—

22 (1) a listing of Level 1 and Level 2 programs
23 being tracked on the Master Acquisition Oversight
24 List between Acquisition Decision Event 1 and Full
25 Operational Capability; and

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

5 (b) For each major (Level 1 and 2) acquisition pro-
6 gram on the Master Acquisition Oversight List that has
7 at least one department-approved acquisition program
8 baseline and has not yet fully deployed all planned capa-
9 bilities, the report described in subsection (a) shall in-
10 clude—

11 (1) a narrative describing the purpose of the
12 program, including the capabilities being acquired
13 and the component(s) sponsoring the acquisition;

14 (2) the total number of increments or units to
15 be acquired, as appropriate, including a schedule
16 outlining the quantity of increments or units to be
17 procured annually until procurement is complete, as
18 appropriate;

19 (3) the Acquisition Review Board status, in-
20 cluding the current acquisition phase (by increment
21 as applicable), the date of the most recent review,
22 and a copy of the approved Acquisition Decision
23 Memorandum;

24 (4) a comparison between the Department-ap-
25 proved acquisition program baseline cost thresholds

1 and the program's current estimate amount, includ-
2 ing the confidence interval for the estimate, the fis-
3 cal years included in the estimate, and a description
4 of and rationale for any changes during the quarter;

5 (5) a comparison between the schedule goals in
6 the current Department-approved acquisition pro-
7 gram baseline, and those of the current schedule, in-
8 cluding a description of and rationale for any
9 changes during the last quarter;

10 (6) a description of current Department-ap-
11 proved acquisition program baseline performance
12 thresholds and an explanation of the extent to which
13 such goals have been reached; and

14 (7) the top 5 risks associated with the program,
15 including narrative descriptions.

16 SEC. 107. (a) No Federal funds made available to
17 the Department of Homeland Security may be obligated
18 for any pilot or demonstration program that uses more
19 than 5 full-time equivalents or costs in excess of
20 \$1,000,000 until 30 days after the date on which the Sec-
21 retary of Homeland Secretary provides the following to the
22 Committees on Appropriations of the Senate and the
23 House of Representatives for such program:

24 (1) Objectives that are well-defined and meas-
25 urable;

- 1 (2) An assessment methodology that details—
2 (A) the type and source of assessment
3 data;
4 (B) the methods for and frequency of col-
5 lecting such data; and
6 (C) how such data will be analyzed;
- 7 (3) An implementation plan, including mile-
8 stones, a cost estimate, and schedule, including an
9 end date; and
- 10 (4) A signed interagency agreement or memo-
11 randum of agreement for any pilot or demonstration
12 program involving the participation of more than
13 one Department of Homeland Security component or
14 that of an entity not part of such Department.
- 15 (b) Not later than 30 days after the date of comple-
16 tion of a pilot or demonstration program described in sub-
17 section (a), the Secretary of Homeland Security shall pro-
18 vide a report to the Committees on Appropriations of the
19 Senate and the House of Representatives detailing lessons
20 learned, actual costs, and any planned expansion or con-
21 tinuation of the pilot or demonstration program.
- 22 (c) For the purposes of this section, a pilot or dem-
23 onstration program is a policy implementation, study,
24 demonstration, experimental program, or trial that is a
25 small-scale, short-term experiment conducted in order to

1 evaluate feasibility, duration, costs, or adverse events, and
2 improve upon the design of an effort prior to implementa-
3 tion of a larger scale effort.

4 TITLE II

5 SECURITY, ENFORCEMENT, AND 6 INVESTIGATIONS

7 U.S. CUSTOMS AND BORDER PROTECTION

8 OPERATIONS AND SUPPORT

9 (INCLUDING TRANSFER OF FUNDS)

10 For necessary expenses of U.S. Customs and Border
11 Protection for operations and support, including the trans-
12 portation of unaccompanied minors; the provision of air
13 and marine support to Federal, State, local, and inter-
14 national agencies in the enforcement or administration of
15 laws enforced by the Department of Homeland Security;
16 at the discretion of the Secretary of Homeland Security,
17 the provision of such support to Federal, State, and local
18 agencies in other law enforcement and emergency humani-
19 tarian efforts; the purchase and lease of up to 7,500
20 (6,500 for replacement only) police-type vehicles; the pur-
21 chase, maintenance, or operation of marine vessels, air-
22 craft, and unmanned aerial systems; and contracting with
23 individuals for personal services abroad; \$13,562,809,000;
24 of which \$3,274,000 shall be derived from the Harbor
25 Maintenance Trust Fund for administrative expenses re-

1 lated to the collection of the Harbor Maintenance Fee pur-
2 suant to section 9505(c)(3) of the Internal Revenue Code
3 of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding sec-
4 tion 1511(e)(1) of the Homeland Security Act of 2002 (6
5 U.S.C. 551(e)(1)); of which \$500,000,000 shall be avail-
6 able until September 30, 2023; of which \$74,340,000 shall
7 be available until September 30, 2024; and of which such
8 sums as become available in the Customs User Fee Ac-
9 count, except sums subject to section 13031(f)(3) of the
10 Consolidated Omnibus Budget Reconciliation Act of 1985
11 (19 U.S.C. 58c(f)(3)), shall be derived from that account:
12 *Provided*, That not to exceed \$34,425 shall be for official
13 reception and representation expenses: *Provided further*,
14 That not to exceed \$150,000 shall be available for pay-
15 ment for rental space in connection with preclearance op-
16 erations: *Provided further*, That not to exceed \$2,000,000
17 shall be for awards of compensation to informants, to be
18 accounted for solely under the certificate of the Secretary
19 of Homeland Security: *Provided further*, That not to ex-
20 ceed \$5,000,000 may be transferred to the Bureau of In-
21 dian Affairs for the maintenance and repair of roads on
22 Native American reservations used by the U.S. Border Pa-
23 trol.

1 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

2 For necessary expenses of U.S. Customs and Border
3 Protection for procurement, construction, and improve-
4 ments, including procurement of marine vessels, aircraft,
5 and unmanned aerial systems, \$333,780,000, of which
6 \$261,555,000 shall remain available until September 30,
7 2024; and of which \$72,225,000 shall remain available
8 until September 30, 2026.

9 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

10 OPERATIONS AND SUPPORT

11 For necessary expenses of U.S. Immigration and
12 Customs Enforcement for operations and support, includ-
13 ing the purchase and lease of up to 3,790 (2,350 for re-
14 placement only) police-type vehicles; overseas vetted units;
15 and maintenance, minor construction, and minor leasehold
16 improvements at owned and leased facilities;
17 \$7,820,275,000; of which not less than \$6,000,000 shall
18 remain available until expended for efforts to enforce laws
19 against forced child labor; of which \$46,696,000 shall re-
20 main available until September 30, 2023; of which not less
21 than \$1,500,000 is for paid apprenticeships for partici-
22 pants in the Human Exploitation Rescue Operative Child-
23 Rescue Corps; of which not less than \$15,000,000 shall
24 be available for investigation of intellectual property rights
25 violations, including operation of the National Intellectual

1 Property Rights Coordination Center; and of which
2 \$3,787,263,000 shall be for civil immigration enforce-
3 ment, detention, transportation of unaccompanied alien
4 minors and to effectuate the safe return of aliens or their
5 release to nonprofit organizations with capacity to provide
6 shelter and other services, and for case management serv-
7 ices, including but not limited to: mental health services;
8 human and sex trafficking screening; legal orientation pro-
9 grams; cultural orientation programs; connections to so-
10 cial services; and for individuals who will be removed, re-
11 integration services: *Provided*, That not to exceed \$11,475
12 shall be for official reception and representation expenses:
13 *Provided further*, That not to exceed \$10,000,000 shall be
14 available until expended for conducting special operations
15 under section 3131 of the Customs Enforcement Act of
16 1986 (19 U.S.C. 2081): *Provided further*, That not to ex-
17 ceed \$2,000,000 shall be for awards of compensation to
18 informants, to be accounted for solely under the certificate
19 of the Secretary of Homeland Security: *Provided further*,
20 That not to exceed \$11,216,000 shall be available to fund
21 or reimburse other Federal agencies for the costs associ-
22 ated with the care, maintenance, and repatriation of aliens
23 unlawfully present in the United States.

1 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

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

8 FEDERAL ASSISTANCE

9 (INCLUDING TRANSFER OF FUNDS)

10 For necessary expenses of U.S. Immigration and
11 Customs Enforcement for Federal assistance through
12 grants, contracts, cooperative agreements, and other ac-
13 tivities, \$100,000,000, to remain available until Sep-
14 tember 30, 2024, which shall be transferred to “Federal
15 Emergency Management Agency—Federal Assistance”
16 and be distributed to state, local, tribal, or territorial juris-
17 dictions or local non-profit organizations to provide shelter
18 to individuals released from the custody of the Depart-
19 ment of Homeland Security and to provide accommoda-
20 tions in support of enrollments into an Alternatives to De-
21 tention program and related Case Management services,
22 including necessary infrastructure improvements and in-
23 vestments.

1 TRANSPORTATION SECURITY ADMINISTRATION

2 OPERATIONS AND SUPPORT

3 For necessary expenses of the Transportation Secu-
4 rity Administration for operations and support,
5 \$8,072,443,000, to remain available until September 30,
6 2023: *Provided*, That not to exceed \$7,650 shall be for
7 official reception and representation expenses: *Provided*
8 *further*, That security service fees authorized under section
9 44940 of title 49, United States Code, shall be credited
10 to this appropriation as offsetting collections and shall be
11 available only for aviation security: *Provided further*, That
12 the sum appropriated under this heading from the general
13 fund shall be reduced on a dollar-for-dollar basis as such
14 offsetting collections are received during the current fiscal
15 year so as to result in a final fiscal year appropriation
16 from the general fund estimated at not more than
17 \$5,962,443,000.

18 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

19 For necessary expenses of the Transportation Secu-
20 rity Administration for procurement, construction, and
21 improvements, \$156,836,000, to remain available until
22 September 30, 2024.

23 RESEARCH AND DEVELOPMENT

24 For necessary expenses of the Transportation Secu-
25 rity Administration for research and development,

1 \$35,532,000, to remain available until September 30,
2 2023.

3 COAST GUARD

4 OPERATIONS AND SUPPORT

5 For necessary expenses of the Coast Guard for oper-
6 ations and support including the Coast Guard Reserve;
7 purchase or lease of not to exceed 25 passenger motor ve-
8 hicles, which shall be for replacement only; purchase or
9 lease of small boats for contingent and emergent require-
10 ments (at a unit cost of not more than \$700,000) and
11 repairs and service-life replacements, not to exceed a total
12 of \$31,000,000; purchase, lease, or improvements of boats
13 necessary for overseas deployments and activities; pay-
14 ments pursuant to section 156 of Public Law 97–377 (42
15 U.S.C. 402 note; 96 Stat. 1920); and recreation and wel-
16 fare; \$9,144,070,000, of which \$530,000,000 shall be for
17 defense-related activities; of which \$24,500,000 shall be
18 derived from the Oil Spill Liability Trust Fund to carry
19 out the purposes of section 1012(a)(5) of the Oil Pollution
20 Act of 1990 (33 U.S.C. 2712(a)(5)); of which \$5,000,000
21 shall remain available until September 30, 2024; of which
22 \$30,356,000 shall remain available until September 30,
23 2025, for environmental compliance and restoration; and
24 of which \$70,000,000 shall remain available until Sep-
25 tember 30, 2023, which shall only be available for vessel

1 depot level maintenance: *Provided*, That not to exceed
2 \$23,000 shall be for official reception and representation
3 expenses.

4 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

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

21 RESEARCH AND DEVELOPMENT

22 For necessary expenses of the Coast Guard for re-
23 search and development; and for maintenance, rehabilita-
24 tion, lease, and operation of facilities and equipment;
25 \$7,476,000, to remain available until September 30, 2024,

1 of which \$500,000 shall be derived from the Oil Spill Li-
 2 ability Trust Fund to carry out the purposes of section
 3 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.
 4 2712(a)(5)): *Provided*, That there may be credited to and
 5 used for the purposes of this appropriation funds received
 6 from State and local governments, other public authori-
 7 ties, private sources, and foreign countries for expenses
 8 incurred for research, development, testing, and evalua-
 9 tion.

10 RETIRED PAY

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

21 UNITED STATES SECRET SERVICE

22 OPERATIONS AND SUPPORT

23 For necessary expenses of the United States Secret
 24 Service for operations and support, including purchase of
 25 not to exceed 652 vehicles for police-type use for replace-

1 ment only; hire of passenger motor vehicles; purchase of
2 motorcycles made in the United States; hire of aircraft;
3 rental of buildings in the District of Columbia; fencing,
4 lighting, guard booths, and other facilities on private or
5 other property not in Government ownership or control,
6 as may be necessary to perform protective functions; con-
7 duct of and participation in firearms matches; presen-
8 tation of awards; conduct of behavioral research in sup-
9 port of protective intelligence and operations; payment in
10 advance for commercial accommodations as may be nec-
11 essary to perform protective functions; and payment, with-
12 out regard to section 5702 of title 5, United States Code,
13 of subsistence expenses of employees who are on protective
14 missions, whether at or away from their duty stations;
15 \$2,518,658,000; of which \$51,621,000 shall remain avail-
16 able until September 30, 2023; of which \$6,000,000 shall
17 be for a grant for activities related to investigations of
18 missing and exploited children; and of which up to
19 \$15,000,000 may be for calendar year 2021 premium pay
20 in excess of the annual equivalent of the limitation on the
21 rate of pay contained in section 5547(a) of title 5, United
22 States Code, pursuant to section 2 of the Overtime Pay
23 for Protective Services Act of 2016 (5 U.S.C. 5547 note),
24 as amended by Public Law 115–383: *Provided*, That not
25 to exceed \$19,125 shall be for official reception and rep-

1 representation expenses: *Provided further*, That not to exceed
2 \$100,000 shall be to provide technical assistance and
3 equipment to foreign law enforcement organizations in
4 criminal investigations within the jurisdiction of the
5 United States Secret Service.

6 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

7 For necessary expenses of the United States Secret
8 Service for procurement, construction, and improvements,
9 \$54,849,000, to remain available until September 30,
10 2024.

11 RESEARCH AND DEVELOPMENT

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

15 ADMINISTRATIVE PROVISIONS

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 201. Section 201 of the Department of Home-
18 land Security Appropriations Act, 2018 (division F of
19 Public Law 115–141), related to overtime compensation
20 limitations, shall apply with respect to funds made avail-
21 able in this Act in the same manner as such section ap-
22 plied to funds made available in that Act, except that “fis-
23 cal year 2022” shall be substituted for “fiscal year 2018”.

24 SEC. 202. Funding made available under the head-
25 ings “U.S. Customs and Border Protection—Operations

1 and Support” and “U.S. Customs and Border Protec-
2 tion—Procurement, Construction, and Improvements”
3 shall be available for customs expenses when necessary to
4 maintain operations and prevent adverse personnel actions
5 in Puerto Rico and the U.S. Virgin Islands, in addition
6 to funding provided by sections 740 and 1406i of title 48,
7 United States Code.

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

15 SEC. 204. (a) For an additional amount for “U.S.
16 Customs and Border Protection—Operations and Sup-
17 port”, \$31,000,000, to remain available until expended,
18 to be reduced by amounts collected and credited to this
19 appropriation in the fiscal year funded by this Act from
20 amounts authorized to be collected by section 286(i) of
21 the Immigration and Nationality Act (8 U.S.C. 1356(i)),
22 section 10412 of the Farm Security and Rural Investment
23 Act of 2002 (7 U.S.C. 8311), and section 817 of the Trade
24 Facilitation and Trade Enforcement Act of 2015 (Public
25 Law 114–25), or other such authorizing language.

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

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

16 (1) a controlled substance, as defined in section
17 102 of the Controlled Substances Act (21 U.S.C.
18 802); or

19 (2) a biological product, as defined in section
20 351 of the Public Health Service Act (42 U.S.C.
21 262).

22 SEC. 206. (a) Notwithstanding any other provision
23 of law, none of the funds provided in this or any other
24 Act shall be used to approve a waiver of the navigation
25 and vessel-inspection laws pursuant to section 501(b) of

1 title 46, United States Code, for the transportation of
2 crude oil distributed from and to the Strategic Petroleum
3 Reserve until the Secretary of Homeland Security, after
4 consultation with the Secretaries of the Departments of
5 Energy and Transportation and representatives from the
6 United States flag maritime industry, takes adequate
7 measures to ensure the use of United States flag vessels.

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

17 SEC. 207. (a) Beginning on the date of enactment
18 of this Act, the Secretary of Homeland Security shall
19 not—

20 (1) establish, collect, or otherwise impose any
21 new border crossing fee on individuals crossing the
22 Southern border or the Northern border at a land
23 port of entry; or

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

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

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

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

15 SEC. 209. Section 211 of the Department of Home-
16 land Security Appropriations Act, 2021 (division F of
17 Public Law 116–260), prohibiting the use of funds for the
18 construction of fencing in certain areas, shall apply with
19 respect to funds made available in this Act in the same
20 manner as such section applied to funds made available
21 in that Act.

22 SEC. 210. (a) Funding made available under the
23 headings “U.S. Customs and Border Protection—Oper-
24 ations and Support” and “U.S. Immigration and Customs
25 Enforcement—Operations and Support” may be used to

1 provide or reimburse third-parties for the provision of
2 COVID-19 testing and shelter for the purpose of voluntary
3 isolation of persons encountered by U.S. Customs and
4 Border Protection after entering the United States along
5 the southwest border and deemed inadmissible under sec-
6 tion 212(a) of the Immigration and Nationality Act (8
7 U.S.C. 1182(a)).

8 (b) Such testing and shelter shall be provided imme-
9 diately after such persons leave Department of Homeland
10 Security custody.

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

15 SEC. 211. (a) Notwithstanding any other provision
16 of law, the Commissioner of U.S. Customs and Border
17 Protection may use up to \$100,000,000 of amounts ref-
18 erenced in section 230(a) of division F of the Consolidated
19 Appropriations Act, 2018 (Public Law 115–141), section
20 230(a)(1) of division A of the Consolidated Appropriations
21 Act, 2019 (Public Law 116–6), section 209(a)(1) of divi-
22 sion D of the Consolidated Appropriations Act, 2020
23 (Public Law 116–93), and section 210 of division F of
24 the Consolidated Appropriations Act, 2021 (Public Law
25 116–260) for mitigation activities, including land acquisi-

1 tion, related to the construction of border barriers on Fed-
2 eral lands.

3 (b) Amounts described in subsection (a) may be
4 transferred to the Bureau of Land Management, the
5 United States Fish and Wildlife Service, the United States
6 Forest Service, and the National Park Service for the pur-
7 poses described in such subsection.

8 (c) The Commissioner shall submit a notification to
9 the Committees on Appropriations of the Senate and the
10 House of Representatives prior to the obligation of the
11 amounts described in this section.

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

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

18 (2) if the Department of Homeland Security In-
19 spector General determines that the terms of the
20 agreement governing the delegation of authority
21 have been materially violated; or

22 (3) if the Department of Homeland Security
23 Office for Civil Rights and Civil Liberties or the
24 U.S. Immigration and Customs Enforcement Office
25 of Professional Responsibility determines that the

1 participating jurisdiction has violated the civil rights
2 or liberties of an individual who was subsequently
3 the subject of immigration enforcement activity dele-
4 gated under the authority described in this section.

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

10 SEC. 213. (a) None of the funds provided under the
11 heading “U.S. Immigration and Customs Enforcement—
12 Operations and Support” may be used to continue any
13 contract for the provision of detention services if the two
14 most recent overall performance evaluations received by
15 the contracted facility are less than “adequate” or the
16 equivalent median score in any subsequent performance
17 evaluation system.

18 (b) The performance evaluations referenced in sub-
19 section (a) shall be conducted by the U.S. Immigration
20 and Customs Enforcement Office of Professional Respon-
21 sibility.

22 SEC. 214. The reports required to be submitted under
23 section 216 of the Department of Homeland Security Ap-
24 propriations Act, 2021 (division F of Public Law 116–
25 260) shall continue to be submitted semimonthly during

1 the fiscal year funded by this Act and each matter re-
2 quired to be included in such report by such section 216
3 shall apply in the same manner and to the same extent
4 during the period described in this section.

5 SEC. 215. The terms and conditions of section 217
6 of the Department of Homeland Security Appropriations
7 Act, 2020 (division D of Public Law 116–93) shall apply
8 to this Act.

9 SEC. 216. No Federal funds may be used to place
10 in detention, remove, refer for a decision whether to ini-
11 tiate removal proceedings, or initiate removal proceedings
12 against any individual—

13 (1) based on information provided to a Federal
14 employee or contractor related to facilitating the
15 sponsorship of an unaccompanied alien child (as de-
16 fined in section 462(g) of the Homeland Security
17 Act of 2002 (6 U.S.C. 279(g))) or the reunification
18 of such child with a family member; or

19 (2) based on information gathered in therapy
20 sessions conducted while in the care of the Office of
21 Refugee Resettlement of the Department of Health
22 and Human Services.

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

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

6 (A) daily telephonic, video, or in-person ac-
7 cess to legal counsel, including prospective legal
8 counsel, in a setting that allows for private con-
9 sultation;

10 (B) opportunities for prospective pro-bono
11 legal counsel to be accessible to such individ-
12 uals; and

13 (C) meaningful opportunities to consult
14 with legal counsel prior to required appearances
15 for such proceedings; and

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

1 (b) Not later than 30 days after the date of enact-
2 ment of this Act, the Secretary and the Officer for Civil
3 Rights and Civil Liberties shall each certify to the Com-
4 mittees on Appropriations of the Senate and the House
5 of Representatives as to whether the requirements under
6 subsection (a) have been met.

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

10 (1) an application under section 101(a)(15)(T),
11 101(a)(15)(U), 106, 240A(b)(2), or 244(a)(3) (as in
12 effect on March 31, 1997) of the Immigration and
13 Nationality Act; or

14 (2) a self-petition pursuant to the Violence
15 Against Women Act, as defined in section
16 101(a)(51) of the Immigration and Nationality Act,
17 with a pending application for relief under a provi-
18 sion referred to in one of the subparagraphs (A)
19 through (G) of such section, or section
20 101(a)(27)(J) of such Act.

21 SEC. 219. (a) Not later than 30 days after the date
22 of enactment of this Act, the Secretary of Homeland Secu-
23 rity shall approve a segmented risk classification assess-
24 ment process, developed by U.S. Immigration and Cus-

1 toms Enforcement that includes a determination as to
2 whether a detained individual is—

- 3 (1) a flight risk;
- 4 (2) a public safety threat; or
- 5 (3) a national security threat.

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

10 (c) Following approval of the assessment process in
11 subsection (a), U.S. Immigration and Customs Enforce-
12 ment shall conduct a risk classification for each detained
13 individual held in custody for at least 14 days, to be com-
14 pleted within 20 days of such individual being taken into
15 custody, and make an individualized, documented custody
16 determination that shall include the option to release such
17 individual from custody, notwithstanding section 236(c) of
18 the Immigration and Nationality Act (8 U.S.C. 1226(c)).

19 (d) Determinations based on the assessment process
20 described in subsection (a) shall be recorded and reviewed
21 on a monthly basis by the Office of the Immigration De-
22 tention Ombudsman.

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

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

4 (2) such person shall only be detained in a fa-
5 cility that is contractually obligated to meet, at a
6 minimum, the requirements described in Attachment
7 1 of the June 19, 2015, U.S. Immigration and Cus-
8 toms Enforcement memorandum entitled, “Further
9 Guidance Regarding the Care of Transgender Indi-
10 viduals” unless such person declines placement in
11 such a facility after being informed of the oppor-
12 tunity to do so.

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

18 SEC. 220. (a) None of the funds provided under the
19 heading “U.S. Immigration and Customs Enforcement—
20 Operations and Support” may be used to engage in civil
21 immigration enforcement activities, such as arrests, deten-
22 tions, removals, or the processing or issuance of charging
23 documents, using Homeland Security Investigations per-
24 sonnel or resources, absent probable cause that the indi-
25 vidual facing such enforcement action has committed a

1 criminal offense not solely related to migration or immi-
2 gration status.

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

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

13 SEC. 222. Members of the United States House of
14 Representatives and the United States Senate, including
15 the leadership; the heads of Federal agencies and commis-
16 sions, including the Secretary, Deputy Secretary, Under
17 Secretaries, and Assistant Secretaries of the Department
18 of Homeland Security; the United States Attorney Gen-
19 eral, Deputy Attorney General, Assistant Attorneys Gen-
20 eral, and the United States Attorneys; and senior mem-
21 bers of the Executive Office of the President, including
22 the Director of the Office of Management and Budget,
23 shall not be exempt from Federal passenger and baggage
24 screening.

1 SEC. 223. Any award by the Transportation Security
2 Administration to deploy explosives detection systems
3 shall be based on risk, the airport's current reliance on
4 other screening solutions, lobby congestion resulting in in-
5 creased security concerns, high injury rates, airport readi-
6 ness, and increased cost effectiveness.

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

15 SEC. 225. Not later than 30 days after the submis-
16 sion of the President's budget proposal, the Administrator
17 of the Transportation Security Administration shall sub-
18 mit to the Committees on Appropriations and Commerce,
19 Science, and Transportation of the Senate and the Com-
20 mittees on Appropriations and Homeland Security in the
21 House of Representatives a single report that fulfills the
22 following requirements:

23 (1) a Capital Investment Plan that includes a
24 plan for continuous and sustained capital investment

1 in new, and the replacement of aged, transportation
2 security equipment;

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

8 (3) the Advanced Integrated Passenger Screen-
9 ing Technologies report as required by the Senate
10 Report accompanying the Department of Homeland
11 Security Appropriations Act, 2019 (Senate Report
12 115–283).

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

21 (b) To the extent such fees are insufficient to pay
22 expenses of recreational vessel documentation under such
23 section 12114, and there is a backlog of recreational vessel
24 applications, personnel performing non-recreational vessel
25 documentation functions under subchapter II of chapter

1 121 of title 46, United States Code, may perform docu-
2 mentation under section 12114.

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

9 (1) \$10,000,000 to or from the “Military Pay”
10 funding category; and

11 (2) \$10,000,000 between the “Field Oper-
12 ations” funding subcategories.

13 SEC. 228. Notwithstanding any other provision of
14 law, the Commandant of the Coast Guard shall submit
15 to the Committees on Appropriations of the Senate and
16 the House of Representatives a future-years capital invest-
17 ment plan as described in the second proviso under the
18 heading “Coast Guard—Acquisition, Construction, and
19 Improvements” in the Department of Homeland Security
20 Appropriations Act, 2015 (Public Law 114–4), which shall
21 be subject to the requirements in the third and fourth pro-
22 visos under such heading.

23 SEC. 229. Of the funds made available for defense-
24 related activities under the heading “Coast Guard—Oper-
25 ations and Support”, up to \$190,000,000 that are used

1 for enduring overseas missions in support of the global
2 fight against terrorism may be reallocated by program,
3 project, and activity, notwithstanding section 503 of this
4 Act.

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

11 SEC. 231. The United States Secret Service is au-
12 thorized to obligate funds in anticipation of reimburse-
13 ments from executive agencies, as defined in section 105
14 of title 5, United States Code, for personnel receiving
15 training sponsored by the James J. Rowley Training Cen-
16 ter, except that total obligations at the end of the fiscal
17 year shall not exceed total budgetary resources available
18 under the heading “United States Secret Service—Oper-
19 ations and Support” at the end of the fiscal year.

20 SEC. 232. (a) None of the funds made available to
21 the United States Secret Service by this Act or by previous
22 appropriations Acts may be made available for the protec-
23 tion of the head of a Federal agency other than the Sec-
24 retary of Homeland Security.

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

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

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

18 SEC. 235. (a) Amounts made available to U.S. Cus-
19 toms and Border Protection and U.S. Immigration and
20 Customs Enforcement in this Act under the heading “Op-
21 erations and Support”, by transfer pursuant to the
22 Coronavirus Aid, Relief, and Economic Security Act (Pub-
23 lic Law 116–136), or pursuant to any other provision of
24 law for enforcement of the immigration laws that remain
25 available for obligation in the fiscal year funded by this

1 Act may be used for the reunification of children separated
2 from a parent or legal guardian at the United States-Mex-
3 ico border, including the provision of shelter, temporary
4 housing, subsistence expenses, transportation, medical
5 care, access to legal services, and such other assistance
6 or relief for separated families that the Secretary deter-
7 mines necessary to accomplish reunification.

8 (b) Funds made available pursuant to this section
9 shall be used solely to support the reunification of sepa-
10 rated families.

11 (c) Each amount repurposed by this section that was
12 previously designated by the Congress as an emergency
13 requirement pursuant to the Balanced Budget and Emer-
14 gency Deficit Control Act of 1985 or a concurrent resolu-
15 tion on the budget is designated by the Congress as an
16 emergency requirement pursuant to section 1(f) of H. Res.
17 467 as engrossed in the House of Representatives on June
18 14, 2021.

19 SEC. 236. (a) Notwithstanding section 2110 of title
20 46, United States Code, none of the funds made available
21 in this Act shall be used to charge a fee for an inspection
22 of a towing vessel, as defined in 46 CFR Section 136.110,
23 that utilizes the Towing Safety Management System op-
24 tion for a Certificate of Inspection issued under sub-
25 chapter M of title 46, Code of Federal Regulations.

1 (b) Subsection (a) shall not apply after the date the
2 Commandant of the Coast Guard implements section 815
3 of the Frank LoBiondo Coast Guard Authorization Act
4 of 2018 (Public Law 115–282).

5 TITLE III
6 PROTECTION, PREPAREDNESS, RESPONSE, AND
7 RECOVERY

8 CYBERSECURITY AND INFRASTRUCTURE SECURITY
9 AGENCY

10 OPERATIONS AND SUPPORT

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

17 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

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

1 RESEARCH AND DEVELOPMENT

2 For necessary expenses of the Cybersecurity and In-
3 frastructure Security Agency for research and develop-
4 ment, \$7,431,000, to remain available until September 30,
5 2023.

6 CYBERSECURITY RESPONSE AND RECOVERY FUND

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

1 FEDERAL EMERGENCY MANAGEMENT AGENCY
2 OPERATIONS AND SUPPORT

3 For necessary expenses of the Federal Emergency
4 Management Agency for operations and support,
5 \$1,262,966,000: *Provided*, That not to exceed \$2,250
6 shall be for official reception and representation expenses.

7 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

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

20 FEDERAL ASSISTANCE

21 (INCLUDING TRANSFER OF FUNDS)

22 For activities of the Federal Emergency Management
23 Agency for Federal assistance through grants, contracts,
24 cooperative agreements, and other activities,
25 \$3,525,017,000, which shall be allocated as follows:

1 (1) \$610,000,000 for the State Homeland Secu-
2 rity Grant Program under section 2004 of the
3 Homeland Security Act of 2002 (6 U.S.C. 605), of
4 which \$90,000,000 shall be for Operation
5 Stonegarden, \$15,000,000 shall be for Tribal Home-
6 land Security Grants under section 2005 of the
7 Homeland Security Act of 2002 (6 U.S.C. 606), and
8 \$90,000,000 shall be for organizations (as described
9 under section 501(c)(3) of the Internal Revenue
10 Code of 1986 and exempt from tax under section
11 501(a) of such code) determined by the Secretary of
12 Homeland Security to be at high risk of a terrorist
13 attack: *Provided*, That notwithstanding subsection
14 (c)(4) of such section 2004, for the fiscal year fund-
15 ed by this Act, the Commonwealth of Puerto Rico
16 shall make available to local and tribal governments
17 amounts provided to the Commonwealth of Puerto
18 Rico under this paragraph in accordance with sub-
19 section (c)(1) of such section 2004.

20 (2) \$705,000,000 for the Urban Area Security
21 Initiative under section 2003 of the Homeland Secu-
22 rity Act of 2002 (6 U.S.C. 604), of which
23 \$90,000,000 shall be for organizations (as described
24 under section 501(c)(3) of the Internal Revenue
25 Code of 1986 and exempt from tax under section

1 501(a) of such code) determined by the Secretary of
2 Homeland Security to be at high risk of a terrorist
3 attack.

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

15 (4) \$110,000,000 for Port Security Grants in
16 accordance with section 70107 of title 46, United
17 States Code.

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

1 (6) \$365,000,000 for emergency management
2 performance grants under the National Flood Insur-
3 ance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-
4 ert T. Stafford Disaster Relief and Emergency As-
5 sistance Act (42 U.S.C. 5121), the Earthquake Haz-
6 ards Reduction Act of 1977 (42 U.S.C. 7701), sec-
7 tion 762 of title 6, United States Code, and Reorga-
8 nization Plan No. 3 of 1978 (5 U.S.C. App.).

9 (7) \$275,500,000 for necessary expenses for
10 Flood Hazard Mapping and Risk Analysis, in addi-
11 tion to and to supplement any other sums appro-
12 priated under the National Flood Insurance Fund,
13 and such additional sums as may be provided by
14 States or other political subdivisions for cost-shared
15 mapping activities under section 1360(f)(2) of the
16 National Flood Insurance Act of 1968 (42 U.S.C.
17 4101(f)(2)), to remain available until expended.

18 (8) \$12,000,000 for Regional Catastrophic Pre-
19 paredness Grants.

20 (9) \$12,000,000 for Rehabilitation of High
21 Hazard Potential Dams under section 8A of the Na-
22 tional Dam Safety Program Act (33 U.S.C. 467f–2).

23 (10) \$140,000,000 for the emergency food and
24 shelter program under title III of the McKinney-
25 Vento Homeless Assistance Act (42 U.S.C. 11331),

1 to remain available until expended: *Provided*, That
2 not to exceed 3.5 percent shall be for total adminis-
3 trative costs.

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

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

13 (B) \$21,435,403 is for emergency oper-
14 ations center grants under section 614 of the
15 Robert T. Stafford Disaster Relief and Emer-
16 gency Assistance Act (42 U.S.C. 6196c);

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

23 (D) \$2,464,000 shall be transferred to
24 “Federal Emergency Management Agency—Op-

1 erations and Support”, to manage and admin-
2 ister community project funding grants.

3 (12) \$293,600,000 to sustain current oper-
4 ations for training, exercises, technical assistance,
5 and other programs.

6 DISASTER RELIEF FUND

7 For necessary expenses in carrying out the Robert
8 T. Stafford Disaster Relief and Emergency Assistance Act
9 (42 U.S.C. 5121 et seq.), \$18,799,000,000, to remain
10 available until expended, shall be for major disasters de-
11 clared pursuant to the Robert T. Stafford Disaster Relief
12 and Emergency Assistance Act (42 U.S.C. 5121 et seq.)
13 and is designated by the Congress as being for disaster
14 relief pursuant to section 1(g) of H. Res. 467 of the 117th
15 Congress as engrossed in the House of Representatives on
16 June 14, 2021: *Provided*, That of the amount provided
17 under this heading, up to \$120,000,000 may be trans-
18 ferred to the Disaster Assistance Direct Loan Program
19 Account for the cost of direct loans as authorized under
20 section 417 of the Robert T. Stafford Disaster Relief and
21 Emergency Assistance Act (42 U.S.C. 5184), including
22 loan cancellations provided for in this title, of which up
23 to \$3,000,000 is for administrative expenses.

1 NATIONAL FLOOD INSURANCE FUND

2 For activities under the National Flood Insurance
3 Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster
4 Protection Act of 1973 (42 U.S.C. 4001 et seq.), the
5 Biggert-Waters Flood Insurance Reform Act of 2012
6 (Public Law 112–141, 126 Stat. 916), and the Home-
7 owner Flood Insurance Affordability Act of 2014 (Public
8 Law 113–89; 128 Stat. 1020), \$214,706,000, to remain
9 available until September 30, 2023, which shall be derived
10 from offsetting amounts collected under section 1308(d)
11 of the National Flood Insurance Act of 1968 (42 U.S.C.
12 4015(d)); of which \$15,706,000 shall be available for mis-
13 sion support associated with flood management; and of
14 which \$199,000,000 shall be available for flood plain man-
15 agement and flood mapping: *Provided*, That any addi-
16 tional fees collected pursuant to section 1308(d) of the
17 National Flood Insurance Act of 1968 (42 U.S.C.
18 4015(d)) shall be credited as offsetting collections to this
19 account, to be available for flood plain management and
20 flood mapping: *Provided further*, That in the fiscal year
21 funded by this Act, no funds shall be available from the
22 National Flood Insurance Fund under section 1310 of the
23 National Flood Insurance Act of 1968 (42 U.S.C. 4017)
24 in excess of—

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

4 (2) \$876,743,000 for commissions and taxes of
5 agents;

6 (3) such sums as are necessary for interest on
7 Treasury borrowings; and

8 (4) \$175,000,000, which shall remain available
9 until expended, for flood mitigation actions and for
10 flood mitigation assistance under section 1366 of the
11 National Flood Insurance Act of 1968 (42 U.S.C.
12 4104c), notwithstanding sections 1366(e) and
13 1310(a)(7) of such Act (42 U.S.C. 4104c(e), 4017):

14 *Provided further*, That the amounts collected under section
15 102 of the Flood Disaster Protection Act of 1973 (42
16 U.S.C. 4012a) and section 1366(e) of the National Flood
17 Insurance Act of 1968 (42 U.S.C. 4104c(e)), shall be de-
18 posited in the National Flood Insurance Fund to supple-
19 ment other amounts specified as available for section 1366
20 of the National Flood Insurance Act of 1968, notwith-
21 standing section 102(f)(8), section 1366(e) of the National
22 Flood Insurance Act of 1968, and paragraphs (1) through
23 (3) of section 1367(b) of such Act (42 U.S.C. 4012a(f)(8),
24 4104c(e), 4104d(b)(1)–(3)): *Provided further*, That total
25 administrative costs shall not exceed 4 percent of the total

1 appropriation: *Provided further*, That up to \$5,000,000 is
2 available to carry out section 24 of the Homeowner Flood
3 Insurance Affordability Act of 2014 (42 U.S.C. 4033).

4 ADMINISTRATIVE PROVISIONS

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 301. (a) Funds made available under the head-
7 ing “Cybersecurity and Infrastructure Security Agency—
8 Operations and Support” may be made available for the
9 necessary expenses of carrying out the competition speci-
10 fied in section 2(e) of Executive Order No. 13870 (May
11 2, 2019), including the provision of monetary and non-
12 monetary awards for Federal civilian employees and mem-
13 bers of the uniformed services, the necessary expenses for
14 the honorary recognition of any award recipients, and ac-
15 tivities to encourage participation in the competition, in-
16 cluding promotional items.

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

20 SEC. 302. (a) The Under Secretary for Management
21 shall submit, concurrent with the budget of the President
22 that is submitted to Congress pursuant to section 1105(a)
23 of title 31, United States Code, a report on the unfunded
24 priorities for the Cybersecurity and Infrastructure Secu-
25 rity Agency.

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

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

6 (2) the description, including the objectives to
7 be achieved if such priority is funded (whether in
8 whole or in part);

9 (3) account information, including the following
10 (as applicable):

11 (A) appropriation account; and

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

13 and

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

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

18 (1) is not funded in the budget referred to in
19 subsection (a);

20 (2) is necessary to fulfill a requirement associ-
21 ated with an operational or contingency plan for the
22 Department; and

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

1 (A) additional resources had been available
2 for the budget to fund the requirement;

3 (B) the requirement has emerged since the
4 budget was formulated; or

5 (C) the requirement is necessary to sustain
6 prior-year investments.

7 SEC. 303. The Cybersecurity and Infrastructure Se-
8 curity Agency shall provide to the Committees on Appro-
9 priations of the Senate and the House of Representatives
10 monthly reports to be submitted not later than the tenth
11 business day following the end of each month, on the sta-
12 tus of funds made available under the heading “Cyberse-
13 curity and Infrastructure Security Agency—Cyber Re-
14 sponse and Recovery Fund”, including an accounting of
15 the most recent funding allocation estimates, obligations,
16 expenditures, and unobligated funds, delineated by signifi-
17 cant cyber incident as defined in Presidential Policy Direc-
18 tive 41.

19 SEC. 304. (a) Notwithstanding any other provision
20 of law, the Director of the Cybersecurity and Infrastruc-
21 ture Security Agency shall provide to the Committees on
22 Appropriations of the Senate and the House of Represent-
23 atives a plan, including a classified annex as necessary,
24 to be submitted not later than 120 days after the date
25 of enactment of this Act and to be updated annually there-

1 after and submitted concurrent with the budget of the
2 President that is submitted to Congress pursuant to sec-
3 tion 1105(a) of title 31, United States Code, detailing doc-
4 umented, capability-specific federal civilian executive
5 branch department and agency cybersecurity investment
6 requirements delineated by each such department and
7 agency.

8 (b) The plan under this section shall specify for each
9 such requirement—

10 (1) a description, including—

11 (A) the capabilities intended to be deliv-
12 ered;

13 (B) the security gains such capabilities will
14 yield; and

15 (C) the nexus of such capabilities to cyber-
16 security;

17 (2) funding status as of the date of the report
18 including any unobligated balances from any prior
19 year appropriation;

20 (3) if such requirement is funded—

21 (A) a deployment schedule, or lifecycle
22 management plan, as appropriate; and

23 (B) the funding source, by account;

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

4 (5) the relative priority within each agency for
5 any requirement for which funds are not currently
6 available.

7 (c) The plan required by this section shall not include
8 investment requirements for any department or agency for
9 which the Cybersecurity and Infrastructure Security
10 Agency has not obligated nor has a plan to obligate fund-
11 ing to further such department's or agency's cybersecurity
12 capabilities.

13 SEC. 305. Notwithstanding section 2008(a)(12) of
14 the Homeland Security Act of 2002 (6 U.S.C. 609(a)(12))
15 or any other provision of law, not more than 5 percent
16 of the amount of a grant made available in paragraphs
17 (1) through (4) under “Federal Emergency Management
18 Agency—Federal Assistance”, may be used by the grantee
19 for expenses directly related to administration of the
20 grant.

21 SEC. 306. Applications for grants under the heading
22 “Federal Emergency Management Agency—Federal As-
23 sistance”, for paragraphs (1) through (4), shall be made
24 available to eligible applicants not later than 60 days after
25 the date of enactment of this Act, eligible applicants shall

1 submit applications not later than 80 days after the grant
2 announcement, and the Administrator of the Federal
3 Emergency Management Agency shall act within 65 days
4 after the receipt of an application.

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

13 SEC. 308. Under the heading “Federal Emergency
14 Management Agency—Federal Assistance”, for grants
15 under paragraphs (1) and (2), the installation of commu-
16 nications towers is not considered construction of a build-
17 ing or other physical facility.

18 SEC. 309. The reporting requirements in paragraphs
19 (1) and (2) under the heading “Federal Emergency Man-
20 agement Agency—Disaster Relief Fund” in the Depart-
21 ment of Homeland Security Appropriations Act, 2015
22 (Public Law 114–4) shall be applied in the fiscal year
23 funded by this Act with respect to the fiscal year after
24 the fiscal year funded by this Act and the fiscal year fund-
25 ed by this Act, respectively —

1 (1) in paragraph (1) by substituting “the fiscal
2 year after the fiscal year funded by this Act” for
3 “the budget year” and for “fiscal year 2016”; and
4 (2) in paragraph (2) by inserting “business”
5 after “fifth”.

6 SEC. 310. In making grants under the heading “Fed-
7 eral Emergency Management Agency—Federal Assist-
8 ance”, for Staffing for Adequate Fire and Emergency Re-
9 sponse grants, the Administrator of the Federal Emer-
10 gency Management Agency may grant waivers from the
11 requirements in subsections (a)(1)(A), (a)(1)(B),
12 (a)(1)(E), (c)(1), (c)(2), and (c)(4) of section 34 of the
13 Federal Fire Prevention and Control Act of 1974 (15
14 U.S.C. 2229a).

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

18 (1) up to \$500,000,000, in addition to any
19 amounts set aside pursuant to section 203(i) of the
20 Robert T. Stafford Disaster Relief and Emergency
21 Assistance Act (42 U.S.C. 5133(i)), shall be avail-
22 able for the Building Resilient Infrastructure and
23 Communities grant program to mitigate the effects
24 of climate change; and

1 (2) \$14,000,000 shall be transferred to the De-
2 partment of Homeland Security Office of Inspector
3 General for oversight of the obligation of funds
4 made available under such section 4005.

5 (b) Of the unobligated balances in “Department of
6 Homeland Security—Federal Emergency Management
7 Agency—Disaster Relief Fund” that were not previously
8 specified in statute as being available for major disasters
9 declared pursuant to the Robert T. Stafford Disaster Re-
10 lief and Emergency Assistance Act (42 U.S.C. 5121 et
11 seq.) and were previously designated as an emergency re-
12 quirement pursuant to the Balanced Budget and Emer-
13 gency Deficit Control Act of 1985 or a concurrent resolu-
14 tion on the budget, \$500,000,000 shall be available only
15 for costs associated with major disasters declared pursu-
16 ant to such Act.

17 (c) Each amount repurposed pursuant to subsection
18 (b) that was previously designated by the Congress as an
19 emergency requirement pursuant to the Balanced Budget
20 and Emergency Deficit Control Act of 1985 or a concur-
21 rent resolution on the budget is designated by the Con-
22 gress as an emergency requirement pursuant to section
23 1(f) of H. Res. 467 as engrossed in the House of Rep-
24 resentatives on June 14, 2021.

1 SEC. 312. (a) The aggregate charges assessed during
2 the fiscal year funded by this Act, as authorized in title
3 III of the Departments of Veterans Affairs and Housing
4 and Urban Development, and Independent Agencies Ap-
5 propriations Act, 1999 (42 U.S.C. 5196e), shall not be
6 less than 100 percent of the amounts anticipated by the
7 Department of Homeland Security to be necessary for its
8 Radiological Emergency Preparedness Program for the
9 fiscal year after the fiscal year funded by this Act.

10 (b) The methodology for assessment and collection of
11 such fees shall be fair and equitable and shall reflect costs
12 of providing such services, including administrative costs
13 of collecting such fees.

14 (c) Such fees shall be deposited in a Radiological
15 Emergency Preparedness Program account as offsetting
16 collections and will become available for authorized pur-
17 poses on the first day of the fiscal year after the fiscal
18 year funded by this Act, and remain available until ex-
19 pended.

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

1 SEC. 314. (a) Notwithstanding sections 403(b),
2 403(c)(4), 404(a), 406(b), 407(d), 408(g)(2),
3 428(e)(2)(B), and 503(a) of the Robert T. Stafford Dis-
4 aster Relief and Emergency Assistance Act (42 U.S.C.
5 5121 et seq.), for any emergency or major disaster de-
6 clared by the President under such Act with a declaration
7 occurring or an incident period beginning between Janu-
8 ary 1, 2020, and December 31, 2020, the Federal share
9 of assistance, including direct Federal assistance, provided
10 under such sections shall be not less than 90 percent of
11 the eligible cost of such assistance.

12 (b) Each amount repurposed pursuant to this section
13 that was previously designated by the Congress as an
14 emergency requirement or as being for disaster relief pur-
15 suant to the Balanced Budget and Emergency Deficit
16 Control Act of 1985 or a concurrent resolution on the
17 budget is designated by the Congress as an emergency re-
18 quirement pursuant to section 1(f), or as being for dis-
19 aster relief pursuant to section 1(g), respectively, of H.
20 Res. 467 as engrossed in the House of Representatives
21 on June 14, 2021.

22 (c) Subsection (a) shall apply with respect to fiscal
23 year 2022 and each fiscal year thereafter.

24 SEC. 315. Repayments of the remaining balances of
25 all loans, as of June 30, 2021, by the Federal Emergency

1 Management Agency under section 417 the Robert T.
2 Stafford Disaster Relief and Emergency Assistance Act
3 (42 U.S.C. 5184) are hereby canceled.

4 TITLE IV

5 RESEARCH, DEVELOPMENT, TRAINING, AND 6 SERVICES

7 U.S. CITIZENSHIP AND IMMIGRATION SERVICES

8 OPERATIONS AND SUPPORT

9 For necessary expenses of U.S. Citizenship and Im-
10 migration Services for operations and support, including
11 for the E-Verify Program, application processing, the re-
12 duction of backlogs within asylum, field, and service center
13 offices, and support of the refugee program;
14 \$459,504,000, of which \$87,619,000 shall remain avail-
15 able until September 30, 2023: *Provided*, That such
16 amounts shall be in addition to any other amounts made
17 available for such purposes, and shall not be construed to
18 require any reduction of any fee described in section
19 286(m) of the Immigration and Nationality Act (8 U.S.C.
20 1356(m)): *Provided further*, That not to exceed \$10,000
21 shall be for official reception and representation expenses.

22 FEDERAL ASSISTANCE

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

1 FEDERAL LAW ENFORCEMENT TRAINING CENTERS
2 OPERATIONS AND SUPPORT

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

12 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

13 For necessary expenses of the Federal Law Enforce-
14 ment Training Centers for procurement, construction, and
15 improvements, \$33,200,000, to remain available until Sep-
16 tember 30, 2026, for acquisition of necessary additional
17 real property and facilities, construction and ongoing
18 maintenance, facility improvements and related expenses
19 of the Federal Law Enforcement Training Centers.

20 SCIENCE AND TECHNOLOGY DIRECTORATE

21 OPERATIONS AND SUPPORT

22 For necessary expenses of the Science and Tech-
23 nology Directorate for operations and support, including
24 the purchase or lease of not to exceed 5 vehicles,
25 \$310,590,000, of which \$180,112,000 shall remain avail-

1 able until September 30, 2023: *Provided*, That not to ex-
2 ceed \$10,000 shall be for official reception and representa-
3 tion expenses.

4 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

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

9 RESEARCH AND DEVELOPMENT

10 For necessary expenses of the Science and Tech-
11 nology Directorate for research and development,
12 \$510,954,000, to remain available until September 30,
13 2024.

14 COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

15 OPERATIONS AND SUPPORT

16 For necessary expenses of the Countering Weapons
17 of Mass Destruction Office for operations and support,
18 \$162,200,000, of which \$35,606,000 shall remain avail-
19 able until September 30, 2023: *Provided*, That not to ex-
20 ceed \$2,250 shall be for official reception and representa-
21 tion expenses.

22 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

23 For necessary expenses of the Countering Weapons
24 of Mass Destruction Office for procurement, construction,

1 and improvements, \$76,604,000, to remain available until
2 September 30, 2024.

3 RESEARCH AND DEVELOPMENT

4 For necessary expenses of the Countering Weapons
5 of Mass Destruction Office for research and development,
6 \$65,709,000, to remain available until September 30,
7 2024.

8 FEDERAL ASSISTANCE

9 For necessary expenses of the Countering Weapons
10 of Mass Destruction Office for Federal assistance through
11 grants, contracts, cooperative agreements, and other ac-
12 tivities, \$132,948,000, to remain available until Sep-
13 tember 30, 2024.

14 ADMINISTRATIVE PROVISIONS

15 SEC. 401. (a) Notwithstanding any other provision
16 of law, funds otherwise made available to U.S. Citizenship
17 and Immigration Services may be used to acquire, operate,
18 equip, and dispose of up to 5 vehicles, for replacement
19 only, for areas where the Administrator of General Serv-
20 ices does not provide vehicles for lease.

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

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

10 SEC. 403. The terms and conditions of section 403
11 of the Department of Homeland Security Appropriations
12 Act, 2020 (division D of Public Law 116–93) shall apply
13 to this Act.

14 SEC. 404. Notwithstanding the seventh proviso under
15 the heading “Immigration and Naturalization Service—
16 Salaries and Expenses” in Public Law 105–119 (relating
17 to FD-258 fingerprint cards), or any other provision of
18 law, any Federal funds made available to U.S. Citizenship
19 and Immigration Services may be used for the collection
20 and use of biometrics taken at a U.S. Citizenship and Im-
21 migration Services Application Support Center that is
22 overseen virtually by U.S. Citizenship and Immigration
23 Services personnel using appropriate technology.

24 SEC. 405. The Director of the Federal Law Enforce-
25 ment Training Centers is authorized to distribute funds

1 to Federal law enforcement agencies for expenses incurred
2 participating in training accreditation.

3 SEC. 406. The Federal Law Enforcement Training
4 Accreditation Board, including representatives from the
5 Federal law enforcement community and non-Federal ac-
6 creditation experts involved in law enforcement training,
7 shall lead the Federal law enforcement training accredita-
8 tion process to continue the implementation of measuring
9 and assessing the quality and effectiveness of Federal law
10 enforcement training programs, facilities, and instructors.

11 SEC. 407. (a) The Director of the Federal Law En-
12 forcement Training Centers may accept transfers to its
13 “Procurement, Construction, and Improvements” account
14 from Government agencies requesting the construction of
15 special use facilities, as authorized by the Economy Act
16 (31 U.S.C. 1535(b)).

17 (b) Such transfers may include funds from the Immi-
18 gration Examinations Fee Account described in section
19 286(m) of the Immigration and Nationality Act (8 U.S.C.
20 1356(m)) that the Director of U.S. Citizenship and Immi-
21 gration Services determines are necessary to support U.S.
22 Citizenship and Immigration Services training programs.

23 (c) The Federal Law Enforcement Training Centers
24 shall maintain administrative control and ownership upon
25 completion of such facilities.

1 SEC. 408. The functions of the Federal Law Enforce-
2 ment Training Centers instructor staff shall be classified
3 as inherently governmental for purposes of the Federal
4 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
5 note).

6 SEC. 409. (a) Notwithstanding any other provision
7 of law, beginning in fiscal year 2022, the worldwide level
8 of family-sponsored immigrants under subsection (c) of
9 section 201 of the Immigration and Nationality Act (8
10 U.S.C. 1151) and the worldwide level of employment-
11 based immigrants under subsection (d) of such section
12 shall each be increased by the number computed under
13 subsection (b) of this section with respect to each of such
14 worldwide levels.

15 (b) For each of the worldwide levels described in sub-
16 section (a) of this section, the number computed under
17 this subsection is the difference (if any) between the sum
18 of the worldwide levels established under the applicable
19 subsection of section 201 of the Immigration and Nation-
20 ality Act (8 U.S.C. 1151) for fiscal years 2020 and 2021
21 and the number of visas that were issued and used as the
22 basis for an application for admission into the United
23 States as an immigrant described in the applicable sub-
24 section during such fiscal years.

1 (c) The Secretary of State, in consultation with the
2 Secretary of Homeland Security, shall allocate the visas
3 made available as a result of the computation under sub-
4 section (b) on a proportional basis consistent with sub-
5 sections (a) and (b) of section 203 of the Immigration and
6 Nationality Act (8 U.S.C. 1153(a) and (b)), and in accord-
7 ance with subsection (e)(1) of such section (8 U.S.C.
8 1153(e)(1)).

9 (d) Each visa made available as a result of the com-
10 putation made under subsection (b) of this section shall
11 remain available for use in fiscal year 2022 or any subse-
12 quent fiscal year, until the Secretary of State, in consulta-
13 tion with the Secretary of Homeland Security, determines
14 that such visa has been issued and used as the basis for
15 an application for admission into the United States.

16 (e) For fiscal year 2021 and 2022, the number com-
17 puted under subsection (c)(3)(C) of section 201 of the Im-
18 migration and Nationality Act (8 U.S.C. 1151), and the
19 number computed under subsection (d)(2)(C) of such sec-
20 tion, are deemed to equal zero.

21 (f) Notwithstanding section 204(a)(1)(I)(ii)(II) of the
22 Immigration and Nationality Act (8 U.S.C.
23 1154(a)(1)(I)(ii)(II)), and subject to subsection (i) of this
24 section, an immigrant visa for those selected in accordance
25 with section 203(e)(2) of the Immigration and Nationality

1 Act (8 U.S.C. 1153(e)(2)) in fiscal year 2020 or 2021
2 shall remain available to such alien if, because of restric-
3 tions or limitations on visa processing, visa issuance, trav-
4 el, or other effects associated with the COVID–19 public
5 health emergency—

6 (1) the alien was unable to receive a visa inter-
7 view despite submitting an Online Immigrant Visa
8 and Alien Registration Application (Form DS–260)
9 to the Secretary of State; or

10 (2) the alien was unable to seek admission or
11 was denied admission to the United States despite
12 being approved for a visa under section 203(c) of
13 the Immigration and Nationality Act (8 U.S.C.
14 1153(c)).

15 (g) Not later than 90 days after the date of the enact-
16 ment of this section, the Secretary of State shall—

17 (1) provide written notice consistent with sub-
18 section (h) to each alien described in subsection (f)
19 (and such alien’s representative, if applicable) of
20 their continuing eligibility to apply for a visa under
21 section 203(c) of the Immigration and Nationality
22 Act (8 U.S.C. 1153(c)); and

23 (2) publish on the Department of State website,
24 information and procedures implementing this sec-
25 tion.

1 (h) The notice described in subsection (g)(1) shall in-
2 clude procedures for the alien to inform the Secretary of
3 State of the alien's intent to proceed with or abandon the
4 application, and shall include an advisal that such applica-
5 tion shall be deemed abandoned if the alien fails to notify
6 the Secretary of the alien's intent to proceed within one
7 year after the date on which the notice was issued.

8 (i) An alien described in subsection (f) shall remain
9 eligible to receive a visa described in such subsection until
10 the earliest of the date that—

11 (1) the alien—

12 (A) notifies the Secretary of State of the
13 alien's intent to abandon the application; or

14 (B) fails to respond to the notice described
15 in subsection (g)(1); or

16 (2) the Secretary of State makes a final deter-
17 mination of the alien's ineligibility for such visa
18 under section 203(c)(2), 204(a)(1)(I)(iii), or 212(a)
19 of the Immigration and Nationality Act (8 U.S.C.
20 1153(c)(2), 1154(a)(1)(I)(iii), or 1182(a)).

21 (j) A determination of whether an alien is the child
22 of a visa recipient described in subsection (f), pursuant
23 section 203(d) of the Immigration and Nationality Act (8
24 U.S.C. 1153(d)) shall be made using the age of the child

1 when the applicant was initially selected for a visa in ac-
2 cordance with section 203(e)(2) of such Act.

3 SEC. 410. (a) Notwithstanding section
4 204(a)(1)(I)(ii)(II) of the Immigration and Nationality
5 Act (8 U.S.C. 1154(a)(1)(I)(ii)(II)), and subject to sub-
6 section (d) of this section, an immigrant visa for those
7 selected in accordance with section 203(e)(2) of the Immi-
8 gration and Nationality Act (8 U.S.C. 1153(e)(2)) in any
9 of fiscal years 2017, 2018, 2019, 2020, or 2021 shall re-
10 main available to such alien if the alien was refused a visa,
11 prevented from seeking admission, or denied admission to
12 the United States solely because of—

13 (1) Executive Order 13769 (82 Fed. Reg.
14 8977; relating to “Protecting the Nation from
15 Foreign Terrorist Entry into The United
16 States”);

17 (2) Executive Order 13780 (82 Fed. Reg.
18 13209; relating “Protecting the Nation from
19 Foreign Terrorist Entry into the United
20 States”);

21 (3) Proclamation 9645 (82 Fed. Reg.
22 45161; relating to “Enhancing Vetting Capa-
23 bilities and Processes for Detecting Attempted
24 Entry into the United States by Terrorists or
25 Other Public-Safety Threats”); or

1 (4) Proclamation 9983 (85 Fed. Reg.
2 6699; relating to “Improving Enhanced Vetting
3 Capabilities and Processes for Detecting At-
4 tempted Entry into the United States by Ter-
5 rorists or Other Public-Safety Threats”).

6 (b) Not later than 90 days after the date of the enact-
7 ment of this section, the Secretary of State shall—

8 (1) provide written notice, consistent with subsection
9 (c), to each alien described in subsection (a) (and such
10 alien’s representative, if applicable) of the alien’s con-
11 tinuing eligibility to apply for a visa under section 203(c)
12 of the Immigration and Nationality Act (8 U.S.C.
13 1153(c)); and

14 (2) publish on the Department of State website, in-
15 formation and procedures implementing this section.

16 (c) The notice described in subsection (b)(1) shall in-
17 clude procedures for the alien to inform the Secretary of
18 State of the alien’s intent to proceed with or abandon the
19 application, and shall include an advisal that such applica-
20 tion shall be deemed abandoned if the alien fails to notify
21 the Secretary of the alien’s intent to proceed within one
22 year after the date on which the notice was issued.

23 (d) An alien described in subsection (a) shall remain
24 eligible to receive a visa described in such subsection until
25 the earliest of the date that—

1 (1) the alien—

2 (A) notifies the Secretary of the alien’s intent
3 to abandon the application; or

4 (B) fails to respond to the notice described in
5 subsection (b)(1); or

6 (2) the Secretary of State makes a final determina-
7 tion of the alien’s ineligibility for such visa under section
8 203(c)(2), 204(a)(1)(I)(iii), or 212(a) of the Immigration
9 and Nationality Act (8 U.S.C. 1153(c)(2),
10 1154(a)(1)(I)(iii), or 1182(a)).

11 (e) A determination of whether an alien is the child
12 of a visa recipient described in subsection (a), pursuant
13 to section 203(d) of the Immigration and Nationality Act
14 (8 U.S.C. 1153(d)) shall be made using the age of the
15 child when applicant was initially selected for a visa in
16 accordance with section 203(e)(2) of such Act.

17 SEC. 411. Notwithstanding the numerical limitation
18 set forth in section 214(g)(1)(B) of the Immigration and
19 Nationality Act (8 U.S.C. 1184(g)(1)(B)), the Secretary
20 of Homeland Security, after consultation with the Sec-
21 retary of Labor, and upon the determination that the
22 needs of American businesses cannot be satisfied in fiscal
23 year 2022 with United States workers who are willing,
24 qualified, and able to perform temporary nonagricultural
25 labor, shall increase the total number of aliens who may

1 receive a visa under section 101(a)(15)(H)(ii)(b) of such
2 Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) in such fiscal year
3 above such limitation by not more than the highest num-
4 ber of H-2B nonimmigrants who participated in the H-
5 2B returning worker program in any fiscal year in which
6 returning workers were exempt from such numerical limi-
7 tation.

8 SEC. 412. In fiscal year 2022, nonimmigrants shall
9 be admitted to the United States under section
10 101(a)(15)(H)(ii)(a) of the Immigration and Nationality
11 Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) to perform agricul-
12 tural labor or services, without regard to whether such
13 labor is, or services are, of a temporary or seasonal nature.

14 TITLE V

15 GENERAL PROVISIONS

16 (INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

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

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

1 applicable established accounts, and thereafter may be ac-
2 counted for as one fund for the same time period as origi-
3 nally enacted.

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

9 (1) any obligation that—

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

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

20 (2) a reprogramming of funds that—

21 (A) augments funding for any program,
22 project, or activity in excess of \$5,000,000 or
23 10 percent, whichever is less; or

1 (B) reduces funding for any program,
2 project, or activity, or numbers of personnel, by
3 10 percent or more.

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

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

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

18 (2) no funding may be transferred from an ap-
19 propriation that is designated by the Congress as
20 being for—

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

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

1 (d) Notwithstanding subsections (b) and (c), no funds
2 shall be obligated for any purpose described in subsection
3 (a) and no funds shall be transferred between appropria-
4 tions based upon an initial notification provided after June
5 30, except—

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

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

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

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

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

4 (A) proposed in the President’s budget
5 proposal, submitted pursuant to section 1105(a)
6 of title 31, United States Code, and accom-
7 panying justification materials for the fiscal
8 year funded by this Act; or

9 (B) explicitly described in this Act or the
10 explanatory statement accompanying this Act;
11 and

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

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

21 (h) For purposes of this section—

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

24 (A) listed under an appropriation account
25 or fee funded program account for which an

1 amount is specified in the detailed funding table
2 located at the end of the explanatory statement
3 accompanying this Act; or

4 (B) for which the explanatory statement
5 accompanying this Act specifies a funding
6 amount, except for amounts identified in a
7 funding table other than that described in sub-
8 paragraph (A);

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

13 (3) The term “unforeseeable, exigent require-
14 ments or circumstances” means those requirements
15 or circumstances—

16 (A) about which the Department of Home-
17 land Security became aware after the date of
18 enactment of this Act; and

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

1 (i) Unless otherwise provided in this Act, funding
2 designated in the explanatory statement accompanying
3 this Act as being for a “program, project, or activity” is
4 not available for the purposes of any other such “program,
5 project, or activity”.

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

12 (b) Funds from such working capital fund may be
13 obligated and expended in anticipation of reimbursements
14 from components of the Department of Homeland Secu-
15 rity.

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

1 (1) not more than 67 percent shall remain
2 available, in the account and for the purposes for
3 which the appropriations were provided, through
4 September 30 of the fiscal year after the fiscal year
5 funded by this Act; and

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

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

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

1 (b) Amounts described in subsection (a) made avail-
2 able for “Intelligence, Analysis, and Operations Coordina-
3 tion—Operations and Support” that exceed the amounts
4 in such authorization for such account shall be transferred
5 to “Management Directorate—Operations and Support”.

6 SEC. 507. (a) The Secretary of Homeland Security,
7 or the designee of the Secretary, shall notify the Commit-
8 tees on Appropriations of the Senate and the House of
9 Representatives at least 3 full business days in advance
10 of—

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

13 (2) making or awarding a contract, other trans-
14 action agreement, or task or delivery order on a De-
15 partment of Homeland Security multiple award con-
16 tract, or to issue a letter of intent totaling in excess
17 of \$4,000,000;

18 (3) awarding a task or delivery order requiring
19 an obligation of funds in an amount greater than
20 \$10,000,000 from multi-year Department of Home-
21 land Security funds;

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

23 (5) announcing publicly the intention to make
24 or award items under paragraph (1), (2), (3), or (4),

1 including a contract covered by the Federal Acquisi-
2 tion Regulation.

3 (b) If the Secretary of Homeland Security determines
4 that compliance with this section would pose a substantial
5 risk to human life, health, or safety, an award may be
6 made without notification, and the Secretary shall notify
7 the Committees on Appropriations of the Senate and the
8 House of Representatives not later than 5 full business
9 days after such an award is made or letter issued.

10 (c) A notification under this section—

11 (1) may not involve funds that are not available
12 for obligation; and

13 (2) shall include the amount of the award; the
14 fiscal year for which the funds for the award were
15 appropriated; the type of contract; and the account
16 from which the funds are being drawn.

17 SEC. 508. Notwithstanding any other provision of
18 law, no agency shall purchase, construct, or lease any ad-
19 ditional facilities, except within or contiguous to existing
20 locations, to be used for the purpose of conducting Federal
21 law enforcement training without advance notification to
22 the Committees on Appropriations of the Senate and the
23 House of Representatives, except that the Federal Law
24 Enforcement Training Centers is authorized to obtain the
25 temporary use of additional facilities by lease, contract,

1 or other agreement for training that cannot be accommo-
2 dated in existing Centers' facilities.

3 SEC. 509. None of the funds appropriated or other-
4 wise made available by this Act may be used for expenses
5 for any construction, repair, alteration, or acquisition
6 project for which a prospectus otherwise required under
7 chapter 33 of title 40, United States Code, has not been
8 approved, except that necessary funds may be expended
9 for each project for required expenses for the development
10 of a proposed prospectus.

11 SEC. 510. Sections 520, 522, and 530 of the Depart-
12 ment of Homeland Security Appropriations Act, 2008 (di-
13 vision E of Public Law 110–161; 121 Stat. 2073 and
14 2074) shall apply with respect to funds made available in
15 this Act in the same manner as such sections applied to
16 funds made available in that Act.

17 SEC. 511. (a) None of the funds made available in
18 this Act may be used in contravention of the applicable
19 provisions of the Buy American Act.

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

23 SEC. 512. None of the funds made available in this
24 Act may be used to amend the oath of allegiance required

1 by section 337 of the Immigration and Nationality Act
2 (8 U.S.C. 1448).

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

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

9 (1) the use of such section 872 to establish an
10 office within the Office of the Secretary that shall,
11 for departmental workforce health, safety, and med-
12 ical functions and activities—

13 (A) develop departmental policies;

14 (B) establish standards;

15 (C) provide technical assistance;

16 (D) conduct oversight; and

17 (E) serve as the primary liaison and coor-
18 dinator; and

19 (2) the reallocation to an office established
20 under paragraph (1) of—

21 (A) the position and responsibilities of the
22 Chief Medical Officer and related personnel
23 from the Countering Weapons of Mass Destruc-
24 tion Office;

1 (B) the personnel, functions, and respon-
2 sibilities related to departmental workforce
3 health and medical activities from the Under
4 Secretary for Management as authorized in sec-
5 tion 710 of the Homeland Security Act, and re-
6 lated safety activities; and

7 (C) the responsibility of carrying out the
8 program authorized by section 528 of the
9 Homeland Security Act and related personnel.

10 (c) The Secretary of Homeland Security may transfer
11 funds made available in this Act under the headings
12 “Management Directorate” and “Countering Weapons of
13 Mass Destruction Office” consistent with the establish-
14 ment of the office and the reallocations of functions, posi-
15 tions, and responsibilities described in subsection (b).

16 (d) The Secretary shall submit a notification to the
17 Committees on Appropriations of the Senate and the
18 House of Representatives, the Committee on Homeland
19 Security of the House of Representatives, and the Home-
20 land Security and Governmental Affairs Committee of the
21 Senate at least 15 days prior to the establishment of the
22 office described in subsection (b).

23 (e) The functions of the office described in subsection
24 (b) shall not include chemical, biological, radiological, and
25 nuclear programs of the Countering Weapons of Mass De-

1 instruction Office and the transfer of funds described in sub-
2 section (c) shall not include funding appropriated for such
3 programs.

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

7 SEC. 515. Any official that is required by this Act
8 to report or to certify to the Committees on Appropria-
9 tions of the Senate and the House of Representatives may
10 not delegate such authority to perform that act unless spe-
11 cifically authorized herein.

12 SEC. 516. None of the funds made available in this
13 Act may be used for first-class travel by the employees
14 of agencies funded by this Act in contravention of sections
15 301–10.122 through 301–10.124 of title 41, Code of Fed-
16 eral Regulations.

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

24 SEC. 518. None of the funds appropriated or other-
25 wise made available by this Act may be used by the De-

1 partment of Homeland Security to enter into any Federal
2 contract unless such contract is entered into in accordance
3 with the requirements of subtitle I of title 41, United
4 States Code, or chapter 137 of title 10, United States
5 Code, and the Federal Acquisition Regulation, unless such
6 contract is otherwise authorized by statute to be entered
7 into without regard to the above referenced statutes.

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

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

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

23 SEC. 521. (a) None of the funds made available in
24 this Act may be used to pay for the travel to or attendance
25 of more than 50 employees of a single component of the

1 Department of Homeland Security, who are stationed in
2 the United States, at a single international conference un-
3 less the Secretary of Homeland Security, or a designee,
4 determines that such attendance is in the national interest
5 and notifies the Committees on Appropriations of the Sen-
6 ate and the House of Representatives within at least 10
7 days of that determination and the basis for that deter-
8 mination.

9 (b) For purposes of this section the term “inter-
10 national conference” shall mean a conference occurring
11 outside of the United States attended by representatives
12 of the United States Government and of foreign govern-
13 ments, international organizations, or nongovernmental
14 organizations.

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

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

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

1 SEC. 523. (a) None of the funds made available to
2 the Department of Homeland Security by this or any other
3 Act may be obligated for any structural pay reform that
4 affects more than 100 full-time positions or costs more
5 than \$5,000,000 in a single year before the end of the
6 30-day period beginning on the date on which the Sec-
7 retary of Homeland Security submits to Congress a notifi-
8 cation that includes—

9 (1) the number of full-time positions affected by
10 such change;

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

14 (3) justification for such change; and

15 (4) an analysis of compensation alternatives to
16 such change that were considered by the Depart-
17 ment.

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

19 (1) it was proposed in the President’s budget
20 proposal for the fiscal year funded by this Act; and

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

24 SEC. 524. (a) Any agency receiving funds made avail-
25 able in this Act shall, subject to subsections (b) and (c),

1 post on the public website of that agency any report re-
2 quired to be submitted by the Committees on Appropria-
3 tions of the Senate and the House of Representatives in
4 this Act, upon the determination by the head of the agency
5 that it shall serve the national interest.

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

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

9 (2) the report contains proprietary information.

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

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

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

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

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

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

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

7 (b) The Secretary of Homeland Security, under the
8 authority of section 831 of the Homeland Security Act of
9 2002 (6 U.S.C. 391(a)), may carry out prototype projects
10 under section 2371b of title 10, United States Code, and
11 the Secretary shall perform the functions of the Secretary
12 of Defense as prescribed.

13 (c) The Secretary of Homeland Security under sec-
14 tion 831 of the Homeland Security Act of 2002 (6 U.S.C.
15 391(d)) may use the definition of nontraditional govern-
16 ment contractor as defined in section 2371b(e) of title 10,
17 United States Code.

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

1 by a visiting member of Congress or such designated em-
2 ployee, compared to what would be observed in the absence
3 of such modification:

4 (1) a Member of Congress; or

5 (2) an employee of the United States House of
6 Representatives or the United States Senate des-
7 igned by such a Member for the purposes of this
8 section.

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

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

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

23 (b) Subsection (a) shall not apply with respect to a
24 pregnant woman if—

1 (1) an appropriate official of the Department of
2 Homeland Security makes an individualized deter-
3 mination that the woman—

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

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

9 (2) a medical professional responsible for the
10 care of the pregnant woman determines that the use
11 of therapeutic restraints is appropriate for the med-
12 ical safety of the woman.

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

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

4 (1) death of,

5 (2) potential sexual assault or abuse per-
6 petrated against, or

7 (3) allegation of abuse, criminal activity, or dis-
8 ruption committed by

9 an individual held in the custody of the Department of
10 Homeland Security.

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

18 SEC. 531. Section 519 of division F of Public Law
19 114–113, regarding a prohibition on funding for any posi-
20 tion designated as a Principal Federal Official, shall apply
21 with respect to any Federal funds in the same manner
22 as such section applied to funds made available in that
23 Act.

24 SEC. 532. (a) Not later than 30 days after the date
25 of enactment of this Act and updated semi-monthly during

1 this fiscal year and thereafter, the Secretary shall make
2 available a report on a publicly accessible website in a
3 downloadable, searchable, and sortable format that in-
4 cludes not less than the previous 12 months of data, as
5 of the last date of each such reporting period, on all re-
6 quests to any law enforcement component of the Depart-
7 ment of Homeland Security for law enforcement support
8 in the form of personnel, aircraft, equipment, or any other
9 assets, which shall include each of the following for each
10 requesting entity:

- 11 (1) The name of the entity.
- 12 (2) The purposes for which support is re-
13 requested.
- 14 (3) The numbers of personnel and the cat-
15 egories and numbers of assets requested.
- 16 (4) The duration of the requested support.
- 17 (5) Whether the requested support was pro-
18 vided.
- 19 (6) The departmental official who approved pro-
20 viding such support.
- 21 (7) The dates and descriptions of any support
22 provided.
- 23 (8) The cost of providing such support.
- 24 (9) Whether the support is subject to reim-
25 bursement by the requesting entity.

1 (b) The reporting requirements in subsection (a) shall
2 apply to requests from—

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

4 (2) Federal law enforcement entities, including
5 other such entities of the Department of Homeland
6 Security.

7 (c) No Federal funds may be obligated for such sup-
8 port to a non-Federal entity related to a mass gathering
9 or protest event unless approved in advance by the Sec-
10 retary of Homeland Security or the Secretary’s designee.

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

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

23 SEC. 534. (a) For an additional amount for “U.S.
24 Customs and Border Protection—Procurement, Construc-
25 tion, and Improvements”, \$655,000,000, to remain avail-

1 able until expended for construction and modernization of
2 land port of entry facilities.

3 (b) Not later than 180 days after the completion of
4 the construction or modernization of facilities funded in
5 this section, the Administrator of the U.S. General Serv-
6 ices Administration shall transfer ownership of such facili-
7 ties to the Commissioner of U.S. Customs and Border
8 Protection.

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

11 (RESCISSIONS OF FUNDS)

12 SEC. 535. Of the funds appropriated to the Depart-
13 ment of Homeland Security, the following funds are here-
14 by rescinded from the following accounts and programs
15 in the specified amounts: *Provided*, That no amounts may
16 be rescinded from amounts that were designated by the
17 Congress as an emergency requirement pursuant to a con-
18 current resolution on the budget or the Balanced Budget
19 and Emergency Deficit Control Act of 1985 (Public Law
20 99–177):

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

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

4 (3) \$12,628,523 from the unobligated balances
5 available in the “Management Directorate—Office of
6 the Chief Information Officer and Operations” ac-
7 count (70 X 0113).

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

12 (5) \$503 from the unobligated balances avail-
13 able in Treasury Account Fund Symbol 70 X 8598,
14 “U.S. Immigration and Customs Enforcement, Vio-
15 lent Crime Reduction Program”.

16 (6) \$7,006 from the unobligated balances avail-
17 able in Treasury Account Fund Symbol 70 X 0508,
18 “Transportation Security Administration, Ex-
19 penses”.

20 (7) \$11,412 from the unobligated balances
21 available in the “Transportation Security Adminis-
22 tration—Federal Air Marshals” account (70 X
23 0541).

24 (8) \$311 from the unobligated balances avail-
25 able in the “Transportation Security Administra-

1 tion—Surface Transportation Security” account (70
2 X 0551).

3 (9) \$5,308,328 from the unobligated balances
4 available in the “Transportation Security Adminis-
5 tration—Intelligence and Vetting” account (70 X
6 0557).

7 (10) \$1.41 from the unobligated balances avail-
8 able in the “Transportation Security Administra-
9 tion—Research and Development” account (70 X
10 0553).

11 (11) \$322,105 from the unobligated balances
12 available in the “Transportation Security Adminis-
13 tration—Transportation Security Support” account
14 (70 X 0554).

15 (12) \$457,920 from the unobligated balances
16 available in Treasury Account Fund Symbol 70 X
17 0900, “Cybersecurity and Infrastructure Security
18 Agency, Operating Expenses”.

19 (13) \$199,690 from the unobligated balances
20 available in the “Federal Emergency Management
21 Agency—State and Local Programs” account (70 X
22 0560).

23 (14) \$1,670 from the unobligated balances
24 available in the “Federal Emergency Management
25 Agency—Administrative and Regional Operations,

1 Emergency Preparedness and Response” account
2 (70 X 0712).

3 (15) \$115,138 from the unobligated balances
4 available in the “Federal Emergency Management
5 Agency—Operations and Support” account (70 X
6 0700).

7 (16) \$1,243,822 from the unobligated balances
8 available in Treasury Account Fund Symbol 70 X
9 0300, “U.S. Citizenship and Immigration Services,
10 Operations and Support”.

11 (17) \$350,656 from the unobligated balances
12 available in the “Countering Weapons of Mass De-
13 struction Office—Research and Development” ac-
14 count (70 X 0860).

15 (18) \$3,000,000 from the unobligated balances
16 available in the “Federal Emergency Management
17 Agency—National Predisaster Mitigation Fund” ac-
18 count (70 X 0716).

19 (19) \$65,000,000 from Public Law 116–93
20 under the heading “Coast Guard—Procurement,
21 Construction, and Improvements”.

22 (20) \$24,339,000 from the unobligated bal-
23 ances available in the “U.S. Customs and Border
24 Protection—Border Security Fencing, Infrastruc-
25 ture, and Technology” account (70 X 0533).

1 (21) \$10,000,000 from Public Law 116–260
2 under the heading “U.S. Customs and Border Pro-
3 tection—Procurement, Construction, and Improve-
4 ments”.

5 (22) \$6,161,000 from the unobligated balances
6 available in the “U.S. Customs and Border Protec-
7 tion—Procurement, Construction, and Improve-
8 ments” account (70 X 0532).

9 (23) \$4,500,000 from Public Law 115–141
10 under the heading “U.S. Customs and Border Pro-
11 tection—Construction and Facility Improvements”.

12 (24) \$6,999 from the unobligated balances
13 available in the “U.S. Customs and Border Protec-
14 tion—Operations and Support” account (70 X
15 0530).

16 (25) \$2,168,776,000 from the unobligated prior
17 year balances from “U.S. Customs and Border Pro-
18 tection—Procurement, Construction, and Improve-
19 ments”.

20 (26) \$21,000,000 from Public Law 115–141
21 under the heading “Coast Guard—Acquisition, Con-
22 struction, and Improvements”.

23 (27) \$8,000,000 from the unobligated balances
24 available in the “Management Directorate—Office of

1 Biometric Identity Management” account (70 X
2 0521).

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

Union Calendar No. 62

117TH CONGRESS
1ST Session

H. R. 4431

[Report No. 117-87]

A BILL

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

JULY 15, 2021

Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed