NOTICE: This bill is a draft for use of the Committee and its Staff only, in preparation for markup.

Calendar No. 000

117TH CONGRESS
1ST SESSION

S. 0000

[Report No. 117–000]

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

IN THE SENATE OF THE UNITED STATES

October ______, 2021

Mr. Murphy, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

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-

tives of the United States of America in Congress assembled,

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

TITLE I
DEPARTMENTAL MANAGEMENT, OPERATIONS,
INTELLIGENCE, AND OVERSIGHT
OFFICE OF THE SECRETARY AND EXECUTIVE
MANAGEMENT
OPERATIONS AND SUPPORT
For necessary expenses of the Office of the Secretary
and for executive management for operations and support,
$221,555,000; of which $20,304,000 shall be for the Of-
fice of the Ombudsman for Immigration Detention, of
which $5,000,000 shall remain available until September
30, 2023: Provided, That not to exceed $30,000 shall be
for official reception and representation expenses.

FEDERAL ASSISTANCE
(INCLUDING TRANSFERS OF FUNDS)
For necessary expenses of the Office of the Secretary
and for executive management for Federal assistance
through grants, contracts, cooperative agreements, and
other activities, $20,000,000, which shall be transferred
to the Federal Emergency Management Agency for tar-
geted violence and terrorism prevention grants, to remain
available until September 30, 2023.
MANAGEMENT DIRECTORATE

OPERATIONS AND SUPPORT

For necessary expenses of the Management Directorate for operations and support, including for the purchase or lease of electric passenger motor vehicles, $1,658,553,000, of which $80,500,000 shall remain available until September 30, 2023: Provided, That not to exceed $2,000 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Management Directorate for procurement, construction, and improvements, $346,371,000, of which $137,116,000 shall remain available until September 30, 2024, and of which $209,255,000 shall remain available until September 30, 2026.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally owned and leased buildings and for the operations of the Federal Protective Service.

October 15, 2021 (2:16 p.m.)
INTELLIGENCE, ANALYSIS, AND OPERATIONS

COORDINATION

OPERATIONS AND SUPPORT

For necessary expenses of the Office of Intelligence and Analysis and the Office of Operations Coordination for operations and support, $320,620,000, of which $112,121,000 shall remain available until September 30, 2023: Provided, That not to exceed $3,825 shall be for official reception and representation expenses and not to exceed $2,000,000 is available for facility needs associated with secure space at fusion centers, including improvements to buildings.

OFFICE OF THE INSPECTOR GENERAL

OPERATIONS AND SUPPORT

For necessary expenses of the Office of the Inspector General for operations and support, $205,359,000: Provided, That not to exceed $300,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

ADMINISTRATIVE PROVISIONS

Sec. 101. (a) The Secretary of Homeland Security shall submit a report not later than October 15, 2022, to the Inspector General of the Department of Homeland Security listing all grants and contracts awarded by any
means other than full and open competition during fiscal years 2021 or 2022.

(b) The Inspector General shall review the report required by subsection (a) to assess departmental compliance with applicable laws and regulations and report the results of that review to the Committees on Appropriations of the Senate and the House of Representatives not later than February 15, 2023.

SEC. 102. Not later than 30 days after the last day of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report that includes total obligations of the Department for that month and for the fiscal year at the appropriation and program, project, and activity levels, by the source year of the appropriation.

SEC. 103. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes, which shall be specified in terms of cost, schedule, and performance.

SEC. 104. (a) The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate
and the House of Representatives of any proposed transfers of funds available under section 9705(g)(4)(B) of title 31, United States Code, from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security.

(b) None of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives are notified of the proposed transfer.

SEC. 105. All official costs associated with the use of Government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Office of the Secretary.

TITLE II
SECURITY, ENFORCEMENT, AND INVESTIGATIONS
U.S. CUSTOMS AND BORDER PROTECTION
OPERATIONS AND SUPPORT (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of U.S. Customs and Border Protection for operations and support, including the transportation of unaccompanied children; the provision of air and marine support to Federal, State, local, and international agencies in the enforcement or administration of
laws enforced by the Department of Homeland Security; 
at the discretion of the Secretary of Homeland Security, 
the provision of such support to Federal, State, and local 
agencies in other law enforcement and emergency humani- 
tarian efforts; the purchase and lease of up to 7,500 
(6,500 for replacement only) police-type vehicles; the pur-
chase, maintenance, or operation of marine vessels, air-
craft, and unmanned aerial systems; and contracting with 
individuals for personal services abroad; $13,605,535,000; 
of which $3,274,000 shall be derived from the Harbor 
Maintenance Trust Fund for administrative expenses re-
lated to the collection of the Harbor Maintenance Fee pur-
suant to section 9505(e)(3) of the Internal Revenue Code 
of 1986 (26 U.S.C. 9505(e)(3)) and notwithstanding sec-
tion 1511(e)(1) of the Homeland Security Act of 2002 (6 
U.S.C. 551(e)(1)); of which $500,000,000 shall be avail-
able until September 30, 2023; and of which such sums 
as become available in the Customs User Fee Account, ex-
cept sums subject to section 13031(f)(3) of the Consoli-
dated Omnibus Budget Reconciliation Act of 1985 (19 
U.S.C. 58c(f)(3)), shall be derived from that account: Pro-
vided, That not to exceed $34,425 shall be for official re-
ception and representation expenses: Provided further, 
That not to exceed $150,000 shall be available for pay-
ment for rental space in connection with preclearance op-
erations: *Provided further*, That not to exceed $2,000,000
shall be for awards of compensation to informants, to be
accounted for solely under the certificate of the Secretary
of Homeland Security: *Provided further*, That not to ex-
ceed $50,000,000 may be transferred to the Department
of the Interior for mitigation activities, including land ac-
quision, related to construction of border barriers on
Federal lands: *Provided further*, That the Commissioner
shall submit a notification to the Committees on Approp-
riations of the Senate and the House of Representatives
prior to the obligation or transfer of the amounts de-
scribed in the preceding proviso.

**PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS**

For necessary expenses of U.S. Customs and Border
Protection for procurement, construction, and improve-
ments, including procurement of marine vessels, aircraft,
and unmanned aerial systems, $717,398,000, of which
$318,973,000 shall remain available until September 30,
2024, and of which $398,425,000 shall remain available
until September 30, 2026.

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT**

**OPERATIONS AND SUPPORT**

For necessary expenses of U.S. Immigration and
Customs Enforcement for operations and support, includ-
ing the purchase and lease of up to 3,790 (2,350 for re-
placement only) police-type vehicles; overseas vetted units;
and maintenance, minor construction, and minor leasehold
improvements at owned and leased facilities; 
$7,882,019,000; of which not less than $6,000,000 shall remain available until expended for efforts to enforce laws against forced child labor; of which $46,696,000 shall remain available until September 30, 2023; of which not less than $1,500,000 is for paid apprenticeships for participants in the Human Exploitation Rescue Operative Child-Rescue Corps; of which not less than $15,000,000 shall be available for investigation of intellectual property rights violations, including operation of the National Intellectual Property Rights Coordination Center; and of which not less than $3,925,114,000 shall be for enforcement, detention, and removal operations, including transportation of unaccompanied children: Provided, That not to exceed $11,475 shall be for official reception and representation expenses: Provided further, That not to exceed $10,000,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081): Provided further, That not to exceed $2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: Provided further, That not to exceed
$11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled noncitizens unlawfully present in the United States.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

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

TRANSPORTATION SECURITY ADMINISTRATION

OPERATIONS AND SUPPORT

For necessary expenses of the Transportation Security Administration for operations and support, $8,094,787,000, to remain available until September 30, 2023: Provided, That not to exceed $7,650 shall be for official reception and representation expenses: Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: Provided further, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2022.
so as to result in a final fiscal year appropriation from the general fund estimated at not more than $5,984,787,000.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Transportation Security Administration for procurement, construction, and improvements, $134,492,000, to remain available until September 30, 2024.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Transportation Security Administration for research and development, $35,532,000, to remain available until September 30, 2023.

COAST GUARD

OPERATIONS AND SUPPORT

For necessary expenses of the Coast Guard for operations and support including the Coast Guard Reserve; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of not more than $700,000) and repairs and service-life replacements, not to exceed a total of $31,000,000; purchase, lease, or improvements of boats necessary for overseas deployments and activities; payments pursuant to section 156 of Public Law 97–377 (42
1 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $9,066,020,000, of which $530,000,000 shall be for defense-related activities; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $27,456,000 shall remain available until September 30, 2026, for environmental compliance and restoration; and of which $100,000,000 shall remain available until September 30, 2023, for vessel depot level maintenance: Provided, That not to exceed $23,000 shall be for official reception and representation expenses.

12 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

13 For necessary expenses of the Coast Guard for procurement, construction, and improvements, including aids to navigation, shore facilities (including facilities at Department of Defense installations used by the Coast Guard), and vessels and aircraft, including equipment related thereto, $1,711,600,000, to remain available until September 30, 2026; of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).
RESEARCH AND DEVELOPMENT

For necessary expenses of the Coast Guard for research and development; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; $7,476,000, to remain available until September 30, 2024, of which $500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman’s Family Protection and Survivor Benefits Plans, payment for career status bonuses, payment of continuation pay under section 356 of title 37, United States Code, concurrent receipts, combat-related special compensation, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,963,519,000, to remain available until expended.
UNITED STATES SECRET SERVICE

OPERATIONS AND SUPPORT

For necessary expenses of the United States Secret Service for operations and support, including purchase of not to exceed 652 vehicles for police-type use; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; rental of buildings in the District of Columbia; fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; conduct of and participation in firearms matches; presentation of awards; conduct of behavioral research in support of protective intelligence and operations; payment in advance for commercial accommodations as may be necessary to perform protective functions; and payment, without regard to section 5702 of title 5, United States Code, of subsistence expenses of employees who are on protective missions, whether at or away from their duty stations; $2,520,528,000; of which $51,621,000 shall remain available until September 30, 2023, and of which $6,000,000 shall be for a grant for activities related to investigations of missing and exploited children; and of which up to $15,000,000 may be for calendar year 2021 premium pay in excess of the annual equivalent of the limitation on the rate of pay contained
in section 5547(a) of title 5, United States Code, pursuant to section 2 of the Overtime Pay for Protective Services Act of 2016 (5 U.S.C. 5547 note), as last amended by Public Law 116–269: Provided, That not to exceed $19,125 shall be for official reception and representation expenses: Provided further, That not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in criminal investigations within the jurisdiction of the United States Secret Service.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

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

RESEARCH AND DEVELOPMENT

For necessary expenses of the United States Secret Service for research and development, $2,310,000, to remain available until September 30, 2023.

ADMINISTRATIVE PROVISIONS

Sec. 201. Section 201 of the Department of Homeland Security Appropriations Act, 2018 (division F of Public Law 115–141), related to overtime compensation limitations, shall apply with respect to funds made available in this Act in the same manner as such section ap-
plied to funds made available in that Act, except that “fiscal year 2022” shall be substituted for “fiscal year 2018”.

Sec. 202. Funding made available under the headings “U.S. Customs and Border Protection—Operations and Support” and “U.S. Customs and Border Protection—Procurement, Construction, and Improvements” shall be available for customs expenses when necessary to maintain operations and prevent adverse personnel actions in Puerto Rico and the U.S. Virgin Islands, in addition to funding provided by sections 740 and 1406i of title 48, United States Code.

Sec. 203. As authorized by section 601(b) of the United States-Colombia Trade Promotion Agreement Implementation Act (Public Law 112–42), fees collected from passengers arriving from Canada, Mexico, or an adjacent island pursuant to section 13031(a)(5) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(5)) shall be available until expended.

Sec. 204. For an additional amount for “U.S. Customs and Border Protection—Operations and Support”, $31,000,000, to remain available until expended, to be reduced by amounts collected and credited to this appropriation in fiscal year 2022 from amounts authorized to be collected by section 286(i) of the Immigration and Nationality Act (8 U.S.C. 1356(i)), section 10412 of the Farm
1 Security and Rural Investment Act of 2002 (7 U.S.C. 8311), and section 817 of the Trade Facilitation and Trade Enforcement Act of 2015 (Public Law 114–25), or other such authorizing language: Provided, That to the extent that amounts realized from such collections exceed $31,000,000, those amounts in excess of $31,000,000 shall be credited to this appropriation, to remain available until expended.

SEC. 205. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: Provided, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: Provided further, That the prescription drug may not be—

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

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).
SEC. 206. Notwithstanding any other provision of law, none of the funds provided in this or any other Act shall be used to approve a waiver of the navigation and vessel-inspection laws pursuant to section 501(b) of title 46, United States Code, for the transportation of crude oil distributed from and to the Strategic Petroleum Reserve until the Secretary of Homeland Security, after consultation with the Secretaries of the Departments of Energy and Transportation and representatives from the United States flag maritime industry, takes adequate measures to ensure the use of United States flag vessels: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives within 2 business days of any request for waivers of navigation and vessel-inspection laws pursuant to section 501(b) of title 46, United States Code, with respect to such transportation, and the disposition of such requests.

SEC. 207. (a) Beginning on the date of enactment of this Act, the Secretary of Homeland Security shall not—
(1) establish, collect, or otherwise impose any new border crossing fee on individuals crossing the Southern border or the Northern border at a land port of entry; or

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

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

SEC. 208. Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit an expenditure plan for any amounts made available for “U.S. Customs and Border Protection—Procurement, Construction, and Improvements” in this Act and prior Acts to the Committees on Appropriations of the Senate and the House of Representatives: Provided, That no such amounts provided in this Act may be obligated prior to the submission of such plan.

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

SEC. 210. Funds made available in this Act may be used to alter operations within the National Targeting Center of U.S. Customs and Border Protection: Provided, That none of the funds provided by this Act, provided by previous appropriations Acts that remain available for obligation or expenditure in fiscal year 2022, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the components funded by this Act, may be used to reduce anticipated or planned vetting operations at existing locations unless specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 211. None of the funds provided under the heading “U.S. Immigration and Customs Enforcement—Operations and Support” may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been materially violated.

SEC. 212. (a) None of the funds provided under the heading “U.S. Immigration and Customs Enforcement—
Operations and Support” may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than “adequate” or the equivalent median score in any subsequent performance evaluation system.

(b) The performance evaluations referenced in subsection (a) shall be conducted by the U.S. Immigration and Customs Enforcement Office of Professional Responsibility.

Sec. 213. The reports required to be submitted under section 218 of the Department of Homeland Security Appropriations Act, 2020 (division D of Public Law 116–93) shall continue to be submitted with respect to the period beginning 15 days after the date of the enactment of this Act and semimonthly thereafter, and each matter required to be included in such report by such section 218 shall apply in the same manner and to the same extent during the period described in this section, except that for purposes of reports submitted with respect to such period described, the following additional requirements shall be treated as being included as subparagraphs (H) through (J) of paragraph (1) of such section 218—

(1) the average lengths of stay, including average post-determination length of stay in the case of
detainees described in subparagraph (F), for individuals who remain in detention as of the last date of each such reporting period;

(2) the number who have been in detention, disaggregated by the number of detainees described in subparagraph (F), for each of the following—

(A) over 2 years;

(B) from over 1 year to 2 years;

(C) from over 6 months to 1 year; and

(D) for less than 6 months; and

(3) the number of individuals described in section 115.5 of title 28, Code of Federal Regulations, including the use and duration of solitary confinement for such person.

SEC. 214. The terms and conditions of sections 216 and 217 of the Department of Homeland Security Appropriations Act, 2020 (division D of Public Law 116–93) shall apply to this Act.

SEC. 215. Members of the United States House of Representatives and the United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General, Deputy Attorney General, Assistant Attorneys Gen-
eral, and the United States Attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget, shall not be exempt from Federal passenger and baggage screening.

   SEC. 216. Any award by the Transportation Security Administration to deploy explosives detection systems shall be based on risk, the airport’s current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness.

   SEC. 217. Notwithstanding section 44923 of title 49, United States Code, for fiscal year 2022, any funds in the Aviation Security Capital Fund established by section 44923(h) of title 49, United States Code, may be used for the procurement and installation of explosives detection systems or for the issuance of other transaction agreements for the purpose of funding projects described in section 44923(a) of such title.

   SEC. 218. Not later than 30 days after the submission of the President’s budget proposal, the Administrator of the Transportation Security Administration shall submit to the Committees on Appropriations and Commerce, Science, and Transportation of the Senate and the Committees on Appropriations and Homeland Security in the
House of Representatives a single report that fulfills the following requirements:

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

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

(3) the Advanced Integrated Passenger Screening Technologies report as required by the Senate Report accompanying the Department of Homeland Security Appropriations Act, 2019 (Senate Report 115–283).

SEC. 219. (a) None of the funds made available by this Act under the heading “Coast Guard—Operations and Support” shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from owners of yachts and credited to the appropriation made available by this Act under the heading “Coast Guard—Operations and Support”.

October 15, 2021 (2:16 p.m.)
(b) To the extent such fees are insufficient to pay expenses of recreational vessel documentation under such section 12114, and there is a backlog of recreational vessel applications, personnel performing non-recreational vessel documentation functions under subchapter II of chapter 121 of title 46, United States Code, may perform documentation under section 12114.

Sec. 220. Without regard to the limitation as to time and condition of section 503(d) of this Act, after June 30, up to $10,000,000 may be reprogrammed to or from the Military Personnel funding category within “Coast Guard—Operations and Support” in accordance with subsection (a) of section 503 of this Act.

Sec. 221. Notwithstanding any other provision of law, the Commandant of the Coast Guard shall submit to the Committees on Appropriations of the Senate and the House of Representatives a future-years capital investment plan as described in the second proviso under the heading “Coast Guard—Acquisition, Construction, and Improvements” in the Department of Homeland Security Appropriations Act, 2015 (Public Law 114–4), which shall be subject to the requirements in the third and fourth provisos under such heading.

Sec. 222. Of the funds made available for defense-related activities under the heading “Coast Guard—Oper-
ations and Support”, up to $190,000,000 that are used for enduring overseas missions in support of the global fight against terror may be reallocated by program, project, and activity, notwithstanding section 503 of this Act.

SEC. 223. None of the funds in this Act shall be used to reduce the Coast Guard’s legacy Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 224. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A–76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 225. Funds made available in this Act may be used to alter operations within the Civil Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any civil engineering unit unless specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 226. Amounts deposited into the Coast Guard Housing Fund in fiscal year 2022 shall be available until October 15, 2021.
expended to carry out the purposes of section 2946 of title 14, United States Code, and shall be in addition to funds otherwise available for such purposes.

SEC. 227. The United States Secret Service is authorized to obligate funds in anticipation of reimbursements from executive agencies, as defined in section 105 of title 5, United States Code, for personnel receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under the heading “United States Secret Service—Operations and Support” at the end of the fiscal year.

SEC. 228. None of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: Provided, That the Director of the United States Secret Service may enter into agreements to provide such protection on a fully reimbursable basis.

SEC. 229. For purposes of section 503(a)(3) of this Act, up to $15,000,000 may be reprogrammed within “United States Secret Service—Operations and Support”.

SEC. 230. Funding made available in this Act for “United States Secret Service—Operations and Support”
is available for travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if the Director of the United States Secret Service or a designee notifies the Committees on Appropriations of the Senate and the House of Representatives 10 or more days in advance, or as early as practicable, prior to such expenditures.

SEC. 231. (a) None of the funds provided under the heading "U.S. Immigration and Customs Enforcement—Operations and Support" may be used to engage in civil immigration enforcement activities, such as arrests, expulsions, custodial detention, removals, or referrals, processing, or issuance of charging documents, using Homeland Security Investigations personnel, resources, or capabilities, absent probable cause that the individual facing such enforcement action has been convicted of a criminal offense, excluding state, local, or Federal offenses for which an essential element was the noncitizen’s immigration status.

(b) For the purposes of this section, criminal offenses for which an essential element was the noncitizen’s immigration status includes, but is not limited to, offenses identified in sections 264, 266(a) or (b), 275, or 276 of the Immigration and Nationality Act and state and local of-
fenses for which an essential element was the noncitizen’s immigration status.

Sec. 232. (a) Amounts made available to U.S. Immigration and Customs Enforcement by transfer pursuant to the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), that remain available for obligation in the fiscal year funded by this Act may be used—

(1) for the reunification of children separated from a parent or legal guardian at the United States-Mexico border between January 20, 2017, and January 20, 2021, for the assistance that the Secretary determines necessary to accomplish reunification of separated families; and

(2) to provide or reimburse third parties for the provision of COVID–19 testing and shelter for the purpose of voluntary isolation of persons encountered by U.S. Customs and Border Protection after entering the United States along the southwest border and deemed inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)): Provided, That such testing and shelter shall be provided immediately after such persons leave Department of Homeland Security custody: Provided further, That for purposes of this section, funds may only be used in States or jurisdictions
that do not have an agreement with the Federal government for the provision or reimbursement of such services.

(b) Each amount repurposed by this section that was previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 233. For an additional amount for “Coast Guard—Procurement, Construction, and Improvements”, $50,000,000, to remain available until expended, which shall be distributed as a grant to the National Coast Guard Museum Association (as defined in section 316(i)(2) of title 14, United States Code) to carry out activities under section 316(d) of such title of such Act, notwithstanding subsections (b)(1) and (h) of such section 316.

SEC. 234. (a) Not later than 180 days after the date of enactment of this section, U.S. Immigration and Customs Enforcement shall develop a risk classification in-
instrument for individuals subject to section 236(c) of the Immigration and Nationality Act (8 U.S.C. 1226(c)), following the procedures outlined in this section, that includes an individualized evidence-based recommendation as to the least restrictive condition, or combination of conditions, reasonably necessary to mitigate subsection (b)(1).

(b) The instrument described in subsection (a) shall, at a minimum—

(1) consider whether the individual is a flight risk, a danger to public safety, or a national security threat;

(2) properly considers mitigating factors for any identified risks under subsection (b)(1), such as, whether the individual resides in the United States, has immigration status, has a pending application for relief in immigration court, is employed, has minor children, has strong community ties, family support, identifies as a member of a special population, including persons who identify as transgender, has a disability or chronic illness, or is a survivor of torture or trafficking; and

(3) be developed in consultation with the Officer for Civil Rights and Civil Liberties and the Immigration Detention Ombudsman.
(c) **INDEPENDENT VERIFICATION AND VALIDATION.**—Prior to the full implementation of the instrument described in subsections (a) and (b), the instrument shall undergo an Independent Verification and Validation to ensure that the instrument produces an individualized determination grounded in evidence-based decision-making, except that, as a part of the Independent Verification and Validation process, the agency may use the instrument to determine the validity of the instrument. The Validation process shall also ensure that appropriate training, as described in subsection (d), is developed for full implementation.

(d) **TRAINING.**—

(1) Not later than 60 days after the instrument is developed as described in subsections (a) through (e), the Director shall—

(A) develop procedures for, and ensure execution of, training for all employees on such instrument, including comprehensive training to fully execute instrument overrides;

(B) consider whether decision-makers require an understanding of the concepts of predictive validity in detention decision-making, comparative use of risk assessment instruments in the criminal justice system, evidence-based
decision-making, risk management, trauma-informed care, including the psychological con-
sequences of detention, implicit bias, and recidi-

(C) ensure that such training is required
for all such employees responsible for making
detention decisions prior to their use; and

(D) identify and ensure annual training at
the Director’s discretion.

(2) The Director shall provide the Committee
the results of such training, including copies of
training materials, within 30 days of developing such
training.

(e) REQUIRED USE.—Following approval, review,
and appropriate training described in subsections (a)
through (d), U.S. Immigration and Customs Enforcement
shall use the instrument to make individualized evidence-
based decisions as to the least restrictive condition or com-
bination of conditions, reasonably necessary to mitigate
subsection (b)(1), and shall follow the instrument’s rec-
ommendation, except in the case of subsection (g), not-
withstanding section 236(c) of the Immigration and Na-
tonality Act (8 U.S.C. 1226(c)).

(f) PROCESS AND TIMING REQUIREMENTS.—
(1) The instrument may be used at any time, including upon intake, but not later than 21 days after such individual is taken into detention.

(2) In cases where continued detention is recommended by the instrument, a detention review shall occur not less than 60 days from the time of initial determination, or earlier in cases of changed circumstances.

(3) In cases where an individual employee overrides the recommendation of such instrument resulting in continued detention, such override shall be reviewed by a supervisor not less than 10 days after such override occurs.

(g) DOCUMENTATION.—Determinations based on the results of the instrument described in subsections (a) and (f), at a minimum, shall be thoroughly documented in the agency’s system of record, including any such instrument override decisions which result in continued detention, which shall also meet the procedures described in subsection (h).

(h) INSTRUMENT OVERRIDES.—The Director shall ensure that—

(1) the only available instrument overrides are derived from the verification and validation process described in subsection (e);
(2) overrides that result in continued detention are reviewed as described in subsection (f)(3);

(3) overrides that result in continued detention are not used regularly and occur in unusual circumstances;

(4) override rates that result in continued detention are documented and reviewed, at a minimum, in the following manner—

   (A) by Supervisors, Field Office Directors, or their successors, for any decision-maker who exceed overrides in 5 percent of their total instrument cases; and

   (B) for any field office whose overrides exceed 5 percent of their total instrument cases per field office, the Director reviews the results of such field office, not less than every 90 days;

(5) any decision-maker or field office whose total override rate exceeds 10 percent of total instrument cases, undergoes additional training; and

(6) the Committee receives override rates, disaggregated by field office, within 180 days of full implementation of the instrument and annually thereafter.

(i) FORMS.—The Director shall ensure that all forms currently in use by the agency, are updated to reflect the
instrument described in subsection (a), including the Notice of Detention Determination and all such administrative appeal options.

(j) INTERIM PROCEDURES.—Until such time as the instrument has undergone the procedures outlined in subsections (a) through (c), the agency shall utilize the following procedures:

(1) Not later than 30 days after the date of enactment of this section, the Secretary of Homeland Security shall approve a segmented risk classification assessment process, developed by U.S. Immigration and Customs Enforcement that includes a determination as to whether a detained individual is a flight risk, a public safety threat, or a national security threat; and

(2) Following approval of the assessment process in subsection (a), U.S. Immigration and Customs Enforcement shall conduct a risk classification for each detained individual held in detention for at least 14 days, to be completed within 21 days of such individual being taken into detention, and make an individualized, documented detention determination that shall include the option to release such individual from detention, notwithstanding section

236(c) of the Immigration and Nationality Act (8 U.S.C. 1226(e)).

(k) BIENNIAL REVIEW.—The instrument shall be reviewed not less than biannually by the Director, in consultation with the Officer for Civil Rights and Civil Liberties and the Immigration Detention Ombudsman, to ensure instrument recommendations and procedures are followed, training is sufficient, and the use and implementation of the instrument is aligned with best practices and evidence-based decision-making. The results of such review shall be provided to the Committee within 60 days and shall identify any needs the agency may have in carrying out the terms of this section.

(l) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to—

   (1) grant to any person any substantive due process right;

   (2) interfere with any settlement agreement;

   (3) interfere with any Federal habeas right;

   (4) require a bond if the instrument recommends release from detention; and

   (5) impact any detention process or decision other than for those persons subject to section 236(c) of the Immigration and Nationality Act (8 U.S.C. 1226(e)).
(m) DEFINITIONS.—For the purposes of this section:

(1) The term “risk classification instrument”, or “instrument”, means an independently verified and validated tool that includes an individualized recommendation as to the appropriate level of custody, which is actuarial in nature and grounded in evidence-based decision-making.

(2) The term “detention” shall mean the physical detention or physical custody of such individual by U.S. Immigration and Customs Enforcement, and is distinguished from the legal custody or level of custody of such individual.

(3) The term “Director” shall mean the Director of U.S. Immigration and Customs Enforcement.

(4) The term “agency” shall mean U.S. Immigration and Customs Enforcement.

(5) The term “Committee” means the Committees on Appropriations of the Senate and the House of Representatives.

(6) The term “changed circumstances” shall mean evidence, facts, or information that are substantial in nature and that were unknown or unanticipated when the prior decision was made, which may be raised by either the person in detention or the decision-maker, including, but not limited to, a
determination that a person was not initially subject
to section 236(c) of the Immigration and Nationality
Act (8 U.S.C. 1226(c)), evidentiary support for miti-
gating factors, health-related, medical, or family
emergencies, or other humanitarian concerns, or a
change in criminal charging documents.

(7) The term “Independent Verification and
Validation” shall mean a verification and validation
performed by an organization that is technically,
managerially, and financially independent of U.S.
Immigration and Customs Enforcement, which shall
involve a comprehensive review, analysis, and testing
performed by an objective third party to confirm
that the requirements are correctly defined, and to
confirm that the system correctly implements the re-
quired functionality and security requirements.

(8) The term “level of custody”, or “custody”,
shall mean a significant restraint on liberty not
shared by the public generally, including conditions
and restrictions that significantly restrain an indi-
vidual’s liberty, which may include home confine-
ment, alternatives to detention, but does not exclu-
sively mean physical custody or physical detention.

(9) The term “instrument override” means the
ability of a decision-maker to change the risk level,
outcome, or recommendation provided by the instrument.

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

Cybersecurity and Infrastructure Security Agency

Operations and Support

For necessary expenses of the Cybersecurity and Infrastructure Security Agency for operations and support, $2,077,585,000, of which $33,293,000, shall remain available until September 30, 2023: Provided, That not to exceed $3,825 shall be for official reception and representation expenses.

Procurement, Construction, and Improvements

For necessary expenses of the Cybersecurity and Infrastructure Security Agency for procurement, construction, and improvements, $530,562,000, to remain available until September 30, 2024.

Research and Development

For necessary expenses of the Cybersecurity and Infrastructure Security Agency for research and development, $9,931,000, to remain available until September 30, 2023.
CYBERSECURITY RESPONSE AND RECOVERY FUND

For necessary expenses of the Cybersecurity and Infrastructure Security Agency for cyber response and recovery, $20,000,000, to remain available until expended:

Provided, That such amounts shall be used to provide support to critical infrastructure, including through the provision of services, technology, or capabilities, with or without reimbursement, to respond to or recover from a significant cyber incident as defined in Presidential Policy Directive 41: Provided further, That such support may include the provision of assistance to private entities and State, local, territorial, and tribal governments in responding to or recovering from a significant cyber incident: Provided further, That amounts appropriated under this heading shall be available only upon a determination by the President that additional resources are needed for the purposes under this heading: Provided further, That amounts made available under this heading shall be in addition to any other amounts available for such purposes.

FEDERAL EMERGENCY MANAGEMENT AGENCY

OPERATIONS AND SUPPORT

For necessary expenses of the Federal Emergency Management Agency for operations and support, $1,391,121,000: Provided, That not to exceed $2,250 shall be for official reception and representation expenses.
PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Federal Emergency Management Agency for procurement, construction, and improvements, $191,212,000, of which $80,002,000 shall remain available until September 30, 2024, and of which $111,210,000 shall remain available until September 30, 2026.

FEDERAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities of the Federal Emergency Management Agency for Federal assistance through grants, contracts, cooperative agreements, and other activities, $3,496,604,000, which shall be allocated as follows:

(1) $610,000,000 for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605), of which $90,000,000 shall be for Operation Stonegarden, $15,000,000 shall be for Tribal Homeland Security Grants under section 2005 of the Homeland Security Act of 2002 (6 U.S.C. 606), and $90,000,000 shall be for organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist
attack: Provided, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2022, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

(2) $705,000,000 for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), of which $90,000,000 shall be for organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

(3) $100,000,000 for Public Transportation Security Assistance, Railroad Security Assistance, and Over-the-Road Bus Security Assistance under sections 1406, 1513, and 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135, 1163, and 1182), of which $10,000,000 shall be for Amtrak security and $2,000,000 shall be for Over-the-Road Bus Security: Provided, That such public transportation security
assistance shall be provided directly to public trans-
portation agencies.

(4) $100,000,000 for Port Security Grants in
accordance with section 70107 of title 46, United
States Code.

(5) $740,000,000, to remain available until
September 30, 2023, of which $370,000,000 shall be
for Assistance to Firefighter Grants and
$370,000,000 shall be for Staffing for Adequate
Fire and Emergency Response Grants under sec-
tions 33 and 34 respectively of the Federal Fire Pre-
and 2229a).

(6) $355,000,000 for emergency management
performance grants under the National Flood Insur-
ance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-
ert T. Stafford Disaster Relief and Emergency As-
sistance Act (42 U.S.C. 5121), the Earthquake Haz-
ards Reduction Act of 1977 (42 U.S.C. 7701), sec-
tion 762 of title 6, United States Code, and Reorga-
nization Plan No. 3 of 1978 (5 U.S.C. App.).

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

(8) $12,000,000 for Regional Catastrophic Preparedness Grants.

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

(10) $130,000,000 for the emergency food and shelter program under title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331), to remain available until expended: Provided, That not to exceed 3.5 percent shall be for total administrative costs.

(11) $100,000,000 for carrying out the establishment of revolving loan funds under section 205 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5135).

(12) $63,504,000 for Congressionally Directed Spending grants, which shall be for the purposes, and the amounts, specified in the table entitled “Congressionally Directed Spending Items” in the
explanatory statement accompanying this Act, of which—

(A) in addition to amounts otherwise made available for such purpose, $29,889,000 is for emergency operations center grants under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 6196c); 

(B) in addition to amounts otherwise made available for such purpose, $31,615,000 is for pre-disaster mitigation grants under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(e)), notwithstanding subsections (f), (g), and (l) of that section (42 U.S.C. 5133(f), (g), and (l)); and

(C) $2,000,000 shall be transferred to “Federal Emergency Management Agency—Operations and Support”, to manage and administer Congressionally Directed Spending grants.

(13) $293,600,000 to sustain current operations for training, exercises, technical assistance, and other programs.
For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $18,799,000,000, to remain available until expended, shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and is designated by the Congress as being for disaster relief pursuant to section 4004(b)(6) and section 4005(f) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141, 126 Stat. 916), and the Homeowner Flood Insurance Affordability Act of 2014 (Public Law 113–89; 128 Stat. 1020), $214,706,000, to remain available until September 30, 2023, which shall be derived from offsetting amounts collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)); of which $15,706,000 shall be available for mission support associated with flood management; and of which $199,000,000 shall be available for flood plain man-
agement and flood mapping: Provided, That any addi-
tional fees collected pursuant to section 1308(d) of the
4015(d)) shall be credited as offsetting collections to this
account, to be available for flood plain management and
flood mapping: Provided further, That in fiscal year 2022,
no funds shall be available from the National Flood Insur-
ance Fund under section 1310 of the National Flood In-
surance Act of 1968 (42 U.S.C. 4017) in excess of—

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

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

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

(4) $175,000,000, which shall remain available
until expended, for flood mitigation actions and for
flood mitigation assistance under section 1366 of the
4104c), notwithstanding sections 1366(e) and
1310(a)(7) of such Act (42 U.S.C. 4104e(e), 4017):
Provided further, That the amounts collected under section
102 of the Flood Disaster Protection Act of 1973 (42
U.S.C. 4012a) and section 1366(e) of the National Flood
Insurance Act of 1968 (42 U.S.C. 4104c(e)), shall be de-
positied in the National Flood Insurance Fund to supple-
ment other amounts specified as available for section 1366
of the National Flood Insurance Act of 1968, notwith-
standing section 102(f)(8), section 1366(e) of the National
Flood Insurance Act of 1968, and paragraphs (1) through
(3) of section 1367(b) of such Act (42 U.S.C. 4012a(f)(8),
4104c(e), 4104d(b)(1)–(3)): Provided further, That total
administrative costs shall not exceed 4 percent of the total
appropriation: Provided further, That up to $5,000,000 is
available to carry out section 24 of the Homeowner Flood

ADMINISTRATIVE PROVISIONS
(INCLUDING TRANSFER OF FUNDS)

SEC. 301. (a) Funds made available under the head-
ing “Cybersecurity and Infrastructure Security Agency—
Operations and Support” may be made available for the
necessary expenses of carrying out the competition speci-
fied in section 2(e) of Executive Order No. 13870 (May
2, 2019), including the provision of monetary and non-
monetary awards for Federal civilian employees and mem-
ers of the uniformed services, the necessary expenses for
the honorary recognition of any award recipients, and ac-
tivities to encourage participation in the competition, in-
cluding promotional items.
(b) Any awards made pursuant to this section shall be of the same type and amount as those authorized under sections 4501 through 4505 of title 5, United States Code.

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

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

(1) a summary description, including the objectives to be achieved if such priority is funded (whether in whole or in part);

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

(3) account information, including the following (as applicable)—

(A) appropriation account; and

(B) program, project, or activity name;

and

(4) the additional number of full-time or part-time positions to be funded as part of such priority.
(c) In this section, the term “unfunded priority”, in the case of a fiscal year, means a requirement that—

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

(2) is necessary to fulfill a requirement associated with an operational or contingency plan for the Department; and

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

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

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

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

SEC. 303. The Cybersecurity and Infrastructure Security Agency shall provide to the Committees on Appropriations of the Senate and House of Representatives monthly reports to be submitted not later than the tenth business day following the end of each month, on the status of funds made available under the heading “Cybersecurity and Infrastructure Agency—Cyber Response and Recovery Fund”, including an accounting of the most recent funding allocation estimates, obligations, expenditures, and unobligated funds, delineated by significant
cyber incident as defined in Presidential Policy Directive 41.

SEC. 304. Notwithstanding section 2008(a)(12) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(12)) or any other provision of law, not more than 5 percent of the amount of a grant made available in paragraphs (1) through (4) under “Federal Emergency Management Agency—Federal Assistance”, may be used by the grantee for expenses directly related to administration of the grant.

SEC. 305. Applications for grants under the heading “Federal Emergency Management Agency—Federal Assistance”, for paragraphs (1) through (4), shall be made available to eligible applicants not later than 60 days after the date of enactment of this Act, eligible applicants shall submit applications not later than 80 days after the grant announcement, and the Administrator of the Federal Emergency Management Agency shall act within 65 days after the receipt of an application.

SEC. 306. Under the heading “Federal Emergency Management Agency—Federal Assistance”, for grants under paragraphs (1) through (4), (8), and (9), the Administrator of the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days.
days in advance of announcing publicly the intention of making an award.

SEC. 307. Under the heading “Federal Emergency Management Agency—Federal Assistance”, for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility.

SEC. 308. The reporting requirements in paragraphs (1) and (2) under the heading “Federal Emergency Management Agency—Disaster Relief Fund” in the Department of Homeland Security Appropriations Act, 2015 (Public Law 114–4) shall be applied in fiscal year 2022 with respect to budget year 2023 and current fiscal year 2022, respectively—

(1) in paragraph (1) by substituting “fiscal year 2023” for “fiscal year 2016”; and

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

SEC. 309. In making grants under the heading “Federal Emergency Management Agency—Federal Assistance”, for Staffing for Adequate Fire and Emergency Response grants, the Administrator of the Federal Emergency Management Agency may grant waivers from the requirements in subsections (a)(1)(A), (a)(1)(B), (a)(1)(E), (e)(1), (e)(2), and (e)(4) of section 34 of the

SEC. 310. (a) Of the amount made available by section 4005 of the American Rescue Plan Act of 2021 (Public Law 117–2)—

(1) up to $1,000,000,000, in addition to any amounts set aside pursuant to section 203(i) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(i)), shall be available for the Building Resilient Infrastructure and Communities grant program to mitigate the effects of climate change; and

(2) $14,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for oversight of the obligations of funds made available under such section 4005.

SEC. 311. (a) The aggregate charges assessed during fiscal year 2022, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security to be necessary for its Radiological Emergency Preparedness Program for the next fiscal year.
(b) The methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees.

(c) Such fees shall be deposited in a Radiological Emergency Preparedness Program account as offsetting collections and will become available for authorized purposes on October 1, 2022, and remain available until expended.


SEC. 313. (a) Up to 1 percent of the appropriations made available under paragraphs (1) and (2) under the heading “Federal Emergency Management Agency—Federal Assistance” may be transferred to the appropriation made available under the heading “Federal Emergency Management Agency—Operations and Support” for the purpose of conducting independently verified and validated evaluations on the effectiveness of grants awarded under the State Homeland Security Grant Program and Urban Area Security Initiative.
(b) Any funds transferred under this section shall be in addition to any other amounts otherwise made available for the same purpose.

c) The transfer authority provided in this section shall be in addition to any other transfer authority provided in this Act.

TITLE IV
RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES
U.S. CITIZENSHIP AND IMMIGRATION SERVICES
OPERATIONS AND SUPPORT
For necessary expenses of U.S. Citizenship and Immigration Services for operations and support, including for the E-Verify Program, application processing, the reduction of backlogs within U.S. Citizenship and Immigration Services asylum, field, and service center offices, and support of the refugee program, $459,504,000, of which $87,619,000 shall remain available until September 30, 2023: Provided, That such amounts shall be in addition to any other amounts made available for such purposes, and shall not be construed to require any reduction of any fee described in section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)).
FEDERAL ASSISTANCE

For necessary expenses of U.S. Citizenship and Immigration Services for Federal assistance for the Citizenship and Integration Grant Program, $20,000,000.

FEDERAL LAW ENFORCEMENT TRAINING CENTERS

OPERATIONS AND SUPPORT

For necessary expenses of the Federal Law Enforcement Training Centers for operations and support, including the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, $322,436,000, of which $61,618,000 shall remain available until September 30, 2023: Provided, That not to exceed $7,180 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Federal Law Enforcement Training Centers for procurement, construction, and improvements, $33,200,000, to remain available until September 30, 2026, for acquisition of necessary additional real property and facilities, construction and ongoing maintenance, facility improvements and related expenses of the Federal Law Enforcement Training Centers.
SCIENCE AND TECHNOLOGY DIRECTORATE

OPERATIONS AND SUPPORT

For necessary expenses of the Science and Technology Directorate for operations and support, including the purchase or lease of not to exceed 5 vehicles, $325,590,000, of which $186,624,000 shall remain available until September 30, 2023: Provided, That not to exceed $10,000 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Science and Technology Directorate for procurement, construction, and improvements, $12,859,000, to remain available until September 30, 2026.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Science and Technology Directorate for research and development, $530,454,000, to remain available until September 30, 2024.

COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

OPERATIONS AND SUPPORT

For necessary expenses of the Countering Weapons of Mass Destruction Office for operations and support, $171,750,000, of which $35,606,000 shall remain available until September 30, 2023: Provided, That not to ex-
ceed $2,250 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Countering Weapons of Mass Destruction Office for procurement, construction, and improvements, $71,604,000, to remain available until September 30, 2024.

RESEARCH AND DEVELOPMENT

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

FEDERAL ASSISTANCE

For necessary expenses of the Countering Weapons of Mass Destruction Office for Federal assistance through grants, contracts, cooperative agreements, and other activities, $132,948,000, to remain available until September 30, 2024.

ADMINISTRATIVE PROVISIONS

SEC. 401. Notwithstanding any other provision of law, funds otherwise made available to U.S. Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to 5 vehicles, for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: Provided, That the
Director of U.S. Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees’ residences and places of employment.

Sec. 402. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided by employees (including employees serving on a temporary or term basis) of U.S. Citizenship and Immigration Services of the Department of Homeland Security who are known as Immigration Information Officers, Immigration Service Analysts, Contact Representatives, Investigative Assistants, or Immigration Services Officers.

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

Sec. 404. The Director of the Federal Law Enforcement Training Centers is authorized to distribute funds to Federal law enforcement agencies for expenses incurred participating in training accreditation.

Sec. 405. The Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training,
shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 406. The Director of the Federal Law Enforcement Training Centers may accept transfers to its “Procurement, Construction, and Improvements” account from Government agencies requesting the construction of special use facilities, as authorized by the Economy Act (31 U.S.C. 1535(b)): Provided, That the Federal Law Enforcement Training Centers maintain administrative control and ownership upon completion of such facilities.


SEC. 408. Notwithstanding the seventh proviso under the heading “Immigration and Naturalization Service—Salaries and Expenses” in Public Law 105–119 (relating to FD–258 fingerprint cards), or any other provision of law, funds made available to U.S. Citizenship and Immigration Services by this or any other Act may be used for the collection and use of biometrics taken at a U.S. Citizenship and Immigration Services Application Support
Center that is overseen virtually by U.S. Citizenship and Immigration Services personnel using appropriate technology.

SEC. 409. Notwithstanding section 286(n) of the Immigration and Nationality Act (8 U.S.C. 1356(n)), the Director of U.S. Citizenship and Immigration Services may use not more than $2,500 of amounts deposited in the Immigration Examinations Fee Account for official reception and representation expenses in fiscal year 2022.

SEC. 410. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) shall be applied by substituting “September 30, 2022” for “September 30, 2015”.


SEC. 412. Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) shall be applied by substituting “September 30, 2022” for “September 30, 2015”.

SEC. 413. Notwithstanding the numerical limitation set forth in section 214(g)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(B)), the Secretary
of Homeland Security, after consultation with the Secretary of Labor, and upon the determination that the needs of American businesses cannot be satisfied in fiscal year 2022 with United States workers who are willing, qualified, and able to perform temporary nonagricultural labor, may increase the total number of aliens who may receive a visa under section 101(a)(15)(H)(ii)(b) of such Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) in such fiscal year above such limitation by not more than the highest number of H–2B nonimmigrants who participated in the H–2B returning worker program in any fiscal year in which returning workers were exempt from such numerical limitation.

SEC. 414. (a) Notwithstanding any other provision of law, beginning in fiscal year 2022, the worldwide level of family-sponsored immigrants under subsection (c) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) and the worldwide level of employment-based immigrants under subsection (d) of such section shall each be increased by the number computed under subsection (b) of this section with respect to each of such worldwide levels.

(b) For each of the worldwide levels described in subsection (a) of this section, the number computed under this subsection is the difference (if any) between the sum
of the worldwide levels established under the applicable subsection of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) for fiscal years 2020 and 2021 and the number of visas that were issued and used as the basis for an application for admission into the United States as an immigrant described in the applicable subsection during such fiscal years.

(c) The Secretary of State, in consultation with the Secretary of Homeland Security, shall allocate the visas made available as a result of the computation under subsection (b) on a proportional basis consistent with subsections (a) and (b) of section 203 of the Immigration and Nationality Act (8 U.S.C. 1153(a) and (b)), and in accordance with subsection (e)(1) of such section (8 U.S.C. 1153(e)(1)).

(d) Each visa made available as a result of the computation made under subsection (b) of this section shall remain available for use in fiscal year 2022 or any subsequent fiscal year, until the Secretary of State, in consultation with the Secretary of Homeland Security, determines that such visa has been issued and used as the basis for an application for admission into the United States.

(e) For fiscal year 2021 and 2022, the number computed under subsection (c)(3)(C) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), and the
number computed under subsection (d)(2)(C) of such section, are deemed to equal zero.

(f) Notwithstanding section 204(a)(1)(I)(ii)(II) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(I)(ii)(II)), and subject to subsection (i) of this section, an immigrant visa for those selected in accordance with section 203(e)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(e)(2)) in fiscal year 2020 or 2021 shall remain available to such alien if, because of restrictions or limitations on visa processing, visa issuance, travel, or other effects associated with the COVID–19 public health emergency—

(1) the alien was unable to receive a visa interview despite submitting an Online Immigrant Visa and Alien Registration Application (Form DS–260) to the Secretary of State; or

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

(g) Not later than 90 days after the date of the enactment of this section, the Secretary of State shall—

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

(2) publish on the Department of State website,
information and procedures implementing this sec-

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

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

(1) the alien—

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

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

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

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

SEC. 415. (a) Notwithstanding section 204(a)(1)(I)(ii)(II) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(I)(ii)(II)), and subject to subsection (d) of this section, an immigrant visa for those selected in accordance with section 203(e)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(e)(2)) in any of fiscal years 2017, 2018, 2019, 2020, or 2021 shall remain available to such alien if the alien was refused a visa, prevented from seeking admission, or denied admission to the United States solely because of—

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

(2) Executive Order 13780 (82 Fed. Reg. 13209; relating “Protecting the Nation from Foreign Terrorist Entry into the United States”);
(3) Proclamation 9645 (82 Fed. Reg. 45161; relating to “Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or Other Public-Safety Threats”); or

(4) Proclamation 9983 (85 Fed. Reg. 6699; relating to “Improving Enhanced Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or Other Public-Safety Threats”).

(b) Not later than 90 days after the date of the enactment of this section, the Secretary of State shall—

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

(2) publish on the Department of State website, information and procedures implementing this section.

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

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

(1) the alien—

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

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

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

(e) A determination of whether an alien is the child of a visa recipient described in subsection (a), pursuant to section 203(d) of the Immigration and Nationality Act (8 U.S.C. 153(d)) shall be made using the age of the child when applicant was initially selected for a visa in accordance with section 203(e)(2) of such Act.
TITLE V
GENERAL PROVISIONS
(INCLUDING TRANSFERS AND RESCissions OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the components in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2022, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the components funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates or eliminates a program, project, or activity, or increases funds for any program, project,
or activity for which funds have been denied or restricted by the Congress;

(2) contracts out any function or activity presently performed by Federal employees or any new function or activity proposed to be performed by Federal employees in the President’s budget proposal for fiscal year 2022 for the Department of Homeland Security;

(3) augments funding for existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less;

(4) reduces funding for any program, project, or activity, or numbers of personnel, by 10 percent or more; or

(5) results from any general savings from a reduction in personnel that would result in a change in funding levels for programs, projects, or activities as approved by the Congress.

(b) Subsection (a) shall not apply if the Committees on Appropriations of the Senate and the House of Representatives are notified at least 15 days in advance of such reprogramming.

(e) Up to 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous
appropriations Acts may be transferred between such appropriations if the Committees on Appropriations of the Senate and the House of Representatives are notified at least 30 days in advance of such transfer, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfer.

(d) Notwithstanding subsections (a), (b), and (c), no funds shall be reprogrammed within or transferred between appropriations based upon an initial notification provided after June 30, except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property.

(e) The notification thresholds and procedures set forth in subsections (a), (b), (e), and (d) shall apply to any use of deobligated balances of funds provided in previous Department of Homeland Security Appropriations Acts that remain available for obligation in the current year.

(f) Notwithstanding subsection (e), the Secretary of Homeland Security may transfer to the fund established by 8 U.S.C. 1101 note, up to $20,000,000 from appropriations available to the Department of Homeland Security: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and the House
of Representatives at least 5 days in advance of such transfer.

SEC. 504. Section 504 of the Department of Homeland Security Appropriations Act, 2017 (division F of Public Law 115–31), related to the operations of a working capital fund, shall apply with respect to funds made available in this Act in the same manner as such section applied to funds made available in that Act: Provided, That funds from such working capital fund may be obligated and expended in anticipation of reimbursements from components of the Department of Homeland Security.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2022, as recorded in the financial records at the time of a reprogramming notification, but not later than June 30, 2023, from appropriations for “Operations and Support” for fiscal year 2022 in this Act shall remain available through September 30, 2023, in the account and for the purposes for which the appropriations were provided: Provided, That prior to the obligation of such funds, a notification shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives in accordance with section 503 of this Act.
SEC. 506. (a) Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2022 until the enactment of an Act authorizing intelligence activities for fiscal year 2022.

(b) Amounts described in subsection (a) made available for “Intelligence, Analysis, and Operations Coordination—Operations and Support” that exceed the amounts in such authorization for such account shall be transferred to and merged with amounts made available under the heading “Management Directorate—Operations and Support”.

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

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

(2) making or awarding a contract, other transaction agreement, or task or delivery order on a Department of Homeland Security multiple award contract, or to issue a letter of intent totaling in excess of $4,000,000;
(3) awarding a task or delivery order requiring an obligation of funds in an amount greater than $10,000,000 from multi-year Department of Homeland Security funds;

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

(5) announcing publicly the intention to make or award items under paragraph (1), (2), (3), or (4), including a contract covered by the Federal Acquisition Regulation.

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

(c) A notification under this section—

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

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

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

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

SEC. 510. Sections 520, 522, and 530 of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110–161; 121 Stat. 2073 and 2074) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

SEC. 511. None of the funds made available in this Act may be used in contravention of the applicable provi-
sions of the Buy American Act: Provided, That for pur-
poses of the preceding sentence, the term “Buy American
Act” means chapter 83 of title 41, United States Code.

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

SEC. 513. None of the funds provided or otherwise made available in this Act shall be available to carry out section 872 of the Homeland Security Act of 2002 (6 U.S.C. 452) unless explicitly authorized by the Congress.

SEC. 514. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 515. Any official that is required by this Act to report or to certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 516. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.
SEC. 517. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 518. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

SEC. 519. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any Federal contract unless such contract is entered into in accordance with the requirements of subtitle I of title 41, United States Code, or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

SEC. 520. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.
(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 521. None of the funds made available in this Act may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

SEC. 522. None of the funds made available in this Act may be used to pay for the travel to or attendance of more than 50 employees of a single component of the Department of Homeland Security, who are stationed in the United States, at a single international conference unless the Secretary of Homeland Security, or a designee, determines that such attendance is in the national interest and notifies the Committees on Appropriations of the Senate and the House of Representatives within at least 10 days of that determination and the basis for that determination: Provided, That for purposes of this section the term “international conference” shall mean a conference occurring outside of the United States attended by representatives of the United States Government and of for-
eign governments, international organizations, or non-
governmental organizations: Provided further, That the
total cost to the Department of Homeland Security of any
such conference shall not exceed $500,000: Provided fur-
ther, That employees who attend a conference virtually
without travel away from their permanent duty station
within the United States shall not be counted for purposes
of this section, and the prohibition contained in this sec-
tion shall not apply to payments for the costs of attend-
ance for such employees.

SEC. 523. None of the funds made available in this
Act may be used to reimburse any Federal department
or agency for its participation in a National Special Secu-

ity Event.

SEC. 524. None of the funds made available to the
Department of Homeland Security by this or any other
Act may be obligated for any structural pay reform that
affects more than 100 full-time positions or costs more
than $5,000,000 in a single year unless it has been explic-
itly justified to the Congress in budget justification mate-
rials and subsequently enacted by Congress, or if not so
justified and enacted, before the end of the 30-day period
beginning on the date on which the Secretary of Homeland
Security submits to Congress a notification that in-
cludes—
(1) the number of full-time positions affected by such change;

(2) funding required for such change for the current year and through the Future Years Homeland Security Program;

(3) justification for such change; and

(4) an analysis of compensation alternatives to such change that were considered by the Department.

SEC. 525. (a) Any agency receiving funds made available in this Act shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Committees on Appropriations of the Senate and the House of Representatives in this Act, upon the determination by the head of the agency that it shall serve the national interest.

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

(1) the public posting of the report compromises homeland or national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the Committees on Appropriations of the Senate and the House of Representatives for not less than 45 days except as otherwise specified in law.
SEC. 526. (a) Funding provided in this Act for “Operations and Support” may be used for minor procurement, construction, and improvements.

(b) For purposes of subsection (a), “minor” refers to end items with a unit cost of $250,000 or less for personal property, and $2,000,000 or less for real property.

SEC. 527. None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

SEC. 528. The authority provided by section 532 of the Department of Homeland Security Appropriations Act, 2018 (Public Law 115–141) regarding primary and secondary schooling of dependents shall continue in effect during fiscal year 2022.

SEC. 529. (a) For an additional amount for “Federal Emergency Management Agency—Federal Assistance”, $3,000,000, to remain available until September 30, 2023, exclusively for providing reimbursement of extraordinary law enforcement or other emergency personnel costs for protection activities directly and demonstrably associated with any residence of the President that is designated or identified to be secured by the United States Secret Service.
(b) Subsections (b) through (f) of section 534 of the Department of Homeland Security Appropriations Act, 2018 (Public Law 115–141), shall be applied with respect to amounts made available by subsection (a) of this section by substituting “October 1, 2022” for “October 1, 2018” and “October 1, 2021” for “October 1, 2017”.

SEC. 530. (a) Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall be applied—

(1) in subsection (a), by substituting “September 30, 2022,” for “September 30, 2017,”; and

(2) in subsection (c)(1), by substituting “September 30, 2022,” for “September 30, 2017”.

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

(c) The Secretary of Homeland Security under section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391(d)) may use the definition of nontraditional government contractor as defined in section 2371b(e) of title 10, United States Code.

SEC. 531. (a) None of the funds appropriated or otherwise made available to the Department of Homeland Se-
curity by this Act may be used to prevent any of the fol-
lowing persons from entering, for the purpose of con-
ducting oversight, any facility operated by or for the De-
partment of Homeland Security used to detain or other-
wise house aliens, or to make any temporary modification
at any such facility that in any way alters what is observed
by a visiting Member of Congress or such designated em-
ployee, compared to what would be observed in the absence
of such modification:

(1) A Member of Congress.

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

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

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

Sec. 532. (a) Except as provided in subsection (b),
none of the funds made available in this Act may be used
to place restraints on a woman in the custody of the De-
partment of Homeland Security (including during transport, in a detention facility, or at an outside medical facility) who is pregnant or in post-delivery recuperation.

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

(1) an appropriate official of the Department of Homeland Security makes an individualized determination that the woman—

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

(B) poses an immediate and serious threat to harm herself or others that cannot be prevented by other means; or

(2) a medical professional responsible for the care of the pregnant woman determines that the use of therapeutic restraints is appropriate for the medical safety of the woman.

(c) If a pregnant woman is restrained pursuant to subsection (b), only the safest and least restrictive restraints, as determined by the appropriate medical professional treating the woman, may be used. In no case may restraints be used on a woman who is in active labor or delivery, and in no case may a pregnant woman be restrained in a face-down position with four-point restraints, on her back, or in a restraint belt that constricts the area...
of the pregnancy. A pregnant woman who is immobilized
by restraints shall be positioned, to the maximum extent
feasible, on her left side.

SEC. 533. (a) None of the funds made available by
this Act may be used to destroy any document, recording,
or other record pertaining to any—

(1) death of,

(2) potential sexual assault or abuse per-


petrated against, or

(3) allegation of abuse, criminal activity, or dis-

ruption committed by

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

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

SEC. 534. Within 60 days of any budget submission
for the Department of Homeland Security for fiscal year
2023 that assumes revenues or proposes a reduction from
the previous year based on user fees proposals that have
not been enacted into law prior to the submission of the
budget, the Secretary of Homeland Security shall provide
the Committees on Appropriations of the Senate and the
House of Representatives specific reductions in proposed
discretionary budget authority commensurate with the
revenues assumed in such proposals in the event that they
are not enacted prior to October 1, 2022.

SEC. 535. Not later than 10 days after a determina-
tion is made by the President to evaluate and initiate pro-
tection under any authority for a former or retired Gov-
ernment official or employee, or for an individual who,
during the duration of the directed protection, will become
a former or retired Government official or employee (re-
ferred to in this section as a “covered individual”), the
Secretary of Homeland Security shall submit a notifica-
tion to congressional leadership and the Committees on
Appropriations of the Senate and the House of Represent-
atives, the Committees on the Judiciary of the Senate and
the House of Representatives, the Committee on Home-
land Security and Governmental Affairs of the Senate, the
Committee on Homeland Security of the House of Rep-
resentatives, and the Committee on Oversight and Reform
of the House of Representatives (referred to in this section
as the “appropriate congressional committees”): Provided,
That the notification may be submitted in classified form,
if necessary, and in consultation with the Director of Na-
sional Intelligence or the Director of the Federal Bureau of Investigation, as appropriate, and shall include the threat assessment, scope of the protection, and the anticipated cost and duration of such protection: *Provided further*, That not later than 15 days before extending, or 30 days before terminating, protection for a covered individual, the Secretary of Homeland Security shall submit a notification regarding the extension or termination and any change to the threat assessment to the congressional leadership and the appropriate congressional committees: *Provided further*, That not later than 45 days after the date of enactment of this Act, and quarterly thereafter, the Secretary shall submit a report to the congressional leadership and the appropriate congressional committees, which may be submitted in classified form, if necessary, detailing each covered individual, and the scope and associated cost of protection.

SEC. 536. There is hereby established in the Treasury of the United States a fund to be known as the “Department of Homeland Security Nonrecurring Expenses Fund” (the Fund): *Provided*, That unobligated balances of expired discretionary funds appropriated for this or any succeeding fiscal year from the General Fund of the Treasury to the Department of Homeland Security by this or any other Act may be transferred (not later than the
end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated) into the Fund: Provided further, That amounts deposited in the Fund shall be available until expended, and in addition to such other funds as may be available for such purposes, for information technology system modernization and facilities infrastructure improvements necessary for the operation of the Department, subject to approval by the Office of Management and Budget: Provided further, That amounts in the Fund may be obligated only after the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of the planned use of funds.

SEC. 537. Subsection (c) of section 16005 of title VI of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) shall be applied as if the language read as follows: “Subsection (a) shall apply until September 30, 2022.”

SEC. 538. There is hereby appropriated $25,000,000, for an additional amount for “Department of State—Administration of Foreign Affairs—Diplomatic Programs” to remain available until September 30, 2022 and in addition to amounts otherwise made available for such pur-
poses, for the Global Engagement Center to counter foreign propaganda and disinformation.

RESCISSION OF FUNDS

SEC. 539. Of the funds appropriated to the Department of Homeland Security, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: Provided, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177):

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

2. $1,810 from the unobligated balances available in the “Office of the Undersecretary for Management” account (70 × 0112).

3. $12,628,523 from the unobligated balances available in the “Management Directorate—Office of the Chief Information Officer and Operations” account (70 × 0113).

4. $8,456 from the unobligated balances available in Treasury Account Fund Symbol 70 × 0504,
“Immigration and Customs Enforcement, Border and Transportation Security, INS”.

(5) $503 from the unobligated balances available in Treasury Account Fund Symbol 70 × 8598, “U.S. Immigration and Customs Enforcement, Violent Crime Reduction Program”.

(6) $7,006 from the unobligated balances available in Treasury Account Fund Symbol 70 × 0508, “Transportation Security Administration, Expenses”.

(7) $11,412 from the unobligated balances available in the “Transportation Security Administration—Federal Air Marshals” account (70 × 0541).

(8) $311 from the unobligated balances available in the “Transportation Security Administration—Surface Transportation Security” account (70 × 0551).

(9) $5,308,328 from the unobligated balances available in the “Transportation Security Administration—Intelligence and Vetting” account (70 × 0557).

(10) $1.41 from the unobligated balances available in the “Transportation Security Administra-
tion—Research and Development” account (70 × 0553).

(11) $322,105 from the unobligated balances available in the “Transportation Security Administration—Transportation Security Support” account (70 × 0554).

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

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

(14) $1,670 from the unobligated balances available in the “Federal Emergency Management Agency—Administrative and Regional Operations, Emergency Preparedness and Response” account (70 × 0712).


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

(17) $350,656 from the unobligated balances available in the “Countering Weapons of Mass Destruction Office—Research and Development” account (70 × 0860).

(18) $3,000,000 from the unobligated balances available in the “Federal Emergency Management Agency—National Predisaster Mitigation Fund” account (70 × 0716).

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

(20) $24,339,000 from the unobligated balances available in the “U.S. Customs and Border Protection—Border Security Fencing, Infrastructure, and Technology” account (70 × 0533).

(21) $10,000,000 from Public Law 116–260 under the heading “U.S. Customs and Border Protection—Procurement, Construction, and Improvements”.

(22) $6,161,000 from the unobligated balances available in the “U.S. Customs and Border Protection—Procurement, Construction, and Improvements” account (70 × 0532).
(23) $4,500,000 from Public Law 115–141 under the heading “U.S. Customs and Border Protection—Construction and Facility Improvements”.

(24) $6,999 from the unobligated balances available in the “U.S. Customs and Border Protection—Operations and Support” account (70 × 0530).

(25) $1,893,663,000 from the unobligated prior year balances from “U.S. Customs and Border Protection—Procurement, Construction, and Improvements”.

This Act may be cited as the “Department of Homeland Security Appropriations Act, 2022”.

October 15, 2021 (2:16 p.m.)