[COMMITTEE PRINT]

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

Calendar No. 000

116TH CONGRESS
2D Session

S. 0000

[Report No. 116–000]

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2021, and for other purposes.

IN THE SENATE OF THE UNITED STATES

September ______, 2020

Mrs. CAPITO, 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, 2021, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 That the following sums are appropriated, out of any
money in the Treasury not otherwise appropriated, for the
Department of Homeland Security for the fiscal year end-
ing September 30, 2021, 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,
$162,319,000; of which $10,000,000 shall be for an Om-

budsman for Immigration Detention: Provided, That not
to exceed $30,000 shall be for official reception and rep-

resentation expenses.

FEDERAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of the Secretary
and Executive Management for Federal Assistance
through grants, contracts, cooperative agreements, and
other activities, $10,000,000, which shall be transferred
to the Federal Emergency Management Agency for tar-
geted violence and terrorism prevention grants.
MANAGEMENT DIRECTORATE

OPERATIONS AND SUPPORT

For necessary expenses of the Management Directorate for operations and support, $1,396,244,000: 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, $60,095,000, to remain available until September 30, 2023.

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.

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, $300,232,000, of which $82,620,000 shall remain available until September 30, 2022: 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 Inspector General

Operations and Support

For necessary expenses of the Office of Inspector General for operations and support, $192,000,000: 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, 2021, 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 2020 or 2021.

(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, 2022.
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. 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: Provided, That 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 transfers.

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.

SEC. 106. Section 107 of the Department of Homeland Security Appropriations Act, 2018 (division F of Public Law 115–141), related to visa overstay data, shall apply in fiscal year 2021, except that the reference to “this Act” shall be treated as referring to this Act, and the reference to “2017” shall be treated as referring to “2020”.

October 27, 2020 (3:48 p.m.)
TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

OPERATIONS AND SUPPORT

For necessary expenses of U.S. Customs and Border Protection for operations and support, including the transportation of unaccompanied minor aliens; 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 humanitarian efforts; the purchase and lease of up to 7,500 (6,500 for replacement only) police-type vehicles; the purchase, maintenance, or operation of marine vessels, aircraft, and unmanned aerial systems; and contracting with individuals for personal services abroad; $12,882,091,000; of which $3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(e)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(e)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6
U.S.C. 551(e)(1)); of which $500,000,000 shall be available until September 30, 2022; and of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account: Provided, That not to exceed $34,425 shall be for official reception and representation expenses: Provided further, That not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations: 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.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of U.S. Customs and Border Protection for procurement, construction, and improvements, including procurement of marine vessels, aircraft, and unmanned aerial systems, $2,312,283,000, of which $207,071,000 shall remain available until September 30, 2023, and of which $2,105,212,000 shall remain available until September 30, 2025.
For necessary expenses of U.S. Immigration and Customs Enforcement for operations and support, including the purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; overseas vetted units; and maintenance, minor construction, and minor leasehold improvements at owned and leased facilities; $8,180,440,000; of which not less than $6,000,000 shall remain available until expended for efforts to enforce laws against forced child labor; of which $53,696,000 shall remain available until September 30, 2022; 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 $4,464,611,000 shall be for enforcement, detention, and removal operations, including transportation of unaccompanied minor aliens: 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 Cus-
oms 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 aliens 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, $104,954,000, to remain available until September 30, 2024; of which not less than $80,416,000 shall be available for facilities repair and maintenance projects.

TRANSPORTATION SECURITY ADMINISTRATION

OPERATIONS AND SUPPORT

For necessary expenses of the Transportation Security Administration for operations and support, $7,845,994,000, to remain available until September 30, 2022: 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 2021 so as to result in a final fiscal year appropriation from the general fund estimated at not more than $4,905,994,000.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Transportation Security Administration for procurement, construction, and improvements, $184,492,000, to remain available until September 30, 2023.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Transportation Security Administration for research and development, $29,524,000, to remain available until September 30, 2022.

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 require-
ments (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; pay-
ments pursuant to section 156 of Public Law 97–377 (42
U.S.C. 402 note; 96 Stat. 1920); and recreation and wel-
fare; $8,392,204,000, 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
$11,000,000 shall remain available until September 30,
2023; of which $18,712,000 shall remain available until
September 30, 2025, for environmental compliance and
restoration; and of which $70,000,000 shall remain avail-
able until September 30, 2022, for vessel depot level main-
tenance: Provided, That not to exceed $23,000 shall be
for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Coast Guard for proc-
curement, construction, and improvements, including aids
to navigation, shore facilities (including facilities at De-
partment of Defense installations used by the Coast
Guard), and vessels and aircraft, including equipment re-
lated thereto, $2,011,441,000, to remain available until
September 30, 2025: 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; $9,476,000, to remain available until September 30, 2023, 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 pay-
ments for medical care of retired personnel and their de-
pendents under chapter 55 of title 10, United States Code,
$1,869,704,000, 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 for replace-
ment only; 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; con-
duct of and participation in firearms matches; presen-
tation of awards; conduct of behavioral research in sup-
port of protective intelligence and operations; payment in
advance for commercial accommodations as may be nec-
essary to perform protective functions; and payment, with-
out 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;
$2,305,452,000; of which $39,763,000 shall remain avail-
able until September 30, 2022, 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 2020 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 amended by Public Law 115–383: 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, $52,955,000, to remain available until September 30, 2023.

RESEARCH AND DEVELOPMENT

For necessary expenses of the United States Secret Service for research and development, $11,937,000, to remain available until September 30, 2022.
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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 applied to funds made available in that Act, except that “fiscal year 2021” 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 2021 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 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 pre-
scription 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 Representatatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatatives 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 re-
spect 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—Pro-
curement, Construction, and Improvements” in this Act
and prior Acts to the Committees on Appropriations of
the Senate and the House of Representatives: Provided,
20

1. That no such amounts may be obligated prior to the sub-
mission of such plan.

Sec. 209. (a) Of the total amount made available
under “U.S. Customs and Border Protection—Procure-
ment, Construction, and Improvements”, $2,312,283,000
shall be available only as follows:

(1) $1,964,813,000 for the construction of bar-
rier system along the southwest border;

(2) $70,510,000 for the acquisition and deploy-
ment of border security technologies and trade and
travel assets and infrastructure;

(3) $139,399,000 for facility construction and
improvements;

(4) $114,932,000 for integrated operations as-
sets and infrastructure; and

(5) $22,629,000 for mission support and infra-
structure.

(b) The amount designated in subsection (a)(1) shall
only be available for barrier systems that—

(1) use—

(A) operationally effective designs deployed
as of the date of enactment of the Consolidated
Appropriations Act, 2017 (Public Law 115–31),
such as currently deployed steel bollard designs,
that prioritize agent safety; or
(B) operationally effective adaptations of such designs that help mitigate community or environmental impacts of barrier system construction, including adaptations based on consultation with jurisdictions within which barrier system will be constructed; and

(2) are constructed in the highest priority locations as identified in the Border Security Improvement Plan.

(c) Consultation with a jurisdiction under subsection (b) shall not exceed 90 calendar days after such jurisdiction has been notified that U.S. Customs and Border Protection is entering into such consultation, unless an extension of time is agreed to by such agency and such jurisdiction.

(d) Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the Comptroller General of the United States an updated risk-based plan for improving security along the borders of the United States that includes the elements required under subsection (a) of section 231 of division F of the Consolidated Appropriations Act, 2018
(Public Law 115–141), which shall be evaluated in accordance with subsection (b) of such section.

SEC. 210. Federal funds may not be made available for the construction of fencing—

(1) within the Santa Ana Wildlife Refuge;

(2) within the Bentsen-Rio Grande Valley State Park;

(3) within La Lomita Historical park;

(4) within the National Butterfly Center;

(5) within or east of the Vista del Mar Ranch tract of the Lower Rio Grande Valley National Wildlife Refuge; or

(6) within historic cemeteries.

SEC. 211. 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 2021, 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. 212. Without regard to the limitation as to time and condition of section 503(d) of this Act, the Secretary may reprogram within and transfer funds to “U.S. Immigration and Customs Enforcement—Operations and Support” as necessary to ensure the detention of aliens prioritized for removal.

SEC. 213. 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. 214. (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) Beginning not later than January 1, 2021, the performance evaluations referenced in subsection (a) shall
be conducted by the U.S. Immigration and Customs Enforcement Office of Professional Responsibility.


SEC. 216. 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 General, 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. 217. 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. 218. Notwithstanding section 44923 of title 49, United States Code, for fiscal year 2021, 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. 219. None of the funds made available by this or any other Act may be used by the Administrator of the Transportation Security Administration to implement, administer, or enforce, in abrogation of the responsibility described in section 44903(n)(1) of title 49, United States Code, any requirement that airport operators provide airport-financed staffing to monitor exit points from the sterile area of any airport at which the Transportation Security Administration provided such monitoring as of December 1, 2013.

SEC. 220. 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. 221. 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”: Provided, That to the extent such fees are insufficient to pay expenses of recreational vessel docu-
mentation under such section 12114, and there is a back-
log of recreational vessel applications, personnel per-
forming non-recreational vessel documentation functions
under subchapter II of chapter 121 of title 46, United
States Code, may perform documentation under section
12114.

SEC. 222. 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 Pay and Allowances funding category within
“Coast Guard—Operations and Support” in accordance
with subsection (a) of section 503 of this Act.

SEC. 223. 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 invest-
ment 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 pro-
visos under such heading.

SEC. 224. 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 allocated by program, project,
and activity, notwithstanding section 503 of this Act.

SEC. 225. None of the funds in this Act shall be used
to reduce the Coast Guard’s Operations Systems Center
mission or its government-employed or contract staff lev-
els.

SEC. 226. 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. 227. Funds made available in this Act may be
used to alter operations within the Civil Engineering Pro-
gram of the Coast Guard nationwide, including civil engi-
neering 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. 228. Amounts deposited into the Coast Guard
Housing Fund in fiscal year 2021 shall be available to
carry out the purposes of section 2946 of title 14, United
States Code, and shall remain available until expended:

October 27, 2020 (3:48 p.m.)
1 Provided, That such amounts shall be in addition to funds
2 otherwise available for such purposes.

3 SEC. 229. The United States Secret Service is au-
4 thorized to obligate funds in anticipation of reimburse-
5 ments from executive agencies, as defined in section 105
6 of title 5, United States Code, for personnel receiving
7 training sponsored by the James J. Rowley Training Cen-
8 ter, except that total obligations at the end of the fiscal
9 year shall not exceed total budgetary resources available
10 under the heading “United States Secret Service—Oper-
11 rations and Support” at the end of the fiscal year.

12 SEC. 230. None of the funds made available to the
13 United States Secret Service by this Act or by previous
14 appropriations Acts may be made available for the protec-
15 tion of the head of a Federal agency other than the Sec-
16 retary of Homeland Security: Provided, That the Director
17 of the United States Secret Service may enter into agree-
18 ments to provide such protection on a fully reimbursable
19 basis.

20 SEC. 231. For purposes of section 503(a)(3) of this
21 Act, up to $15,000,000 may be reprogrammed within
22 “United States Secret Service—Operations and Support”.

23 SEC. 232. Funding made available in this Act for
24 “United States Secret Service—Operations and Support”
25 is available for travel of United States Secret Service em-
ployees 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.
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, $1,656,366,000, of which $9,055,000 shall remain available until September 30, 2022: 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, $356,025,000, to remain available until September 30, 2023.

Research and Development

For necessary expenses of the Cybersecurity and Infrastructure Security Agency for research and development, $16,431,000, to remain available until September 30, 2022.
FEDERAL EMERGENCY MANAGEMENT AGENCY

OPERATIONS AND SUPPORT

For necessary expenses of the Federal Emergency Management Agency for operations and support, $1,122,683,000: 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, $108,103,000, of which $55,887,000 shall remain available until September 30, 2024, and of which $52,216,000 shall remain available until September 30, 2025.

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, $3,193,892,000, which shall be allocated as follows:

(1) $560,000,000 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 $40,000,000 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 2021, 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) $665,000,000 for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), of which $50,000,000 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 sec-
tions 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 transportation agencies.

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

(5) $710,000,000, to remain available until September 30, 2022, of which $355,000,000 shall be for Assistance to Firefighter Grants and $355,000,000 shall be for Staffing for Adequate Fire and Emergency Response Grants under sections 33 and 34 respectively of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

(6) $355,000,000 for emergency management performance grants under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701), sec-
tion 762 of title 6, United States Code, and Reorgan-
ization Plan No. 3 of 1978 (5 U.S.C. App.).

(7) $263,000,000 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
4101(f)(2)), to remain available until expended.

(8) $14,000,000 for Regional Catastrophic Pre-
paredness Grants.

(9) $14,000,000 for Rehabilitation of High
Hazard Potential Dams under section 8A of the Na-

(10) $125,000,000 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 adminis-
trative costs.

(11) $287,892,000 to sustain current oper-
ations for training, exercises, technical assistance,
and other programs.
DISASTER RELIEF FUND

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $17,735,417,000, to remain available until expended: Provided, That of the amount provided under this heading, $17,142,000,000 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 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL FLOOD INSURANCE FUND

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), $204,412,000, to remain available until September 30, 2022, 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 $13,906,000 shall be available for mission support associated with flood management; and of...
which $190,506,000 shall be available for flood plain management and flood mapping: Provided, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 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 2021, no funds shall be available from the National Flood Insurance Fund under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017) in excess of—

(1) $181,021,000 for operating expenses and salaries and expenses associated with flood insurance operations;

(2) $1,164,000,000 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 National Flood Insurance Act of 1968 (42 U.S.C. 4104c), notwithstanding sections 1366(e) and 1310(a)(7) of such Act (42 U.S.C. 4104c(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 deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding 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 Insurance Affordability Act of 2014 (42 U.S.C. 4033).

ADMINISTRATIVE PROVISIONS

SEC. 301. 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. 302. Applications for grants under the heading “Federal Emergency Management Agency—Federal Assistance”, for paragraphs (1) through (4), shall be made

October 27, 2020 (3:48 p.m.)
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. 303. Under the heading “Federal Emergency
Management Agency—Federal Assistance”, for grants
under paragraphs (1) through (4), (8), and (9), the Ad-
ministrator of the Federal Emergency Management Agen-
cy shall brief the Committees on Appropriations of the
Senate and the House of Representatives 5 full business
days in advance of announcing publicly the intention of
making an award.

SEC. 304. Under the heading “Federal Emergency
Management Agency—Federal Assistance”, for grants
under paragraphs (1) and (2), the installation of commu-
nications towers is not considered construction of a build-
ing or other physical facility.

SEC. 305. The reporting requirements in paragraphs
(1) and (2) under the heading “Federal Emergency Man-
agement Agency—Disaster Relief Fund” in the Depart-
ment of Homeland Security Appropriations Act, 2015
/Public Law 114–4) shall be applied in fiscal year 2021
with respect to budget year 2022 and current fiscal year 2021, respectively—

(1) in paragraph (1) by substituting “fiscal year 2022” for “fiscal year 2016”; and

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

SEC. 306. (a) In making grants under the heading “Federal Emergency Management Agency—Federal Assistance”, for Staffing for Adequate Fire and Emergency Response grants, the Secretary may grant waivers from the requirements in subsections (a)(1)(A), (a)(1)(B), (a)(1)(E), (c)(1), (c)(2), and (c)(4) of section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a).

(b) For grants made under the heading “Federal Emergency Management Agency—Firefighter Assistance Grants” in division F of Public Law 114–113, the Secretary may extend the period of performance described in subsection (a)(1)(B) of such section 34 for up to one additional year.

(c) For purposes of subsection (b)—

(1) subsections (a)(1)(E)(iii) and (c)(4)(C) of such section 34 shall also apply to such additional year of such period of performance; and
(2) the authority provided shall only apply to any such grant award that remains open on the date of enactment of this Act.

SEC. 307. The aggregate charges assessed during fiscal year 2021, 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: Provided, That 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: Provided further, That 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, 2021, and remain available until expended.
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 of the E-Verify Program, $118,676,000.

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, $304,423,000, of which $61,391,000 shall remain available until September 30, 2022: 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, $26,000,000, to remain available until September 30, 2025.
SCIENCE AND TECHNOLOGY DIRECTORATE

OPERATIONS AND SUPPORT

For necessary expenses of the Science and Technology Directorate for operations and support, $304,900,000, of which $171,232,000 shall remain available until September 30, 2022: 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, $18,927,000, to remain available until September 30, 2023.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Science and Technology Directorate for research and development, $439,917,000, to remain available until September 30, 2023.

COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

OPERATIONS AND SUPPORT

For necessary expenses of the Countering Weapons of Mass Destruction Office for operations and support, $172,292,000, of which $20,697,000 shall remain available until September 30, 2022: 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, $87,413,000, to remain available until September 30, 2023.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Countering Weapons of Mass Destruction Office for research and development, $58,209,000, to remain available until September 30, 2023.

FEDERAL ASSISTANCE

For necessary expenses of the Countering Weapons of Mass Destruction Office for Federal assistance through grants, contracts, cooperative agreements, and other activities, $69,663,000, to remain available until September 30, 2023.

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. (a) Of the funds deposited into the Immigration Examinations Fee Account, up to $10,000,000 may be allocated by U.S. Citizenship and Immigration Services in fiscal year 2021 for the purpose of providing an Immigrant Integration grants program.

(b) None of the funds made available to U.S. Citizenship and Immigration Services for grants for immigrant integration under subsection (a) may be used to provide
services to aliens who have not been lawfully admitted for permanent residence.

SEC. 405. 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. 406. 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. 407. 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. The functions of the Federal Law Enforcement Training Centers instructor staff shall be classified as inherently governmental for purposes of the Federal
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 2021, 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 2021 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 Representa
tives 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), (c), 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 2021, as recorded in the financial records at the time of a reprogramming notification, but not later than June 30, 2022, from appropriations for “Operations and Support” for fiscal year 2021 in this Act shall remain available through September 30, 2022, 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. 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 2021 until the enactment of an Act authorizing intelligence activities for fiscal year 2021.

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, grant, 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 $1,000,000;

(2) 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;

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

(4) announcing publicly the intention to make or award items under paragraph (1), (2), or (3), 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 additional 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 provisions of the Buy American Act: Provided, That for purposes 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 devel-
oping a national identification card.

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

SEC. 516. None of the funds appropriated or other-
wise made available in this or any other Act may be used
to transfer, release, or assist in the transfer or release to
or within the United States, its territories, or possessions
Khalid Sheikh Mohammed or any other detainee who—
(1) is not a United States citizen or a member
of the Armed Forces of the United States; and
(2) is or was held on or after June 24, 2009,
at the United States Naval Station, Guantanamo
Bay, Cuba, by the Department of Defense.

SEC. 517. 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 Fed-
eral Regulations.
SEC. 518. 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. 519. 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. 520. 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. 521. (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. 522. 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. 523. 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-
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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.

Sec. 524. 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. 525. 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 before the end of the
30-day period beginning on the date on which the Sec-
retary of Homeland Security submits to Congress a notifi-
cation that includes—

(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 Home-
land Security Program;

(3) justification for such change; and

(4) an analysis of compensation alternatives to
such change that were considered by the Depart-
ment.
SEC. 526. (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. 527. (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. 528. 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. 529. 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 2021.

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, 2021,” for “September 30, 2017,”; and
(2) In subsection (c)(1), by substituting “September 30, 2021,” 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 Security by this Act may be used to prevent any of the following persons from entering, for the purpose of conducting oversight, any facility operated by or for the Department of Homeland Security used to detain or otherwise 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 employee, 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 designated by such a Member for the purposes of this section.

(b) Nothing in this section may be construed to require 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 Department 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 re-
strained 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. None of the funds made available by this
Act to the Department of Homeland Security may be used
to destroy any document, recording, or other record per-
taining to any potential sexual assault or abuse per-
petrated against any individual held in the custody of the
Department of Homeland Security.

SEC. 534. Within 60 days of any budget submission
for the Department of Homeland Security for fiscal year
2022 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, 2021.

SEC. 535. (a) The funds appropriated to the Depart-
ment of Homeland Security in this Act for “Operations
and Support” shall be hereby reduced, as determined by
the Chief Financial Officer, by a total of $14,221,000 to
realize administrative savings, including savings from re-
quirements, supplies, or materials that were funded by the
Department using fiscal year 2020 appropriations for con-
tracts with periods of performance in fiscal year 2021.

(b) Funds may only be reduced for the respective ap-
propriations from amounts identified in the budget appen-
dix, as modified by the explanatory statement accom-
panying this Act, by object classes 25.1, 25.2, 25.3, and
26.2.

(c) No funds may be reduced from amounts provided
under the following headings and activities:

(1) “Cybersecurity and Infrastructure Security
Agency—Operations and Support”;

(2) “Coast Guard—Operations and Support”
for defense-related activities; and

(3) “Federal Emergency Management Agen-
cy—Operations and Support” for National Con-
tinuity Programs in the Preparedness and Protec-
tion program, project, and activity.

(d) No amounts may be reduced from amounts that
were designated by the Congress as an emergency require-
ment pursuant to a concurrent resolution on the budget
or section 251(b)(2)(A) of the Balanced Budget and
Emergency Deficit Control Act of 1985 or from amounts that were designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) The Secretary shall submit a notification to the Committees on Appropriations of the Senate and the House of Representatives specifying the account and amount of each reduction made pursuant to this section.

(RESCISSION OF FUNDS)

Sec. 536. 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 a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177):

(1) $27,036,000 from Public Law 115-141 under the heading “Customs and Border Protection—Procurement, Construction, and Improvements”.

This Act may be cited as the “Department of Homeland Security Appropriations Act, 2021”.