

[COMMITTEE PRINT]

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

Calendar No. 000116TH CONGRESS
2^D 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

1 money in the Treasury not otherwise appropriated, for the
2 Department of Homeland Security for the fiscal year end-
3 ing September 30, 2021, and for other purposes, namely:

4 TITLE I

5 DEPARTMENTAL MANAGEMENT, OPERATIONS,
6 INTELLIGENCE, AND OVERSIGHT

7 OFFICE OF THE SECRETARY AND EXECUTIVE

8 MANAGEMENT

9 OPERATIONS AND SUPPORT

10 For necessary expenses of the Office of the Secretary
11 and for executive management for operations and support,
12 \$162,319,000; of which \$10,000,000 shall be for an Om-
13 budsman for Immigration Detention: *Provided*, That not
14 to exceed \$30,000 shall be for official reception and rep-
15 resentation expenses.

16 FEDERAL ASSISTANCE

17 (INCLUDING TRANSFER OF FUNDS)

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

1 MANAGEMENT DIRECTORATE
2 OPERATIONS AND SUPPORT

3 For necessary expenses of the Management Direc-
4 torate for operations and support, \$1,396,244,000: *Pro-*
5 *vided*, That not to exceed \$2,000 shall be for official recep-
6 tion and representation expenses.

7 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

8 For necessary expenses of the Management Direc-
9 torate for procurement, construction, and improvements,
10 \$60,095,000, to remain available until September 30,
11 2023.

12 FEDERAL PROTECTIVE SERVICE

13 The revenues and collections of security fees credited
14 to this account shall be available until expended for nec-
15 essary expenses related to the protection of federally
16 owned and leased buildings and for the operations of the
17 Federal Protective Service.

18 INTELLIGENCE, ANALYSIS, AND OPERATIONS

19 COORDINATION

20 OPERATIONS AND SUPPORT

21 For necessary expenses of the Office of Intelligence
22 and Analysis and the Office of Operations Coordination
23 for operations and support, \$300,232,000, of which
24 \$82,620,000 shall remain available until September 30,
25 2022: *Provided*, That not to exceed \$3,825 shall be for

1 official reception and representation expenses and not to
2 exceed \$2,000,000 is available for facility needs associated
3 with secure space at fusion centers, including improve-
4 ments to buildings.

5 OFFICE OF INSPECTOR GENERAL
6 OPERATIONS AND SUPPORT

7 For necessary expenses of the Office of Inspector
8 General for operations and support, \$192,000,000: *Pro-*
9 *vided*, That not to exceed \$300,000 may be used for cer-
10 tain confidential operational expenses, including the pay-
11 ment of informants, to be expended at the direction of the
12 Inspector General.

13 ADMINISTRATIVE PROVISIONS

14 SEC. 101. (a) The Secretary of Homeland Security
15 shall submit a report not later than October 15, 2021,
16 to the Inspector General of the Department of Homeland
17 Security listing all grants and contracts awarded by any
18 means other than full and open competition during fiscal
19 years 2020 or 2021.

20 (b) The Inspector General shall review the report re-
21 quired by subsection (a) to assess departmental compli-
22 ance with applicable laws and regulations and report the
23 results of that review to the Committees on Appropriations
24 of the Senate and the House of Representatives not later
25 than February 15, 2022.

1 SEC. 102. Not later than 30 days after the last day
2 of each month, the Chief Financial Officer of the Depart-
3 ment of Homeland Security shall submit to the Commit-
4 tees on Appropriations of the Senate and the House of
5 Representatives a monthly budget and staffing report that
6 includes total obligations of the Department for that
7 month and for the fiscal year at the appropriation and
8 program, project, and activity levels, by the source year
9 of the appropriation.

10 SEC. 103. The Secretary of Homeland Security shall
11 require that all contracts of the Department of Homeland
12 Security that provide award fees link such fees to success-
13 ful acquisition outcomes, which shall be specified in terms
14 of cost, schedule, and performance.

15 SEC. 104. The Secretary of Homeland Security, in
16 consultation with the Secretary of the Treasury, shall no-
17 tify the Committees on Appropriations of the Senate and
18 the House of Representatives of any proposed transfers
19 of funds available under section 9705(g)(4)(B) of title 31,
20 United States Code, from the Department of the Treasury
21 Forfeiture Fund to any agency within the Department of
22 Homeland Security: *Provided*, That none of the funds
23 identified for such a transfer may be obligated until the
24 Committees on Appropriations of the Senate and the

1 House of Representatives are notified of the proposed
2 transfers.

3 SEC. 105. All official costs associated with the use
4 of Government aircraft by Department of Homeland Secu-
5 rity personnel to support official travel of the Secretary
6 and the Deputy Secretary shall be paid from amounts
7 made available for the Office of the Secretary.

8 SEC. 106. Section 107 of the Department of Home-
9 land Security Appropriations Act, 2018 (division F of
10 Public Law 115–141), related to visa overstay data, shall
11 apply in fiscal year 2021, except that the reference to
12 “this Act” shall be treated as referring to this Act, and
13 the reference to “2017” shall be treated as referring to
14 “2020”.

1 TITLE II
2 SECURITY, ENFORCEMENT, AND
3 INVESTIGATIONS
4 U.S. CUSTOMS AND BORDER PROTECTION
5 OPERATIONS AND SUPPORT

6 For necessary expenses of U.S. Customs and Border
7 Protection for operations and support, including the trans-
8 portation of unaccompanied minor aliens; the provision of
9 air and marine support to Federal, State, local, and inter-
10 national agencies in the enforcement or administration of
11 laws enforced by the Department of Homeland Security;
12 at the discretion of the Secretary of Homeland Security,
13 the provision of such support to Federal, State, and local
14 agencies in other law enforcement and emergency humani-
15 tarian efforts; the purchase and lease of up to 7,500
16 (6,500 for replacement only) police-type vehicles; the pur-
17 chase, maintenance, or operation of marine vessels, air-
18 craft, and unmanned aerial systems; and contracting with
19 individuals for personal services abroad; \$12,882,091,000;
20 of which \$3,274,000 shall be derived from the Harbor
21 Maintenance Trust Fund for administrative expenses re-
22 lated to the collection of the Harbor Maintenance Fee pur-
23 suant to section 9505(c)(3) of the Internal Revenue Code
24 of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding sec-
25 tion 1511(e)(1) of the Homeland Security Act of 2002 (6

1 U.S.C. 551(e)(1)); of which \$500,000,000 shall be avail-
2 able until September 30, 2022; and of which such sums
3 as become available in the Customs User Fee Account, ex-
4 cept sums subject to section 13031(f)(3) of the Consoli-
5 dated Omnibus Budget Reconciliation Act of 1985 (19
6 U.S.C. 58c(f)(3)), shall be derived from that account: *Pro-*
7 *vided*, That not to exceed \$34,425 shall be for official re-
8 ception and representation expenses: *Provided further*,
9 That not to exceed \$150,000 shall be available for pay-
10 ment for rental space in connection with preclearance op-
11 erations: *Provided further*, That not to exceed \$2,000,000
12 shall be for awards of compensation to informants, to be
13 accounted for solely under the certificate of the Secretary
14 of Homeland Security.

15 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

16 For necessary expenses of U.S. Customs and Border
17 Protection for procurement, construction, and improve-
18 ments, including procurement of marine vessels, aircraft,
19 and unmanned aerial systems, \$2,312,283,000, of which
20 \$207,071,000 shall remain available until September 30,
21 2023, and of which \$2,105,212,000 shall remain available
22 until September 30, 2025.

1 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
2 OPERATIONS AND SUPPORT

3 For necessary expenses of U.S. Immigration and
4 Customs Enforcement for operations and support, includ-
5 ing the purchase and lease of up to 3,790 (2,350 for re-
6 placement only) police-type vehicles; overseas vetted units;
7 and maintenance, minor construction, and minor leasehold
8 improvements at owned and leased facilities;
9 \$8,180,440,000; of which not less than \$6,000,000 shall
10 remain available until expended for efforts to enforce laws
11 against forced child labor; of which \$53,696,000 shall re-
12 main available until September 30, 2022; of which not less
13 than \$1,500,000 is for paid apprenticeships for partici-
14 pants in the Human Exploitation Rescue Operative Child-
15 Rescue Corps; of which not less than \$15,000,000 shall
16 be available for investigation of intellectual property rights
17 violations, including operation of the National Intellectual
18 Property Rights Coordination Center; and of which not
19 less than \$4,464,611,000 shall be for enforcement, deten-
20 tion, and removal operations, including transportation of
21 unaccompanied minor aliens: *Provided*, That not to exceed
22 \$11,475 shall be for official reception and representation
23 expenses: *Provided further*, That not to exceed
24 \$10,000,000 shall be available until expended for con-
25 ducting special operations under section 3131 of the Cus-

1 toms Enforcement Act of 1986 (19 U.S.C. 2081): *Pro-*
2 *vided further*, That not to exceed \$2,000,000 shall be for
3 awards of compensation to informants, to be accounted
4 for solely under the certificate of the Secretary of Home-
5 land Security: *Provided further*, That not to exceed
6 \$11,216,000 shall be available to fund or reimburse other
7 Federal agencies for the costs associated with the care,
8 maintenance, and repatriation of smuggled aliens unlaw-
9 fully present in the United States.

10 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

11 For necessary expenses of U.S. Immigration and
12 Customs Enforcement for procurement, construction, and
13 improvements, \$104,954,000, to remain available until
14 September 30, 2024; of which not less than \$80,416,000
15 shall be available for facilities repair and maintenance
16 projects.

17 TRANSPORTATION SECURITY ADMINISTRATION

18 OPERATIONS AND SUPPORT

19 For necessary expenses of the Transportation Secu-
20 rity Administration for operations and support,
21 \$7,845,994,000, to remain available until September 30,
22 2022: *Provided*, That not to exceed \$7,650 shall be for
23 official reception and representation expenses: *Provided*
24 *further*, That security service fees authorized under section
25 44940 of title 49, United States Code, shall be credited

1 to this appropriation as offsetting collections and shall be
2 available only for aviation security: *Provided further*, That
3 the sum appropriated under this heading from the general
4 fund shall be reduced on a dollar-for-dollar basis as such
5 offsetting collections are received during fiscal year 2021
6 so as to result in a final fiscal year appropriation from
7 the general fund estimated at not more than
8 \$4,905,994,000.

9 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

10 For necessary expenses of the Transportation Secu-
11 rity Administration for procurement, construction, and
12 improvements, \$184,492,000, to remain available until
13 September 30, 2023.

14 RESEARCH AND DEVELOPMENT

15 For necessary expenses of the Transportation Secu-
16 rity Administration for research and development,
17 \$29,524,000, to remain available until September 30,
18 2022.

19 COAST GUARD

20 OPERATIONS AND SUPPORT

21 For necessary expenses of the Coast Guard for oper-
22 ations and support including the Coast Guard Reserve;
23 purchase or lease of not to exceed 25 passenger motor ve-
24 hicles, which shall be for replacement only; purchase or
25 lease of small boats for contingent and emergent require-

1 ments (at a unit cost of not more than \$700,000) and
2 repairs and service-life replacements, not to exceed a total
3 of \$31,000,000; purchase, lease, or improvements of boats
4 necessary for overseas deployments and activities; pay-
5 ments pursuant to section 156 of Public Law 97–377 (42
6 U.S.C. 402 note; 96 Stat. 1920); and recreation and wel-
7 fare; \$8,392,204,000, of which \$530,000,000 shall be for
8 defense-related activities; of which \$24,500,000 shall be
9 derived from the Oil Spill Liability Trust Fund to carry
10 out the purposes of section 1012(a)(5) of the Oil Pollution
11 Act of 1990 (33 U.S.C. 2712(a)(5)); of which
12 \$11,000,000 shall remain available until September 30,
13 2023; of which \$18,712,000 shall remain available until
14 September 30, 2025, for environmental compliance and
15 restoration; and of which \$70,000,000 shall remain avail-
16 able until September 30, 2022, for vessel depot level main-
17 tenance: *Provided*, That not to exceed \$23,000 shall be
18 for official reception and representation expenses.

19 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

20 For necessary expenses of the Coast Guard for pro-
21 curement, construction, and improvements, including aids
22 to navigation, shore facilities (including facilities at De-
23 partment of Defense installations used by the Coast
24 Guard), and vessels and aircraft, including equipment re-
25 lated thereto, \$2,011,441,000, to remain available until

1 September 30, 2025: of which \$20,000,000 shall be de-
2 rived from the Oil Spill Liability Trust Fund to carry out
3 the purposes of section 1012(a)(5) of the Oil Pollution Act
4 of 1990 (33 U.S.C. 2712(a)(5)).

5 RESEARCH AND DEVELOPMENT

6 For necessary expenses of the Coast Guard for re-
7 search and development; and for maintenance, rehabilita-
8 tion, lease, and operation of facilities and equipment;
9 \$9,476,000, to remain available until September 30, 2023,
10 of which \$500,000 shall be derived from the Oil Spill Li-
11 ability Trust Fund to carry out the purposes of section
12 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.
13 2712(a)(5)): *Provided*, That there may be credited to and
14 used for the purposes of this appropriation funds received
15 from State and local governments, other public authori-
16 ties, private sources, and foreign countries for expenses
17 incurred for research, development, testing, and evalua-
18 tion.

19 RETIRED PAY

20 For retired pay, including the payment of obligations
21 otherwise chargeable to lapsed appropriations for this pur-
22 pose, payments under the Retired Serviceman's Family
23 Protection and Survivor Benefits Plans, payment for ca-
24 reer status bonuses, payment of continuation pay under
25 section 356 of title 37, United States Code, concurrent

1 receipts, combat-related special compensation, and pay-
2 ments for medical care of retired personnel and their de-
3 pendants under chapter 55 of title 10, United States Code,
4 \$1,869,704,000, to remain available until expended.

5 UNITED STATES SECRET SERVICE

6 OPERATIONS AND SUPPORT

7 For necessary expenses of the United States Secret
8 Service for operations and support, including purchase of
9 not to exceed 652 vehicles for police-type use for replace-
10 ment only; hire of passenger motor vehicles; purchase of
11 motorcycles made in the United States; hire of aircraft;
12 rental of buildings in the District of Columbia; fencing,
13 lighting, guard booths, and other facilities on private or
14 other property not in Government ownership or control,
15 as may be necessary to perform protective functions; con-
16 duct of and participation in firearms matches; presen-
17 tation of awards; conduct of behavioral research in sup-
18 port of protective intelligence and operations; payment in
19 advance for commercial accommodations as may be nec-
20 essary to perform protective functions; and payment, with-
21 out regard to section 5702 of title 5, United States Code,
22 of subsistence expenses of employees who are on protective
23 missions, whether at or away from their duty stations;
24 \$2,305,452,000; of which \$39,763,000 shall remain avail-
25 able until September 30, 2022, and of which \$6,000,000

1 shall be for a grant for activities related to investigations
2 of missing and exploited children; and of which up to
3 \$15,000,000 may be for calendar year 2020 premium pay
4 in excess of the annual equivalent of the limitation on the
5 rate of pay contained in section 5547(a) of title 5, United
6 States Code, pursuant to section 2 of the Overtime Pay
7 for Protective Services Act of 2016 (5 U.S.C. 5547 note),
8 as amended by Public Law 115–383: *Provided*, That not
9 to exceed \$19,125 shall be for official reception and rep-
10 resentation expenses: *Provided further*, That not to exceed
11 \$100,000 shall be to provide technical assistance and
12 equipment to foreign law enforcement organizations in
13 criminal investigations within the jurisdiction of the
14 United States Secret Service.

15 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

16 For necessary expenses of the United States Secret
17 Service for procurement, construction, and improvements,
18 \$52,955,000, to remain available until September 30,
19 2023.

20 RESEARCH AND DEVELOPMENT

21 For necessary expenses of the United States Secret
22 Service for research and development, \$11,937,000, to re-
23 main available until September 30, 2022.

1 ADMINISTRATIVE PROVISIONS

2 SEC. 201. Section 201 of the Department of Home-
3 land Security Appropriations Act, 2018 (division F of
4 Public Law 115–141), related to overtime compensation
5 limitations, shall apply with respect to funds made avail-
6 able in this Act in the same manner as such section ap-
7 plied to funds made available in that Act, except that “fis-
8 cal year 2021” shall be substituted for “fiscal year 2018”.

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

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

1 SEC. 204. For an additional amount for “U.S. Cus-
2 toms and Border Protection—Operations and Support”,
3 \$31,000,000, to remain available until expended, to be re-
4 duced by amounts collected and credited to this appropria-
5 tion in fiscal year 2021 from amounts authorized to be
6 collected by section 286(i) of the Immigration and Nation-
7 ality Act (8 U.S.C. 1356(i)), section 10412 of the Farm
8 Security and Rural Investment Act of 2002 (7 U.S.C.
9 8311), and section 817 of the Trade Facilitation and
10 Trade Enforcement Act of 2015 (Public Law 114–25), or
11 other such authorizing language: *Provided*, That to the ex-
12 tent that amounts realized from such collections exceed
13 \$31,000,000, those amounts in excess of \$31,000,000
14 shall be credited to this appropriation, to remain available
15 until expended.

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

1 scription drug, not to exceed a 90-day supply: *Provided*
2 *further*, That the prescription drug may not be—

3 (1) a controlled substance, as defined in section
4 102 of the Controlled Substances Act (21 U.S.C.
5 802); or

6 (2) a biological product, as defined in section
7 351 of the Public Health Service Act (42 U.S.C.
8 262).

9 SEC. 206. Notwithstanding any other provision of
10 law, none of the funds provided in this or any other Act
11 shall be used to approve a waiver of the navigation and
12 vessel-inspection laws pursuant to section 501(b) of title
13 46, United States Code, for the transportation of crude
14 oil distributed from and to the Strategic Petroleum Re-
15 serve until the Secretary of Homeland Security, after con-
16 sultation with the Secretaries of the Departments of En-
17 ergy and Transportation and representatives from the
18 United States flag maritime industry, takes adequate
19 measures to ensure the use of United States flag vessels:
20 *Provided*, That the Secretary shall notify the Committees
21 on Appropriations of the Senate and the House of Rep-
22 resentatives, the Committee on Commerce, Science, and
23 Transportation of the Senate, and the Committee on
24 Transportation and Infrastructure of the House of Rep-
25 resentatives within 2 business days of any request for

1 waivers of navigation and vessel-inspection laws pursuant
2 to section 501(b) of title 46, United States Code, with re-
3 spect to such transportation, and the disposition of such
4 requests.

5 SEC. 207. (a) Beginning on the date of enactment
6 of this Act, the Secretary of Homeland Security shall
7 not—

8 (1) establish, collect, or otherwise impose any
9 new border crossing fee on individuals crossing the
10 Southern border or the Northern border at a land
11 port of entry; or

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

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

19 SEC. 208. Not later than 90 days after the date of
20 enactment of this Act, the Secretary of Homeland Security
21 shall submit an expenditure plan for any amounts made
22 available for “U.S. Customs and Border Protection—Pro-
23 curement, Construction, and Improvements” in this Act
24 and prior Acts to the Committees on Appropriations of
25 the Senate and the House of Representatives: *Provided,*

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

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

7 (1) \$1,964,813,000 for the construction of bar-
8 rier system along the southwest border;

9 (2) \$70,510,000 for the acquisition and deploy-
10 ment of border security technologies and trade and
11 travel assets and infrastructure;

12 (3) \$139,399,000 for facility construction and
13 improvements;

14 (4) \$114,932,000 for integrated operations as-
15 sets and infrastructure; and

16 (5) \$22,629,000 for mission support and infra-
17 structure.

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

20 (1) use—

21 (A) operationally effective designs deployed
22 as of the date of enactment of the Consolidated
23 Appropriations Act, 2017 (Public Law 115–31),
24 such as currently deployed steel bollard designs,
25 that prioritize agent safety; or

1 (B) operationally effective adaptations of
2 such designs that help mitigate community or
3 environmental impacts of barrier system con-
4 struction, including adaptations based on con-
5 sultation with jurisdictions within which barrier
6 system will be constructed; and

7 (2) are constructed in the highest priority loca-
8 tions as identified in the Border Security Improve-
9 ment Plan.

10 (c) Consultation with a jurisdiction under subsection
11 (b) shall not exceed 90 calendar days after such jurisdic-
12 tion has been notified that U.S. Customs and Border Pro-
13 tection is entering into such consultation, unless an exten-
14 sion of time is agreed to by such agency and such jurisdic-
15 tion.

16 (d) Not later than 90 days after the date of enact-
17 ment of this Act, the Secretary of Homeland Security shall
18 submit to the Committee on Appropriations of the Senate,
19 the Committee on Appropriations of the House of Rep-
20 resentatives, and the Comptroller General of the United
21 States an updated risk-based plan for improving security
22 along the borders of the United States that includes the
23 elements required under subsection (a) of section 231 of
24 division F of the Consolidated Appropriations Act, 2018

1 (Public Law 115–141), which shall be evaluated in accord-
2 ance with subsection (b) of such section.

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

5 (1) within the Santa Ana Wildlife Refuge;

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

8 (3) within La Lomita Historical park;

9 (4) within the National Butterfly Center;

10 (5) within or east of the Vista del Mar Ranch
11 tract of the Lower Rio Grande Valley National Wild-
12 life Refuge; or

13 (6) within historic cemeteries.

14 SEC. 211. Funds made available in this Act may be
15 used to alter operations within the National Targeting
16 Center of U.S. Customs and Border Protection: *Provided*,
17 That none of the funds provided by this Act, provided by
18 previous appropriations Acts that remain available for ob-
19 ligation or expenditure in fiscal year 2021, or provided
20 from any accounts in the Treasury of the United States
21 derived by the collection of fees available to the compo-
22 nents funded by this Act, may be used to reduce antici-
23 pated or planned vetting operations at existing locations
24 unless specifically authorized by a statute enacted after
25 the date of enactment of this Act.

1 SEC. 212. Without regard to the limitation as to time
2 and condition of section 503(d) of this Act, the Secretary
3 may reprogram within and transfer funds to “U.S. Immi-
4 gration and Customs Enforcement—Operations and Sup-
5 port” as necessary to ensure the detention of aliens
6 prioritized for removal.

7 SEC. 213. None of the funds provided under the
8 heading “U.S. Immigration and Customs Enforcement—
9 Operations and Support” may be used to continue a dele-
10 gation of law enforcement authority authorized under sec-
11 tion 287(g) of the Immigration and Nationality Act (8
12 U.S.C. 1357(g)) if the Department of Homeland Security
13 Inspector General determines that the terms of the agree-
14 ment governing the delegation of authority have been ma-
15 terially violated.

16 SEC. 214. (a) None of the funds provided under the
17 heading “U.S. Immigration and Customs Enforcement—
18 Operations and Support” may be used to continue any
19 contract for the provision of detention services if the two
20 most recent overall performance evaluations received by
21 the contracted facility are less than “adequate” or the
22 equivalent median score in any subsequent performance
23 evaluation system.

24 (b) Beginning not later than January 1, 2021, the
25 performance evaluations referenced in subsection (a) shall

1 be conducted by the U.S. Immigration and Customs En-
2 forcement Office of Professional Responsibility.

3 SEC. 215. The terms and conditions of sections 216,
4 217, and 218 of the Department of Homeland Security
5 Appropriations Act, 2020 (division D of Public Law 116–
6 93) shall apply to this Act.

7 SEC. 216. Members of the United States House of
8 Representatives and the United States Senate, including
9 the leadership; the heads of Federal agencies and commis-
10 sions, including the Secretary, Deputy Secretary, Under
11 Secretaries, and Assistant Secretaries of the Department
12 of Homeland Security; the United States Attorney Gen-
13 eral, Deputy Attorney General, Assistant Attorneys Gen-
14 eral, and the United States Attorneys; and senior mem-
15 bers of the Executive Office of the President, including
16 the Director of the Office of Management and Budget,
17 shall not be exempt from Federal passenger and baggage
18 screening.

19 SEC. 217. Any award by the Transportation Security
20 Administration to deploy explosives detection systems
21 shall be based on risk, the airport's current reliance on
22 other screening solutions, lobby congestion resulting in in-
23 creased security concerns, high injury rates, airport readi-
24 ness, and increased cost effectiveness.

1 SEC. 218. Notwithstanding section 44923 of title 49,
2 United States Code, for fiscal year 2021, any funds in
3 the Aviation Security Capital Fund established by section
4 44923(h) of title 49, United States Code, may be used
5 for the procurement and installation of explosives detec-
6 tion systems or for the issuance of other transaction agree-
7 ments for the purpose of funding projects described in sec-
8 tion 44923(a) of such title.

9 SEC. 219. None of the funds made available by this
10 or any other Act may be used by the Administrator of
11 the Transportation Security Administration to implement,
12 administer, or enforce, in abrogation of the responsibility
13 described in section 44903(n)(1) of title 49, United States
14 Code, any requirement that airport operators provide air-
15 port-financed staffing to monitor exit points from the ster-
16 ile area of any airport at which the Transportation Secu-
17 rity Administration provided such monitoring as of De-
18 cember 1, 2013.

19 SEC. 220. Not later than 30 days after the submis-
20 sion of the President's budget proposal, the Administrator
21 of the Transportation Security Administration shall sub-
22 mit to the Committees on Appropriations and Commerce,
23 Science, and Transportation of the Senate and the Com-
24 mittees on Appropriations and Homeland Security in the

1 House of Representatives a single report that fulfills the
2 following requirements:

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

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

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

17 SEC. 221. None of the funds made available by this
18 Act under the heading “Coast Guard—Operations and
19 Support” shall be for expenses incurred for recreational
20 vessels under section 12114 of title 46, United States
21 Code, except to the extent fees are collected from owners
22 of yachts and credited to the appropriation made available
23 by this Act under the heading “Coast Guard—Operations
24 and Support”: *Provided*, That to the extent such fees are
25 insufficient to pay expenses of recreational vessel docu-

1 mentation under such section 12114, and there is a back-
2 log of recreational vessel applications, personnel per-
3 forming non-recreational vessel documentation functions
4 under subchapter II of chapter 121 of title 46, United
5 States Code, may perform documentation under section
6 12114.

7 SEC. 222. Without regard to the limitation as to time
8 and condition of section 503(d) of this Act, after June
9 30, up to \$10,000,000 may be reprogrammed to or from
10 the Military Pay and Allowances funding category within
11 “Coast Guard—Operations and Support” in accordance
12 with subsection (a) of section 503 of this Act.

13 SEC. 223. Notwithstanding any other provision of
14 law, the Commandant of the Coast Guard shall submit
15 to the Committees on Appropriations of the Senate and
16 the House of Representatives a future-years capital invest-
17 ment plan as described in the second proviso under the
18 heading “Coast Guard—Acquisition, Construction, and
19 Improvements” in the Department of Homeland Security
20 Appropriations Act, 2015 (Public Law 114–4), which shall
21 be subject to the requirements in the third and fourth pro-
22 visos under such heading.

23 SEC. 224. Of the funds made available for defense-
24 related activities under the heading “Coast Guard—Oper-
25 ations and Support”, up to \$190,000,000 that are used

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

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

8 SEC. 226. None of the funds appropriated by this Act
9 may be used to conduct, or to implement the results of,
10 a competition under Office of Management and Budget
11 Circular A-76 for activities performed with respect to the
12 Coast Guard National Vessel Documentation Center.

13 SEC. 227. Funds made available in this Act may be
14 used to alter operations within the Civil Engineering Pro-
15 gram of the Coast Guard nationwide, including civil engi-
16 neering units, facilities design and construction centers,
17 maintenance and logistics commands, and the Coast
18 Guard Academy, except that none of the funds provided
19 in this Act may be used to reduce operations within any
20 civil engineering unit unless specifically authorized by a
21 statute enacted after the date of enactment of this Act.

22 SEC. 228. Amounts deposited into the Coast Guard
23 Housing Fund in fiscal year 2021 shall be available to
24 carry out the purposes of section 2946 of title 14, United
25 States Code, and shall remain available until expended:

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 ations 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-

1 ployees on protective missions without regard to the limi-
2 tations on such expenditures in this or any other Act if
3 the Director of the United States Secret Service or a des-
4 ignee notifies the Committees on Appropriations of the
5 Senate and the House of Representatives 10 or more days
6 in advance, or as early as practicable, prior to such ex-
7 penditures.

1 TITLE III
2 PROTECTION, PREPAREDNESS, RESPONSE, AND
3 RECOVERY
4 CYBERSECURITY AND INFRASTRUCTURE SECURITY
5 AGENCY
6 OPERATIONS AND SUPPORT

7 For necessary expenses of the Cybersecurity and In-
8 frastructure Security Agency for operations and support,
9 \$1,656,366,000, of which \$9,055,000 shall remain avail-
10 able until September 30, 2022: *Provided*, That not to ex-
11 ceed \$3,825 shall be for official reception and representa-
12 tion expenses.

13 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

14 For necessary expenses of the Cybersecurity and In-
15 frastructure Security Agency for procurement, construc-
16 tion, and improvements, \$356,025,000, to remain avail-
17 able until September 30, 2023.

18 RESEARCH AND DEVELOPMENT

19 For necessary expenses of the Cybersecurity and In-
20 frastructure Security Agency for research and develop-
21 ment, \$16,431,000, to remain available until September
22 30, 2022.

1 FEDERAL EMERGENCY MANAGEMENT AGENCY

2 OPERATIONS AND SUPPORT

3 For necessary expenses of the Federal Emergency
4 Management Agency for operations and support,
5 \$1,122,683,000: *Provided*, That not to exceed \$2,250
6 shall be for official reception and representation expenses.

7 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

8 For necessary expenses of the Federal Emergency
9 Management Agency for procurement, construction, and
10 improvements, \$108,103,000, of which \$55,887,000 shall
11 remain available until September 30, 2024, and of which
12 \$52,216,000 shall remain available until September 30,
13 2025.

14 FEDERAL ASSISTANCE

15 (INCLUDING TRANSFER OF FUNDS)

16 For activities of the Federal Emergency Management
17 Agency for Federal assistance through grants, contracts,
18 cooperative agreements, and other activities,
19 \$3,193,892,000, which shall be allocated as follows:

20 (1) \$560,000,000 for the State Homeland Secu-
21 rity Grant Program under section 2004 of the
22 Homeland Security Act of 2002 (6 U.S.C. 605), of
23 which \$90,000,000 shall be for Operation
24 Stonegarden, \$15,000,000 shall be for Tribal Home-
25 land Security Grants under section 2005 of the

1 Homeland Security Act of 2002 (6 U.S.C. 606), and
2 \$40,000,000 shall be for organizations (as described
3 under section 501(c)(3) of the Internal Revenue
4 Code of 1986 and exempt from tax under section
5 501(a) of such code) determined by the Secretary of
6 Homeland Security to be at high risk of a terrorist
7 attack: *Provided*, That notwithstanding subsection
8 (c)(4) of such section 2004, for fiscal year 2021, the
9 Commonwealth of Puerto Rico shall make available
10 to local and tribal governments amounts provided to
11 the Commonwealth of Puerto Rico under this para-
12 graph in accordance with subsection (c)(1) of such
13 section 2004.

14 (2) \$665,000,000 for the Urban Area Security
15 Initiative under section 2003 of the Homeland Secu-
16 rity Act of 2002 (6 U.S.C. 604), of which
17 \$50,000,000 shall be for organizations (as described
18 under section 501(c)(3) of the Internal Revenue
19 Code of 1986 and exempt from tax under section
20 501(a) of such code) determined by the Secretary of
21 Homeland Security to be at high risk of a terrorist
22 attack.

23 (3) \$100,000,000 for Public Transportation Se-
24 curity Assistance, Railroad Security Assistance, and
25 Over-the-Road Bus Security Assistance under sec-

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

9 (4) \$100,000,000 for Port Security Grants in
10 accordance with section 70107 of title 46, United
11 States Code.

12 (5) \$710,000,000, to remain available until
13 September 30, 2022, of which \$355,000,000 shall be
14 for Assistance to Firefighter Grants and
15 \$355,000,000 shall be for Staffing for Adequate
16 Fire and Emergency Response Grants under sec-
17 tions 33 and 34 respectively of the Federal Fire Pre-
18 vention and Control Act of 1974 (15 U.S.C. 2229
19 and 2229a).

20 (6) \$355,000,000 for emergency management
21 performance grants under the National Flood Insur-
22 ance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-
23 ert T. Stafford Disaster Relief and Emergency As-
24 sistance Act (42 U.S.C. 5121), the Earthquake Haz-
25 ards Reduction Act of 1977 (42 U.S.C. 7701), sec-

1 tion 762 of title 6, United States Code, and Reorga-
2 nization Plan No. 3 of 1978 (5 U.S.C. App.).

3 (7) \$263,000,000 for necessary expenses for
4 Flood Hazard Mapping and Risk Analysis, in addi-
5 tion to and to supplement any other sums appro-
6 priated under the National Flood Insurance Fund,
7 and such additional sums as may be provided by
8 States or other political subdivisions for cost-shared
9 mapping activities under section 1360(f)(2) of the
10 National Flood Insurance Act of 1968 (42 U.S.C.
11 4101(f)(2)), to remain available until expended.

12 (8) \$14,000,000 for Regional Catastrophic Pre-
13 paredness Grants.

14 (9) \$14,000,000 for Rehabilitation of High
15 Hazard Potential Dams under section 8A of the Na-
16 tional Dam Safety Program Act (33 U.S.C. 467f-2).

17 (10) \$125,000,000 for the emergency food and
18 shelter program under title III of the McKinney-
19 Vento Homeless Assistance Act (42 U.S.C. 11331),
20 to remain available until expended: *Provided*, That
21 not to exceed 3.5 percent shall be for total adminis-
22 trative costs.

23 (11) \$287,892,000 to sustain current oper-
24 ations for training, exercises, technical assistance,
25 and other programs.

1 DISASTER RELIEF FUND

2 For necessary expenses in carrying out the Robert
3 T. Stafford Disaster Relief and Emergency Assistance Act
4 (42 U.S.C. 5121 et seq.), \$17,735,417,000, to remain
5 available until expended: *Provided*, That of the amount
6 provided under this heading, \$17,142,000,000 shall be for
7 major disasters declared pursuant to the Robert T. Staf-
8 ford Disaster Relief and Emergency Assistance Act (42
9 U.S.C. 5121 et seq.) and is designated by the Congress
10 as being for disaster relief pursuant to section
11 251(b)(2)(D) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 NATIONAL FLOOD INSURANCE FUND

14 For activities under the National Flood Insurance
15 Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster
16 Protection Act of 1973 (42 U.S.C. 4001 et seq.), the
17 Biggert-Waters Flood Insurance Reform Act of 2012
18 (Public Law 112–141, 126 Stat. 916), and the Home-
19 owner Flood Insurance Affordability Act of 2014 (Public
20 Law 113–89; 128 Stat. 1020), \$204,412,000, to remain
21 available until September 30, 2022, which shall be derived
22 from offsetting amounts collected under section 1308(d)
23 of the National Flood Insurance Act of 1968 (42 U.S.C.
24 4015(d)); of which \$13,906,000 shall be available for mis-
25 sion support associated with flood management; and of

1 which \$190,506,000 shall be available for flood plain man-
2 agement and flood mapping: *Provided*, That any addi-
3 tional fees collected pursuant to section 1308(d) of the
4 National Flood Insurance Act of 1968 (42 U.S.C.
5 4015(d)) shall be credited as offsetting collections to this
6 account, to be available for flood plain management and
7 flood mapping: *Provided further*, That in fiscal year 2021,
8 no funds shall be available from the National Flood Insur-
9 ance Fund under section 1310 of the National Flood In-
10 surance Act of 1968 (42 U.S.C. 4017) in excess of—

11 (1) \$181,021,000 for operating expenses and
12 salaries and expenses associated with flood insurance
13 operations;

14 (2) \$1,164,000,000 for commissions and taxes
15 of agents;

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

18 (4) \$175,000,000, which shall remain available
19 until expended, for flood mitigation actions and for
20 flood mitigation assistance under section 1366 of the
21 National Flood Insurance Act of 1968 (42 U.S.C.
22 4104c), notwithstanding sections 1366(e) and
23 1310(a)(7) of such Act (42 U.S.C. 4104c(e), 4017):

24 *Provided further*, That the amounts collected under section
25 102 of the Flood Disaster Protection Act of 1973 (42

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

14 ADMINISTRATIVE PROVISIONS

15 SEC. 301. Notwithstanding section 2008(a)(12) of
16 the Homeland Security Act of 2002 (6 U.S.C. 609(a)(12))
17 or any other provision of law, not more than 5 percent
18 of the amount of a grant made available in paragraphs
19 (1) through (4) under “Federal Emergency Management
20 Agency—Federal Assistance”, may be used by the grantee
21 for expenses directly related to administration of the
22 grant.

23 SEC. 302. Applications for grants under the heading
24 “Federal Emergency Management Agency—Federal As-
25 sistance”, for paragraphs (1) through (4), shall be made

1 available to eligible applicants not later than 60 days after
2 the date of enactment of this Act, eligible applicants shall
3 submit applications not later than 80 days after the grant
4 announcement, and the Administrator of the Federal
5 Emergency Management Agency shall act within 65 days
6 after the receipt of an application.

7 SEC. 303. Under the heading “Federal Emergency
8 Management Agency—Federal Assistance”, for grants
9 under paragraphs (1) through (4), (8), and (9), the Ad-
10 ministrator of the Federal Emergency Management Agen-
11 cy shall brief the Committees on Appropriations of the
12 Senate and the House of Representatives 5 full business
13 days in advance of announcing publicly the intention of
14 making an award.

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

20 SEC. 305. The reporting requirements in paragraphs
21 (1) and (2) under the heading “Federal Emergency Man-
22 agement Agency—Disaster Relief Fund” in the Depart-
23 ment of Homeland Security Appropriations Act, 2015
24 (Public Law 114–4) shall be applied in fiscal year 2021

1 with respect to budget year 2022 and current fiscal year
2 2021, respectively—

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

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

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

15 (b) For grants made under the heading “Federal
16 Emergency Management Agency—Firefighter Assistance
17 Grants” in division F of Public Law 114–113, the Sec-
18 retary may extend the period of performance described in
19 subsection (a)(1)(B) of such section 34 for up to one addi-
20 tional year.

21 (c) For purposes of subsection (b)—

22 (1) subsections (a)(1)(E)(iii) and (c)(4)(C) of
23 such section 34 shall also apply to such additional
24 year of such period of performance; and

1 (2) the authority provided shall only apply to
2 any such grant award that remains open on the date
3 of enactment of this Act.

4 SEC. 307. The aggregate charges assessed during fis-
5 cal year 2021, as authorized in title III of the Depart-
6 ments of Veterans Affairs and Housing and Urban Devel-
7 opment, and Independent Agencies Appropriations Act,
8 1999 (42 U.S.C. 5196e), shall not be less than 100 per-
9 cent of the amounts anticipated by the Department of
10 Homeland Security to be necessary for its Radiological
11 Emergency Preparedness Program for the next fiscal year:
12 *Provided*, That the methodology for assessment and collec-
13 tion of fees shall be fair and equitable and shall reflect
14 costs of providing such services, including administrative
15 costs of collecting such fees: *Provided further*, That such
16 fees shall be deposited in a Radiological Emergency Pre-
17 paredness Program account as offsetting collections and
18 will become available for authorized purposes on October
19 1, 2021, and remain available until expended.

1 TITLE IV
2 RESEARCH, DEVELOPMENT, TRAINING, AND
3 SERVICES

4 U.S. CITIZENSHIP AND IMMIGRATION SERVICES
5 OPERATIONS AND SUPPORT

6 For necessary expenses of U.S. Citizenship and Im-
7 migration Services for operations and support of the E-
8 Verify Program, \$118,676,000.

9 FEDERAL LAW ENFORCEMENT TRAINING CENTERS
10 OPERATIONS AND SUPPORT

11 For necessary expenses of the Federal Law Enforce-
12 ment Training Centers for operations and support, includ-
13 ing the purchase of not to exceed 117 vehicles for police-
14 type use and hire of passenger motor vehicles, and services
15 as authorized by section 3109 of title 5, United States
16 Code, \$304,423,000, of which \$61,391,000 shall remain
17 available until September 30, 2022: *Provided*, That not
18 to exceed \$7,180 shall be for official reception and rep-
19 resentation expenses.

20 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

21 For necessary expenses of the Federal Law Enforce-
22 ment Training Centers for procurement, construction, and
23 improvements, \$26,000,000, to remain available until Sep-
24 tember 30, 2025.

1 SCIENCE AND TECHNOLOGY DIRECTORATE

2 OPERATIONS AND SUPPORT

3 For necessary expenses of the Science and Tech-
4 nology Directorate for operations and support,
5 \$304,900,000, of which \$171,232,000 shall remain avail-
6 able until September 30, 2022: *Provided*, That not to ex-
7 ceed \$10,000 shall be for official reception and representa-
8 tion expenses.

9 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

10 For necessary expenses of the Science and Tech-
11 nology Directorate for procurement, construction, and im-
12 provements, \$18,927,000, to remain available until Sep-
13 tember 30, 2023.

14 RESEARCH AND DEVELOPMENT

15 For necessary expenses of the Science and Tech-
16 nology Directorate for research and development,
17 \$439,917,000, to remain available until September 30,
18 2023.

19 COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

20 OPERATIONS AND SUPPORT

21 For necessary expenses of the Countering Weapons
22 of Mass Destruction Office for operations and support,
23 \$172,292,000, of which \$20,697,000 shall remain avail-
24 able until September 30, 2022: *Provided*, That not to ex-

1 ceed \$2,250 shall be for official reception and representa-
2 tion expenses.

3 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

4 For necessary expenses of the Countering Weapons
5 of Mass Destruction Office for procurement, construction,
6 and improvements, \$87,413,000, to remain available until
7 September 30, 2023.

8 RESEARCH AND DEVELOPMENT

9 For necessary expenses of the Countering Weapons
10 of Mass Destruction Office for research and development,
11 \$58,209,000, to remain available until September 30,
12 2023.

13 FEDERAL ASSISTANCE

14 For necessary expenses of the Countering Weapons
15 of Mass Destruction Office for Federal assistance through
16 grants, contracts, cooperative agreements, and other ac-
17 tivities, \$69,663,000, to remain available until September
18 30, 2023.

19 ADMINISTRATIVE PROVISIONS

20 SEC. 401. Notwithstanding any other provision of
21 law, funds otherwise made available to U.S. Citizenship
22 and Immigration Services may be used to acquire, operate,
23 equip, and dispose of up to 5 vehicles, for replacement
24 only, for areas where the Administrator of General Serv-
25 ices does not provide vehicles for lease: *Provided*, That the

1 Director of U.S. Citizenship and Immigration Services
2 may authorize employees who are assigned to those areas
3 to use such vehicles to travel between the employees' resi-
4 dences and places of employment.

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

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

18 SEC. 404. (a) Of the funds deposited into the Immi-
19 gration Examinations Fee Account, up to \$10,000,000
20 may be allocated by U.S. Citizenship and Immigration
21 Services in fiscal year 2021 for the purpose of providing
22 an Immigrant Integration grants program.

23 (b) None of the funds made available to U.S. Citizen-
24 ship and Immigration Services for grants for immigrant
25 integration under subsection (a) may be used to provide

1 services to aliens who have not been lawfully admitted for
2 permanent residence.

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

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

15 SEC. 407. The Director of the Federal Law Enforce-
16 ment Training Centers may accept transfers to its “Pro-
17 curement, Construction, and Improvements” account from
18 Government agencies requesting the construction of spe-
19 cial use facilities, as authorized by the Economy Act (31
20 U.S.C. 1535(b)): *Provided*, That the Federal Law En-
21 forcement Training Centers maintain administrative con-
22 trol and ownership upon completion of such facilities.

23 SEC. 408. The functions of the Federal Law Enforce-
24 ment Training Centers instructor staff shall be classified
25 as inherently governmental for purposes of the Federal

1 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
2 note).

1

TITLE V

2

GENERAL PROVISIONS

3

(INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

4

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.

7

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.

15

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—

24

(1) creates or eliminates a program, project, or activity, or increases funds for any program, project,

25

1 or activity for which funds have been denied or re-
2 stricted by the Congress;

3 (2) contracts out any function or activity pres-
4 ently performed by Federal employees or any new
5 function or activity proposed to be performed by
6 Federal employees in the President's budget pro-
7 posal for fiscal year 2021 for the Department of
8 Homeland Security;

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

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

15 (5) results from any general savings from a re-
16 duction in personnel that would result in a change
17 in funding levels for programs, projects, or activities
18 as approved by the Congress.

19 (b) Subsection (a) shall not apply if the Committees
20 on Appropriations of the Senate and the House of Rep-
21 resentatives are notified at least 15 days in advance of
22 such reprogramming.

23 (c) Up to 5 percent of any appropriation made avail-
24 able for the current fiscal year for the Department of
25 Homeland Security by this Act or provided by previous

1 appropriations Acts may be transferred between such ap-
2 propriations if the Committees on Appropriations of the
3 Senate and the House of Representatives are notified at
4 least 30 days in advance of such transfer, but no such
5 appropriation, except as otherwise specifically provided,
6 shall be increased by more than 10 percent by such trans-
7 fer.

8 (d) Notwithstanding subsections (a), (b), and (c), no
9 funds shall be reprogrammed within or transferred be-
10 tween appropriations based upon an initial notification
11 provided after June 30, except in extraordinary cir-
12 cumstances that imminently threaten the safety of human
13 life or the protection of property.

14 (e) The notification thresholds and procedures set
15 forth in subsections (a), (b), (c), and (d) shall apply to
16 any use of deobligated balances of funds provided in pre-
17 vious Department of Homeland Security Appropriations
18 Acts that remain available for obligation in the current
19 year.

20 (f) Notwithstanding subsection (c), the Secretary of
21 Homeland Security may transfer to the fund established
22 by 8 U.S.C. 1101 note, up to \$20,000,000 from appro-
23 priations available to the Department of Homeland Secu-
24 rity: *Provided*, That the Secretary shall notify the Com-
25 mittees on Appropriations of the Senate and the House

1 of Representatives at least 5 days in advance of such
2 transfer.

3 SEC. 504. Section 504 of the Department of Home-
4 land Security Appropriations Act, 2017 (division F of
5 Public Law 115–31), related to the operations of a work-
6 ing capital fund, shall apply with respect to funds made
7 available in this Act in the same manner as such section
8 applied to funds made available in that Act: *Provided*,
9 That funds from such working capital fund may be obli-
10 gated and expended in anticipation of reimbursements
11 from components of the Department of Homeland Secu-
12 rity.

13 SEC. 505. Except as otherwise specifically provided
14 by law, not to exceed 50 percent of unobligated balances
15 remaining available at the end of fiscal year 2021, as re-
16 corded in the financial records at the time of a reprogram-
17 ming notification, but not later than June 30, 2022, from
18 appropriations for “Operations and Support” for fiscal
19 year 2021 in this Act shall remain available through Sep-
20 tember 30, 2022, in the account and for the purposes for
21 which the appropriations were provided: *Provided*, That
22 prior to the obligation of such funds, a notification shall
23 be submitted to the Committees on Appropriations of the
24 Senate and the House of Representatives in accordance
25 with section 503 of this Act.

1 SEC. 506. Funds made available by this Act for intel-
2 ligence activities are deemed to be specifically authorized
3 by the Congress for purposes of section 504 of the Na-
4 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
5 year 2021 until the enactment of an Act authorizing intel-
6 ligence activities for fiscal year 2021.

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

12 (1) making or awarding a grant allocation,
13 grant, contract, other transaction agreement, or task
14 or delivery order on a Department of Homeland Se-
15 curity multiple award contract, or to issue a letter
16 of intent totaling in excess of \$1,000,000;

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

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

22 (4) announcing publicly the intention to make
23 or award items under paragraph (1), (2), or (3), in-
24 cluding a contract covered by the Federal Acquisi-
25 tion Regulation.

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

8 (c) A notification under this section—

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

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

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

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

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

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

20 SEC. 512. None of the funds made available in this
21 Act may be used to amend the oath of allegiance required
22 by section 337 of the Immigration and Nationality Act
23 (8 U.S.C. 1448).

24 SEC. 513. None of the funds provided or otherwise
25 made available in this Act shall be available to carry out

1 section 872 of the Homeland Security Act of 2002 (6
2 U.S.C. 452) unless explicitly authorized by the Congress.

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

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

11 SEC. 516. None of the funds appropriated or other-
12 wise made available in this or any other Act may be used
13 to transfer, release, or assist in the transfer or release to
14 or within the United States, its territories, or possessions
15 Khalid Sheikh Mohammed or any other detainee who—

16 (1) is not a United States citizen or a member
17 of the Armed Forces of the United States; and

18 (2) is or was held on or after June 24, 2009,
19 at the United States Naval Station, Guantanamo
20 Bay, Cuba, by the Department of Defense.

21 SEC. 517. None of the funds made available in this
22 Act may be used for first-class travel by the employees
23 of agencies funded by this Act in contravention of sections
24 301–10.122 through 301–10.124 of title 41, Code of Fed-
25 eral Regulations.

1 SEC. 518. None of the funds made available in this
2 Act may be used to employ workers described in section
3 274A(h)(3) of the Immigration and Nationality Act (8
4 U.S.C. 1324a(h)(3)).

5 SEC. 519. Notwithstanding any other provision of
6 this Act, none of the funds appropriated or otherwise
7 made available by this Act may be used to pay award or
8 incentive fees for contractor performance that has been
9 judged to be below satisfactory performance or perform-
10 ance that does not meet the basic requirements of a con-
11 tract.

12 SEC. 520. None of the funds appropriated or other-
13 wise made available by this Act may be used by the De-
14 partment of Homeland Security to enter into any Federal
15 contract unless such contract is entered into in accordance
16 with the requirements of subtitle I of title 41, United
17 States Code, or chapter 137 of title 10, United States
18 Code, and the Federal Acquisition Regulation, unless such
19 contract is otherwise authorized by statute to be entered
20 into without regard to the above referenced statutes.

21 SEC. 521. (a) None of the funds made available in
22 this Act may be used to maintain or establish a computer
23 network unless such network blocks the viewing,
24 downloading, and exchanging of pornography.

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

5 SEC. 522. None of the funds made available in this
6 Act may be used by a Federal law enforcement officer to
7 facilitate the transfer of an operable firearm to an indi-
8 vidual if the Federal law enforcement officer knows or sus-
9 pects that the individual is an agent of a drug cartel unless
10 law enforcement personnel of the United States continu-
11 ously monitor or control the firearm at all times.

12 SEC. 523. None of the funds made available in this
13 Act may be used to pay for the travel to or attendance
14 of more than 50 employees of a single component of the
15 Department of Homeland Security, who are stationed in
16 the United States, at a single international conference un-
17 less the Secretary of Homeland Security, or a designee,
18 determines that such attendance is in the national interest
19 and notifies the Committees on Appropriations of the Sen-
20 ate and the House of Representatives within at least 10
21 days of that determination and the basis for that deter-
22 mination: *Provided*, That for purposes of this section the
23 term “international conference” shall mean a conference
24 occurring outside of the United States attended by rep-
25 resentatives of the United States Government and of for-

1 eign governments, international organizations, or non-
2 governmental organizations: *Provided further*, That the
3 total cost to the Department of Homeland Security of any
4 such conference shall not exceed \$500,000.

5 SEC. 524. None of the funds made available in this
6 Act may be used to reimburse any Federal department
7 or agency for its participation in a National Special Secu-
8 rity Event.

9 SEC. 525. None of the funds made available to the
10 Department of Homeland Security by this or any other
11 Act may be obligated for any structural pay reform that
12 affects more than 100 full-time positions or costs more
13 than \$5,000,000 in a single year before the end of the
14 30-day period beginning on the date on which the Sec-
15 retary of Homeland Security submits to Congress a notifi-
16 cation that includes—

17 (1) the number of full-time positions affected by
18 such change;

19 (2) funding required for such change for the
20 current year and through the Future Years Home-
21 land Security Program;

22 (3) justification for such change; and

23 (4) an analysis of compensation alternatives to
24 such change that were considered by the Depart-
25 ment.

1 SEC. 526. (a) Any agency receiving funds made avail-
2 able in this Act shall, subject to subsections (b) and (c),
3 post on the public website of that agency any report re-
4 quired to be submitted by the Committees on Appropria-
5 tions of the Senate and the House of Representatives in
6 this Act, upon the determination by the head of the agency
7 that it shall serve the national interest.

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

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

11 (2) the report contains proprietary information.

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

17 SEC. 527. (a) Funding provided in this Act for “Op-
18 erations and Support” may be used for minor procure-
19 ment, construction, and improvements.

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

23 SEC. 528. None of the funds made available by this
24 Act may be obligated or expended to implement the Arms

1 Trade Treaty until the Senate approves a resolution of
2 ratification for the Treaty.

3 SEC. 529. The authority provided by section 532 of
4 the Department of Homeland Security Appropriations
5 Act, 2018 (Public Law 115–141) regarding primary and
6 secondary schooling of dependents shall continue in effect
7 during fiscal year 2021.

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

10 (1) In subsection (a), by substituting “Sep-
11 tember 30, 2021,” for “September 30, 2017,”; and

12 (2) In subsection (c)(1), by substituting “Sep-
13 tember 30, 2021,” for “September 30, 2017”.

14 (b) The Secretary of Homeland Security, under the
15 authority of section 831 of the Homeland Security Act of
16 2002 (6 U.S.C. 391(a)), may carry out prototype projects
17 under section 2371b of title 10, United States Code, and
18 the Secretary shall perform the functions of the Secretary
19 of Defense as prescribed.

20 (c) The Secretary of Homeland Security under sec-
21 tion 831 of the Homeland Security Act of 2002 (6 U.S.C.
22 391(d)) may use the definition of nontraditional govern-
23 ment contractor as defined in section 2371b(e) of title 10,
24 United States Code.

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

12 (1) A Member of Congress.

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

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

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

1 SEC. 532. (a) Except as provided in subsection (b),
2 none of the funds made available in this Act may be used
3 to place restraints on a woman in the custody of the De-
4 partment of Homeland Security (including during trans-
5 port, in a detention facility, or at an outside medical facil-
6 ity) who is pregnant or in post-delivery recuperation.

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

9 (1) an appropriate official of the Department of
10 Homeland Security makes an individualized deter-
11 mination that the woman—

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

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

17 (2) a medical professional responsible for the
18 care of the pregnant woman determines that the use
19 of therapeutic restraints is appropriate for the med-
20 ical safety of the woman.

21 (c) If a pregnant woman is restrained pursuant to
22 subsection (b), only the safest and least restrictive re-
23 straints, as determined by the appropriate medical profes-
24 sional treating the woman, may be used. In no case may
25 restraints be used on a woman who is in active labor or

1 delivery, and in no case may a pregnant woman be re-
2 strained in a face-down position with four-point restraints,
3 on her back, or in a restraint belt that constricts the area
4 of the pregnancy. A pregnant woman who is immobilized
5 by restraints shall be positioned, to the maximum extent
6 feasible, on her left side.

7 SEC. 533. None of the funds made available by this
8 Act to the Department of Homeland Security may be used
9 to destroy any document, recording, or other record per-
10 taining to any potential sexual assault or abuse per-
11 petrated against any individual held in the custody of the
12 Department of Homeland Security.

13 SEC. 534. Within 60 days of any budget submission
14 for the Department of Homeland Security for fiscal year
15 2022 that assumes revenues or proposes a reduction from
16 the previous year based on user fees proposals that have
17 not been enacted into law prior to the submission of the
18 budget, the Secretary of Homeland Security shall provide
19 the Committees on Appropriations of the Senate and the
20 House of Representatives specific reductions in proposed
21 discretionary budget authority commensurate with the
22 revenues assumed in such proposals in the event that they
23 are not enacted prior to October 1, 2021.

24 SEC. 535. (a) The funds appropriated to the Depart-
25 ment of Homeland Security in this Act for “Operations

1 and Support” shall be hereby reduced, as determined by
2 the Chief Financial Officer, by a total of \$14,221,000 to
3 realize administrative savings, including savings from re-
4 quirements, supplies, or materials that were funded by the
5 Department using fiscal year 2020 appropriations for con-
6 tracts with periods of performance in fiscal year 2021.

7 (b) Funds may only be reduced for the respective ap-
8 propriations from amounts identified in the budget appen-
9 dix, as modified by the explanatory statement accom-
10 panying this Act, by object classes 25.1, 25.2, 25.3, and
11 26.2.

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

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

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

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

22 (d) No amounts may be reduced from amounts that
23 were designated by the Congress as an emergency require-
24 ment pursuant to a concurrent resolution on the budget
25 or section 251(b)(2)(A) of the Balanced Budget and

1 Emergency Deficit Control Act of 1985 or from amounts
2 that were designated by the Congress as being for disaster
3 relief pursuant to section 251(b)(2)(D) of the Balanced
4 Budget and Emergency Deficit Control Act of 1985.

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

9 (RESCISSION OF FUNDS)

10 SEC. 536. Of the funds appropriated to the Depart-
11 ment of Homeland Security, the following funds are here-
12 by rescinded from the following accounts and programs
13 in the specified amounts: *Provided*, That no amounts may
14 be rescinded from amounts that were designated by the
15 Congress as an emergency requirement pursuant to a con-
16 current resolution on the budget or the Balanced Budget
17 and Emergency Deficit Control Act of 1985 (Public Law
18 99–177):

19 (1) \$27,036,000 from Public Law 115-141
20 under the heading “Customs and Border Protec-
21 tion—Procurement, Construction, and Improve-
22 ments”.

23 This Act may be cited as the “Department of Home-
24 land Security Appropriations Act, 2021”.