

Union Calendar No. 368

116TH CONGRESS
2^D SESSION

H. R. 7669

[Report No. 116–458]

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

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2020

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

A BILL

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

1 MANAGEMENT DIRECTORATE
2 OPERATIONS AND SUPPORT

3 For necessary expenses of the Management Direc-
4 torate for operations and support, \$1,401,757,000: *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 \$359,450,000, of which \$159,611,000 shall remain avail-
11 able until September 30, 2023; and of which
12 \$199,839,000 shall remain available until September 30,
13 2025.

14 FEDERAL PROTECTIVE SERVICE

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

20 INTELLIGENCE, ANALYSIS, AND OPERATIONS

21 COORDINATION

22 OPERATIONS AND SUPPORT

23 For necessary expenses of the Office of Intelligence
24 and Analysis and the Office of Operations Coordination
25 for operations and support, \$311,263,000, of which

1 \$82,620,000 shall remain available until September 30,
2 2022: *Provided*, That not to exceed \$3,825 shall be for
3 official reception and representation expenses and not to
4 exceed \$2,000,000 is available for facility needs associated
5 with secure space at fusion centers, including improve-
6 ments to buildings.

7 OFFICE OF THE INSPECTOR GENERAL

8 OPERATIONS AND SUPPORT

9 For necessary expenses of the Office of Inspector
10 General for operations and support, \$190,186,000: *Pro-*
11 *vided*, That not to exceed \$300,000 may be used for cer-
12 tain confidential operational expenses, including the pay-
13 ment of informants, to be expended at the direction of the
14 Inspector General.

15 ADMINISTRATIVE PROVISIONS

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

22 (b) The Inspector General shall review the report re-
23 quired by subsection (a) to assess departmental compli-
24 ance with applicable laws and regulations and report the
25 results of that review to the Committees on Appropriations

1 of the Senate and the House of Representatives not later
2 than February 15, 2022.

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

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

17 SEC. 104. (a) The Secretary of Homeland Security,
18 in consultation with the Secretary of the Treasury, shall
19 notify the Committees on Appropriations of the Senate
20 and the House of Representatives of any proposed trans-
21 fers of funds available under section 9705(g)(4)(B) of title
22 31, United States Code, from the Department of the
23 Treasury Forfeiture Fund to any agency within the De-
24 partment of Homeland Security.

1 (b) None of the funds identified for such a transfer
2 may be obligated until the Committees on Appropriations
3 of the Senate and the House of Representatives are noti-
4 fied of the proposed transfer.

5 (c) The funds available under such section may not
6 be obligated for the construction of border security infra-
7 structure.

8 SEC. 105. All official costs associated with the use
9 of Government aircraft by Department of Homeland Secu-
10 rity personnel to support official travel of the Secretary
11 and the Deputy Secretary shall be paid from amounts
12 made available for the Office of the Secretary.

13 SEC. 106. (a) The Secretary of Homeland Security
14 shall establish metrics and collect data for assessing each
15 modality through which aliens are removed, expelled, ex-
16 tradited, or otherwise involuntarily returned to Mexico or
17 to a third country with respect to making an asylum claim
18 for all such modalities that were implemented by the De-
19 partment of Homeland Security after January 1, 2019.
20 Such data shall include:

21 (1) For aliens removed, expelled, extradited, or
22 otherwise involuntarily returned—

23 (A) the country to which the alien is re-
24 moved, expelled, extradited or returned;

1 (B) whether the alien was a member of a
2 family unit;

3 (C) the nationality of the alien;

4 (D) the gender of the alien;

5 (E) the age of the alien;

6 (F) the port of entry, Border Patrol Sec-
7 tor, or city and State, as appropriate, in which
8 the alien was apprehended or processed;

9 (G) the departmental component and office
10 responsible for such apprehension or processing;

11 (H) whether the alien belongs to a vulner-
12 able group, as defined by the Secretary in col-
13 laboration with the Office of Civil Rights and
14 Civil Liberties, and the vulnerable group to the
15 which the alien belongs;

16 (I) whether the alien expresses fear,
17 disaggregated by the number who receive a
18 positive fear determination based on an inter-
19 view by an asylum officer;

20 (J) whether the alien is represented by
21 legal counsel;

22 (K) the location and facility type in which
23 the alien was detained; and

24 (2) For aliens returned to Mexico—

1 (A) the number who appear at a port of
2 entry to attend immigration adjudication pro-
3 ceedings;

4 (B) the number scheduled to appear at a
5 port of entry for such proceedings who do not
6 so appear;

7 (C) the outcomes of such proceedings, in-
8 cluding data on the number of removals ordered
9 in absentia;

10 (D) the number who remain overnight in
11 the United States following such proceedings;
12 and

13 (E) the number who subsequently reenter
14 without inspection, disaggregated by adults and
15 children who reenter unaccompanied.

16 (b) For the purposes of this section, the term “fear”
17 shall refer to credible or reasonable fear of:

18 (1) persecution, as defined in section
19 235(b)(1)(B)(v) of the Immigration and Nationality
20 Act; or

21 (2) torture, as defined in section 208.31 of title
22 8, Code of Federal Regulations (as in effect on Jan-
23 uary 1, 2020).

24 (c) No Federal funds may be obligated or expended
25 to implement a return modality for purposes of an alien

1 establishing an asylum claim in a third country until the
2 Secretary has certified to Congress that such third coun-
3 try has the capacity to assess asylum claims and safely
4 resettle such claimants.

5 (d) Beginning not later than 30 days after the date
6 of enactment of this Act, the Secretary shall publish on
7 a semi-monthly basis not less than the previous 12 months
8 of the data required to be collected by subsection (a) as
9 of the last date of each reporting period on a publicly
10 available website of the Department in a downloadable,
11 searchable, and sortable format.

12 SEC. 107. (a) The Secretary of Homeland Security
13 shall conduct a comprehensive study to determine the ex-
14 tent of human trafficking in the United States, consistent
15 with the conclusions of the consultation under subsection
16 (b).

17 (b) Prior to commencing the study, the Secretary
18 shall carry out the following activities in consultation with
19 such Federal departments and agencies and State and
20 local government entities as the Secretary determines ap-
21 propriate—

22 (1) determine the appropriate time period for
23 the study to consider;

24 (2) determine what information regarding the
25 incidence of human trafficking is currently reported

1 to any Federal department or agency, and the avail-
2 ability of such information;

3 (3) take appropriate actions to obtain such in-
4 formation, consistent with privacy protection laws
5 and considerations and, where such information can-
6 not be obtained, promptly report to Congress such
7 unavailability;

8 (4) determine what additional information from
9 State and local government entities is necessary to
10 complete the study; and

11 (5) enter into agreements with such States or
12 local governments providing for the reporting of
13 such information.

14 (c) The Secretary shall provide a report to Congress
15 on the results of the study required by subsection (a),
16 which shall also include:

17 (1) the estimated number of human trafficking
18 victims disaggregated by—

19 (A) whether the victim was trafficked with-
20 in a State; and

21 (B) whether the victim was trafficked in
22 interstate commerce; and

23 (2) a description of industries and geographical
24 regions in which the practice of human trafficking is
25 most prevalent.

1 SEC. 108. (a) The Secretary of Homeland Security
2 shall establish and implement pilot programs under which
3 Mexican nationals admitted as nonimmigrant visitors in
4 a State pursuant to the requirements described in sections
5 212.1(c)(1)(i) and 235.1(h)(v)(A) or (C) of title 8, Code
6 of Federal Regulations, shall, notwithstanding the geo-
7 graphic limitations described in such section
8 235.1(h)(v)(A) or (C), be permitted to travel within the
9 boundaries of such State for a period not to exceed 30
10 days, as applicable.

11 (b) The pilot programs described in subsection (a)
12 shall begin not later than 90 days after the date of enact-
13 ment of this Act and terminate five years thereafter.

14 SEC. 109. (a) The Secretary shall provide a quarterly
15 travel report to the Committees on Appropriations of the
16 Senate and the House of Representatives detailing all
17 costs for the prior quarter for travel by the Secretary and
18 Deputy Secretary, disaggregated by funding source, indi-
19 rect costs, direct costs, official travel, and nonofficial trav-
20 el.

21 (b) The first report required under subsection (a)
22 shall be provided not later than 30 days after the end of
23 each fiscal quarter, beginning with the end of the first
24 quarter beginning after the date of enactment of this Act.

1 SEC. 110. (a) No Federal funds may be obligated for
2 any pilot or demonstration program that uses more than
3 5 full time equivalents or costs in excess of \$1,000,000
4 until 30 days after the Secretary of Homeland Security
5 provides the following to the Committees on Appropria-
6 tions of the Senate and the House of Representatives for
7 such program:

8 (1) Objectives that are well-defined and meas-
9 urable;

10 (2) An assessment methodology that details—

11 (A) the type and source of assessment
12 data;

13 (B) the methods for and frequency of col-
14 lecting such data; and

15 (C) how such data will be analyzed;

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

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

24 (b) Not later than 30 days after the date of comple-
25 tion of a pilot or demonstration program, the Secretary

1 of Homeland Security shall provide a report to Commit-
2 tees on Appropriations of the Senate and the House of
3 Representatives detailing lessons learned, actual costs,
4 and any planned expansion or continuation of the pilot
5 or demonstration program.

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

13 TITLE II

14 SECURITY, ENFORCEMENT, AND

15 INVESTIGATIONS

16 U.S. CUSTOMS AND BORDER PROTECTION

17 OPERATIONS AND SUPPORT

18 (INCLUDING TRANSFERS OF FUNDS)

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

1 the provision of such support to Federal, State, and local
2 agencies in other law enforcement and emergency humani-
3 tarian efforts; the purchase and lease of up to 7,500
4 (6,500 for replacement only) police-type vehicles; the pur-
5 chase, maintenance, or operation of marine vessels, air-
6 craft, and unmanned aerial systems; and contracting with
7 individuals for personal services abroad; \$13,240,238,000;
8 of which \$3,274,000 shall be derived from the Harbor
9 Maintenance Trust Fund for administrative expenses re-
10 lated to the collection of the Harbor Maintenance Fee pur-
11 suant to section 9505(c)(3) of the Internal Revenue Code
12 of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding sec-
13 tion 1511(e)(1) of the Homeland Security Act of 2002 (6
14 U.S.C. 551(e)(1)); of which \$500,000,000 shall be avail-
15 able until September 30, 2022; and of which such sums
16 as become available in the Customs User Fee Account, ex-
17 cept sums subject to section 13031(f)(3) of the Consoli-
18 dated Omnibus Budget Reconciliation Act of 1985 (19
19 U.S.C. 58c(f)(3)), shall be derived from that account; and
20 of which \$172,000,000 is for additional Office of Field
21 Operations staffing: *Provided*, That not to exceed \$34,425
22 shall be for official reception and representation expenses:
23 *Provided further*, That not to exceed \$150,000 shall be
24 available for payment for rental space in connection with
25 preclearance operations: *Provided further*, That not to ex-

1 exceed \$2,000,000 shall be for awards of compensation to
2 informants, to be accounted for solely under the certificate
3 of the Secretary of Homeland Security: *Provided further*,
4 That not to exceed \$5,000,000 may be transferred to the
5 Bureau of Indian Affairs for the maintenance and repair
6 of roads on Native American reservations used by the U.S.
7 Border Patrol: *Provided further*, That, not to exceed
8 \$75,000,000 shall be transferred to the United States
9 Fish and Wildlife Service for mitigation activities, includ-
10 ing land acquisition, related to the construction of border
11 barriers on Federal lands: *Provided further*, That of the
12 funds made available under this heading for the Executive
13 Leadership and Oversight program, project, and activity,
14 \$5,000,000 shall be withheld from obligation until the
15 Commissioner of U.S. Customs and Border Protection
16 submits the report required by section 209(b).

17 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

18 For necessary expenses of U.S. Customs and Border
19 Protection for procurement, construction, and improve-
20 ments, including procurement of marine vessels, aircraft,
21 and unmanned aerial systems, \$877,547,000, of which
22 \$750,148,000 shall remain available until September 30,
23 2023, and of which \$127,399,000 shall remain available
24 until September 30, 2025.

1 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
2 OPERATIONS AND SUPPORT
3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses of U.S. Immigration and
5 Customs Enforcement for operations and support, includ-
6 ing the purchase and lease of up to 3,790 (2,350 for re-
7 placement only) police-type vehicles; overseas vetted units;
8 and maintenance, minor construction, and minor leasehold
9 improvements at owned and leased facilities;
10 \$7,308,449,000; of which not less than \$6,000,000 shall
11 remain available until expended for efforts to enforce laws
12 against forced child labor; of which not less than
13 \$1,500,000 is for paid apprenticeships for participants in
14 the Human Exploitation Rescue Operative Child-Rescue
15 Corps; of which not less than \$15,000,000 shall be avail-
16 able for investigation of intellectual property rights viola-
17 tions, including operation of the National Intellectual
18 Property Rights Coordination Center; of which
19 \$3,305,292,000 shall be for enforcement and removal op-
20 erations, including transportation of unaccompanied
21 minor aliens; and of which \$317,613,000 shall be for the
22 Office of the Principal Legal Advisor: *Provided*, That not
23 to exceed \$11,475 shall be for official reception and rep-
24 resentation expenses: *Provided further*, That not to exceed
25 \$10,000,000 shall be available until expended for con-

1 ducting special operations under section 3131 of the Cus-
2 toms Enforcement Act of 1986 (19 U.S.C. 2081): *Pro-*
3 *vided further*, That not to exceed \$2,000,000 shall be for
4 awards of compensation to informants, to be accounted
5 for solely under the certificate of the Secretary of Home-
6 land Security: *Provided further*, That not to exceed
7 \$11,216,000 shall be available to fund or reimburse other
8 Federal agencies for the costs associated with the care,
9 maintenance, and repatriation of smuggled aliens unlaw-
10 fully present in the United States: *Provided further*, That
11 of the funds made available under this heading,
12 \$10,000,000 shall be withheld from obligation until the
13 second obligation and expenditure plan directed by the
14 Committee report accompanying this Act has been sub-
15 mitted: *Provided further*, That of the funds made available
16 under this heading for the Office of the Principal Legal
17 Advisor, \$10,000,000 shall be withheld from obligation
18 until the Secretary submits the certifications described in
19 section 218(b): *Provided further*, That of the funds made
20 available under this heading for enforcement and removal
21 operations, \$615,898,000 shall be withheld from obliga-
22 tion while the “Order Under Sections 362 and 365 of the
23 Public Health Service Act (42 U.S.C. 265, 268); Order
24 Suspending Introduction of Certain Persons From Coun-
25 tries Where a Communicable Disease Exists” issued on

1 March 20, 2020, and published on March 26, 2020, in
2 the Federal Register, remains in effect, including any ex-
3 tensions of such order: *Provided further*, That the amount
4 in the previous proviso shall become available on a pro
5 rata basis corresponding to the number of days remaining
6 in the fiscal year at the time such order (or any extension
7 of such order) is no longer in effect: *Provided further*, That
8 any amount withheld from obligation as of September 20,
9 2021 resulting from the previous two provisos, shall be
10 transferred as an additional amount to “Coast Guard—
11 Procurement, Construction, and Improvements”, to be-
12 come available on September 20, 2021, and to remain
13 available until September 30, 2025, for shore facilities and
14 aids to navigation: *Provided further*, That the Com-
15 mandant of the Coast Guard shall provide a detailed plan
16 for the use of such funds not later than 30 days prior
17 to the obligation of such funds.

18 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

19 For necessary expenses of U.S. Immigration and
20 Customs Enforcement for procurement, construction, and
21 improvements, \$97,799,000, of which \$24,538,000 shall
22 remain available until September 30, 2023, and of which
23 \$73,261,000 shall remain available until September 30,
24 2025.

1 \$29,524,000, to remain available until September 30,
2 2022.

3 COAST GUARD

4 OPERATIONS AND SUPPORT

5 For necessary expenses of the Coast Guard for oper-
6 ations and support including the Coast Guard Reserve;
7 purchase or lease of not to exceed 25 passenger motor ve-
8 hicles, which shall be for replacement only; purchase or
9 lease of small boats for contingent and emergent require-
10 ments (at a unit cost of not more than \$700,000) and
11 repairs and service-life replacements, not to exceed a total
12 of \$31,000,000; purchase, lease, or improvements of boats
13 necessary for overseas deployments and activities; pay-
14 ments pursuant to section 156 of Public Law 97-377 (42
15 U.S.C. 402 note; 96 Stat. 1920); and recreation and wel-
16 fare; \$8,560,267,000, of which \$555,000,000 shall be for
17 defense-related activities, of which \$215,000,000 is des-
18 ignated by the Congress for Overseas Contingency Oper-
19 ations/Global War on Terrorism pursuant to section
20 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985 and shall be available only
22 if the President subsequently so designates such amount
23 and transmits such designation to Congress; of which
24 \$24,500,000 shall be derived from the Oil Spill Liability
25 Trust Fund to carry out the purposes of section

1 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.
2 2712(a)(5)); of which \$5,000,000 shall remain available
3 until September 30, 2023; and of which \$21,212,000 shall
4 remain available until September 30, 2025, for environ-
5 mental compliance and restoration; and of which
6 \$70,000,000 shall remain available until September 30,
7 2022, for vessel depot level maintenance: *Provided*, That
8 not to exceed \$23,000 shall be for official reception and
9 representation expenses.

10 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

11 For necessary expenses of the Coast Guard for pro-
12 curement, construction, and improvements, including aids
13 to navigation, shore facilities (including facilities at De-
14 partment of Defense installations used by the Coast
15 Guard), and vessels and aircraft, including equipment re-
16 lated thereto, \$2,158,791,000, to remain available until
17 September 30, 2025; of which \$20,000,000 shall be de-
18 rived from the Oil Spill Liability Trust Fund to carry out
19 the purposes of section 1012(a)(5) of the Oil Pollution Act
20 of 1990 (33 U.S.C. 2712(a)(5)).

21 RESEARCH AND DEVELOPMENT

22 For necessary expenses of the Coast Guard for re-
23 search and development; and for maintenance, rehabilita-
24 tion, lease, and operation of facilities and equipment;
25 \$8,276,000, to remain available until September 30, 2023,

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

10 RETIRED PAY

11 For retired pay, including the payment of obligations
12 otherwise chargeable to lapsed appropriations for this pur-
13 pose, payments under the Retired Serviceman's Family
14 Protection and Survivor Benefits Plans, payment for ca-
15 reer status bonuses, payment of continuation pay under
16 section 356 of title 37, United States Code, concurrent
17 receipts, combat-related special compensation, and pay-
18 ments for medical care of retired personnel and their de-
19 pendants under chapter 55 of title 10, United States Code,
20 \$1,869,704,000, to remain available until expended.

21 UNITED STATES SECRET SERVICE

22 OPERATIONS AND SUPPORT

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

1 ment only; hire of passenger motor vehicles; purchase of
2 motorcycles made in the United States; hire of aircraft;
3 rental of buildings in the District of Columbia; fencing,
4 lighting, guard booths, and other facilities on private or
5 other property not in Government ownership or control,
6 as may be necessary to perform protective functions; con-
7 duct of and participation in firearms matches; presen-
8 tation of awards; conduct of behavioral research in sup-
9 port of protective intelligence and operations; payment in
10 advance for commercial accommodations as may be nec-
11 essary to perform protective functions; and payment, with-
12 out regard to section 5702 of title 5, United States Code,
13 of subsistence expenses of employees who are on protective
14 missions, whether at or away from their duty stations;
15 \$2,368,553,000; of which \$39,763,000 shall remain avail-
16 able until September 30, 2022, and of which \$6,000,000
17 shall be for a grant for activities related to investigations
18 of missing and exploited children: *Provided*, That not to
19 exceed \$19,125 shall be for official reception and represen-
20 tation expenses: *Provided further*, That not to exceed
21 \$100,000 shall be to provide technical assistance and
22 equipment to foreign law enforcement organizations in
23 criminal investigations within the jurisdiction of the
24 United States Secret Service.

1 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

2 For necessary expenses of the United States Secret
3 Service for procurement, construction, and improvements,
4 \$52,306,000, to remain available until September 30,
5 2023.

6 RESEARCH AND DEVELOPMENT

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

10 ADMINISTRATIVE PROVISIONS

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

18 SEC. 202. Funding made available under the head-
19 ings “U.S. Customs and Border Protection—Operations
20 and Support” and “U.S. Customs and Border Protec-
21 tion—Procurement, Construction, and Improvements”
22 shall be available for customs expenses when necessary to
23 maintain operations and prevent adverse personnel actions
24 in Puerto Rico and the U.S. Virgin Islands, in addition

1 to funding provided by section 740 and 1406i of title 48,
2 United States Code.

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

10 SEC. 204. (a) For an additional amount for “U.S.
11 Customs and Border Protection—Operations and Sup-
12 port”, \$31,000,000, to remain available until expended,
13 to be reduced by amounts collected and credited to this
14 appropriation in fiscal year 2021 from amounts authorized
15 to be collected by section 286(i) of the Immigration and
16 Nationality Act (8 U.S.C. 1356(i)), section 10412 of the
17 Farm Security and Rural Investment Act of 2002 (7
18 U.S.C. 8311), and section 817 of the Trade Facilitation
19 and Trade Enforcement Act of 2015 (Public Law 114–
20 25), or other such authorizing language.

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

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

12 (1) a controlled substance, as defined in section
13 102 of the Controlled Substances Act (21 U.S.C.
14 802); or

15 (2) a biological product, as defined in section
16 351 of the Public Health Service Act (42 U.S.C.
17 262).

18 SEC. 206. Notwithstanding any other provision of
19 law, none of the funds provided in this or any other Act
20 shall be used to approve a waiver of the navigation and
21 vessel-inspection laws pursuant to section 501(b) of title
22 46, United States Code, for the transportation of crude
23 oil distributed from and to the Strategic Petroleum Re-
24 serve until the Secretary of Homeland Security, after con-
25 sultation with the Secretaries of the Departments of En-

1 ergy and Transportation and representatives from the
2 United States flag maritime industry, takes adequate
3 measures to ensure the use of United States flag vessels:
4 *Provided*, That the Secretary shall notify the Committees
5 on Appropriations of the Senate and the House of Rep-
6 resentatives, the Committee on Commerce, Science, and
7 Transportation of the Senate, and the Committee on
8 Transportation and Infrastructure of the House of Rep-
9 resentatives within 2 business days of any request for
10 waivers of navigation and vessel-inspection laws pursuant
11 to section 501(b) of title 46, United States Code, with re-
12 spect to such transportation, and the disposition of such
13 requests.

14 SEC. 207. (a) Beginning on the date of enactment
15 of this Act, the Secretary of Homeland Security shall
16 not—

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

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

23 (b) In this section, the term “border crossing fee”
24 means a fee that every pedestrian, cyclist, and driver and
25 passenger of a private motor vehicle is required to pay

1 for the privilege of crossing the Southern border or the
2 Northern border at a land port of entry.

3 SEC. 208. Not later than 90 days after the date of
4 enactment of this Act, the Secretary of Homeland Security
5 shall submit an expenditure plan for any amounts made
6 available for “U.S. Customs and Border Protection—Pro-
7 curement, Construction, and Improvements” in this Act
8 and prior Acts to the Committees on Appropriations of
9 the Senate and the House of Representatives: *Provided*,
10 That no such amounts may be obligated prior to the sub-
11 mission of such plan.

12 SEC. 209. (a) Of the total amount made available
13 under “U.S. Customs and Border Protection—Procure-
14 ment, Construction, and Improvements”, \$897,547,000
15 shall be available only as follows:

16 (1) \$593,110,000 for the acquisition and de-
17 ployment of border security technologies and trade
18 and travel assets and infrastructure;

19 (2) \$127,399,000 for facility construction and
20 improvements;

21 (3) \$124,409,000 for integrated operations as-
22 sets and infrastructure; and

23 (4) \$32,629,000 for mission support and infra-
24 structure.

1 (b) Not later than 180 days after the date of enact-
2 ment of this Act, the Secretary of Homeland Security shall
3 submit to the Committee on Appropriations of the Senate,
4 the Committee on Appropriations of the House of Rep-
5 resentatives, and the Comptroller General of the United
6 States an updated risk-based plan for improving security
7 along the borders of the United States that includes the
8 elements required under subsection (a) of section 231 of
9 division F of the Consolidated Appropriations Act, 2018
10 (Public Law 115–141), which shall be evaluated in accord-
11 ance with subsection (b) of such section.

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

14 (1) within the Santa Ana Wildlife Refuge;

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

17 (3) within La Lomita Historical park;

18 (4) within the National Butterfly Center;

19 (5) within or east of the Vista del Mar Ranch
20 tract of the Lower Rio Grande Valley National Wild-
21 life Refuge;

22 (6) within historic cemeteries;

23 (7) within any site on the National Register of
24 Historic Places;

1 (8) within any real property owned by the Sa-
2 cred Heart Children’s Home in Laredo, Texas;

3 (9) within the Lower Rio Grande Valley Na-
4 tional Wildlife Refuge; or

5 (10) within 1 mile of historic sites along the
6 Los Caminos del Rio Heritage Corridor.

7 SEC. 211. (a) Notwithstanding any other provision
8 of law, no Federal funds may be used for the construction
9 of physical barriers along the southern land border of the
10 United States during fiscal year 2021.

11 (b) Subsection (a) shall not apply to amounts made
12 available for such purpose by Public Law 116–6, Public
13 Law 115–141, Public Law 115–31, or Public Law 116-
14 93.

15 SEC. 212. (a) No Federal funds may be used for the
16 construction of physical barriers within the jurisdictional
17 limits of a city or the geographical limits or of a census
18 designated place described in subsection (d).

19 (b) Subsection (a) shall not apply if the Secretary of
20 Homeland Security has —

21 (1) issued a notice for public comment on the
22 proposed construction of barriers for a comment pe-
23 riod of not fewer than 60 days;

24 (2) published in the Federal Register its re-
25 sponses to the comments received along with its

1 plans for construction in the areas identified in the
2 notice to which it is responding not later than 90
3 days following the end of such comment period; and

4 (3) consulted with the local elected officials of
5 such city or place regarding the design and align-
6 ment of physical barriers within such city or place
7 (as the case may be), including barriers at or adja-
8 cent to ports of entry.

9 (c) The consultation required under subsection (b)(3)
10 shall continue until September 30, 2021, unless agreement
11 on design and alignment is reached earlier, but may be
12 extended beyond that date by agreement of the parties.

13 (d) The cities and census designated places described
14 in this subsection are as follows:

15 (1) The cities of:

16 (A) Laredo, Texas;

17 (B) Rio Bravo, Texas;

18 (C) El Cenizo, Texas;

19 (D) Zapata, Texas;

20 (E) Roma, Texas;

21 (F) Escobares, Texas;

22 (G) Rio Grand City, Texas;

23 (H) La Grulla, Texas; and

24 (2) The census designated places of:

25 (A) San Ygnacio, Texas;

- 1 (B) Ramireño, Texas;
- 2 (C) Chapeno, Texas;
- 3 (D) Salineño, Texas;
- 4 (E) Fronton, Texas; and
- 5 (F) Garceño, Texas.

6 SEC. 213. None of the funds provided under the
7 heading “U.S. Immigration and Customs Enforcement—
8 Operations and Support” may be used to continue a dele-
9 gation of law enforcement authority authorized under sec-
10 tion 287(g) of the Immigration and Nationality Act (8
11 U.S.C. 1357(g)) if the Department of Homeland Security
12 Inspector General or the U.S. Government Accountability
13 Office determines that the terms of the agreement gov-
14 erning the delegation of authority have been materially
15 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. No Federal funds may be used to place
4 in detention, remove, refer for a decision whether to ini-
5 tiate removal proceedings, or initiate removal proceedings
6 against any individual—

7 (1) who provides or has provided information to
8 a federal employee or contractor related to facili-
9 tating the sponsorship of an unaccompanied alien
10 child (as defined in section 462(g) of the Homeland
11 Security Act of 2002 (6 U.S.C. 279(g))) or the re-
12 unification of such child with a family member; or

13 (2) based on information gathered in therapy
14 sessions conducted while in the custody of the Office
15 of Refugee Resettlement.

16 SEC. 216. Not later than 45 days after the date of
17 enactment of this Act, the Director of U.S. Immigration
18 and Customs Enforcement shall submit to the Committees
19 on Appropriations of the Senate and the House of Rep-
20 resentatives, and make available on a publicly accessible
21 website, a report describing agreements pursuant to sec-
22 tion 287(g) of the Immigration and Nationality Act (8
23 U.S.C. 1357(g)) which shall include —

24 (1) detailed information relating to the commu-
25 nity outreach activities of each participating jurisdic-

1 tion pursuant to such agreement, including the
2 membership and activities of any community-based
3 steering committee established by such jurisdiction;

4 (2) the number of individuals placed into re-
5 moval proceedings pursuant to each such agreement;

6 (3) data on the performance of the officers or
7 employees of a State or political subdivision thereof
8 under each such agreement, including the nationality
9 and level of criminality of the individuals described
10 in paragraph (2); and

11 (4) information relating to any future plans to
12 increase the number of such agreements or expand
13 the scope of such agreements through the introduc-
14 tion of new operations pursuant to such section.

15 SEC. 217. Not later than 7 days after the date of
16 enactment of this Act and updated semimonthly there-
17 after, the Director of U.S. Immigration and Customs En-
18 forcement shall make available a report, on a publicly ac-
19 cessible website in a downloadable, searchable, and sort-
20 able format, with not less than the previous twelve months
21 of semimonthly data as of the last date of each such re-
22 porting period; on—

23 (1) aliens detained by such agency, including
24 data disaggregated by single adults and members of

1 family units, as well as by whether the individual
2 self-identifies as transgender, on—

3 (A) the average fiscal year-to-date daily
4 populations of aliens detained;

5 (B) the daily count of aliens detained;

6 (C) the fiscal year-to-date total for book-
7 ins;

8 (D) the average lengths of stay, including
9 average post-determination length of stay in the
10 case of detainees described in subparagraph
11 (F);

12 (E) the number transferred to the custody
13 of U.S. Immigration and Customs Enforcement
14 by U.S. Customs and Border Protection after
15 being—

16 (i) deemed inadmissible at a port of
17 entry or after being apprehended within 14
18 days of entering the United States; or

19 (ii) arrested by U.S. Immigration and
20 Customs Enforcement;

21 (F) the number determined to have a cred-
22 ible or reasonable fear of—

23 (i) persecution, as defined in section
24 235(b)(1)(B)(v) of the Immigration and
25 Nationality Act; or

1 (ii) torture, as defined in section
2 208.30 of title 8, Code of Federal Regula-
3 tions (as in effect on January 1, 2018);

4 (G) the number who have been issued a
5 Notice to Appear pursuant to section 239 of the
6 Immigration and Nationality Act, disaggregated
7 by single adults and members of family units;

8 (H) the average lengths of stay, including
9 average post-determination length of stay in the
10 case of detainees described in subparagraph
11 (F), for individuals who remain in detention as
12 of the last date of each such reporting period;
13 and

14 (I) the number who have been in detention,
15 disaggregated by the number of detainees de-
16 scribed in subparagraph (F), for each of the
17 following—

18 (i) over two years;
19 (ii) from over one year to two years;
20 (iii) from over six months to one year;

21 and

22 (iv) for less than six months;

23 (2) the total number of enrollees in the Alter-
24 natives to Detention program and the average length
25 of participation, disaggregated by—

1 (A) single adults and family heads of
2 household;

3 (B) participants in the family case man-
4 agement program;

5 (C) level of supervision; and

6 (D) location of supervision, by field office;

7 (3) for each facility where aliens are detained
8 by U.S. Immigration and Customs Enforcement—

9 (A) the address;

10 (B) the field offices that assign detainees
11 to the facility;

12 (C) the detailed facility type, as defined in
13 the integrated decision support system;

14 (D) the gender of aliens detained;

15 (E) the average daily population of detain-
16 ees within each detainee classification level, as
17 defined in the integrated decision support sys-
18 tem;

19 (F) the average daily population of individ-
20 uals within each threat level, as defined in the
21 integrated decision support system;

22 (G) the average daily population within
23 each criminality category, as defined in the in-
24 tegrated decision support system, disaggregated
25 by gender;

1 (H) the average length of stay;

2 (I) the average daily population of individ-
3 uals whose detention is classified as mandatory;

4 (J) the performance standards to which
5 the facility is held;

6 (K) the date of the two most recent inspec-
7 tions, the entity that performed each inspection,
8 and a detailed summary of the results of such
9 inspections; and

10 (L) the guaranteed minimum detention ca-
11 pacity, if applicable; and

12 (4) the total number of releases from custody,
13 by condition of release, and total number of remov-
14 als, disaggregated by adult facilities and family fa-
15 cilities.

16 SEC. 218. (a) Not later than 30 days after the date
17 of enactment of this Act, the Secretary of Homeland Secu-
18 rity shall—

19 (1) ensure that individuals who are placed in
20 proceedings under section 240 of the Immigration
21 and Nationality Act (8 U.S.C. 1229a) have—

22 (A) unimpaired access to legal counsel, in-
23 cluding prospective legal counsel;

1 (B) opportunities for prospective pro-bono
2 legal counsel to be accessible to such individ-
3 uals; and

4 (C) meaningful opportunities to consult
5 with legal counsel prior to required appearances
6 for such proceedings; and

7 (2) implement a program to conduct a Know
8 Your Rights presentation for all individuals who
9 are—

10 (A) presenting for immigration hearings at
11 land ports of entry; and

12 (B) placed into expedited removal pro-
13 ceedings under section 235 of the Immigration
14 and Nationality Act (8 U.S.C. 1225(b)(1)) who
15 indicate an intention to apply for asylum or a
16 fear of persecution.

17 (b) Not later than 30 days after the date of enact-
18 ment of this Act, the Secretary and the Director of the
19 Office of Civil Rights and Civil Liberties shall each certify
20 to the Committees on Appropriations of the Senate and
21 the House of Representatives as to whether the require-
22 ments under subsection (a) have been satisfied.

23 SEC. 219. (a) Notwithstanding section 236(c) of the
24 Immigration and Nationality Act (8 U.S.C. 1226(c)), no
25 Federal funds may be used by the Department of Home-

1 land Security to detain an individual for more than 20
2 days unless such individual is determined by the Director
3 of U.S. Immigration and Customs Enforcement, following
4 an individualized assessment, to pose a threat to public
5 safety or to be a flight risk.

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

8 (1) the assessment described in subsection (a)
9 shall require the concurrence of the Immigration De-
10 tention Ombudsman; and

11 (2) the maximum period of detention described
12 in subsection (a) may not exceed 5 days.

13 (c) Notwithstanding subsections (a) and (b), no Fed-
14 eral funds may be obligated to detain an individual who
15 self-identifies as transgender in any facility that is not
16 contractually obligated to meet, at a minimum, the re-
17 quirements described in Attachment 1 of the June 19,
18 2015, U.S. Immigration and Customs Enforcement
19 memorandum entitled, “Further Guidance Regarding the
20 Care of Transgender Individuals” unless such individual
21 declines placement in such a facility after being informed
22 of the opportunity to do so.

23 (d) Not later than 30 days after the date of enact-
24 ment of this Act, the Director shall provide the Commit-
25 tees on Appropriations of the Senate and the House of

1 Representatives the defined metrics used to make such as-
2 sessments.

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

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

18 SEC. 221. No Federal funds may be used for the de-
19 tention or removal of any alien until there is a final denial
20 of the alien’s application for status after the exhaustion
21 of administrative and judicial review, if such individual—

22 (1) has a pending application under section
23 101(a)(15)(T), 101(a)(15)(U), 106, 240A(b)(2), or
24 244(a)(3) (as in effect on March 31, 1997) of the
25 Immigration and Nationality Act; or

1 (2) is a VAWA self-petitioner, as defined in sec-
2 tion 101(a)(51) of the Immigration and Nationality
3 Act, with a pending application for relief under a
4 provision referred to in one of subparagraphs (A)
5 through (G) of such section, or section
6 101(a)(27)(J) of such Act.

7 SEC. 222. 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. 223. 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. 224. Notwithstanding section 44923 of title 49,
2 United States Code, for fiscal year 2020, 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. 225. Not later than 30 days after the submis-
10 sion of the President’s budget proposal, the Administrator
11 of the Transportation Security Administration shall sub-
12 mit to the Committees on Appropriations and Commerce,
13 Science, and Transportation of the Senate and the Com-
14 mittees on Appropriations and Homeland Security in the
15 House of Representatives a single report that fulfills the
16 following requirements:

17 (1) a Capital Investment Plan (CIP) that in-
18 cludes a plan for continuous and sustained capital
19 investment in new, and the replacement of aged,
20 transportation security equipment;

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

1 (3) the Advanced Integrated Passenger Screen-
2 ing Technologies report as required by the Senate
3 Report accompanying the Department of Homeland
4 Security Appropriations Act, 2019 (Senate Report
5 115–283).

6 SEC. 226. Section 225 of division A of Public Law
7 116-6 (49 U.S.C. 44901 note; relating to a pilot program
8 for screening outside of an existing primary passenger ter-
9 minal screening area) is amended in subsection (e) by
10 striking “2021” and inserting “2023”.

11 SEC. 227. None of the funds made available by this
12 Act under the heading “Coast Guard—Operations and
13 Support” shall be for expenses incurred for recreational
14 vessels under section 12114 of title 46, United States
15 Code, except to the extent fees are collected from owners
16 of yachts and credited to the appropriation made available
17 by this Act under the heading “Coast Guard—Operations
18 and Support”: *Provided*, That to the extent such fees are
19 insufficient to pay expenses of recreational vessel docu-
20 mentation under such section 12114, and there is a back-
21 log of recreational vessel applications, personnel per-
22 forming non-recreational vessel documentation functions
23 under subchapter II of chapter 121 of title 46, United
24 States Code, may perform documentation under section
25 12114.

1 SEC. 228. Without regard to section 503 of this Act,
2 up to \$10,000,000 may be reprogrammed to or from the
3 Military Pay and Allowances funding category within
4 “Coast Guard—Operations and Support” if the Secretary
5 notifies the Committees on Appropriations of the Senate
6 and the House of Representatives not less than 15 days
7 in advance of such reprogramming.

8 SEC. 229. Notwithstanding any other provision of
9 law, the Commandant of the Coast Guard shall submit
10 to the Committees on Appropriations of the Senate and
11 the House of Representatives a future-years capital invest-
12 ment plan as described in the second proviso under the
13 heading “Coast Guard—Acquisition, Construction, and
14 Improvements” in the Department of Homeland Security
15 Appropriations Act, 2015 (Public Law 114–4), which shall
16 be subject to the requirements in the third and fourth pro-
17 visos under such heading.

18 SEC. 230. Funds made available for Overseas Contin-
19 gency Operations/Global War on Terrorism under the
20 heading “Coast Guard—Operations and Support” may be
21 allocated by program, project, and activity, notwith-
22 standing section 503 of this Act.

23 SEC. 231. Amounts deposited into the Coast Guard
24 Housing Fund in fiscal year 2021 shall be available until
25 expended to carry out the purposes of section 2946 of title

1 14, United States Code, and shall be in addition to funds
2 otherwise available for such purposes.

3 SEC. 232. 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. 233. 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. 234. Notwithstanding section 503 of this Act,
21 up to \$15,000,000 may be reprogrammed within “United
22 States Secret Service—Operations and Support” if the
23 Secretary notifies the Committees on Appropriations of
24 the Senate and the House of Representatives not less than
25 15 days in advance of such reprogramming.

1 SEC. 235. Funding made available in this Act for
2 “United States Secret Service—Operations and Support”
3 is available for travel of United States Secret Service em-
4 ployees on protective missions without regard to the limi-
5 tations on such expenditures in this or any other Act if
6 the Director of the United States Secret Service or a des-
7 ignee notifies the Committees on Appropriations of the
8 Senate and the House of Representatives 10 or more days
9 in advance, or as early as practicable, prior to such ex-
10 penditures.

11 SEC. 236. (a) Not later than 30 days after the date
12 of enactment of this Act and updated semi-monthly there-
13 after, the Secretary shall make available a report on a
14 publicly accessible website in a downloadable, searchable,
15 and sortable format that includes not less than the pre-
16 vious 12 months of data, as of the last date of each such
17 reporting period, on all requests to any law enforcement
18 component of the Department of Homeland Security for
19 law enforcement support in the form of personnel, aircraft,
20 equipment, or any other assets, which shall include each
21 of the following for each requesting entity:

- 22 (1) The name of the entity;
- 23 (2) The purposes for which support is re-
- 24 requested;

1 (3) The numbers of personnel and the cat-
2 egories and numbers of assets requested;

3 (4) The duration of the requested support;

4 (5) Whether the requested support was pro-
5 vided;

6 (6) The departmental official who approved pro-
7 viding such support;

8 (7) The dates and descriptions of any support
9 provided;

10 (8) The cost of providing such support; and

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

13 (b) The reporting requirements in subsection (a) shall
14 apply to requests from—

15 (1) Non-Federal law enforcement components;
16 and

17 (2) Federal law enforcement entities, including
18 other such entities of the Department of Homeland
19 Security.

20 SEC. 237. No Federal funds may be made available
21 to modify or revoke the U.S. Immigration and Customs
22 Enforcement guidance entitled “COVID-19: Guidance for
23 SEVP Stakeholders”, issued March 13, 2020, with respect
24 to the maintenance of or eligibility for a nonimmigrant
25 status, including an application for nonimmigrant status

1 under subparagraph (F) or (M) of section 101(a)(15) of
2 the Immigration and Nationality Act (8 U.S.C.
3 1101(a)(15)).

4 SEC. 238. None of the amounts appropriated or oth-
5 erwise made available by this Act to U.S. Immigrations
6 and Customs Enforcement for enforcement and removal
7 operations may be made available to operate a citizen
8 academy program.

9 SEC. 239. (a) Upon receipt of a written request by
10 a relevant committee for an investigative report relating
11 to an alien beneficiary of a private bill that has been intro-
12 duced in the Senate or the House of Representatives, the
13 Secretary of Homeland Security shall immediately stay the
14 removal of such alien, and such stay of removal shall re-
15 main in effect until the earlier of—

16 (1) March 15 of the congressional term that
17 commences after the term in which the private bill
18 is introduced; or

19 (2) the date that the relevant committee noti-
20 fies the Secretary of Homeland Security that the bill
21 is no longer under consideration.

22 (b) For purposes of subsection (a), the term “relevant
23 committee” means—

24 (1) the Committee on the Judiciary of the
25 House of Representatives;

1 tion, and improvements, \$396,425,000, to remain avail-
2 able until September 30, 2023.

3 RESEARCH AND DEVELOPMENT

4 For necessary expenses of the Cybersecurity and In-
5 frastructure Security Agency for research and develop-
6 ment, \$14,431,000, to remain available until September
7 30, 2022.

8 FEDERAL EMERGENCY MANAGEMENT AGENCY

9 OPERATIONS AND SUPPORT

10 For necessary expenses of the Federal Emergency
11 Management Agency for operations and support,
12 \$1,155,750,000: *Provided*, That not to exceed \$2,250
13 shall be for official reception and representation expenses.

14 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

15 For necessary expenses of the Federal Emergency
16 Management Agency for procurement, construction, and
17 improvements, \$122,353,000, of which \$61,237,000 shall
18 remain available until September 30, 2023, and of which
19 \$61,116,000 shall remain available until September 30,
20 2025.

21 FEDERAL ASSISTANCE

22 For activities of the Federal Emergency Management
23 Agency for Federal assistance through grants, contracts,
24 cooperative agreements, and other activities,
25 \$3,662,369,000, which shall be allocated as follows:

1 (1) \$700,000,000 for the State Homeland Secu-
2 rity Grant Program under section 2004 of the
3 Homeland Security Act of 2002 (6 U.S.C. 605), of
4 which \$90,000,000 shall be for Operation
5 Stonegarden, \$15,000,000 shall be for Tribal Home-
6 land Security Grants under section 2005 of the
7 Homeland Security Act of 2002 (6 U.S.C. 606), and
8 \$180,000,000 shall be for organizations (as de-
9 scribed under section 501(c)(3) of the Internal Rev-
10 enue Code of 1986 and exempt from tax under sec-
11 tion 501(a) of such code) determined by the Sec-
12 retary of Homeland Security to be at high risk of a
13 terrorist attack: *Provided*, That notwithstanding
14 subsection (c)(4) of such section 2004, for fiscal
15 year 2021, the Commonwealth of Puerto Rico shall
16 make available to local and tribal governments
17 amounts provided to the Commonwealth of Puerto
18 Rico under this paragraph in accordance with sub-
19 section (c)(1) of such section 2004.

20 (2) \$795,000,000 for the Urban Area Security
21 Initiative under section 2003 of the Homeland Secu-
22 rity Act of 2002 (6 U.S.C. 604), of which
23 \$180,000,000 shall be for organizations (as de-
24 scribed under section 501(c)(3) of the Internal Rev-
25 enue Code of 1986 and exempt from tax under sec-

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

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

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

18 (5) \$770,000,000, to remain available until
19 September 30, 2022, of which \$385,000,000 shall be
20 for Assistance to Firefighter Grants and
21 \$385,000,000 shall be for Staffing for Adequate
22 Fire and Emergency Response Grants under sec-
23 tions 33 and 34 respectively of the Federal Fire Pre-
24 vention and Control Act of 1974 (15 U.S.C. 2229
25 and 2229a).

1 (6) \$385,000,000 for emergency management
2 performance grants under the National Flood Insur-
3 ance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-
4 ert T. Stafford Disaster Relief and Emergency As-
5 sistance Act (42 U.S.C. 5121), the Earthquake Haz-
6 ards Reduction Act of 1977 (42 U.S.C. 7701), sec-
7 tion 762 of title 6, United States Code, and Reorga-
8 nization Plan No. 3 of 1978 (5 U.S.C. App.).

9 (7) \$263,000,000 for necessary expenses for
10 Flood Hazard Mapping and Risk Analysis, in addi-
11 tion to and to supplement any other sums appro-
12 priated under the National Flood Insurance Fund,
13 and such additional sums as may be provided by
14 States or other political subdivisions for cost-shared
15 mapping activities under section 1360(f)(2) of the
16 National Flood Insurance Act of 1968 (42 U.S.C.
17 4101(f)(2)), to remain available until expended.

18 (8) \$150,000,000 for the emergency food and
19 shelter program under title III of the McKinney-
20 Vento Homeless Assistance Act (42 U.S.C. 11331),
21 to remain available until expended: *Provided*, That
22 not to exceed 3.5 percent shall be for total adminis-
23 trative costs.

24 (9) \$75,000,000 for Alternatives to Detention
25 Case Management, to remain available until ex-

1 pended: *Provided*, That such funding shall be award-
2 ed to nonprofit organizations and local governments
3 and administered by a National Board for the pur-
4 poses of providing case management services to any
5 consenting individual enrolled into the U.S. Immi-
6 gration and Customs Enforcement Alternatives to
7 Detention program, including but not limited to:
8 mental health services; human and sex trafficking
9 screening; legal orientation programs; cultural ori-
10 entation programs; connections to social services;
11 and for individuals who will be removed, reintegra-
12 tion services: *Provided further*, That not to exceed
13 3.5 percent shall be for total administrative costs.

14 (10) \$20,000,000 for Targeted Violence and
15 Terrorism Prevention grants.

16 (11) \$284,369,000 to sustain current oper-
17 ations for training, exercises, technical assistance,
18 and other programs.

19 DISASTER RELIEF FUND

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses in carrying out the Robert
22 T. Stafford Disaster Relief and Emergency Assistance Act
23 (42 U.S.C. 5121 et seq.), \$5,653,366,000, to remain avail-
24 able until expended: *Provided*, That of the amount pro-
25 vided under this heading, \$5,059,949,000 shall be for

1 major disasters declared pursuant to the Robert T. Staf-
2 ford Disaster Relief and Emergency Assistance Act (42
3 U.S.C. 5121 et seq.) and is designated by the Congress
4 as being for disaster relief pursuant to section
5 251(b)(2)(D) of the Balanced Budget and Emergency
6 Deficit Control Act of 1985: *Provided further*, That of the
7 amount in the preceding proviso, \$200,000,000 may be
8 transferred to the Disaster Assistance Direct Loan Pro-
9 gram Account for the cost of direct loans as authorized
10 under section 417 of the Robert T. Stafford Disaster Re-
11 lief and Emergency Assistance Act (42 U.S.C. 5184), in-
12 cluding loans issued pursuant to section 312 of this Act
13 and loan cancellations provided for in this title, of which
14 \$3,000,000 is for administrative expenses.

15 NATIONAL FLOOD INSURANCE FUND

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

1 4015(d)); of which \$13,906,000 shall be available for mis-
2 sion support associated with flood management; and of
3 which \$190,506,000 shall be available for flood plain man-
4 agement and flood mapping: *Provided*, That any addi-
5 tional fees collected pursuant to section 1308(d) of the
6 National Flood Insurance Act of 1968 (42 U.S.C.
7 4015(d)) shall be credited as offsetting collections to this
8 account, to be available for flood plain management and
9 flood mapping: *Provided further*, That in fiscal year 2021,
10 no funds shall be available from the National Flood Insur-
11 ance Fund under section 1310 of the National Flood In-
12 surance Act of 1968 (42 U.S.C. 4017) in excess of—

13 (1) \$189,021,000 for operating expenses and
14 salaries and expenses associated with flood insurance
15 operations;

16 (2) \$1,156,000,000 for commissions and taxes
17 of agents;

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

20 (4) \$175,000,000, which shall remain available
21 until expended, for flood mitigation actions and for
22 flood mitigation assistance under section 1366 of the
23 National Flood Insurance Act of 1968 (42 U.S.C.
24 4104c), notwithstanding sections 1366(e) and
25 1310(a)(7) of such Act (42 U.S.C. 4104c(e), 4017):

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

16 ADMINISTRATIVE PROVISIONS

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

1 SEC. 302. Applications for grants under the heading
2 “Federal Emergency Management Agency—Federal As-
3 sistance”, for paragraphs (1) through (4), shall be made
4 available to eligible applicants not later than 60 days after
5 the date of enactment of this Act, eligible applicants shall
6 submit applications not later than 80 days after the grant
7 announcement, and the Administrator of the Federal
8 Emergency Management Agency shall act within 65 days
9 after the receipt of an application.

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

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

22 SEC. 305. The reporting requirements in paragraphs
23 (1) and (2) under the heading “Federal Emergency Man-
24 agement Agency—Disaster Relief Fund” in the Depart-
25 ment of Homeland Security Appropriations Act, 2015

1 (Public Law 114–4) shall be applied in fiscal year 2021
2 with respect to budget year 2022 and current fiscal year
3 2021, respectively—

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

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

8 SEC. 306. In making grants under the heading “Fed-
9 eral Emergency Management Agency—Federal Assist-
10 ance”, for Staffing for Adequate Fire and Emergency Re-
11 sponse grants, the Administrator of the Federal Emer-
12 gency Management Agency shall grant waivers from the
13 requirements in subsections (a)(1)(A), (a)(1)(B),
14 (a)(1)(E), (c)(1), (c)(2), and (c)(4) of section 34 of the
15 Federal Fire Prevention and Control Act of 1974 (15
16 U.S.C. 2229a).

17 SEC. 307. The aggregate charges assessed during fis-
18 cal year 2021, as authorized in title III of the Depart-
19 ments of Veterans Affairs and Housing and Urban Devel-
20 opment, and Independent Agencies Appropriations Act,
21 1999 (42 U.S.C. 5196e), shall not be less than 100 per-
22 cent of the amounts anticipated by the Department of
23 Homeland Security to be necessary for its Radiological
24 Emergency Preparedness Program for the next fiscal year:
25 *Provided*, That the methodology for assessment and collec-

1 tion of fees shall be fair and equitable and shall reflect
2 costs of providing such services, including administrative
3 costs of collecting such fees: *Provided further*, That such
4 fees shall be deposited in a Radiological Emergency Pre-
5 paredness Program account as offsetting collections and
6 will become available for authorized purposes on October
7 1, 2021, and remain available until expended.

8 SEC. 308. (a) Any balances of funds appropriated in
9 any prior Act for activities funded by National Pre-disaster
10 Mitigation Fund under section 203 of the Robert T Staf-
11 ford Disaster Relief and Emergency Assistance Act (42
12 USC 5133)(as in effect on the day before the date of en-
13 actment of section 1234 of division D of Public Law 115-
14 254) may be transferred to and merged for all purposes
15 with the funds set aside pursuant to subsection (i)(1) of
16 section 203 of the Robert T. Stafford Disaster Relief and
17 Emergency Assistance Act, (42 USC 5133) as in effect
18 on the date of the enactment of this section.

19 (b) The transfer authorized in subsection (a) may not
20 occur until the Administrator of the Federal Emergency
21 Management Agency submits to the Committees on Ap-
22 propriations of the Senate and the House of Representa-
23 tives a plan for the obligation of funds pursuant to such
24 subsection (i)(1), including the criteria to be used for

1 awarding grants and a process for tracking the obligation
2 of such transferred funds.

3 SEC. 309. In making grants under the heading “Fed-
4 eral Emergency Management Agency—Federal Assist-
5 ance”, for Assistance to Firefighter Grants, the Adminis-
6 trator of the Federal Emergency Management Agency
7 shall waive subsection (k) of section 33 of the Federal Fire
8 Prevention and Control Act of 1974 (15 USC 2229).

9 SEC. 310. Funds made available under the heading
10 “Cybersecurity and Infrastructure Security Agency—Op-
11 erations and Support” may be made available for the nec-
12 essary expenses of carrying out the competition specified
13 in section 2(e) of Executive Order No. 13870 (May 2,
14 2019), including the provision of monetary and non-mone-
15 tary awards for Federal civilian employees and members
16 of the uniformed services, the necessary expenses for the
17 honorary recognition of any award recipients, and activi-
18 ties to encourage participation in the competition, includ-
19 ing promotional items: *Provided*, That any awards made
20 pursuant to this section shall be of the same type and
21 amount as those authorized under sections 4501 through
22 4505 of title 5, United States Code.

23 SEC. 311. The Administrator of the Federal Emer-
24 gency Management Agency shall reconsider any re-sub-
25 mission of a request for assistance under section 408 of

1 the Robert T. Stafford Disaster Relief and Emergency As-
2 sistance Act (42 U.S.C. 5174) related to the removal of
3 debris from an owner-occupied private residence or prop-
4 erty for a major disaster declared by the President in ac-
5 cordance with such Act on or after May 1, 2018, and be-
6 fore September 30, 2020, as if such submission were made
7 within the time limit in section 206.40(d) of title 44, Code
8 of Federal Regulations.

9 SEC. 312. (a) For major disasters declared in 2018
10 pursuant to the Robert T. Stafford Disaster Relief and
11 Emergency Assistance Act (42 U.S.C. 5170), a territory
12 or possession of the United States shall be deemed to be
13 a local government for purposes of section 417 of such
14 Act (42 U.S.C. 5184) and section 206.361(a) of title 44,
15 Code of Federal Regulations.

16 (b) Notwithstanding section 206.361(a) of title 44,
17 Code of Federal Regulations, the President may provide
18 a loan until the last day of the fiscal year that is 3 fiscal
19 years after the fiscal year in which the natural disaster
20 described in such subsection occurs.

21 (c) Notwithstanding section 417(b) of such Act and
22 section 206.361(b) of title 44, Code of Federal Regula-
23 tions, the amount of any loan issued to a territory or pos-
24 session may—

25 (1) exceed \$5,000,000; and

1 (2) may be based on the projected loss of tax
2 and other revenues and on projected cash outlays
3 not previously budgeted for a period not to exceed
4 one year beginning on the date that the major dis-
5 aster occurred.

6 SEC. 313. Repayments of the remaining balances of
7 all loans, as of September 30, 2020, by the Federal Emer-
8 gency Management Agency under section 417 the Robert
9 T. Stafford Disaster Relief and Emergency Assistance Act
10 (42 U.S.C. 5184) are hereby canceled.

11 SEC. 314. (a) Subtitle A of title XXII of the Home-
12 land Security Act of 2002 (6 U.S.C. 651 et seq.) is amend-
13 ed by adding at the end the following new section:

14 **“SEC. 2215. CYBERSECURITY ADVISORY COMMITTEE.**

15 “(a) ESTABLISHMENT.—The Secretary shall estab-
16 lish within the Agency a Cybersecurity Advisory Com-
17 mittee (referred to in this section as the ‘Advisory Com-
18 mittee’).

19 “(b) DUTIES.—

20 “(1) IN GENERAL.—The Advisory Committee
21 may advise, consult with, report to, and make rec-
22 ommendations to the Director, as appropriate, on
23 the development, refinement, and implementation of
24 policies, programs, planning, and training pertaining
25 to the cybersecurity mission of the Agency.

1 “(2) RECOMMENDATIONS.—

2 “(A) IN GENERAL.—The Advisory Com-
3 mittee shall develop, at the request of the Di-
4 rector, recommendations for improvements to
5 advance the cybersecurity mission of the Agency
6 and strengthen the cybersecurity of the United
7 States.

8 “(B) RECOMMENDATIONS OF SUBCOMMIT-
9 TEES.—Recommendations agreed upon by sub-
10 committees established under subsection (d) for
11 any year shall be approved by the Advisory
12 Committee before the Advisory Committee sub-
13 mits to the Director the annual report under
14 paragraph (4) for that year.

15 “(3) PERIODIC REPORTS.—The Advisory Com-
16 mittee shall periodically submit to the Director—

17 “(A) reports on matters identified by the
18 Director; and

19 “(B) reports on other matters identified by
20 a majority of the members of the Advisory
21 Committee.

22 “(4) ANNUAL REPORT.—

23 “(A) IN GENERAL.—The Advisory Com-
24 mittee shall submit to the Director an annual
25 report providing information on the activities,

1 findings, and recommendations of the Advisory
2 Committee, including its subcommittees, for the
3 preceding year.

4 “(B) PUBLICATION.—Not later than 180
5 days after the date on which the Director re-
6 ceives an annual report for a year under sub-
7 paragraph (A), the Director shall publish a
8 public version of the report describing the ac-
9 tivities of the Advisory Committee and such re-
10 lated matters as would be informative to the
11 public during that year, consistent with section
12 552(b) of title 5, United States Code.

13 “(5) FEEDBACK.—Not later than 90 days after
14 receiving any recommendation submitted by the Ad-
15 visory Committee under paragraph (2), (3), or (4),
16 the Director shall respond in writing to the Advisory
17 Committee with feedback on the recommendation.
18 Such a response shall include—

19 “(A) with respect to any recommendation
20 with which the Director concurs, an action plan
21 to implement the recommendation; and

22 “(B) with respect to any recommendation
23 with which the Director does not concur, a jus-
24 tification for why the Director does not plan to
25 implement the recommendation.

1 “(6) CONGRESSIONAL NOTIFICATION.—Not
2 later than 45 days after the date of the President’s
3 budget submission to Congress, the Director shall
4 provide to the Committee on Homeland Security and
5 Governmental Affairs and the Committee on Appro-
6 priations of the Senate and the Committee on
7 Homeland Security and the Committee on Appro-
8 priations of the House of Representatives a briefing
9 on feedback from the Advisory Committee.

10 “(c) MEMBERSHIP.—

11 “(1) APPOINTMENT.—

12 “(A) IN GENERAL.—Not later than 180
13 days after the date of the enactment of this sec-
14 tion, the Director shall appoint the members of
15 the Advisory Committee.

16 “(B) COMPOSITION.—The membership of
17 the Advisory Committee shall consist of not
18 more than 35 individuals.

19 “(C) REPRESENTATION.—

20 “(i) IN GENERAL.—The membership
21 of the Advisory Committee shall be geo-
22 graphically balanced and shall include rep-
23 resentatives of State and local governments
24 and of a broad range of industries, which
25 may include the following:

- 1 “(I) Defense.
- 2 “(II) Education.
- 3 “(III) Financial services and in-
- 4 surance.
- 5 “(IV) Healthcare.
- 6 “(V) Manufacturing.
- 7 “(VI) Media and entertainment.
- 8 “(VII) Chemicals.
- 9 “(VIII) Retail.
- 10 “(IX) Transportation.
- 11 “(X) Energy.
- 12 “(XI) Information Technology.
- 13 “(XII) Communications.
- 14 “(XIII) Public works.
- 15 “(XIV) Cybersecurity research
- 16 community.
- 17 “(XV) Privacy policy organiza-
- 18 tions.
- 19 “(XVI) Other relevant field iden-
- 20 tified by the Director.
- 21 “(ii) PROHIBITION.—Not more than
- 22 three members may represent any one cat-
- 23 egory under clause (i).
- 24 “(2) TERM OF OFFICE.—

1 “(A) TERMS.—The term of each member
2 of the Advisory Committee shall be two years,
3 except that a member may continue to serve
4 until a successor is appointed.

5 “(B) REMOVAL.—The Director may review
6 the participation of a member of the Advisory
7 Committee and remove such member any time
8 at the discretion of the Director.

9 “(C) REAPPOINTMENT.—A member of the
10 Advisory Committee may be reappointed for an
11 unlimited number of terms.

12 “(3) PROHIBITION ON COMPENSATION.—The
13 members of the Advisory Committee may not receive
14 pay or benefits from the United States Government
15 by reason of their service on the Advisory Com-
16 mittee.

17 “(4) MEETINGS.—

18 “(A) IN GENERAL.—The Director shall re-
19 quire the Advisory Committee to meet not less
20 frequently than semiannually, and may convene
21 additional meetings as necessary.

22 “(B) PUBLIC MEETINGS.—At least one of
23 the meetings referred to in subparagraph (A)
24 shall be open to the public.

1 “(C) ATTENDANCE.—The Advisory Com-
2 mittee shall maintain a record of the persons
3 present at each meeting.

4 “(5) MEMBER ACCESS TO CLASSIFIED AND DE-
5 LIBERATIVE BUDGET INFORMATION.—

6 “(A) IN GENERAL.—Not later than 60
7 days after the date on which a member is first
8 appointed to the Advisory Committee and be-
9 fore the member is granted access to any classi-
10 fied and deliberative budget information, the
11 Director shall determine if the member should
12 be restricted from reviewing, discussing, or pos-
13 sessing such information.

14 “(B) ACCESS.—Access to classified mate-
15 rials shall be managed in accordance with Exec-
16 utive Order No. 13526 of December 29, 2009
17 (75 Fed. Reg 707), or any subsequent cor-
18 responding Executive Order.

19 “(C) PROTECTIONS.—A member of the
20 Advisory Committee shall protect all classified
21 information in accordance with the applicable
22 requirements for the particular level of classi-
23 fication of such information.

24 “(D) BUDGET INFORMATION.—A member
25 of the Advisory Committee shall be permitted

1 access, as appropriate, to five-year deliberative
2 budget data, analysis, and any other underlying
3 materials information that is considered during
4 the annual budget development process and
5 shall protect such information in the same man-
6 ner and with the same regard as agency per-
7 sonnel.

8 “(6) CHAIRPERSON.—The Advisory Committee
9 shall select, from among the members of the Advi-
10 sory Committee—

11 “(A) a member to serve as chairperson of
12 the Advisory Committee; and

13 “(B) a member to serve as chairperson of
14 each subcommittee of the Advisory Committee
15 established under subsection (d).

16 “(d) SUBCOMMITTEES.—

17 “(1) IN GENERAL.—The Director shall establish
18 subcommittees within the Advisory Committee to ad-
19 dress cybersecurity issues, which may include the
20 following:

21 “(A) Information exchange.

22 “(B) Critical infrastructure.

23 “(C) Risk management.

24 “(D) Public and private partnerships.

1 “(E) State, local, tribal, and territorial
2 governments.

3 “(F) Citizen engagement.

4 “(2) MEETINGS AND REPORTING.—Each sub-
5 committee shall meet not less frequently than semi-
6 annually, and submit to the Advisory Committee for
7 inclusion in the annual report required under sub-
8 section (b)(4) information, including activities, find-
9 ings, and recommendations, regarding subject mat-
10 ter considered by the subcommittee.

11 “(3) SUBJECT MATTER EXPERTS.—The chair of
12 the Advisory Committee shall appoint members to
13 subcommittees and shall ensure that each member
14 appointed to a subcommittee has subject matter ex-
15 pertise relevant to the subject matter of the sub-
16 committee.

17 “(e) NONAPPLICABILITY OF FACA.—The Federal
18 Advisory Committee Act (5 U.S.C. App.) shall not apply
19 to the Advisory Committee and its subcommittees”.

20 “(b) CLERICAL AMENDMENT.—The table of contents
21 in section 1(b) of the Homeland Security Act of 2002 is
22 amended by inserting after the item relating to section
23 2214 the following new item:

24 “2215. Cybersecurity Advisory Committee.”

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, \$163,949,000.

9 FEDERAL ASSISTANCE

10 For necessary expenses of U.S. Citizenship and Im-
11 migration Services for Federal assistance for the Citizen-
12 ship and Integration Grant Program, \$20,000,000.

13 FEDERAL LAW ENFORCEMENT TRAINING CENTERS

14 OPERATIONS AND SUPPORT

15 For necessary expenses of the Federal Law Enforce-
16 ment Training Centers for operations and support, includ-
17 ing the purchase of not to exceed 117 vehicles for police-
18 type use and hire of passenger motor vehicles, and services
19 as authorized by section 3109 of title 5, United States
20 Code, \$317,945,000, of which \$54,283,000 shall remain
21 available until September 30, 2022: *Provided*, That not
22 to exceed \$7,180 shall be for official reception and rep-
23 resentation expenses.

1 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

2 For necessary expenses of the Federal Law Enforce-
3 ment Training Centers for procurement, construction, and
4 improvements, \$26,000,000, to remain available until Sep-
5 tember 30, 2023, for acquisition of necessary additional
6 real property and facilities, construction and ongoing
7 maintenance, facility improvements and related expenses
8 of the Federal Law Enforcement Training Center.

9 SCIENCE AND TECHNOLOGY DIRECTORATE

10 OPERATIONS AND SUPPORT

11 For necessary expenses of the Science and Tech-
12 nology Directorate for operations and support, including
13 the purchase or lease of not to exceed 5 vehicles,
14 \$303,162,000, of which \$180,204,000 shall remain avail-
15 able until September 30, 2022: *Provided*, That not to ex-
16 ceed \$10,000 shall be for official reception and representa-
17 tion expenses.

18 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

19 For necessary expenses of the Science and Tech-
20 nology Directorate for procurement, construction, and im-
21 provements, \$18,927,000 to remain available until Sep-
22 tember 30, 2025.

23 RESEARCH AND DEVELOPMENT

24 For necessary expenses of the Science and Tech-
25 nology Directorate for research and development,

1 \$433,222,000, to remain available until September 30,
2 2023.

3 COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE
4 OPERATIONS AND SUPPORT

5 For necessary expenses of the Countering Weapons
6 of Mass Destruction Office for operations and support,
7 \$179,977,000: *Provided*, That not to exceed \$2,250 shall
8 be for official reception and representation expenses.

9 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

10 For necessary expenses of the Countering Weapons
11 of Mass Destruction Office for procurement, construction,
12 and improvements, \$87,413,000, to remain available until
13 September 30, 2023.

14 RESEARCH AND DEVELOPMENT

15 For necessary expenses of the Countering Weapons
16 of Mass Destruction Office for research and development,
17 \$58,209,000, to remain available until September 30,
18 2023.

19 FEDERAL ASSISTANCE

20 For necessary expenses of the Countering Weapons
21 of Mass Destruction Office for Federal assistance through
22 grants, contracts, cooperative agreements, and other ac-
23 tivities, \$69,663,000, to remain available until September
24 30, 2023.

1 ADMINISTRATIVE PROVISIONS

2 SEC. 401. Notwithstanding any other provision of
3 law, funds otherwise made available to U.S. Citizenship
4 and Immigration Services may be used to acquire, operate,
5 equip, and dispose of up to 5 vehicles, for replacement
6 only, for areas where the Administrator of General Serv-
7 ices does not provide vehicles for lease: *Provided*, That the
8 Director of U.S. Citizenship and Immigration Services
9 may authorize employees who are assigned to those areas
10 to use such vehicles to travel between the employees' resi-
11 dences and places of employment.

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

21 SEC. 403. (a) Notwithstanding section 286(n) of the
22 Immigration and Nationality Act (8 U.S.C. 1356(n)), not
23 more than \$1,855,000 shall be available for the Office of
24 the Director of U.S. Citizenship and Immigration Services
25 during fiscal year 2021.

1 (b) Of the amount made available under subsection
2 (a), \$50,000 shall be withheld from obligation and expend-
3 iture until each of the reports and briefings required under
4 the heading, “U.S. Citizenship and Immigration Services”
5 in the explanatory statement accompanying Public Law
6 116–93 and the report accompanying this Act have been
7 provided.

8 SEC. 404. Section 403 of the Department of Home-
9 land Security Appropriations Act, 2020 (division D of
10 Public Law 116–93) shall continue in effect during fiscal
11 year 2021, except that such section shall be applied by
12 substituting “15 days after the date of enactment of this
13 Act” for “30 days after the date of enactment of this
14 Act”.

15 SEC. 405. None of the funds deposited into the Immi-
16 gration Examinations Fee Account pursuant to section
17 286(m) of the Immigration and Nationality Act (8 U.S.C.
18 1356(m)) may be made available for activities for which
19 specific amounts are made available by this Act unless
20 such deposited funds were obligated for such activities in
21 fiscal year 2020.

22 SEC. 406. The Director of the Federal Law Enforce-
23 ment Training Centers is authorized to distribute funds
24 to Federal law enforcement agencies for expenses incurred
25 participating in training accreditation.

1 SEC. 407. The Federal Law Enforcement Training
2 Accreditation Board, including representatives from the
3 Federal law enforcement community and non-Federal ac-
4 creditation experts involved in law enforcement training,
5 shall lead the Federal law enforcement training accredita-
6 tion process to continue the implementation of measuring
7 and assessing the quality and effectiveness of Federal law
8 enforcement training programs, facilities, and instructors.

9 SEC. 408. The Director of the Federal Law Enforce-
10 ment Training Centers may accept transfers to the ac-
11 count established by section 407(a) of division F of the
12 Consolidated Appropriations Act, 2018 (Public Law 115–
13 141) from Government agencies requesting the construc-
14 tion of special use facilities, as authorized by the Economy
15 Act (31 U.S.C. 1535(b)): *Provided*, That the Federal Law
16 Enforcement Training Centers maintain administrative
17 control and ownership upon completion of such facilities.

18 SEC. 409. The functions of the Federal Law Enforce-
19 ment Training Centers instructor staff shall be classified
20 as inherently governmental for purposes of the Federal
21 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
22 note).

23 SEC. 410. (a) Section 540 of title V of division D
24 of the Consolidated Security, Disaster Assistance, and

1 Continuing Appropriations Act, 2009 (Public Law 110–
2 329; 122 Stat. 3688) is repealed.

3 (b) Section 538 of title V of division D of the Consoli-
4 dated Appropriations Act, 2012 (Public Law 112–74; 125
5 Stat. 976) is repealed.

6 SEC. 411. None of the funds made available to the
7 Secretary of Homeland Security or to the head of any
8 other Federal department or agency may be used to place
9 in detention, remove, refer for removal, initiate removal
10 proceedings against, or deny work authorization to any in-
11 dividual who—

12 (1) meets the qualifying criteria to participate
13 in the Deferred Action for Childhood Arrivals initia-
14 tive, as delineated in the June 15, 2012, memo-
15 randum entitled “Exercising Prosecutorial Discre-
16 tion with respect to Individuals Who Came to the
17 United States as Children”, including the criteria
18 barring conviction for criminal offenses in such
19 memorandum; or

20 (2) is a national of a foreign state that was des-
21 ignated under section 244(b) of the Immigration and
22 Nationality Act on January 1, 2017 (or in the case
23 of an alien having no nationality, a person who last
24 habitually resided in such state) if such individual
25 has continuously resided in the United States since

1 the effective date of the most recent designation of
2 that state under section 244(b)(1) and otherwise
3 meets the requirements of section 244(c) other than
4 subparagraph (1)(A)(iv) and is not barred on crimi-
5 nal grounds under such section.

6 SEC. 412. In fiscal year 2021, nonimmigrants shall
7 be admitted to the United States under section
8 101(a)(15)(H)(ii)(a) of the Immigration and Nationality
9 Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) to perform agricul-
10 tural labor or services, without regard to whether such
11 labor is, or services are, of a temporary or seasonal nature.

12 SEC. 413. (a) For fiscal years 2021 and 2022, the
13 worldwide level of family-sponsored immigrants under sub-
14 section (c) of section 201 of the Immigration and Nation-
15 ality Act (8 U.S.C. 1151), the worldwide level of employ-
16 ment-based immigrants under subsection (d) of such sec-
17 tion, and the worldwide level of diversity immigrants under
18 subsection (e) of such section shall each be increased by
19 the number computed under subsection (b) of this section
20 with respect to each of such worldwide levels.

21 (b) For each of the worldwide levels described in sub-
22 section (a) of this section, the number computed under
23 this subsection is the difference (if any) between the
24 worldwide level established for the previous fiscal year
25 under the applicable subsection of section 201 of the Im-

1 migration and Nationality Act (8 U.S.C. 1151) and the
2 number of visas that were, during the previous fiscal year,
3 issued and used as the basis for an application for admis-
4 sion into the United States as an immigrant described in
5 the applicable subsection.

6 (c) The additional visas made available for fiscal
7 years 2021 and 2022 as a result of the computations made
8 under subsections (a) and (b) of this section shall be pro-
9 portionally allocated as set forth in subsections (a), (b),
10 and (c) of section 203 of the Immigration and Nationality
11 Act (8 U.S.C. 1153).

12 (d) For fiscal years 2021 and 2022, the number com-
13 puted under subsection (c)(3)(C) of section 201 of the Im-
14 migration and Nationality Act (8 U.S.C. 1151), and the
15 number computed under subsection (d)(2)(C) of such sec-
16 tion, are deemed to equal zero.

17 SEC. 414. Notwithstanding the numerical limitation
18 set forth in section 214(g)(1)(B) of the Immigration and
19 Nationality Act (8 U.S.C. 1184(g)(1)(B)), the Secretary
20 of Homeland Security, after consultation with the Sec-
21 retary of Labor, and upon the determination that the
22 needs of American businesses cannot be satisfied in fiscal
23 year 2021 with United States workers who are willing,
24 qualified, and able to perform temporary nonagricultural
25 labor, may increase the total number of aliens who may

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

8 TITLE V

9 GENERAL PROVISIONS

10 (INCLUDING RESCISSION OF FUNDS)

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

14 SEC. 502. The unexpended balances of prior appro-
15 priations provided for activities in this Act may be trans-
16 ferred to appropriation accounts for such activities estab-
17 lished pursuant to this Act, may be merged with funds
18 in the applicable established accounts, and thereafter may
19 be accounted for as one fund for the same time period
20 as originally enacted.

21 SEC. 503. (a) None of the funds provided by this Act,
22 provided by previous appropriations Acts to the compo-
23 nents in or transferred to the Department of Homeland
24 Security that remain available for obligation or expendi-
25 ture or provided from any accounts derived by the collec-

1 tion of fees available to the components of such Depart-
2 ment, shall be available for obligation or expenditure
3 through a reprogramming of appropriated funds or a
4 change in the planned obligation of funds derived from
5 such fees that—

6 (1) creates or eliminates a program, project, or
7 activity;

8 (2) contracts out any function presently per-
9 formed by Federal employees or any new function
10 proposed to be performed by Federal employees in
11 the President’s budget proposal for the current fiscal
12 year for the Department of Homeland Security;

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

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

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

23 (b) For purposes of this section, a “program, project,
24 or activity” is defined as—

1 (1) each item listed under each appropriation or
2 fee funded account identified in the detailed funding
3 table at the end of the explanatory statement accom-
4 panying this Act; and

5 (2) each item for which the explanatory state-
6 ment accompanying this Act specifies a funding
7 amount, except for amounts identified in a funding
8 table other than that described in subsection (1).

9 (c) For purposes of this section, “reprogramming of
10 funds” is defined as a reduction to or augmentation of
11 an amount associated with an item described in subsection
12 (b).

13 (d) For purposes of this section, a change in the
14 planned obligation of funding derived from fee collections
15 is defined as a reduction or augmentation of an amount
16 associated with an item described in subsection (b) under
17 each “Fee Funded Programs” subheading.

18 SEC. 504. Section 504 of the Department of Home-
19 land Security Appropriations Act, 2017 (division F of
20 Public Law 115–31), related to the operations of a work-
21 ing capital fund, shall apply with respect to funds made
22 available in this Act in the same manner as such section
23 applied to funds made available in that Act: *Provided*,
24 That funds from such working capital fund may be obli-
25 gated and expended in anticipation of reimbursements

1 from components of the Department of Homeland Security.
2 rity.

3 SEC. 505. Funds made available by this Act for intel-
4 ligence activities are deemed to be specifically authorized
5 by the Congress for purposes of section 504 of the Na-
6 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
7 year 2021 until the enactment of an Act authorizing intel-
8 ligence activities for fiscal year 2021.

9 SEC. 506. (a) The Secretary of Homeland Security,
10 or the designee of the Secretary, shall notify the Commit-
11 tees on Appropriations of the Senate and the House of
12 Representatives at least 3 full business days in advance
13 of—

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

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

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

24 (4) announcing publicly the intention to make
25 or award items under paragraph (1), (2), or (3), in-

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

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

10 (c) A notification under this section—

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

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

17 SEC. 507. Notwithstanding any other provision of
18 law, no agency shall purchase, construct, or lease any ad-
19 ditional facilities, except within or contiguous to existing
20 locations, to be used for the purpose of conducting Federal
21 law enforcement training without advance notification to
22 the Committees on Appropriations of the Senate and the
23 House of Representatives, except that the Federal Law
24 Enforcement Training Centers is authorized to obtain the
25 temporary use of additional facilities by lease, contract,

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

3 SEC. 508. None of the funds appropriated or other-
4 wise made available by this Act may be used for expenses
5 for any construction, repair, alteration, or acquisition
6 project for which a prospectus otherwise required under
7 chapter 33 of title 40, United States Code, has not been
8 approved, except that necessary funds may be expended
9 for each project for required expenses for the development
10 of a proposed prospectus.

11 SEC. 509. Sections 520, 522, and 530 of the Depart-
12 ment of Homeland Security Appropriations Act, 2008 (di-
13 vision E of Public Law 110–161; 121 Stat. 2073 and
14 2074) shall apply with respect to funds made available in
15 this Act in the same manner as such sections applied to
16 funds made available in that Act.

17 SEC. 510. None of the funds made available in this
18 Act may be used in contravention of the applicable provi-
19 sions of the Buy American Act: *Provided*, That for pur-
20 poses of the preceding sentence, the term “Buy American
21 Act” means chapter 83 of title 41, United States Code.

22 SEC. 511. None of the funds made available in this
23 Act may be used to amend the oath of allegiance required
24 by section 337 of the Immigration and Nationality Act
25 (8 U.S.C. 1448).

1 SEC. 512. None of the funds provided or otherwise
2 made available in this Act shall be available to carry out
3 section 872 of the Homeland Security Act of 2002 (6
4 U.S.C. 452) unless explicitly authorized by the Congress.

5 SEC. 513. None of the funds made available in this
6 Act may be used for planning, testing, piloting, or devel-
7 oping a national identification card.

8 SEC. 514. Any official that is required by this Act
9 to report or to certify to the Committees on Appropria-
10 tions of the Senate and the House of Representatives may
11 not delegate such authority to perform that act unless spe-
12 cifically authorized herein.

13 SEC. 515. None of the funds made available in this
14 Act may be used for first-class travel by the employees
15 of agencies funded by this Act in contravention of sections
16 301–10.122 through 301–10.124 of title 41, Code of Fed-
17 eral Regulations.

18 SEC. 516. Notwithstanding any other provision of
19 this Act, none of the funds appropriated or otherwise
20 made available by this Act may be used to pay award or
21 incentive fees for contractor performance that has been
22 judged to be below satisfactory performance or perform-
23 ance that does not meet the basic requirements of a con-
24 tract.

1 SEC. 517. None of the funds appropriated or other-
2 wise made available by this Act may be used by the De-
3 partment of Homeland Security to enter into any Federal
4 contract unless such contract is entered into in accordance
5 with the requirements of subtitle I of title 41, United
6 States Code, or chapter 137 of title 10, United States
7 Code, and the Federal Acquisition Regulation, unless such
8 contract is otherwise authorized by statute to be entered
9 into without regard to the above referenced statutes.

10 SEC. 518. (a) None of the funds made available in
11 this Act may be used to maintain or establish a computer
12 network unless such network blocks the viewing,
13 downloading, and exchanging of pornography.

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

18 SEC. 519. None of the funds made available in this
19 Act may be used by a Federal law enforcement officer to
20 facilitate the transfer of an operable firearm to an indi-
21 vidual if the Federal law enforcement officer knows or sus-
22 pects that the individual is an agent of a drug cartel unless
23 law enforcement personnel of the United States continu-
24 ously monitor or control the firearm at all times.

1 SEC. 520. None of the funds made available in this
2 Act may be used to pay for the travel to or attendance
3 of more than 50 employees of a single component of the
4 Department of Homeland Security, who are stationed in
5 the United States, at a single international conference un-
6 less the Secretary of Homeland Security, or a designee,
7 determines that such attendance is in the national interest
8 and notifies the Committees on Appropriations of the Sen-
9 ate and the House of Representatives within at least 10
10 days of that determination and the basis for that deter-
11 mination: *Provided*, That for purposes of this section the
12 term “international conference” shall mean a conference
13 occurring outside of the United States attended by rep-
14 resentatives of the United States Government and of for-
15 eign governments, international organizations, or non-
16 governmental organizations: *Provided further*, That the
17 total cost to the Department of Homeland Security of any
18 such conference shall not exceed \$500,000.

19 SEC. 521. None of the funds made available in this
20 Act may be used to reimburse any Federal department
21 or agency for its participation in a National Special Secu-
22 rity Event.

23 SEC. 522. None of the funds made available to the
24 Department of Homeland Security by this or any other
25 Act may be obligated for any structural pay reform that

1 affects more than 100 full-time positions or costs more
2 than \$5,000,000 in a single year before the end of the
3 30-day period beginning on the date on which the Sec-
4 retary of Homeland Security submits to Congress a notifi-
5 cation that includes—

6 (1) the number of full-time positions affected by
7 such change;

8 (2) funding required for such change for the
9 current year and through the Future Years Home-
10 land Security Program;

11 (3) justification for such change; and

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

15 SEC. 523. (a) Any agency receiving funds made avail-
16 able in this Act shall, subject to subsections (b) and (c),
17 post on the public website of that agency any report re-
18 quired to be submitted by the Committees on Appropria-
19 tions of the Senate and the House of Representatives in
20 this Act, upon the determination by the head of the agency
21 that it shall serve the national interest.

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

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

25 (2) the report contains proprietary information.

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

6 SEC. 524. (a) Funding provided in this Act for “Op-
7 erations and Support” may be used for minor procure-
8 ment, construction, and improvements.

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

12 SEC. 525. The authority provided by section 532 of
13 the Department of Homeland Security Appropriations
14 Act, 2018 (Public Law 115–141) regarding primary and
15 secondary schooling of dependents shall continue in effect
16 during fiscal year 2021.

17 SEC. 526. (a) For an additional amount for “Federal
18 Emergency Management Agency—Federal Assistance”,
19 \$41,000,000, to remain available until September 30,
20 2022, exclusively for providing reimbursement of extraor-
21 dinary law enforcement or other emergency personnel
22 costs for protection activities directly and demonstrably
23 associated with any residence of the President that is des-
24 ignated or identified to be secured by the United States
25 Secret Service.

1 (b) Subsections (b) through (f) of section 534 of the
2 Department of Homeland Security Appropriations Act,
3 2018 (Public Law 115–141), shall be applied with respect
4 to amounts made available by subsection (a) of this section
5 by substituting “October 1, 2021” for “October 1, 2018”
6 and “October 1, 2020” for “October 1, 2017”.

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

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

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

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

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

24 SEC. 528. (a) None of the funds appropriated or oth-
25 erwise made available to the Department of Homeland Se-

1 curity by this Act may be used to prevent any of the fol-
2 lowing persons from entering, for the purpose of con-
3 ducting oversight, any facility operated by or for the De-
4 partment of Homeland Security used to detain or other-
5 wise house aliens, or to make any temporary modification
6 at any such facility that in any way alters what is observed
7 by a visiting member of Congress or such designated em-
8 ployee, compared to what would be observed in the absence
9 of such modification:

10 (1) A Member of Congress.

11 (2) An employee of the United States House of Rep-
12 resentatives or the United States Senate designated by
13 such a Member for the purposes of this section.

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

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

22 SEC. 529. (a) Except as provided in subsection (b),
23 none of the funds made available in this Act may be used
24 to place restraints on a woman in the custody of the De-
25 partment of Homeland Security (including during trans-

1 port, in a detention facility, or at an outside medical facil-
2 ity) who is pregnant or in post-delivery recuperation.

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

5 (1) an appropriate official of the Department of
6 Homeland Security makes an individualized deter-
7 mination that the woman—

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

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

13 (2) a medical professional responsible for the
14 care of the pregnant woman determines that the use
15 of therapeutic restraints is appropriate for the med-
16 ical safety of the woman.

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

1 by restraints shall be positioned, to the maximum extent
2 feasible, on her left side.

3 SEC. 530. (a) None of the funds made available by
4 this Act may be used to destroy, or to implement a policy
5 or practice that permits the destruction of, any document,
6 recording, or other record pertaining to any—

7 (1) death of,

8 (2) potential sexual assault or abuse per-
9 petrated against, or

10 (3) allegation of abuse, criminal activity, or dis-
11 ruption committed by,

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

14 (b) The records referred to in subsection (a) shall be
15 made available to an individual who has been charged with
16 a crime, been placed into segregation, or otherwise pun-
17 ished as a result of an allegation described in paragraph
18 (3), upon the request of such individual.

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

1 SEC. 532. (a) Not later than 10 days after the date
2 on which the budget of the President for a fiscal year is
3 submitted to Congress pursuant to section 1105(a) of title
4 31, United States Code, the Secretary of Homeland Secu-
5 rity shall submit to the Committees on Appropriations of
6 the Senate and the House of Representatives a report on
7 the unfunded priorities, for the Department of Homeland
8 Security and separately for each departmental component,
9 for which discretionary funding would be classified as
10 budget function 050.

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

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

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

19 (3) account information, including the following
20 (as applicable):

21 (A) appropriation account; and

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

23 and

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

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

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

5 (2) is necessary to fulfill a requirement associ-
6 ated with an operational or contingency plan for the
7 Department; and

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

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

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

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

16 SEC. 533. No Federal funds may be made available
17 to implement or carry out any of the following:

18 (1) The proposed rule entitled “Procedures for
19 Asylum and Withholding of Removal; Credible Fear
20 and Reasonable Fear Review”, dated June 15, 2020,
21 or any final version of such rule.

22 (2) The Migrant Protection Protocols an-
23 nounced by the Secretary of Homeland Security on
24 December 20, 2018, and any subsequent revisions to
25 those protocols.

1 (3) DHS Policy Memorandum 602-0169, dated
2 January 28, 2019, or any other agency policy memo-
3 randum implementing the protocols described in
4 such policy memorandum.

5 (4) Presidential Proclamation 9983, issued on
6 January 31, 2020 (85 Fed. Reg. 6699).

7 (5) The interim final rule entitled “Imple-
8 menting Bilateral and Multilateral Asylum Coopera-
9 tive Agreements Under the Immigration and Nation-
10 ality Act”, dated November 19, 2019, including—

11 (A) the agreement between the Govern-
12 ment of the United States and the Government
13 of the Republic of Guatemala on Cooperation
14 Regarding the Examination of Protection
15 Claims, dated November 20, 2019 (84 Fed.
16 Reg. 64095); and

17 (B) any other agreements establishing
18 “Asylum Cooperative Agreements”, new “safe
19 third country” designations, or otherwise relat-
20 ing to returning individuals to a third country
21 for purposes of establishing an asylum claim.

22 (6) Executive Order 13768, issued on January
23 25, 2017 (relating to enhancing public safety in the
24 interior of the United States; 82 Fed. Reg. 8799).

1 (7) Any policy requiring an applicant for citi-
2 zenship to attend an interview at a location other
3 than the U.S. Citizenship and Immigration Services
4 office at which the applicant submitted the applica-
5 tion.

6 (8) Any official duty of an asylum officer by an
7 individual who is not directly employed by U.S. Citi-
8 zenship and Immigration Services.

9 SEC. 534. Not later than 30 days after the date of
10 enactment of this Act, \$20,000,000 from the unobligated
11 balances from the amount described in section 212(b) of
12 division D of Public Law 116–93, shall be transferred to
13 “Countering Weapons of Mass Destruction Office—Pro-
14 curement, Construction, and Improvements” for electronic
15 health records, and shall remain available until September
16 30, 2022, in addition to any amounts otherwise available
17 for such purposes: *Provided*, That such amount is des-
18 ignated by the Congress as being for an emergency re-
19 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
20 anced Budget and Emergency Deficit Control Act of 1985,
21 and shall be available only if the President subsequently
22 so designates such amount and transmits such designation
23 to the Congress.

(RESCISSIONS)

1

2 SEC. 535. Of the funds appropriated to the Depart-
3 ment of Homeland Security, \$1,375,000,000 of the
4 amounts made available under the heading “U.S. Customs
5 and Border Protection—Procurement, Construction, and
6 Improvements” by Public Law 116-93 is hereby rescinded:
7 *Provided*, That no amounts may be rescinded from
8 amounts that were designated by the Congress as an
9 emergency requirement pursuant to a concurrent resolu-
10 tion on the budget or the Balanced Budget and Emer-
11 gency Deficit Control Act of 1985 (Public Law 99-177).

12 SEC. 536. From the unobligated balances available
13 in the “U.S. Customs and Border Protection—Border Se-
14 curity, Fencing, Infrastructure, and Technology” account
15 (70 X 0533), \$5,000,000 is hereby rescinded.

16 SEC. 537. Of the unobligated balances available
17 under the heading “U.S. Customs and Border Protec-
18 tion—Procurement, Construction, and Improvements”,
19 \$50,000,000 is hereby rescinded.

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

Union Calendar No. 368

116TH CONGRESS
2^D SESSION

H. R. 7669

[Report No. 116-458]

A BILL

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

JULY 20, 2020

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