

[COMMITTEE PRINT]

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

Calendar No. 000117TH CONGRESS
1ST SESSION**S. 0000****[Report No. 117-000]**

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

IN THE SENATE OF THE UNITED STATES

OCTOBER _____, 2021

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

A BILL

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

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the following sums are appropriated, out of any

1 money in the Treasury not otherwise appropriated, for the
2 Department of Homeland Security for the fiscal year end-
3 ing September 30, 2022, and for other purposes, namely:

4 TITLE I

5 DEPARTMENTAL MANAGEMENT, OPERATIONS,
6 INTELLIGENCE, AND OVERSIGHT

7 OFFICE OF THE SECRETARY AND EXECUTIVE

8 MANAGEMENT

9 OPERATIONS AND SUPPORT

10 For necessary expenses of the Office of the Secretary
11 and for executive management for operations and support,
12 \$221,555,000; of which \$20,304,000 shall be for the Of-
13 fice of the Ombudsman for Immigration Detention, of
14 which \$5,000,000 shall remain available until September
15 30, 2023: *Provided*, That not to exceed \$30,000 shall be
16 for official reception and representation expenses.

17 FEDERAL ASSISTANCE

18 (INCLUDING TRANSFERS OF FUNDS)

19 For necessary expenses of the Office of the Secretary
20 and for executive management for Federal assistance
21 through grants, contracts, cooperative agreements, and
22 other activities, \$20,000,000, which shall be transferred
23 to the Federal Emergency Management Agency for tar-
24 geted violence and terrorism prevention grants, to remain
25 available until September 30, 2023.

1 MANAGEMENT DIRECTORATE

2 OPERATIONS AND SUPPORT

3 For necessary expenses of the Management Direc-
4 torate for operations and support, including for the pur-
5 chase or lease of electric passenger motor vehicles,
6 \$1,658,553,000, of which \$80,500,000 shall remain avail-
7 able until September 30, 2023: *Provided*, That not to ex-
8 ceed \$2,000 shall be for official reception and representa-
9 tion expenses.

10 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

11 For necessary expenses of the Management Direc-
12 torate for procurement, construction, and improvements,
13 \$346,371,000, of which \$137,116,000 shall remain avail-
14 able until September 30, 2024, and of which
15 \$209,255,000 shall remain available until September 30,
16 2026.

17 FEDERAL PROTECTIVE SERVICE

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

1 INTELLIGENCE, ANALYSIS, AND OPERATIONS

2 COORDINATION

3 OPERATIONS AND SUPPORT

4 For necessary expenses of the Office of Intelligence
5 and Analysis and the Office of Operations Coordination
6 for operations and support, \$320,620,000, of which
7 \$112,121,000 shall remain available until September 30,
8 2023: *Provided*, That not to exceed \$3,825 shall be for
9 official reception and representation expenses and not to
10 exceed \$2,000,000 is available for facility needs associated
11 with secure space at fusion centers, including improve-
12 ments to buildings.

13 OFFICE OF THE INSPECTOR GENERAL

14 OPERATIONS AND SUPPORT

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

21 ADMINISTRATIVE PROVISIONS

22 SEC. 101. (a) The Secretary of Homeland Security
23 shall submit a report not later than October 15, 2022,
24 to the Inspector General of the Department of Homeland
25 Security listing all grants and contracts awarded by any

1 means other than full and open competition during fiscal
2 years 2021 or 2022.

3 (b) The Inspector General shall review the report re-
4 quired by subsection (a) to assess departmental compli-
5 ance with applicable laws and regulations and report the
6 results of that review to the Committees on Appropriations
7 of the Senate and the House of Representatives not later
8 than February 15, 2023.

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

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

23 SEC. 104. (a) The Secretary of Homeland Security,
24 in consultation with the Secretary of the Treasury, shall
25 notify the Committees on Appropriations of the Senate

1 and the House of Representatives of any proposed trans-
2 fers of funds available under section 9705(g)(4)(B) of title
3 31, United States Code, from the Department of the
4 Treasury Forfeiture Fund to any agency within the De-
5 partment of Homeland Security.

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

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

15 TITLE II

16 SECURITY, ENFORCEMENT, AND

17 INVESTIGATIONS

18 U.S. CUSTOMS AND BORDER PROTECTION

19 OPERATIONS AND SUPPORT

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses of U.S. Customs and Border
22 Protection for operations and support, including the trans-
23 portation of unaccompanied children; the provision of air
24 and marine support to Federal, State, local, and inter-
25 national agencies in the enforcement or administration of

1 laws enforced by the Department of Homeland Security;
2 at the discretion of the Secretary of Homeland Security,
3 the provision of such support to Federal, State, and local
4 agencies in other law enforcement and emergency humani-
5 tarian efforts; the purchase and lease of up to 7,500
6 (6,500 for replacement only) police-type vehicles; the pur-
7 chase, maintenance, or operation of marine vessels, air-
8 craft, and unmanned aerial systems; and contracting with
9 individuals for personal services abroad; \$13,605,535,000;
10 of which \$3,274,000 shall be derived from the Harbor
11 Maintenance Trust Fund for administrative expenses re-
12 lated to the collection of the Harbor Maintenance Fee pur-
13 suant to section 9505(c)(3) of the Internal Revenue Code
14 of 1986 (26 U.S.C. 9505(e)(3)) and notwithstanding sec-
15 tion 1511(e)(1) of the Homeland Security Act of 2002 (6
16 U.S.C. 551(e)(1)); of which \$500,000,000 shall be avail-
17 able until September 30, 2023; and of which such sums
18 as become available in the Customs User Fee Account, ex-
19 cept sums subject to section 13031(f)(3) of the Consoli-
20 dated Omnibus Budget Reconciliation Act of 1985 (19
21 U.S.C. 58c(f)(3)), shall be derived from that account: *Pro-*
22 *vided*, That not to exceed \$34,425 shall be for official re-
23 ception and representation expenses: *Provided further*,
24 That not to exceed \$150,000 shall be available for pay-
25 ment for rental space in connection with preclearance op-

1 erations: *Provided further*, That not to exceed \$2,000,000
2 shall be for awards of compensation to informants, to be
3 accounted for solely under the certificate of the Secretary
4 of Homeland Security: *Provided further*, That not to ex-
5 ceed \$50,000,000 may be transferred to the Department
6 of the Interior for mitigation activities, including land ac-
7 quisition, related to construction of border barriers on
8 Federal lands: *Provided further*, That the Commissioner
9 shall submit a notification to the Committees on Appro-
10 priations of the Senate and the House of Representatives
11 prior to the obligation or transfer of the amounts de-
12 scribed in the preceding proviso.

13 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

14 For necessary expenses of U.S. Customs and Border
15 Protection for procurement, construction, and improve-
16 ments, including procurement of marine vessels, aircraft,
17 and unmanned aerial systems, \$717,398,000, of which
18 \$318,973,000 shall remain available until September 30,
19 2024, and of which \$398,425,000 shall remain available
20 until September 30, 2026.

21 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

22 OPERATIONS AND SUPPORT

23 For necessary expenses of U.S. Immigration and
24 Customs Enforcement for operations and support, includ-
25 ing the purchase and lease of up to 3,790 (2,350 for re-

1 placement only) police-type vehicles; overseas vetted units;
2 and maintenance, minor construction, and minor leasehold
3 improvements at owned and leased facilities;
4 \$7,882,019,000; of which not less than \$6,000,000 shall
5 remain available until expended for efforts to enforce laws
6 against forced child labor; of which \$46,696,000 shall re-
7 main available until September 30, 2023; of which not less
8 than \$1,500,000 is for paid apprenticeships for partici-
9 pants in the Human Exploitation Rescue Operative Child-
10 Rescue Corps; of which not less than \$15,000,000 shall
11 be available for investigation of intellectual property rights
12 violations, including operation of the National Intellectual
13 Property Rights Coordination Center; and of which not
14 less than \$3,925,114,000 shall be for enforcement, deten-
15 tion, and removal operations, including transportation of
16 unaccompanied children: *Provided*, That not to exceed
17 \$11,475 shall be for official reception and representation
18 expenses: *Provided further*, That not to exceed
19 \$10,000,000 shall be available until expended for con-
20 ducting special operations under section 3131 of the Cus-
21 toms Enforcement Act of 1986 (19 U.S.C. 2081): *Pro-*
22 *vided further*, That not to exceed \$2,000,000 shall be for
23 awards of compensation to informants, to be accounted
24 for solely under the certificate of the Secretary of Home-
25 land Security: *Provided further*, That not to exceed

1 \$11,216,000 shall be available to fund or reimburse other
2 Federal agencies for the costs associated with the care,
3 maintenance, and repatriation of smuggled noncitizens un-
4 lawfully present in the United States.

5 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

6 For necessary expenses of U.S. Immigration and
7 Customs Enforcement for procurement, construction, and
8 improvements, \$51,700,000, of which \$34,321,000 shall
9 remain available until September 30, 2024, and of which
10 \$17,379,000 shall remain available until September 30,
11 2026.

12 TRANSPORTATION SECURITY ADMINISTRATION

13 OPERATIONS AND SUPPORT

14 For necessary expenses of the Transportation Secu-
15 rity Administration for operations and support,
16 \$8,094,787,000, to remain available until September 30,
17 2023: *Provided*, That not to exceed \$7,650 shall be for
18 official reception and representation expenses: *Provided*
19 *further*, That security service fees authorized under section
20 44940 of title 49, United States Code, shall be credited
21 to this appropriation as offsetting collections and shall be
22 available only for aviation security: *Provided further*, That
23 the sum appropriated under this heading from the general
24 fund shall be reduced on a dollar-for-dollar basis as such
25 offsetting collections are received during fiscal year 2022

1 so as to result in a final fiscal year appropriation from
2 the general fund estimated at not more than
3 \$5,984,787,000.

4 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

5 For necessary expenses of the Transportation Secu-
6 rity Administration for procurement, construction, and
7 improvements, \$134,492,000, to remain available until
8 September 30, 2024.

9 RESEARCH AND DEVELOPMENT

10 For necessary expenses of the Transportation Secu-
11 rity Administration for research and development,
12 \$35,532,000, to remain available until September 30,
13 2023.

14 COAST GUARD

15 OPERATIONS AND SUPPORT

16 For necessary expenses of the Coast Guard for oper-
17 ations and support including the Coast Guard Reserve;
18 purchase or lease of not to exceed 25 passenger motor ve-
19 hicles, which shall be for replacement only; purchase or
20 lease of small boats for contingent and emergent require-
21 ments (at a unit cost of not more than \$700,000) and
22 repairs and service-life replacements, not to exceed a total
23 of \$31,000,000; purchase, lease, or improvements of boats
24 necessary for overseas deployments and activities; pay-
25 ments pursuant to section 156 of Public Law 97–377 (42

1 U.S.C. 402 note; 96 Stat. 1920); and recreation and wel-
2 fare; \$9,066,020,000, of which \$530,000,000 shall be for
3 defense-related activities; of which \$24,500,000 shall be
4 derived from the Oil Spill Liability Trust Fund to carry
5 out the purposes of section 1012(a)(5) of the Oil Pollution
6 Act of 1990 (33 U.S.C. 2712(a)(5)); of which
7 \$27,456,000 shall remain available until September 30,
8 2026, for environmental compliance and restoration; and
9 of which \$100,000,000 shall remain available until Sep-
10 tember 30, 2023, for vessel depot level maintenance: *Pro-*
11 *vided*, That not to exceed \$23,000 shall be for official re-
12 ception and representation expenses.

13 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

14 For necessary expenses of the Coast Guard for pro-
15 curement, construction, and improvements, including aids
16 to navigation, shore facilities (including facilities at De-
17 partment of Defense installations used by the Coast
18 Guard), and vessels and aircraft, including equipment re-
19 lated thereto, \$1,711,600,000, to remain available until
20 September 30, 2026; of which \$20,000,000 shall be de-
21 rived from the Oil Spill Liability Trust Fund to carry out
22 the purposes of section 1012(a)(5) of the Oil Pollution Act
23 of 1990 (33 U.S.C. 2712(a)(5)).

1 RESEARCH AND DEVELOPMENT

2 For necessary expenses of the Coast Guard for re-
3 search and development; and for maintenance, rehabilita-
4 tion, lease, and operation of facilities and equipment;
5 \$7,476,000, to remain available until September 30, 2024,
6 of which \$500,000 shall be derived from the Oil Spill Li-
7 ability Trust Fund to carry out the purposes of section
8 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.
9 2712(a)(5)): *Provided*, That there may be credited to and
10 used for the purposes of this appropriation funds received
11 from State and local governments, other public authori-
12 ties, private sources, and foreign countries for expenses
13 incurred for research, development, testing, and evalua-
14 tion.

15 RETIRED PAY

16 For retired pay, including the payment of obligations
17 otherwise chargeable to lapsed appropriations for this pur-
18 pose, payments under the Retired Serviceman's Family
19 Protection and Survivor Benefits Plans, payment for ca-
20 reer status bonuses, payment of continuation pay under
21 section 356 of title 37, United States Code, concurrent
22 receipts, combat-related special compensation, and pay-
23 ments for medical care of retired personnel and their de-
24 pendants under chapter 55 of title 10, United States Code,
25 \$1,963,519,000, to remain available until expended.

1 UNITED STATES SECRET SERVICE
2 OPERATIONS AND SUPPORT

3 For necessary expenses of the United States Secret
4 Service for operations and support, including purchase of
5 not to exceed 652 vehicles for police-type use; hire of pas-
6 senger motor vehicles; purchase of motorcycles made in
7 the United States; hire of aircraft; rental of buildings in
8 the District of Columbia; fencing, lighting, guard booths,
9 and other facilities on private or other property not in
10 Government ownership or control, as may be necessary to
11 perform protective functions; conduct of and participation
12 in firearms matches; presentation of awards; conduct of
13 behavioral research in support of protective intelligence
14 and operations; payment in advance for commercial ac-
15 commodations as may be necessary to perform protective
16 functions; and payment, without regard to section 5702
17 of title 5, United States Code, of subsistence expenses of
18 employees who are on protective missions, whether at or
19 away from their duty stations; \$2,520,528,000; of which
20 \$51,621,000 shall remain available until September 30,
21 2023, and of which \$6,000,000 shall be for a grant for
22 activities related to investigations of missing and exploited
23 children; and of which up to \$15,000,000 may be for cal-
24 endar year 2021 premium pay in excess of the annual
25 equivalent of the limitation on the rate of pay contained

1 in section 5547(a) of title 5, United States Code, pursuant
2 to section 2 of the Overtime Pay for Protective Services
3 Act of 2016 (5 U.S.C. 5547 note), as last amended by
4 Public Law 116–269: *Provided*, That not to exceed
5 \$19,125 shall be for official reception and representation
6 expenses: *Provided further*, That not to exceed \$100,000
7 shall be to provide technical assistance and equipment to
8 foreign law enforcement organizations in criminal inves-
9 tigations within the jurisdiction of the United States Se-
10 cret Service.

11 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

12 For necessary expenses of the United States Secret
13 Service for procurement, construction, and improvements,
14 \$54,849,000, to remain available until September 30,
15 2024.

16 RESEARCH AND DEVELOPMENT

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

20 ADMINISTRATIVE PROVISIONS

21 SEC. 201. Section 201 of the Department of Home-
22 land Security Appropriations Act, 2018 (division F of
23 Public Law 115–141), related to overtime compensation
24 limitations, shall apply with respect to funds made avail-
25 able in this Act in the same manner as such section ap-

1 plied to funds made available in that Act, except that “fis-
2 cal year 2022” shall be substituted for “fiscal year 2018”.

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

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

19 SEC. 204. For an additional amount for “U.S. Cus-
20 toms and Border Protection—Operations and Support”,
21 \$31,000,000, to remain available until expended, to be re-
22 duced by amounts collected and credited to this appropria-
23 tion in fiscal year 2022 from amounts authorized to be
24 collected by section 286(i) of the Immigration and Nation-
25 ality Act (8 U.S.C. 1356(i)), section 10412 of the Farm

1 Security and Rural Investment Act of 2002 (7 U.S.C.
2 8311), and section 817 of the Trade Facilitation and
3 Trade Enforcement Act of 2015 (Public Law 114–25), or
4 other such authorizing language: *Provided*, That to the ex-
5 tent that amounts realized from such collections exceed
6 \$31,000,000, those amounts in excess of \$31,000,000
7 shall be credited to this appropriation, to remain available
8 until expended.

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

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

23 (2) a biological product, as defined in section
24 351 of the Public Health Service Act (42 U.S.C.
25 262).

1 SEC. 206. Notwithstanding any other provision of
2 law, none of the funds provided in this or any other Act
3 shall be used to approve a waiver of the navigation and
4 vessel-inspection laws pursuant to section 501(b) of title
5 46, United States Code, for the transportation of crude
6 oil distributed from and to the Strategic Petroleum Re-
7 serve until the Secretary of Homeland Security, after con-
8 sultation with the Secretaries of the Departments of En-
9 ergy and Transportation and representatives from the
10 United States flag maritime industry, takes adequate
11 measures to ensure the use of United States flag vessels:
12 *Provided*, That the Secretary shall notify the Committees
13 on Appropriations of the Senate and the House of Rep-
14 resentatives, the Committee on Commerce, Science, and
15 Transportation of the Senate, and the Committee on
16 Transportation and Infrastructure of the House of Rep-
17 resentatives within 2 business days of any request for
18 waivers of navigation and vessel-inspection laws pursuant
19 to section 501(b) of title 46, United States Code, with re-
20 spect to such transportation, and the disposition of such
21 requests.

22 SEC. 207. (a) Beginning on the date of enactment
23 of this Act, the Secretary of Homeland Security shall
24 not—

1 (1) establish, collect, or otherwise impose any
2 new border crossing fee on individuals crossing the
3 Southern border or the Northern border at a land
4 port of entry; or

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

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

12 SEC. 208. Not later than 90 days after the date of
13 enactment of this Act, the Secretary of Homeland Security
14 shall submit an expenditure plan for any amounts made
15 available for “U.S. Customs and Border Protection—Pro-
16 curement, Construction, and Improvements” in this Act
17 and prior Acts to the Committees on Appropriations of
18 the Senate and the House of Representatives: *Provided*,
19 That no such amounts provided in this Act may be obli-
20 gated prior to the submission of such plan.

21 SEC. 209. Section 211 of the Department of Home-
22 land Security Appropriations Act, 2021 (division F of
23 Public Law 116–260), prohibiting the use of funds for the
24 construction of fencing in certain areas, shall apply with
25 respect to funds made available in this Act in the same

1 manner as such section applied to funds made available
2 in that Act.

3 SEC. 210. Funds made available in this Act may be
4 used to alter operations within the National Targeting
5 Center of U.S. Customs and Border Protection: *Provided*,
6 That none of the funds provided by this Act, provided by
7 previous appropriations Acts that remain available for ob-
8 ligation or expenditure in fiscal year 2022, or provided
9 from any accounts in the Treasury of the United States
10 derived by the collection of fees available to the compo-
11 nents funded by this Act, may be used to reduce antici-
12 pated or planned vetting operations at existing locations
13 unless specifically authorized by a statute enacted after
14 the date of enactment of this Act.

15 SEC. 211. None of the funds provided under the
16 heading “U.S. Immigration and Customs Enforcement—
17 Operations and Support” may be used to continue a dele-
18 gation of law enforcement authority authorized under sec-
19 tion 287(g) of the Immigration and Nationality Act (8
20 U.S.C. 1357(g)) if the Department of Homeland Security
21 Inspector General determines that the terms of the agree-
22 ment governing the delegation of authority have been ma-
23 terially violated.

24 SEC. 212. (a) None of the funds provided under the
25 heading “U.S. Immigration and Customs Enforcement—

1 Operations and Support” may be used to continue any
2 contract for the provision of detention services if the two
3 most recent overall performance evaluations received by
4 the contracted facility are less than “adequate” or the
5 equivalent median score in any subsequent performance
6 evaluation system.

7 (b) The performance evaluations referenced in sub-
8 section (a) shall be conducted by the U.S. Immigration
9 and Customs Enforcement Office of Professional Respon-
10 sibility.

11 SEC. 213. The reports required to be submitted under
12 section 218 of the Department of Homeland Security Ap-
13 propriations Act, 2020 (division D of Public Law 116-
14 93) shall continue to be submitted with respect to the pe-
15 riod beginning 15 days after the date of the enactment
16 of this Act and semimonthly thereafter, and each matter
17 required to be included in such report by such section 218
18 shall apply in the same manner and to the same extent
19 during the period described in this section, except that for
20 purposes of reports submitted with respect to such period
21 described, the following additional requirements shall be
22 treated as being included as subparagraphs (H) through
23 (J) of paragraph (1) of such section 218—

24 (1) the average lengths of stay, including aver-
25 age post-determination length of stay in the case of

1 detainees described in subparagraph (F), for individ-
2 uals who remain in detention as of the last date of
3 each such reporting period;

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

7 (A) over 2 years;

8 (B) from over 1 year to 2 years;

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

10 (D) for less than 6 months; and

11 (3) the number of individuals described in sec-
12 tion 115.5 of title 28, Code of Federal Regulations,
13 including the use and duration of solitary confine-
14 ment for such person.

15 SEC. 214. The terms and conditions of sections 216
16 and 217 of the Department of Homeland Security Appro-
17 priations Act, 2020 (division D of Public Law 116–93)
18 shall apply to this Act.

19 SEC. 215. Members of the United States House of
20 Representatives and the United States Senate, including
21 the leadership; the heads of Federal agencies and commis-
22 sions, including the Secretary, Deputy Secretary, Under
23 Secretaries, and Assistant Secretaries of the Department
24 of Homeland Security; the United States Attorney Gen-
25 eral, Deputy Attorney General, Assistant Attorneys Gen-

1 eral, and the United States Attorneys; and senior mem-
2 bers of the Executive Office of the President, including
3 the Director of the Office of Management and Budget,
4 shall not be exempt from Federal passenger and baggage
5 screening.

6 SEC. 216. Any award by the Transportation Security
7 Administration to deploy explosives detection systems
8 shall be based on risk, the airport's current reliance on
9 other screening solutions, lobby congestion resulting in in-
10 creased security concerns, high injury rates, airport readi-
11 ness, and increased cost effectiveness.

12 SEC. 217. Notwithstanding section 44923 of title 49,
13 United States Code, for fiscal year 2022, any funds in
14 the Aviation Security Capital Fund established by section
15 44923(h) of title 49, United States Code, may be used
16 for the procurement and installation of explosives detec-
17 tion systems or for the issuance of other transaction agree-
18 ments for the purpose of funding projects described in sec-
19 tion 44923(a) of such title.

20 SEC. 218. Not later than 30 days after the submis-
21 sion of the President's budget proposal, the Administrator
22 of the Transportation Security Administration shall sub-
23 mit to the Committees on Appropriations and Commerce,
24 Science, and Transportation of the Senate and the Com-
25 mittees on Appropriations and Homeland Security in the

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

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

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

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

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

1 (b) To the extent such fees are insufficient to pay
2 expenses of recreational vessel documentation under such
3 section 12114, and there is a backlog of recreational vessel
4 applications, personnel performing non-recreational vessel
5 documentation functions under subchapter II of chapter
6 121 of title 46, United States Code, may perform docu-
7 mentation under section 12114.

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

14 SEC. 221. Notwithstanding any other provision of
15 law, the Commandant of the Coast Guard shall submit
16 to the Committees on Appropriations of the Senate and
17 the House of Representatives a future-years capital invest-
18 ment plan as described in the second proviso under the
19 heading “Coast Guard—Acquisition, Construction, and
20 Improvements” in the Department of Homeland Security
21 Appropriations Act, 2015 (Public Law 114–4), which shall
22 be subject to the requirements in the third and fourth pro-
23 visos under such heading.

24 SEC. 222. Of the funds made available for defense-
25 related activities under the heading “Coast Guard—Oper-

1 ations and Support”, up to \$190,000,000 that are used
2 for enduring overseas missions in support of the global
3 fight against terror may be reallocated by program,
4 project, and activity, notwithstanding section 503 of this
5 Act.

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

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

15 SEC. 225. Funds made available in this Act may be
16 used to alter operations within the Civil Engineering Pro-
17 gram of the Coast Guard nationwide, including civil engi-
18 neering units, facilities design and construction centers,
19 maintenance and logistics commands, and the Coast
20 Guard Academy, except that none of the funds provided
21 in this Act may be used to reduce operations within any
22 civil engineering unit unless specifically authorized by a
23 statute enacted after the date of enactment of this Act.

24 SEC. 226. Amounts deposited into the Coast Guard
25 Housing Fund in fiscal year 2022 shall be available until

1 expended to carry out the purposes of section 2946 of title
2 14, United States Code, and shall be in addition to funds
3 otherwise available for such purposes.

4 SEC. 227. The United States Secret Service is au-
5 thorized to obligate funds in anticipation of reimburse-
6 ments from executive agencies, as defined in section 105
7 of title 5, United States Code, for personnel receiving
8 training sponsored by the James J. Rowley Training Cen-
9 ter, except that total obligations at the end of the fiscal
10 year shall not exceed total budgetary resources available
11 under the heading “United States Secret Service—Oper-
12 ations and Support” at the end of the fiscal year.

13 SEC. 228. None of the funds made available to the
14 United States Secret Service by this Act or by previous
15 appropriations Acts may be made available for the protec-
16 tion of the head of a Federal agency other than the Sec-
17 retary of Homeland Security: *Provided*, That the Director
18 of the United States Secret Service may enter into agree-
19 ments to provide such protection on a fully reimbursable
20 basis.

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

24 SEC. 230. Funding made available in this Act for
25 “United States Secret Service—Operations and Support”

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

9 SEC. 231. (a) None of the funds provided under the
10 heading “U.S. Immigration and Customs Enforcement—
11 Operations and Support” may be used to engage in civil
12 immigration enforcement activities, such as arrests, expul-
13 sions, custodial detention, removals, or referrals, proc-
14 essing, or issuance of charging documents, using Home-
15 land Security Investigations personnel, resources, or capa-
16 bilities, absent probable cause that the individual facing
17 such enforcement action has been convicted of a criminal
18 offense, excluding state, local, or Federal offenses for
19 which an essential element was the noncitizen’s immigra-
20 tion status.

21 (b) For the purposes of this section, criminal offenses
22 for which an essential element was the noncitizen’s immi-
23 gration status includes, but is not limited to, offenses iden-
24 tified in sections 264, 266(a) or (b), 275, or 276 of the
25 Immigration and Nationality Act and state and local of-

1 fenses for which an essential element was the noncitizen's
2 immigration status.

3 SEC. 232. (a) Amounts made available to U.S. Immi-
4 gration and Customs Enforcement by transfer pursuant
5 to the Coronavirus Aid, Relief, and Economic Security Act
6 (Public Law 116–136), that remain available for obliga-
7 tion in the fiscal year funded by this Act may be used—

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

14 (2) to provide or reimburse third parties for the
15 provision of COVID–19 testing and shelter for the
16 purpose of voluntary isolation of persons encoun-
17 tered by U.S. Customs and Border Protection after
18 entering the United States along the southwest bor-
19 der and deemed inadmissible under section 212(a) of
20 the Immigration and Nationality Act (8 U.S.C.
21 1182(a)): *Provided*, That such testing and shelter
22 shall be provided immediately after such persons
23 leave Department of Homeland Security custody:
24 *Provided further*, That for purposes of this section,
25 funds may only be used in States or jurisdictions

1 that do not have an agreement with the Federal gov-
2 ernment for the provision or reimbursement of such
3 services.

4 (b) Each amount repurposed by this section that was
5 previously designated by the Congress as an emergency
6 requirement pursuant to the Balanced Budget and Emer-
7 gency Deficit Control Act of 1985 is designated by the
8 Congress as being for an emergency requirement pursuant
9 to section 4001(a)(1) and section 4001(b) of S. Con. Res.
10 14 (117th Congress), the concurrent resolution on the
11 budget for fiscal year 2022, and to section 251(b) of the
12 Balanced Budget and Emergency Deficit Control Act of
13 1985.

14 SEC. 233. For an additional amount for “Coast
15 Guard—Procurement, Construction, and Improvements”,
16 \$50,000,000, to remain available until expended, which
17 shall be distributed as a grant to the National Coast
18 Guard Museum Association (as defined in section
19 316(i)(2) of title 14, United States Code) to carry out ac-
20 tivities under section 316(d) of such title of such Act, not-
21 withstanding subsections (b)(1) and (h) of such section
22 316.

23 SEC. 234. (a) Not later than 180 days after the date
24 of enactment of this section, U.S. Immigration and Cus-
25 toms Enforcement shall develop a risk classification in-

1 instrument for individuals subject to section 236(c) of the
2 Immigration and Nationality Act (8 U.S.C. 1226(c)), fol-
3 lowing the procedures outlined in this section, that in-
4 cludes an individualized evidence-based recommendation
5 as to the least restrictive condition, or combination of con-
6 ditions, reasonably necessary to mitigate subsection
7 (b)(1).

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

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

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

23 (3) be developed in consultation with the Offi-
24 cer for Civil Rights and Civil Liberties and the Im-
25 migration Detention Ombudsman.

1 (c) INDEPENDENT VERIFICATION AND VALIDA-
2 TION.—Prior to the full implementation of the instrument
3 described in subsections (a) and (b), the instrument shall
4 undergo an Independent Verification and Validation to en-
5 sure that the instrument produces an individualized deter-
6 mination grounded in evidence-based decision-making, ex-
7 cept that, as a part of the Independent Verification and
8 Validation process, the agency may use the instrument to
9 determine the validity of the instrument. The Validation
10 process shall also ensure that appropriate training, as de-
11 scribed in subsection (d), is developed for full implementa-
12 tion.

13 (d) TRAINING.—

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

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

21 (B) consider whether decision-makers re-
22 quire an understanding of the concepts of pre-
23 dictive validity in detention decision-making,
24 comparative use of risk assessment instruments
25 in the criminal justice system, evidence-based

1 decision-making, risk management, trauma-in-
2 formed care, including the psychological con-
3 sequences of detention, implicit bias, and recidi-
4 vism in the civil context principles; in order to
5 fully and accurately execute the instrument;

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

9 (D) identify and ensure annual training at
10 the Director's discretion.

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

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

25 (f) PROCESS AND TIMING REQUIREMENTS.—

1 (1) The instrument may be used at any time,
2 including upon intake, but not later than 21 days
3 after such individual is taken into detention.

4 (2) In cases where continued detention is rec-
5 ommended by the instrument, a detention review
6 shall occur not less than 60 days from the time of
7 initial determination, or earlier in cases of changed
8 circumstances.

9 (3) In cases where an individual employee over-
10 rides the recommendation of such instrument result-
11 ing in continued detention, such override shall be re-
12 viewed by a supervisor not less than 10 days after
13 such override occurs.

14 (g) DOCUMENTATION.—Determinations based on the
15 results of the instrument described in subsections (a) and
16 (f), at a minimum, shall be thoroughly documented in the
17 agency's system of record, including any such instrument
18 override decisions which result in continued detention,
19 which shall also meet the procedures described in sub-
20 section (h).

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

23 (1) the only available instrument overrides are
24 derived from the verification and validation process
25 described in subsection (c);

1 (2) overrides that result in continued detention
2 are reviewed as described in subsection (f)(3);

3 (3) overrides that result in continued detention
4 are not used regularly and occur in unusual cir-
5 cumstances;

6 (4) override rates that result in continued de-
7 tention are documented and reviewed, at a min-
8 imum, in the following manner—

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

13 (B) for any field office whose overrides ex-
14 ceed 5 percent of their total instrument cases
15 per field office, the Director reviews the results
16 of such field office, not less than every 90 days;

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

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

24 (i) FORMS.—The Director shall ensure that all forms
25 currently in use by the agency, are updated to reflect the

1 instrument described in subsection (a), including the No-
2 tice of Detention Determination and all such administra-
3 tive appeal options.

4 (j) INTERIM PROCEDURES.—Until such time as the
5 instrument has undergone the procedures outlined in sub-
6 sections (a) through (c), the agency shall utilize the fol-
7 lowing procedures:

8 (1) Not later than 30 days after the date of en-
9 actment of this section, the Secretary of Homeland
10 Security shall approve a segmented risk classifica-
11 tion assessment process, developed by U.S. Immigra-
12 tion and Customs Enforcement that includes a de-
13 termination as to whether a detained individual is a
14 flight risk, a public safety threat, or a national secu-
15 rity threat; and

16 (2) Following approval of the assessment proc-
17 ess in subsection (a), U.S. Immigration and Cus-
18 toms Enforcement shall conduct a risk classification
19 for each detained individual held in detention for at
20 least 14 days, to be completed within 21 days of
21 such individual being taken into detention, and make
22 an individualized, documented detention determina-
23 tion that shall include the option to release such in-
24 dividual from detention, notwithstanding section

1 236(c) of the Immigration and Nationality Act (8
2 U.S.C. 1226(c)).

3 (k) BIENNIAL REVIEW.—The instrument shall be re-
4 viewed not less than biennially by the Director, in con-
5 sultation with the Officer for Civil Rights and Civil Lib-
6 erties and the Immigration Detention Ombudsman, to en-
7 sure instrument recommendations and procedures are fol-
8 lowed, training is sufficient, and the use and implementa-
9 tion of the instrument is aligned with best practices and
10 evidence-based decision-making. The results of such re-
11 view shall be provided to the Committee within 60 days
12 and shall identify any needs the agency may have in car-
13 rying out the terms of this section.

14 (l) RULES OF CONSTRUCTION.—Nothing in this sec-
15 tion shall be construed to—

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

18 (2) interfere with any settlement agreement;

19 (3) interfere with any Federal habeas right;

20 (4) require a bond if the instrument rec-
21 ommends release from detention; and

22 (5) impact any detention process or decision
23 other than for those persons subject to section
24 236(c) of the Immigration and Nationality Act (8
25 U.S.C. 1226(c)).

1 (m) DEFINITIONS.—For the purposes of this section:

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

8 (2) The term “detention” shall mean the phys-
9 ical detention or physical custody of such individual
10 by U.S. Immigration and Customs Enforcement, and
11 is distinguished from the legal custody or level of
12 custody of such individual.

13 (3) The term “Director” shall mean the Direc-
14 tor of U.S. Immigration and Customs Enforcement.

15 (4) The term “agency” shall mean U.S. Immi-
16 gration and Customs Enforcement.

17 (5) The term “Committee” means the Commit-
18 tees on Appropriations of the Senate and the House
19 of Representatives.

20 (6) The term “changed circumstances” shall
21 mean evidence, facts, or information that are sub-
22 stantial in nature and that were unknown or unan-
23 ticipated when the prior decision was made, which
24 may be raised by either the person in detention or
25 the decision-maker, including, but not limited to, a

1 determination that a person was not initially subject
2 to section 236(e) of the Immigration and Nationality
3 Act (8 U.S.C. 1226(e)), evidentiary support for miti-
4 gating factors, health-related, medical, or family
5 emergencies, or other humanitarian concerns, or a
6 change in criminal charging documents.

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

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

24 (9) The term “instrument override” means the
25 ability of a decision-maker to change the risk level,

1 outcome, or recommendation provided by the instru-
2 ment.

3 TITLE III
4 PROTECTION, PREPAREDNESS, RESPONSE, AND
5 RECOVERY

6 CYBERSECURITY AND INFRASTRUCTURE SECURITY

7 AGENCY

8 OPERATIONS AND SUPPORT

9 For necessary expenses of the Cybersecurity and In-
10 frastructure Security Agency for operations and support,
11 \$2,077,585,000, of which \$33,293,000, shall remain avail-
12 able until September 30, 2023: *Provided*, That not to ex-
13 ceed \$3,825 shall be for official reception and representa-
14 tion expenses.

15 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

16 For necessary expenses of the Cybersecurity and In-
17 frastructure Security Agency for procurement, construc-
18 tion, and improvements, \$530,562,000, to remain avail-
19 able until September 30, 2024.

20 RESEARCH AND DEVELOPMENT

21 For necessary expenses of the Cybersecurity and In-
22 frastructure Security Agency for research and develop-
23 ment, \$9,931,000, to remain available until September 30,
24 2023.

1 CYBERSECURITY RESPONSE AND RECOVERY FUND

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

20 FEDERAL EMERGENCY MANAGEMENT AGENCY

21 OPERATIONS AND SUPPORT

22 For necessary expenses of the Federal Emergency
23 Management Agency for operations and support,
24 \$1,391,121,000: *Provided*, That not to exceed \$2,250
25 shall be for official reception and representation expenses.

1 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

2 For necessary expenses of the Federal Emergency
3 Management Agency for procurement, construction, and
4 improvements, \$191,212,000, of which \$80,002,000 shall
5 remain available until September 30, 2024, and of which
6 \$111,210,000 shall remain available until September 30,
7 2026.

8 FEDERAL ASSISTANCE

9 (INCLUDING TRANSFER OF FUNDS)

10 For activities of the Federal Emergency Management
11 Agency for Federal assistance through grants, contracts,
12 cooperative agreements, and other activities,
13 \$3,496,604,000, which shall be allocated as follows:

14 (1) \$610,000,000 for the State Homeland Secu-
15 rity Grant Program under section 2004 of the
16 Homeland Security Act of 2002 (6 U.S.C. 605), of
17 which \$90,000,000 shall be for Operation
18 Stonegarden, \$15,000,000 shall be for Tribal Home-
19 land Security Grants under section 2005 of the
20 Homeland Security Act of 2002 (6 U.S.C. 606), and
21 \$90,000,000 shall be for organizations (as described
22 under section 501(c)(3) of the Internal Revenue
23 Code of 1986 and exempt from tax under section
24 501(a) of such code) determined by the Secretary of
25 Homeland Security to be at high risk of a terrorist

1 attack: *Provided*, That notwithstanding subsection
2 (c)(4) of such section 2004, for fiscal year 2022, the
3 Commonwealth of Puerto Rico shall make available
4 to local and tribal governments amounts provided to
5 the Commonwealth of Puerto Rico under this para-
6 graph in accordance with subsection (c)(1) of such
7 section 2004.

8 (2) \$705,000,000 for the Urban Area Security
9 Initiative under section 2003 of the Homeland Secu-
10 rity Act of 2002 (6 U.S.C. 604), of which
11 \$90,000,000 shall be for organizations (as described
12 under section 501(c)(3) of the Internal Revenue
13 Code of 1986 and exempt from tax under section
14 501(a) of such code) determined by the Secretary of
15 Homeland Security to be at high risk of a terrorist
16 attack.

17 (3) \$100,000,000 for Public Transportation Se-
18 curity Assistance, Railroad Security Assistance, and
19 Over-the-Road Bus Security Assistance under sec-
20 tions 1406, 1513, and 1532 of the Implementing
21 Recommendations of the 9/11 Commission Act of
22 2007 (6 U.S.C. 1135, 1163, and 1182), of which
23 \$10,000,000 shall be for Amtrak security and
24 \$2,000,000 shall be for Over-the-Road Bus Security:
25 *Provided*, That such public transportation security

1 assistance shall be provided directly to public trans-
2 portation agencies.

3 (4) \$100,000,000 for Port Security Grants in
4 accordance with section 70107 of title 46, United
5 States Code.

6 (5) \$740,000,000, to remain available until
7 September 30, 2023, of which \$370,000,000 shall be
8 for Assistance to Firefighter Grants and
9 \$370,000,000 shall be for Staffing for Adequate
10 Fire and Emergency Response Grants under sec-
11 tions 33 and 34 respectively of the Federal Fire Pre-
12 vention and Control Act of 1974 (15 U.S.C. 2229
13 and 2229a).

14 (6) \$355,000,000 for emergency management
15 performance grants under the National Flood Insur-
16 ance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-
17 ert T. Stafford Disaster Relief and Emergency As-
18 sistance Act (42 U.S.C. 5121), the Earthquake Haz-
19 ards Reduction Act of 1977 (42 U.S.C. 7701), sec-
20 tion 762 of title 6, United States Code, and Reorga-
21 nization Plan No. 3 of 1978 (5 U.S.C. App.).

22 (7) \$275,500,000 for necessary expenses for
23 Flood Hazard Mapping and Risk Analysis, in addi-
24 tion to and to supplement any other sums appro-
25 priated under the National Flood Insurance Fund,

1 and such additional sums as may be provided by
2 States or other political subdivisions for cost-shared
3 mapping activities under section 1360(f)(2) of the
4 National Flood Insurance Act of 1968 (42 U.S.C.
5 4101(f)(2)), to remain available until expended.

6 (8) \$12,000,000 for Regional Catastrophic Pre-
7 paredness Grants.

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

11 (10) \$130,000,000 for the emergency food and
12 shelter program under title III of the McKinney-
13 Vento Homeless Assistance Act (42 U.S.C. 11331),
14 to remain available until expended: *Provided*, That
15 not to exceed 3.5 percent shall be for total adminis-
16 trative costs.

17 (11) \$100,000,000 for carrying out the estab-
18 lishment of revolving loan funds under section 205
19 of the Robert T. Stafford Disaster Relief and Emer-
20 gency Assistance Act (42 U.S.C. 5135).

21 (12) \$63,504,000 for Congressionally Directed
22 Spending grants, which shall be for the purposes,
23 and the amounts, specified in the table entitled
24 “Congressionally Directed Spending Items” in the

1 explanatory statement accompanying this Act, of
2 which—

3 (A) in addition to amounts otherwise made
4 available for such purpose, \$29,889,000 is for
5 emergency operations center grants under sec-
6 tion 614 of the Robert T. Stafford Disaster Re-
7 lief and Emergency Assistance Act (42 U.S.C.
8 6196c);

9 (B) in addition to amounts otherwise made
10 available for such purpose, \$31,615,000 is for
11 pre-disaster mitigation grants under section
12 203 of the Robert T. Stafford Disaster Relief
13 and Emergency Assistance Act (42 U.S.C.
14 5133(e)), notwithstanding subsections (f), (g),
15 and (l) of that section (42 U.S.C. 5133(f), (g),
16 and (l)); and

17 (C) \$2,000,000 shall be transferred to
18 “Federal Emergency Management Agency—Op-
19 erations and Support”, to manage and admin-
20 ister Congressionally Directed Spending grants.

21 (13) \$293,600,000 to sustain current oper-
22 ations for training, exercises, technical assistance,
23 and other programs.

1 DISASTER RELIEF FUND

2 For necessary expenses in carrying out the Robert
3 T. Stafford Disaster Relief and Emergency Assistance Act
4 (42 U.S.C. 5121 et seq.), \$18,799,000,000, to remain
5 available until expended, shall be for major disasters de-
6 clared pursuant to the Robert T. Stafford Disaster Relief
7 and Emergency Assistance Act (42 U.S.C. 5121 et seq.)
8 and is designated by the Congress as being for disaster
9 relief pursuant to section 4004(b)(6) and section 4005(f)
10 of S. Con. Res. 14 (117th Congress), the concurrent reso-
11 lution on the budget for fiscal year 2022.

12 NATIONAL FLOOD INSURANCE FUND

13 For activities under the National Flood Insurance
14 Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster
15 Protection Act of 1973 (42 U.S.C. 4001 et seq.), the
16 Biggert-Waters Flood Insurance Reform Act of 2012
17 (Public Law 112–141, 126 Stat. 916), and the Home-
18 owner Flood Insurance Affordability Act of 2014 (Public
19 Law 113–89; 128 Stat. 1020), \$214,706,000, to remain
20 available until September 30, 2023, which shall be derived
21 from offsetting amounts collected under section 1308(d)
22 of the National Flood Insurance Act of 1968 (42 U.S.C.
23 4015(d)); of which \$15,706,000 shall be available for mis-
24 sion support associated with flood management; and of
25 which \$199,000,000 shall be available for flood plain man-

1 agement and flood mapping: *Provided*, That any addi-
2 tional fees collected pursuant to section 1308(d) of the
3 National Flood Insurance Act of 1968 (42 U.S.C.
4 4015(d)) shall be credited as offsetting collections to this
5 account, to be available for flood plain management and
6 flood mapping: *Provided further*, That in fiscal year 2022,
7 no funds shall be available from the National Flood Insur-
8 ance Fund under section 1310 of the National Flood In-
9 surance Act of 1968 (42 U.S.C. 4017) in excess of—

10 (1) \$197,393,000 for operating expenses and
11 salaries and expenses associated with flood insurance
12 operations;

13 (2) \$876,743,000 for commissions and taxes of
14 agents;

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

17 (4) \$175,000,000, which shall remain available
18 until expended, for flood mitigation actions and for
19 flood mitigation assistance under section 1366 of the
20 National Flood Insurance Act of 1968 (42 U.S.C.
21 4104e), notwithstanding sections 1366(e) and
22 1310(a)(7) of such Act (42 U.S.C. 4104e(e), 4017):

23 *Provided further*, That the amounts collected under section
24 102 of the Flood Disaster Protection Act of 1973 (42
25 U.S.C. 4012a) and section 1366(e) of the National Flood

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

13 ADMINISTRATIVE PROVISIONS

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 301. (a) Funds made available under the head-
16 ing “Cybersecurity and Infrastructure Security Agency—
17 Operations and Support” may be made available for the
18 necessary expenses of carrying out the competition speci-
19 fied in section 2(e) of Executive Order No. 13870 (May
20 2, 2019), including the provision of monetary and non-
21 monetary awards for Federal civilian employees and mem-
22 bers of the uniformed services, the necessary expenses for
23 the honorary recognition of any award recipients, and ac-
24 tivities to encourage participation in the competition, in-
25 cluding promotional items.

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

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

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

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

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

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

20 (A) appropriation account; and

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

22 and

23 (4) the additional number of full-time or part-
24 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. 303. The Cybersecurity and Infrastructure Se-
17 curity Agency shall provide to the Committees on Appro-
18 priations of the Senate and House of Representatives
19 monthly reports to be submitted not later than the tenth
20 business day following the end of each month, on the sta-
21 tus of funds made available under the heading “Cyberse-
22 curity and Infrastructure Agency—Cyber Response and
23 Recovery Fund”, including an accounting of the most re-
24 cent funding allocation estimates, obligations, expendi-
25 tures, and unobligated funds, delineated by significant

1 cyber incident as defined in Presidential Policy Directive
2 41.

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

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

20 SEC. 306. Under the heading “Federal Emergency
21 Management Agency—Federal Assistance”, for grants
22 under paragraphs (1) through (4), (8), and (9), the Ad-
23 ministrator of the Federal Emergency Management Agen-
24 cy shall brief the Committees on Appropriations of the
25 Senate and the House of Representatives 5 full business

1 days in advance of announcing publicly the intention of
2 making an award.

3 SEC. 307. Under the heading “Federal Emergency
4 Management Agency—Federal Assistance”, for grants
5 under paragraphs (1) and (2), the installation of commu-
6 nications towers is not considered construction of a build-
7 ing or other physical facility.

8 SEC. 308. The reporting requirements in paragraphs
9 (1) and (2) under the heading “Federal Emergency Man-
10 agement Agency—Disaster Relief Fund” in the Depart-
11 ment of Homeland Security Appropriations Act, 2015
12 (Public Law 114–4) shall be applied in fiscal year 2022
13 with respect to budget year 2023 and current fiscal year
14 2022, respectively—

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

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

19 SEC. 309. In making grants under the heading “Fed-
20 eral Emergency Management Agency—Federal Assist-
21 ance”, for Staffing for Adequate Fire and Emergency Re-
22 sponse grants, the Administrator of the Federal Emer-
23 gency Management Agency may grant waivers from the
24 requirements in subsections (a)(1)(A), (a)(1)(B),
25 (a)(1)(E), (c)(1), (c)(2), and (c)(4) of section 34 of the

1 Federal Fire Prevention and Control Act of 1974 (15
2 U.S.C. 2229a).

3 SEC. 310. (a) Of the amount made available by sec-
4 tion 4005 of the American Rescue Plan Act of 2021 (Pub-
5 lic Law 117-2)—

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

13 (2) \$14,000,000 shall be transferred to the De-
14 partment of Homeland Security Office of Inspector
15 General for oversight of the obligations of funds
16 made available under such section 4005.

17 SEC. 311. (a) The aggregate charges assessed during
18 fiscal year 2022 , 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.

1 (b) The methodology for assessment and collection of
2 fees shall be fair and equitable and shall reflect costs of
3 providing such services, including administrative costs of
4 collecting such fees.

5 (c) Such fees shall be deposited in a Radiological
6 Emergency Preparedness Program account as offsetting
7 collections and will become available for authorized pur-
8 poses on October 1, 2022, and remain available until ex-
9 pended.

10 SEC. 312. In making grants under the heading “Fed-
11 eral Emergency Management Agency—Federal Assist-
12 ance”, for Assistance to Firefighter Grants, the Adminis-
13 trator of the Federal Emergency Management Agency
14 may waive subsection (k) of section 33 of the Federal Fire
15 Prevention and Control Act of 1974 (15 U.S.C. 2229).

16 SEC. 313. (a) Up to 1 percent of the appropriations
17 made available under paragraphs (1) and (2) under the
18 heading “Federal Emergency Management Agency—Fed-
19 eral Assistance” may be transferred to the appropriation
20 made available under the heading “Federal Emergency
21 Management Agency—Operations and Support” for the
22 purpose of conducting independently verified and validated
23 evaluations on the effectiveness of grants awarded under
24 the State Homeland Security Grant Program and Urban
25 Area Security Initiative.

1 (b) Any funds transferred under this section shall be
2 in addition to any other amounts otherwise made available
3 for the same purpose.

4 (c) The transfer authority provided in this section
5 shall be in addition to any other transfer authority pro-
6 vided in this Act.

7 TITLE IV

8 RESEARCH, DEVELOPMENT, TRAINING, AND
9 SERVICES

10 U.S. CITIZENSHIP AND IMMIGRATION SERVICES

11 OPERATIONS AND SUPPORT

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

1 FEDERAL ASSISTANCE

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

5 FEDERAL LAW ENFORCEMENT TRAINING CENTERS

6 OPERATIONS AND SUPPORT

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

16 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

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

1 SCIENCE AND TECHNOLOGY DIRECTORATE

2 OPERATIONS AND SUPPORT

3 For necessary expenses of the Science and Tech-
4 nology Directorate for operations and support, including
5 the purchase or lease of not to exceed 5 vehicles,
6 \$325,590,000, of which \$186,624,000 shall remain avail-
7 able until September 30, 2023: *Provided*, That not to ex-
8 ceed \$10,000 shall be for official reception and representa-
9 tion expenses.

10 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

11 For necessary expenses of the Science and Tech-
12 nology Directorate for procurement, construction, and im-
13 provements, \$12,859,000, to remain available until Sep-
14 tember 30, 2026.

15 RESEARCH AND DEVELOPMENT

16 For necessary expenses of the Science and Tech-
17 nology Directorate for research and development,
18 \$530,454,000, to remain available until September 30,
19 2024.

20 COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

21 OPERATIONS AND SUPPORT

22 For necessary expenses of the Countering Weapons
23 of Mass Destruction Office for operations and support,
24 \$171,750,000, of which \$35,606,000 shall remain avail-
25 able until September 30, 2023: *Provided*, That not to ex-

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

3 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

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

8 RESEARCH AND DEVELOPMENT

9 For necessary expenses of the Countering Weapons
10 of Mass Destruction Office for research and development,
11 \$65,709,000, to remain available until September 30,
12 2024.

13 FEDERAL ASSISTANCE

14 For necessary expenses of the Countering Weapons
15 of Mass Destruction Office for Federal assistance through
16 grants, contracts, cooperative agreements, and other ac-
17 tivities, \$132,948,000, to remain available until Sep-
18 tember 30, 2024.

19 ADMINISTRATIVE PROVISIONS

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

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

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

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

18 SEC. 404. The Director of the Federal Law Enforce-
19 ment Training Centers is authorized to distribute funds
20 to Federal law enforcement agencies for expenses incurred
21 participating in training accreditation.

22 SEC. 405. The Federal Law Enforcement Training
23 Accreditation Board, including representatives from the
24 Federal law enforcement community and non-Federal ac-
25 creditation experts involved in law enforcement training,

1 shall lead the Federal law enforcement training accredita-
2 tion process to continue the implementation of measuring
3 and assessing the quality and effectiveness of Federal law
4 enforcement training programs, facilities, and instructors.

5 SEC. 406. The Director of the Federal Law Enforce-
6 ment Training Centers may accept transfers to its “Pro-
7 curement, Construction, and Improvements” account from
8 Government agencies requesting the construction of spe-
9 cial use facilities, as authorized by the Economy Act (31
10 U.S.C. 1535(b)): *Provided*, That the Federal Law En-
11 forcement Training Centers maintain administrative con-
12 trol and ownership upon completion of such facilities.

13 SEC. 407. The functions of the Federal Law Enforce-
14 ment Training Centers instructor staff shall be classified
15 as inherently governmental for purposes of the Federal
16 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
17 note).

18 SEC. 408. Notwithstanding the seventh proviso under
19 the heading “Immigration and Naturalization Service—
20 Salaries and Expenses” in Public Law 105–119 (relating
21 to FD–258 fingerprint cards), or any other provision of
22 law, funds made available to U.S. Citizenship and Immi-
23 gration Services by this or any other Act may be used for
24 the collection and use of biometrics taken at a U.S. Citi-
25 zenship and Immigration Services Application Support

1 Center that is overseen virtually by U.S. Citizenship and
2 Immigration Services personnel using appropriate tech-
3 nology.

4 SEC. 409. Notwithstanding section 286(n) of the Im-
5 migration and Nationality Act (8 U.S.C. 1356(n)), the Di-
6 rector of U.S. Citizenship and Immigration Services may
7 use not more than \$2,500 of amounts deposited in the
8 Immigration Examinations Fee Account for official recep-
9 tion and representation expenses in fiscal year 2022.

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

14 SEC. 411. Subclauses 101(a)(27)(C)(ii)(II) and (III)
15 of the Immigration and Nationality Act (8 U.S.C.
16 1101(a)(27)(C)(ii)(II) and (III)) shall be applied by sub-
17 stituting “September 30, 2022” for “September 30,
18 2015”.

19 SEC. 412. Section 220(c) of the Immigration and Na-
20 tionality Technical Corrections Act of 1994 (8 U.S.C.
21 1182 note) shall be applied by substituting “September
22 30, 2022” for “September 30, 2015”.

23 SEC. 413. Notwithstanding the numerical limitation
24 set forth in section 214(g)(1)(B) of the Immigration and
25 Nationality Act (8 U.S.C. 1184(g)(1)(B)), the Secretary

1 of Homeland Security, after consultation with the Sec-
2 retary of Labor, and upon the determination that the
3 needs of American businesses cannot be satisfied in fiscal
4 year 2022 with United States workers who are willing,
5 qualified, and able to perform temporary nonagricultural
6 labor, may increase the total number of aliens who may
7 receive a visa under section 101(a)(15)(H)(ii)(b) of such
8 Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) in such fiscal year
9 above such limitation by not more than the highest num-
10 ber of H-2B nonimmigrants who participated in the H-
11 2B returning worker program in any fiscal year in which
12 returning workers were exempt from such numerical limi-
13 tation.

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

23 (b) For each of the worldwide levels described in sub-
24 section (a) of this section, the number computed under
25 this subsection is the difference (if any) between the sum

1 of the worldwide levels established under the applicable
2 subsection of section 201 of the Immigration and Nation-
3 ality Act (8 U.S.C. 1151) for fiscal years 2020 and 2021
4 and the number of visas that were issued and used as the
5 basis for an application for admission into the United
6 States as an immigrant described in the applicable sub-
7 section during such fiscal years.

8 (c) The Secretary of State, in consultation with the
9 Secretary of Homeland Security, shall allocate the visas
10 made available as a result of the computation under sub-
11 section (b) on a proportional basis consistent with sub-
12 sections (a) and (b) of section 203 of the Immigration and
13 Nationality Act (8 U.S.C. 1153(a) and (b)), and in accord-
14 ance with subsection (e)(1) of such section (8 U.S.C.
15 1153(e)(1)).

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

23 (e) For fiscal year 2021 and 2022, the number com-
24 puted under subsection (c)(3)(C) of section 201 of the Im-
25 migration and Nationality Act (8 U.S.C. 1151), and the

1 number computed under subsection (d)(2)(C) of such sec-
2 tion, are deemed to equal zero.

3 (f) Notwithstanding section 204(a)(1)(I)(ii)(II) of the
4 Immigration and Nationality Act (8 U.S.C.
5 1154(a)(1)(I)(ii)(II)), and subject to subsection (i) of this
6 section, an immigrant visa for those selected in accordance
7 with section 203(e)(2) of the Immigration and Nationality
8 Act (8 U.S.C. 1153(e)(2)) in fiscal year 2020 or 2021
9 shall remain available to such alien if, because of restric-
10 tions or limitations on visa processing, visa issuance, trav-
11 el, or other effects associated with the COVID–19 public
12 health emergency—

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

17 (2) the alien was unable to seek admission or
18 was denied admission to the United States despite
19 being approved for a visa under section 203(c) of
20 the Immigration and Nationality Act (8 U.S.C.
21 1153(e)).

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

24 (1) provide written notice consistent with sub-
25 section (h) to each alien described in subsection (f)

1 (and such alien's representative, if applicable) of
2 their continuing eligibility to apply for a visa under
3 section 203(c) of the Immigration and Nationality
4 Act (8 U.S.C. 1153(c)); and

5 (2) publish on the Department of State website,
6 information and procedures implementing this sec-
7 tion.

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

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

18 (1) the alien—

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

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

23 (2) the Secretary of State makes a final deter-
24 mination of the alien's ineligibility for such visa
25 under section 203(c)(2), 204(a)(1)(I)(iii), or 212(a)

1 of the Immigration and Nationality Act (8 U.S.C.
2 1153(e)(2), 1154(a)(1)(I)(iii), or 1182(a)).

3 (j) A determination of whether an alien is the child
4 of a visa recipient described in subsection (f), pursuant
5 to section 203(d) of the Immigration and Nationality Act
6 (8 U.S.C. 1153(d)) shall be made using the age of the
7 child when the applicant was initially selected for a visa
8 in accordance with section 203(e)(2) of such Act.

9 SEC. 415. (a) Notwithstanding section
10 204(a)(1)(I)(ii)(II) of the Immigration and Nationality
11 Act (8 U.S.C. 1154(a)(1)(I)(ii)(II)), and subject to sub-
12 section (d) of this section, an immigrant visa for those
13 selected in accordance with section 203(e)(2) of the Immi-
14 gration and Nationality Act (8 U.S.C. 1153(e)(2)) in any
15 of fiscal years 2017, 2018, 2019, 2020, or 2021 shall re-
16 main available to such alien if the alien was refused a visa,
17 prevented from seeking admission, or denied admission to
18 the United States solely because of—

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

22 (2) Executive Order 13780 (82 Fed. Reg.
23 13209; relating “Protecting the Nation from For-
24 eign Terrorist Entry into the United States”);

1 (3) Proclamation 9645 (82 Fed. Reg. 45161;
2 relating to “Enhancing Vetting Capabilities and
3 Processes for Detecting Attempted Entry into the
4 United States by Terrorists or Other Public-Safety
5 Threats”); or

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

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

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

19 (2) publish on the Department of State website,
20 information and procedures implementing this sec-
21 tion.

22 (c) The notice described in subsection (b)(1) shall in-
23 clude procedures for the alien to inform the Secretary of
24 State of the alien’s intent to proceed with or abandon the
25 application, and shall include an advisal that such

1 application shall be deemed abandoned if the alien fails to
2 notify the Secretary of State of the alien's intent to pro-
3 ceed within one year after the date on which the notice
4 was issued.

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

8 (1) the alien—

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

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

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

18 (e) A determination of whether an alien is the child
19 of a visa recipient described in subsection (a), pursuant
20 to section 203(d) of the Immigration and Nationality Act
21 (8 U.S.C. 153(d)) shall be made using the age of the child
22 when applicant was initially selected for a visa in accord-
23 ance with section 203(e)(2) of such Act.

1 TITLE V
2 GENERAL PROVISIONS
3 (INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

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

7 SEC. 502. Subject to the requirements of section 503
8 of this Act, the unexpended balances of prior appropria-
9 tions provided for activities in this Act may be transferred
10 to appropriation accounts for such activities established
11 pursuant to this Act, may be merged with funds in the
12 applicable established accounts, and thereafter may be ac-
13 counted for as one fund for the same time period as origi-
14 nally enacted.

15 SEC. 503. (a) None of the funds provided by this Act,
16 provided by previous appropriations Acts to the compo-
17 nents in or transferred to the Department of Homeland
18 Security that remain available for obligation or expendi-
19 ture in fiscal year 2022, or provided from any accounts
20 in the Treasury of the United States derived by the collec-
21 tion of fees available to the components funded by this
22 Act, shall be available for obligation or expenditure
23 through a reprogramming of funds that—

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

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

3 (2) contracts out any function or activity pres-
4 ently performed by Federal employees or any new
5 function or activity proposed to be performed by
6 Federal employees in the President's budget pro-
7 posal for fiscal year 2022 for the Department of
8 Homeland Security;

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

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

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

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

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

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

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

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

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

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

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

13 SEC. 505. Except as otherwise specifically provided
14 by law, not to exceed 50 percent of unobligated balances
15 remaining available at the end of fiscal year 2022, as re-
16 corded in the financial records at the time of a reprogram-
17 ming notification, but not later than June 30, 2023, from
18 appropriations for “Operations and Support” for fiscal
19 year 2022 in this Act shall remain available through Sep-
20 tember 30, 2023, in the account and for the purposes for
21 which the appropriations were provided: *Provided*, That
22 prior to the obligation of such funds, a notification shall
23 be submitted to the Committees on Appropriations of the
24 Senate and the House of Representatives in accordance
25 with section 503 of this Act.

1 SEC. 506. (a) Funds made available by this Act for
2 intelligence activities are deemed to be specifically author-
3 ized by the Congress for purposes of section 504 of the
4 National Security Act of 1947 (50 U.S.C. 414) during fis-
5 cal year 2022 until the enactment of an Act authorizing
6 intelligence activities for fiscal year 2022.

7 (b) Amounts described in subsection (a) made avail-
8 able for “Intelligence, Analysis, and Operations Coordina-
9 tion—Operations and Support” that exceed the amounts
10 in such authorization for such account shall be transferred
11 to and merged with amounts made available under the
12 heading “Management Directorate—Operations and Sup-
13 port”.

14 SEC. 507. (a) The Secretary of Homeland Security,
15 or the designee of the Secretary, shall notify the Commit-
16 tees on Appropriations of the Senate and the House of
17 Representatives at least 3 full business days in advance
18 of—

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

21 (2) making or awarding a contract, other trans-
22 action agreement, or task or delivery order on a De-
23 partment of Homeland Security multiple award con-
24 tract, or to issue a letter of intent totaling in excess
25 of \$4,000,000;

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

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

6 (5) announcing publicly the intention to make
7 or award items under paragraph (1), (2), (3), or (4),
8 including a contract covered by the Federal Acquisi-
9 tion Regulation.

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

17 (c) A notification under this section—

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

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

24 SEC. 508. Notwithstanding any other provision of
25 law, no agency shall purchase, construct, or lease any ad-

ditional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without advance notification to the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Centers is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training that cannot be accommodated in existing Centers' facilities.

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

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

SEC. 511. None of the funds made available in this Act may be used in contravention of the applicable provi-

1 sions of the Buy American Act: *Provided*, That for pur-
2 poses of the preceding sentence, the term “Buy American
3 Act” means chapter 83 of title 41, United States Code.

4 SEC. 512. None of the funds made available in this
5 Act may be used to amend the oath of allegiance required
6 by section 337 of the Immigration and Nationality Act
7 (8 U.S.C. 1448).

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

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

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

20 SEC. 516. None of the funds made available in this
21 Act may be used for first-class travel by the employees
22 of agencies funded by this Act in contravention of sections
23 301–10.122 through 301–10.124 of title 41, Code of Fed-
24 eral Regulations.

1 SEC. 517. None of the funds made available in this
2 Act may be used to employ workers described in section
3 274A(h)(3) of the Immigration and Nationality Act (8
4 U.S.C. 1324a(h)(3)).

5 SEC. 518. Notwithstanding any other provision of
6 this Act, none of the funds appropriated or otherwise
7 made available by this Act may be used to pay award or
8 incentive fees for contractor performance that has been
9 judged to be below satisfactory performance or perform-
10 ance that does not meet the basic requirements of a con-
11 tract.

12 SEC. 519. None of the funds appropriated or other-
13 wise made available by this Act may be used by the De-
14 partment of Homeland Security to enter into any Federal
15 contract unless such contract is entered into in accordance
16 with the requirements of subtitle I of title 41, United
17 States Code, or chapter 137 of title 10, United States
18 Code, and the Federal Acquisition Regulation, unless such
19 contract is otherwise authorized by statute to be entered
20 into without regard to the above referenced statutes.

21 SEC. 520. (a) None of the funds made available in
22 this Act may be used to maintain or establish a computer
23 network unless such network blocks the viewing,
24 downloading, and exchanging of pornography.

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

5 SEC. 521. None of the funds made available in this
6 Act may be used by a Federal law enforcement officer to
7 facilitate the transfer of an operable firearm to an indi-
8 vidual if the Federal law enforcement officer knows or sus-
9 pects that the individual is an agent of a drug cartel unless
10 law enforcement personnel of the United States continu-
11 ously monitor or control the firearm at all times.

12 SEC. 522. None of the funds made available in this
13 Act may be used to pay for the travel to or attendance
14 of more than 50 employees of a single component of the
15 Department of Homeland Security, who are stationed in
16 the United States, at a single international conference un-
17 less the Secretary of Homeland Security, or a designee,
18 determines that such attendance is in the national interest
19 and notifies the Committees on Appropriations of the Sen-
20 ate and the House of Representatives within at least 10
21 days of that determination and the basis for that deter-
22 mination: *Provided*, That for purposes of this section the
23 term “international conference” shall mean a conference
24 occurring outside of the United States attended by rep-
25 resentatives of the United States Government and of for-

1 eign governments, international organizations, or non-
2 governmental organizations: *Provided further*, That the
3 total cost to the Department of Homeland Security of any
4 such conference shall not exceed \$500,000: *Provided fur-*
5 *ther*, That employees who attend a conference virtually
6 without travel away from their permanent duty station
7 within the United States shall not be counted for purposes
8 of this section, and the prohibition contained in this sec-
9 tion shall not apply to payments for the costs of attend-
10 ance for such employees.

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

15 SEC. 524. None of the funds made available to the
16 Department of Homeland Security by this or any other
17 Act may be obligated for any structural pay reform that
18 affects more than 100 full-time positions or costs more
19 than \$5,000,000 in a single year unless it has been explic-
20 itly justified to the Congress in budget justification mate-
21 rials and subsequently enacted by Congress, or if not so
22 justified and enacted, before the end of the 30-day period
23 beginning on the date on which the Secretary of Homeland
24 Security submits to Congress a notification that in-
25 cludes—

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

3 (2) funding required for such change for the
4 current year and through the Future Years Home-
5 land Security Program;

6 (3) justification for such change; and

7 (4) an analysis of compensation alternatives to
8 such change that were considered by the Depart-
9 ment.

10 SEC. 525. (a) Any agency receiving funds made avail-
11 able in this Act shall, subject to subsections (b) and (c),
12 post on the public website of that agency any report re-
13 quired to be submitted by the Committees on Appropria-
14 tions of the Senate and the House of Representatives in
15 this Act, upon the determination by the head of the agency
16 that it shall serve the national interest.

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

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

20 (2) the report contains proprietary information.

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

1 SEC. 526. (a) Funding provided in this Act for “Op-
2 erations and Support” may be used for minor procure-
3 ment, construction, and improvements.

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

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

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

16 SEC. 529. (a) For an additional amount for “Federal
17 Emergency Management Agency—Federal Assistance”,
18 \$3,000,000, to remain available until September 30, 2023,
19 exclusively for providing reimbursement of extraordinary
20 law enforcement or other emergency personnel costs for
21 protection activities directly and demonstrably associated
22 with any residence of the President that is designated or
23 identified to be secured by the United States Secret Serv-
24 ice.

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, 2022” for “October 1, 2018”
6 and “October 1, 2021” for “October 1, 2017”.

7 SEC. 530. (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, 2022,” for “September 30, 2017,”; and

11 (2) in subsection (c)(1), by substituting “Sep-
12 tember 30, 2022,” 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. 531. (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
12 Representatives or the United States Senate des-
13 igned by such a Member for the purposes of this
14 section.

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

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

23 SEC. 532. (a) Except as provided in subsection (b),
24 none of the funds made available in this Act may be used
25 to place restraints on a woman in the custody of the De-

1 partment of Homeland Security (including during trans-
2 port, in a detention facility, or at an outside medical facil-
3 ity) who is pregnant or in post-delivery recuperation.

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

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

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

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

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

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

1 of the pregnancy. A pregnant woman who is immobilized
2 by restraints shall be positioned, to the maximum extent
3 feasible, on her left side.

4 SEC. 533. (a) None of the funds made available by
5 this Act may be used to destroy any document, recording,
6 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, in accordance with applicable laws and
16 regulations, and Federal rules governing disclosure in liti-
17 gation, to an individual who has been charged with a
18 crime, been placed into segregation, or otherwise punished
19 as a result of an allegation described in paragraph (3),
20 upon the request of such individual.

21 SEC. 534. Within 60 days of any budget submission
22 for the Department of Homeland Security for fiscal year
23 2023 that assumes revenues or proposes a reduction from
24 the previous year based on user fees proposals that have
25 not been enacted into law prior to the submission of the

1 budget, the Secretary of Homeland Security shall provide
2 the Committees on Appropriations of the Senate and the
3 House of Representatives specific reductions in proposed
4 discretionary budget authority commensurate with the
5 revenues assumed in such proposals in the event that they
6 are not enacted prior to October 1, 2022.

7 SEC. 535. Not later than 10 days after a determina-
8 tion is made by the President to evaluate and initiate pro-
9 tection under any authority for a former or retired Gov-
10 ernment official or employee, or for an individual who,
11 during the duration of the directed protection, will become
12 a former or retired Government official or employee (re-
13 ferred to in this section as a “covered individual”), the
14 Secretary of Homeland Security shall submit a notifica-
15 tion to congressional leadership and the Committees on
16 Appropriations of the Senate and the House of Represent-
17 atives, the Committees on the Judiciary of the Senate and
18 the House of Representatives, the Committee on Home-
19 land Security and Governmental Affairs of the Senate, the
20 Committee on Homeland Security of the House of Rep-
21 resentatives, and the Committee on Oversight and Reform
22 of the House of Representatives (referred to in this section
23 as the “appropriate congressional committees”): *Provided*,
24 That the notification may be submitted in classified form,
25 if necessary, and in consultation with the Director of Na-

1 tional Intelligence or the Director of the Federal Bureau
2 of Investigation, as appropriate, and shall include the
3 threat assessment, scope of the protection, and the antici-
4 pated cost and duration of such protection: *Provided fur-*
5 *ther*, That not later than 15 days before extending, or 30
6 days before terminating, protection for a covered indi-
7 vidual, the Secretary of Homeland Security shall submit
8 a notification regarding the extension or termination and
9 any change to the threat assessment to the congressional
10 leadership and the appropriate congressional committees:
11 *Provided further*, That not later than 45 days after the
12 date of enactment of this Act, and quarterly thereafter,
13 the Secretary shall submit a report to the congressional
14 leadership and the appropriate congressional committees,
15 which may be submitted in classified form, if necessary,
16 detailing each covered individual, and the scope and asso-
17 ciated cost of protection.

18 SEC. 536. There is hereby established in the Treasury
19 of the United States a fund to be known as the “Depart-
20 ment of Homeland Security Nonrecurring Expenses
21 Fund” (the Fund): *Provided*, That unobligated balances
22 of expired discretionary funds appropriated for this or any
23 succeeding fiscal year from the General Fund of the
24 Treasury to the Department of Homeland Security by this
25 or any other Act may be transferred (not later than the

1 end of the fifth fiscal year after the last fiscal year for
2 which such funds are available for the purposes for which
3 appropriated) into the Fund: *Provided further*, That
4 amounts deposited in the Fund shall be available until ex-
5 pended, and in addition to such other funds as may be
6 available for such purposes, for information technology
7 system modernization and facilities infrastructure im-
8 provements necessary for the operation of the Depart-
9 ment, subject to approval by the Office of Management
10 and Budget: *Provided further*, That amounts in the Fund
11 may be obligated only after the Committees on Appropria-
12 tions of the House of Representatives and the Senate are
13 notified at least 15 days in advance of the planned use
14 of funds.

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

20 SEC. 538. There is hereby appropriated \$25,000,000,
21 for an additional amount for “Department of State—Ad-
22 ministration of Foreign Affairs—Diplomatic Programs”
23 to remain available until September 30, 2022 and in addi-
24 tion to amounts otherwise made available for such pur-

1 poses, for the Global Engagement Center to counter for-
2 eign propaganda and disinformation.

3 RESCISSION OF FUNDS

4 SEC. 539. Of the funds appropriated to the Depart-
5 ment of Homeland Security, the following funds are here-
6 by rescinded from the following accounts and programs
7 in the specified amounts: *Provided*, That no amounts may
8 be rescinded from amounts that were designated by the
9 Congress as an emergency requirement pursuant to the
10 concurrent resolution on the budget or the Balanced
11 Budget and Emergency Deficit Control Act of 1985 (Pub-
12 lic Law 99–177):

13 (1) \$21,650 from the unobligated balances
14 available in the “Office of the Executive Secretary—
15 Operations and Support” account (70 × 0100).

16 (2) \$1,810 from the unobligated balances avail-
17 able in the “Office of the Undersecretary for Man-
18 agement” account (70 × 0112).

19 (3) \$12,628,523 from the unobligated balances
20 available in the “Management Directorate—Office of
21 the Chief Information Officer and Operations” ac-
22 count (70 × 0113).

23 (4) \$8,456 from the unobligated balances avail-
24 able in Treasury Account Fund Symbol 70 × 0504,

1 “Immigration and Customs Enforcement, Border
2 and Transportation Security, INS”.

3 (5) \$503 from the unobligated balances avail-
4 able in Treasury Account Fund Symbol 70 × 8598,
5 “U.S. Immigration and Customs Enforcement, Vio-
6 lent Crime Reduction Program”.

7 (6) \$7,006 from the unobligated balances avail-
8 able in Treasury Account Fund Symbol 70 × 0508,
9 “Transportation Security Administration, Ex-
10 penses”.

11 (7) \$11,412 from the unobligated balances
12 available in the “Transportation Security Adminis-
13 tration—Federal Air Marshals” account (70 ×
14 0541).

15 (8) \$311 from the unobligated balances avail-
16 able in the “Transportation Security Administra-
17 tion—Surface Transportation Security” account (70
18 × 0551).

19 (9) \$5,308,328 from the unobligated balances
20 available in the “Transportation Security Adminis-
21 tration—Intelligence and Vetting” account (70 ×
22 0557).

23 (10) \$1.41 from the unobligated balances avail-
24 able in the “Transportation Security Administra-

1 tion—Research and Development” account (70 ×
2 0553).

3 (11) \$322,105 from the unobligated balances
4 available in the “Transportation Security Adminis-
5 tration—Transportation Security Support” account
6 (70 × 0554).

7 (12) \$457,920 from the unobligated balances
8 available in Treasury Account Fund Symbol 70 ×
9 0900, “Cybersecurity and Infrastructure Security
10 Agency, Operating Expenses”.

11 (13) \$199,690 from the unobligated balances
12 available in the “Federal Emergency Management
13 Agency—State and Local Programs” account (70 ×
14 0560).

15 (14) \$1,670 from the unobligated balances
16 available in the “Federal Emergency Management
17 Agency—Administrative and Regional Operations,
18 Emergency Preparedness and Response” account
19 (70 × 0712).

20 (15) \$115,138 from the unobligated balances
21 available in the “Federal Emergency Management
22 Agency—Operations and Support” account (70 ×
23 0700).

24 (16) \$1,243,822 from the unobligated balances
25 available in Treasury Account Fund Symbol 70 ×

1 0300, “U.S. Citizenship and Immigration Services,
2 Operations and Support”.

3 (17) \$350,656 from the unobligated balances
4 available in the “Countering Weapons of Mass De-
5 struction Office—Research and Development” ac-
6 count (70 × 0860).

7 (18) \$3,000,000 from the unobligated balances
8 available in the “Federal Emergency Management
9 Agency—National Predisaster Mitigation Fund” ac-
10 count (70 × 0716).

11 (19) \$65,000,000 from Public Law 116–93
12 under the heading “Coast Guard—Procurement,
13 Construction, and Improvements”.

14 (20) \$24,339,000 from the unobligated bal-
15 ances available in the “U.S. Customs and Border
16 Protection—Border Security Fencing, Infrastruc-
17 ture, and Technology” account (70 × 0533).

18 (21) \$10,000,000 from Public Law 116–260
19 under the heading “U.S. Customs and Border Pro-
20 tection—Procurement, Construction, and Improve-
21 ments”.

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

1 (23) \$4,500,000 from Public Law 115–141
2 under the heading “U.S. Customs and Border Pro-
3 tection—Construction and Facility Improvements”.

4 (24) \$6,999 from the unobligated balances
5 available in the “U.S. Customs and Border Protec-
6 tion—Operations and Support” account (70 ×
7 0530).

8 (25) \$1,893,663,000 from the unobligated prior
9 year balances from “U.S. Customs and Border Pro-
10 tection—Procurement, Construction, and Improve-
11 ments”.

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