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HOUSE OF REPRESENTATIVES

**CONSOLIDATED APPROPRIATIONS ACT,
2021**

COMMITTEE PRINT

of the

**COMMITTEE ON APPROPRIATIONS
U.S. HOUSE OF REPRESENTATIVES**

on

H.R. 133/Public Law 116-260

[Legislative Text and Explanatory Statement]

Book 1 of 2

Divisions A-F



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statements, and budget justifications. Program activity structures are intended to provide a meaningful representation of the operations financed by a specific budget account by project, activity, or organization.

For fiscal year 2021, the Committees continue to include bill language requiring advanced notification of certain agency actions. Notification will be required at least 30 days in advance of any action if (1) a major capital investment is modified; (2) an office is realigned or reorganized; and (3) activities are carried out that were not described in the budget request.

The agreement directs the Office of Budget and Program Analysis (OBPA) of the U.S. Department of Agriculture (USDA) to provide an organizational chart for each agency funded by this Act to the division and subdivision level, as appropriate, by February 1, 2021. The agreement also directs the Food and Drug Administration (FDA) and the Farm Credit Administration (FCA) to provide an organizational chart of each agency respectively to the division and subdivision level, as appropriate, by February 1, 2021.

Further, USDA and FDA should be mindful of Congressional authority to determine and set final funding levels for fiscal year 2022. Therefore, the agencies should not presuppose program funding outcomes and prematurely initiate action to redirect staffing prior to knowing final outcomes on fiscal year 2022 program funding. The agreement directs OBPA to provide the Committees with the number of staff years and employees on board for each agency funded by this Act on a monthly basis.

The agreement notes that the explanatory statement accompanying the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2021 directs the Attorney General to ensure implementation of evidence-based training programs on de-escalation and the use-of-force, as well as on police-community relations, that are broadly applicable and scalable to all Federal law enforcement agencies. The agreement further notes that several agencies funded by this Act employ Federal law enforcement officers and are Federal Law Enforcement Training Centers partner organizations. The agreement directs such agencies to consult with the Attorney General regarding the implementation of these programs for their law enforcement officers. The agreement further directs such agencies to brief the Committees on Appropriations on their efforts relating to such implementation no later than 90 days after consultation with the Attorney General. In addition, the agreement directs such agencies, to the extent that they are not already participating, to consult with the Attorney General and the Director of the FBI regarding participation in the National Use-of-Force Data Collection. The agreement further directs such agencies to brief the Committees on Appropriations, no later than 90 days after enactment of this Act, on their current efforts to so participate.

[CLERK’S NOTE.—Reproduced below is the material relating to division B contained in the Explanatory Statement regarding H.R. 133, the Consolidated Appropriations Act, 2021.¹]

**DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND
RELATED AGENCIES APPROPRIATIONS ACT, 2021**

The joint explanatory statement accompanying this division is approved and indicates congressional intent. Unless otherwise noted, the language set forth in House Report 116–455 (“the House report”) carries the same weight as language included in this joint explanatory statement and should be complied with unless specifically addressed to the contrary in this joint explanatory statement or the Act. The explanatory statement, while repeating some language for emphasis, is not intended to negate the language referred to above unless expressly provided herein. In cases where the House report directs the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations (“the Committees”).

Each department and agency funded in this Act shall follow the directions set forth in this Act and the accompanying explanatory statement, and shall not reallocate resources or reorganize activities except as provided herein. Reprogramming procedures shall apply to: funds provided in this Act; unobligated balances from previous appropriations Acts that are available for obligation or expenditure in fiscal year 2021; and non-appropriated resources such as fee collections that are used to meet program requirements in fiscal year 2021. These procedures are specified in section 505 of this Act.

Any reprogramming request shall include any out-year budgetary impacts and a separate accounting of program or mission impacts on estimated carryover funds. Any program, project, or activity cited in this explanatory statement, or in the House report and not changed by this Act, shall be construed as the position of the Congress and shall not be subject to reductions or reprogramming without prior approval of the Committees. Further, any department or agency funded in this Act that plans a reduction-in-force shall notify the Committees by letter no later than 30 days in advance of the date of any such planned personnel action.

When a department or agency submits a reprogramming or transfer request to the Committees and does not receive identical responses, it shall be the responsibility of the department or agency seeking the reprogramming to reconcile the differences between the two bodies before proceeding. If reconciliation is not possible, the items in disagreement in the reprogramming or transfer request

¹This Explanatory Statement was submitted for printing in the Congressional Record on December 21, 2020 by Mrs. Lowey of New York, Chairwoman of the House Committee on Appropriations. The Statement appears on page H7922 of Book III.

tion standards for Federal, State, and local law enforcement. Consistent standards, informed by broadly-applicable model guidelines and best practices, can ensure community accountability and promote policing with a guardian mentality. In lieu of the House report language, the Attorney General is directed to take the lead in these efforts, and, in consultation with law enforcement accreditation organizations, recommend broadly-applicable model guidelines and best practices for accreditation standards. The recommendations should be based on an analysis of existing accreditation standards and methodology developed by law enforcement accreditation organizations nationwide, including national, State, regional, and Tribal accreditation organizations.

Training for Law Enforcement Officers.—The Department of Justice is expected to exercise leadership in law enforcement across the Federal government. Accordingly, in lieu of language in the House Report, the agreement directs the Attorney General to ensure implementation of evidence-based training programs on de-escalation, the use-of-force, and the protection of civil rights that are broadly applicable and scalable to all Federal law enforcement agencies. Such programs should be developed in consultation with the DOJ law enforcement components, the Office of Justice Programs, the Community Oriented Policing Services Office, and the Civil Rights Division, with consideration given to establishing consistent standards and curricula. The Attorney General is further directed to consult with the heads of each Federal law enforcement agency in furtherance of the adoption of these programs. Not later than six months after the date of enactment of this Act, the Department shall submit a report on the implementation status of these training programs, including but not limited to training curriculum topics and availability and capacity of training facility space. Within one year of the date of the enactment of this Act, the Department shall submit a report on its consultations with each Federal law enforcement agency and provide a determination of whether each agency provides training consistent with the aforementioned programs.

The Department's leadership in these matters must also extend to accountability and transparency. The Federal Bureau of Investigation (FBI) launched the National Use-of-Force Data Collection (NUOFDC) on January 1, 2019, and published the 2019 results in August 2020. While all of DOJ's law enforcement components participate in this data collection, only 29 other Federal agencies, or 25.4 percent of Federal law enforcement, participate. The Attorney General and the Director of the FBI are directed to consult with the heads of each Federal law enforcement agency in furtherance of universal Federal participation in the NUOFDC. Within six months of the date of enactment of this Act, the Department shall submit a report on the status of these consultations. Within one year of the date of the enactment of this Act, the Department shall submit a report identifying those agencies that are not participating in the collection, and, in each case, a description of the basis on which the agency declined to do so.

The House reports accompanying each of the fiscal year 2021 appropriations bills included references to training and use-of-force in Federal law enforcement. In lieu of each of those passages, the ex-

planatory statements accompanying the appropriations titles of this division adopt language synchronized with the directives to the Attorney General described above.

Use of Force Incidents.—The agreement strongly supports efforts to promote participation in the NUOFDC by Federal, State, and local law enforcement agencies. In lieu of the House report language captioned “Use of force”, the Department and the FBI are directed to submit a report, not later than 180 days after the date of enactment of this Act, with a detailed description of the methods for collecting this data and an assessment of strategies for increasing participation by Federal, State, and local law enforcement agencies. The Department and the FBI are further directed to provide a briefing on the NUOFDC not later than 60 days after the date of enactment of this Act.

DOJ Law Enforcement Agencies’ Use of Force Policies.—The Department is directed to review the policies governing the use of deadly force and less-than-lethal force for all of its law enforcement components, including the Bureau of Prisons (BOP), to ensure they are current and meet appropriate guidelines including the Department’s own Deadly Force Policy and statutory requirements. The Department is directed to maintain these policies on its website in a clearly accessible location.

Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016.—The agreement includes the full authorized level of \$13,500,000 for DOJ component agencies to implement the Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016.

National Instant Criminal Background Check System (NICS).—The Department shall comply with directions in the House report regarding notifications to State and local authorities; publication of notification data in its annual NICS Section Operations Report and on the Justice Department website; and submission of a report regarding firearms sales that have taken more than three days to complete. The Department is expected to build on its initial efforts to secure certification and implementation plans for the Fix NICS Act of 2018 and is directed to submit the required semiannual report on time. Furthermore, DOJ shall report not later than 30 days after the date of enactment of this Act on how Project Guardian satisfies each element of the NICS denial notification directive adopted by the joint explanatory statement accompanying Public Law 116–93, and the number of notifications provided to date. The FBI shall also, as part of each annual NICS Section Operations Report, provide data on the notifications provided to State and local law enforcement, including the number of notifications provided to each of (a) State law enforcement and (b) local law enforcement, for each prohibited category. The FBI shall also publish monthly data on its website listing denials and notifications by State and prohibition type.

Federal Law Enforcement in the Caribbean.—The Attorney General shall comply with the direction in the House report to report on violent crime initiatives in Puerto Rico and the U.S. Virgin Islands. The Department is directed to assess its strategy for assisting the Commonwealth of Puerto Rico in addressing violent crime and to consider providing additional Federal resources, if appropriate.