

117TH CONGRESS  
1ST SESSION

# S. 2312

Making emergency supplemental appropriations for the fiscal year ending  
September 30, 2021, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 12, 2021

Mr. SHELBY introduced the following bill; which was read twice and referred  
to the Committee on Appropriations

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## A BILL

Making emergency supplemental appropriations for the fiscal  
year ending September 30, 2021, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 The following sums are hereby are appropriated, out of  
4 any money in the Treasury not otherwise appropriated,  
5 for the fiscal year ending September 30, 2021, and for  
6 other purposes, namely:

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TITLE I

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for “National Guard Personnel, Army”, \$231,000,000, to respond to the events at the United States Capitol Complex on January 6, 2021, and for related purposes: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for “National Guard Personnel, Air Force”, \$28,900,000, to respond to the events at the United States Capitol Complex on January 6, 2021, and for related purposes: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY NATIONAL

GUARD

For an additional amount for “Operation and Maintenance, Army National Guard”, \$218,500,000 to respond to the events at the United States Capitol Complex on January 6, 2021, and for related purposes: *Provided*, That

1 such amount is designated by the Congress as being for  
 2 an emergency requirement pursuant to section  
 3 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
 4 Deficit Control Act of 1985.

5 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

6 For an additional amount for “Operation and Main-  
 7 tenance, Air National Guard”, \$42,500,000 to respond to  
 8 the events at the United States Capitol Complex on Janu-  
 9 ary 6, 2021, and for related purposes: *Provided*, That such  
 10 amount is designated by the Congress as being for an  
 11 emergency requirement pursuant to section  
 12 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
 13 Deficit Control Act of 1985.

14 TITLE II

15 LEGISLATIVE BRANCH

16 CAPITOL POLICE

17 SALARIES

18 For an additional amount for “Salaries”,  
 19 \$37,495,000, to remain available until September 30,  
 20 2022, to respond to the events at the United States Cap-  
 21 itol on January 6, 2021, and for related purposes: *Pro-*  
 22 *vided*, That of such amount, \$3,600,000 may remain  
 23 available until expended for retention bonuses: *Provided*  
 24 *further*, That of such amount, up to \$6,900,000 shall be  
 25 made available for hazard pay for employees of the Capitol

1 Police: *Provided further*, That of such amount, \$1,361,300  
2 shall be made available for the wellness program for the  
3 United States Capitol Police: *Provided further*, That such  
4 amount is designated by the Congress as being for an  
5 emergency requirement pursuant to section  
6 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
7 Deficit Control Act of 1985.

8 GENERAL EXPENSES

9 (INCLUDING TRANSFER OF FUNDS)

10 For an additional amount for “General Expenses”,  
11 \$33,169,000, to remain available until September 30,  
12 2022, to respond to the events at the United States Cap-  
13 itol on January 6, 2021, and for related purposes: *Pro-*  
14 *vided*, That of such amount, \$2,628,000 shall remain  
15 available until expended for physical protection barriers  
16 and various civil disturbance unit equipment: *Provided*  
17 *further*, That amounts provided under this heading in this  
18 chapter for physical protection barriers may be transferred  
19 to and merged with the Capitol Police Building and  
20 Grounds Account of the Architect of the Capitol: *Provided*  
21 *further*, That of such amount, not less than \$5,000,000  
22 shall be made available for reimbursable agreements with  
23 State and local law enforcement agencies and not less than  
24 \$4,800,000 shall be available for protective details for  
25 Members of Congress, including Delegates and the Resi-

1 dent Commissioner to the Congress: *Provided further*,  
2 That of such amount, up to \$2,500,000 may be trans-  
3 ferred to “Department of Justice—United States Mar-  
4 shals Service—Salaries and Expenses” for the purpose of  
5 reimbursements for providing peer-to-peer and group  
6 counseling services to the Capitol Police and training and  
7 technical and related assistance necessary to establish a  
8 peer-to-peer and group counseling program within the  
9 Capitol Police: *Provided further*, That such amount is des-  
10 igned by the Congress as being for an emergency re-  
11 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-  
12 anced Budget and Emergency Deficit Control Act of 1985.

13 UNITED STATES CAPITOL POLICE MUTUAL AID

14 REIMBURSEMENTS

15 For an additional amount for United States Capitol  
16 Police “General Expenses”, \$26,300,000, to remain avail-  
17 able until September 30, 2026, for reimbursements for  
18 mutual aid and related training, including mutual aid and  
19 training provided under the agreements described in sec-  
20 tion 7302 of Public Law 108–458: *Provided*, That obliga-  
21 tion of the funds made available in the preceding proviso  
22 be subject to notification to the Chairmen and Ranking  
23 Members of Committees on Appropriations of both Houses  
24 of Congress, the Senate Committee on Rules and Adminis-  
25 tration, and the Committee on House Administration of

1 the amount and purpose of the expense within 15 days  
2 of obligation: *Provided further*, That such amount is des-  
3 ignated by the Congress as being for an emergency re-  
4 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-  
5 anced Budget and Emergency Deficit Control Act of 1985.

6 ADMINISTRATIVE PROVISIONS

7 CAPITOL POLICE SALARY CAP ADJUSTMENT

8 SEC. 201. For the purposes of administering pay dur-  
9 ing calendar year 2021, the limitation on the maximum  
10 rate of gross compensation for any member or civilian em-  
11 ployee of the Capitol Police whose compensation includes  
12 overtime pay under the Fair Labor Standards Act of 1938  
13 (29 U.S.C. 201 et seq.) shall be limited to Executive  
14 Schedule II at \$199,300. Excluded from this limitation  
15 for calendar year 2021 shall be retention bonuses and haz-  
16 ard bonuses related to the events of January 6th.

17 EMERGENCY ASSISTANCE FOR THE CAPITOL POLICE

18 SEC. 202. (a) ASSISTANCE BY EXECUTIVE DEPART-  
19 MENTS AND AGENCIES.—Section 911(a) of division B of  
20 the Department of Defense and Emergency Supplemental  
21 Appropriations for Recovery from and Response to Ter-  
22 rorist Attacks on the United States Act, 2002 (2 U.S.C.  
23 1970(a)) is amended—

1           (1) in paragraph (1), by inserting “or in ac-  
2           cordance with paragraph (4)” before “and on a per-  
3           manent”;

4           (2) in paragraph (4)(B)—

5                 (A) in the matter preceding clause (i), by  
6                 striking “advance”; and

7                 (B) in clause (ii)—

8                         (i) in subclause (I), by striking “or”  
9                         after the semicolon;

10                        (ii) in subclause (II), by striking  
11                        “and” after the semicolon and inserting  
12                        “or”; and

13                        (iii) by adding at the end the fol-  
14                        lowing:

15                                 “(III) the Chief of the Capitol  
16                                 Police, if the Chief of the Capitol Po-  
17                                 lice has determined that the provision  
18                                 of assistance is necessary to prevent  
19                                 the significant disruption of govern-  
20                                 mental function and public order  
21                                 within the United States Capitol  
22                                 Buildings and Grounds, as described  
23                                 in section 9 of the Act entitled ‘An  
24                                 Act to define the area of the United  
25                                 States Capitol Grounds, to regulate

1 the use thereof, and for other pur-  
2 poses’, approved July 31, 1946 (2  
3 U.S.C. 1961); and”;

4 (3) by adding at the end the following:

5 “(5) REVOCATION.—The Capitol Police Board  
6 may revoke a request for assistance provided under  
7 paragraph (4)(B)(ii)(III) upon consultation with ap-  
8 propriate Members of the Senate and House of Rep-  
9 resentatives in leadership positions.”.

10 (b) CAPITOL POLICE SPECIAL OFFICERS.—Section  
11 1017 of division H of the Consolidated Appropriations  
12 Resolution, 2003 (2 U.S.C. 1974) is amended—

13 (1) in subsection (a)—

14 (A) in the matter preceding paragraph (1),  
15 by inserting “or as determined by the Chief of  
16 the Capitol Police in accordance with section  
17 911(a)(4)(B)(ii)(III) of division B of the De-  
18 partment of Defense and Emergency Supple-  
19 mental Appropriations for Recovery from and  
20 Response to Terrorist Attacks on the United  
21 States Act, 2002 (2 U.S.C.  
22 1970(a)(4)(B)(ii)(III)),” after “Congress,”; and

23 (B) by adding at the end the following:

24 “An appointment under this section due to an emergency  
25 determined by the Chief of the Capitol Police under para-



1 graph (4)(B)(ii)(III) of section 911(a) of division B of the  
2 Department of Defense and Emergency Supplemental Ap-  
3 propriations for Recovery from and Response to Terrorist  
4 Attacks on the United States Act, 2002 (2 U.S.C.  
5 1970(a)) shall be in effect for the period of the emergency,  
6 unless and until the Capitol Police Board revokes the re-  
7 quest for assistance under paragraph (5) of such section.”;

8 (2) by striking subsections (c) and (e);

9 (3) by redesignating subsections (d), (f), and  
10 (g) as subsections (c), (d), and (e), respectively; and

11 (4) in subsection (d), as redesignated by para-  
12 graph (3) of this subsection, by striking “President  
13 pro tempore” and inserting “Majority Leader”.

14 (c)(1) JOINT OVERSIGHT HEARINGS.—The Com-  
15 mittee on Rules and Administration of the Senate and the  
16 Committee on House Administration of the House of Rep-  
17 resentatives (referred to in this section as the “Commit-  
18 tees”) are authorized to jointly conduct oversight hearings  
19 regarding the Capitol Police Board and may request the  
20 attendance of all members of the Capitol Police Board at  
21 any such hearing. Members of the Capitol Police Board  
22 shall attend a joint hearing under this section, as re-  
23 quested and under such rules or procedures as may be  
24 adopted by the Committees.

1           (2) TIMING.—The Committees may conduct oversight  
 2 hearings under this section as determined appropriate by  
 3 the Committees, but shall conduct not less than one over-  
 4 sight hearing under this section during each Congress.

5           (d) EFFECTIVE DATE.—The amendments made by  
 6 this section shall take effect on October 1, 2021.

## 7                           ARCHITECT OF THE CAPITOL

### 8                           CAPITAL CONSTRUCTION AND OPERATIONS

9           For an additional amount for “Capital Construction  
 10 and Operations”, \$15,000,000, to remain available until  
 11 September 30, 2022, to respond to the events at the  
 12 United States Capitol on January 6, 2021, by securing  
 13 vulnerabilities of windows and doors in the United States  
 14 Capitol Building: *Provided*, That such amount is des-  
 15 ignated by the Congress as being for an emergency re-  
 16 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-  
 17 anced Budget and Emergency Deficit Control Act of 1985.

## 18                           TITLE III

### 19                           GENERAL PROVISIONS—THIS ACT

20           SEC. 301. Each amount appropriated or made avail-  
 21 able by this Act is in addition to amounts otherwise appro-  
 22 priated for the fiscal year involved.

23           SEC. 302. No part of any appropriation contained in  
 24 this Act shall remain available for obligation beyond the  
 25 current fiscal year unless expressly so provided herein.

1       SEC. 303. Unless otherwise provided for by this Act,  
2 the additional amounts appropriated by this Act to appro-  
3 priations accounts shall be available under the authorities  
4 and conditions applicable to such appropriations accounts  
5 for fiscal year 2021.

6       SEC. 304. Each amount appropriated in this Act may  
7 be made available to restore amounts, either directly or  
8 through reimbursement, for obligations incurred for the  
9 purposes provided herein for such appropriation prior to  
10 the date of the enactment of this Act.

11       SEC. 305. Each amount designated in this Act by the  
12 Congress as being for an emergency requirement pursuant  
13 to section 251(b)(2)(A)(i) of the Balanced Budget and  
14 Emergency Deficit Control Act of 1985 shall be available  
15 (or rescinded or transferred, if applicable) only if the  
16 President subsequently so designates all such amounts  
17 and transmits such designations to the Congress.

18       SEC. 306. Any amount appropriated by this Act, des-  
19 igned by the Congress as an emergency requirement  
20 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-  
21 et and Emergency Deficit Control Act of 1985 and subse-  
22 quently so designated by the President, and transferred  
23 pursuant to transfer authorities provided by this Act shall  
24 retain such designation.

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