

Union Calendar No. 304

117TH CONGRESS
2^D SESSION

H. R. 8257

[Report No. 117-396]

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2023, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 1, 2022

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

A BILL

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2023, 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
4 money in the Treasury not otherwise appropriated, for the
5 Department of Homeland Security for the fiscal year end-
6 ing September 30, 2023, and for other purposes, namely:

1 TITLE I
2 DEPARTMENTAL MANAGEMENT, INTEL-
3 LIGENCE, SITUATIONAL AWARENESS, AND
4 OVERSIGHT
5 OFFICE OF THE SECRETARY AND EXECUTIVE
6 MANAGEMENT
7 OPERATIONS AND SUPPORT

8 For necessary expenses of the Office of the Secretary
9 and for executive management for operations and support,
10 \$346,717,000; of which \$28,570,000 shall be for the Of-
11 fice of the Ombudsman for Immigration Detention, of
12 which \$5,000,000 shall remain available until September
13 30, 2024: *Provided*, That not to exceed \$30,000 shall be
14 for official reception and representation expenses.

15 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

16 For necessary expenses of the Office of the Secretary
17 and for executive management for procurement, construc-
18 tion, and improvements, \$8,048,000, which shall remain
19 available until September 30, 2025.

20 FEDERAL ASSISTANCE

21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary expenses of the Office of the Secretary
23 and for executive management for Federal assistance
24 through grants, contracts, cooperative agreements, and
25 other activities, \$40,000,000, which shall be transferred

1 to “Federal Emergency Management Agency—Federal
2 Assistance”, of which \$20,000,000 shall be for targeted
3 violence and terrorism prevention grants and of which
4 \$20,000,000 shall be for the Alternatives to Detention
5 Case Management program, to remain available until Sep-
6 tember 30, 2024.

7 MANAGEMENT DIRECTORATE

8 OPERATIONS AND SUPPORT

9 For necessary expenses of the Management Direc-
10 torate for operations and support, including vehicle fleet
11 modernization, \$1,787,000,000, of which \$76,000,000
12 shall remain available until September 30, 2024: *Provided*,
13 That not to exceed \$2,000 shall be for official reception
14 and representation expenses.

15 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

16 For necessary expenses of the Management Direc-
17 torate for procurement, construction, and improvements,
18 \$597,378,000, of which \$182,378,000 shall remain avail-
19 able until September 30, 2025, and of which
20 \$415,000,000 shall remain available until September 30,
21 2027.

22 FEDERAL PROTECTIVE SERVICE

23 The revenues and collections of security fees credited
24 to this account shall be available until expended for nec-
25 essary expenses related to the protection of federally

1 owned and leased buildings and for the operations of the
2 Federal Protective Service.

3 INTELLIGENCE, ANALYSIS, AND SITUATIONAL
4 AWARENESS
5 OPERATIONS AND SUPPORT

6 For necessary expenses of the Office of Intelligence
7 and Analysis and the Office of Homeland Security Situa-
8 tional Awareness for operations and support,
9 \$341,159,000, of which \$119,792,000 shall remain avail-
10 able until September 30, 2024: *Provided*, That not to ex-
11 ceed \$3,825 shall be for official reception and representa-
12 tion expenses and not to exceed \$2,000,000 is available
13 for facility needs associated with secure space at fusion
14 centers, including improvements to buildings.

15 OFFICE OF THE INSPECTOR GENERAL
16 OPERATIONS AND SUPPORT

17 For necessary expenses of the Office of the Inspector
18 General for operations and support, \$218,379,000: *Pro-*
19 *vided*, That not to exceed \$300,000 may be used for cer-
20 tain confidential operational expenses, including the pay-
21 ment of informants, to be expended at the direction of the
22 Inspector General.

1 ADMINISTRATIVE PROVISIONS
2 (INCLUDING TRANSFER OF FUNDS)

3 SEC. 101. (a) The Secretary of Homeland Security
4 shall submit a report not later than October 15, 2023,
5 to the Inspector General of the Department of Homeland
6 Security listing all grants and contracts awarded by any
7 means other than full and open competition during fiscal
8 years 2022 or 2023.

9 (b) The Inspector General shall review the report re-
10 quired by subsection (a) to assess departmental compli-
11 ance with applicable laws and regulations and report the
12 results of that review to the Committees on Appropriations
13 of the Senate and the House of Representatives not later
14 than February 15, 2024.

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

24 SEC. 103. The Secretary of Homeland Security shall
25 require that all contracts of the Department of Homeland

1 Security that provide award fees link such fees to success-
2 ful acquisition outcomes, which shall be specified in terms
3 of cost, schedule, and performance.

4 SEC. 104. (a) The Secretary of Homeland Security,
5 in consultation with the Secretary of the Treasury, shall
6 notify the Committees on Appropriations of the Senate
7 and the House of Representatives of any proposed trans-
8 fers of funds available under section 9705(g)(4)(B) of title
9 31, United States Code, from the Department of the
10 Treasury Forfeiture Fund to any agency within the De-
11 partment of Homeland Security.

12 (b) None of the funds identified for such a transfer
13 may be obligated until the Committees on Appropriations
14 of the Senate and the House of Representatives are noti-
15 fied of the proposed transfer.

16 SEC. 105. All official costs associated with the use
17 of Government aircraft by Department of Homeland Secu-
18 rity personnel to support official travel of the Secretary
19 and the Deputy Secretary shall be paid from amounts
20 made available for the Office of the Secretary.

21 SEC. 106. (a) The Under Secretary for Management
22 shall brief the Committees on Appropriations of the Sen-
23 ate and the House of Representatives not later than 30
24 days after the end of each fiscal quarter on all Level 1
25 and Level 2 acquisition programs on the Master Acquisi-

1 tion Oversight list between Acquisition Decision Event 1
2 and Full Operational Capability, including programs that
3 have been removed from such list during the preceding
4 quarter.

5 (b) For each such program, the briefing described in
6 subsection (a) shall include—

7 (1) a description of the purpose of the program,
8 including the capabilities being acquired and the
9 component(s) sponsoring the acquisition;

10 (2) the total number of units, as appropriate, to
11 be acquired annually until procurement is complete
12 under the current acquisition program baseline;

13 (3) the Acquisition Review Board status, in-
14 cluding—

15 (A) the current acquisition phase by incre-
16 ment, as applicable;

17 (B) the date of the most recent review; and

18 (C) whether the program has been paused
19 or is in breach status;

20 (4) a comparison between the initial Depart-
21 ment-approved acquisition program baseline cost,
22 schedule, and performance thresholds and objectives
23 and the program's current such thresholds and ob-
24 jectives, if applicable;

25 (5) the lifecycle cost estimate, including—

- 1 (A) the confidence level for the estimate;
- 2 (B) the fiscal years included in the esti-
3 mate;
- 4 (C) a breakout of the estimate for the
5 prior five years, the current year, and the budg-
6 et year;
- 7 (D) a breakout of the estimate by appro-
8 priation account or other funding source; and
- 9 (E) a description of and rationale for any
10 changes to the estimate as compared to the pre-
11 viously approved baseline, as applicable, and
12 during the prior fiscal year;
- 13 (6) a summary of the findings of any inde-
14 pendent verification and validation of the items to be
15 acquired or an explanation for why no such
16 verification and validation has been performed;
- 17 (7) a table displaying the obligation of all pro-
18 gram funds by prior fiscal year, the estimated obli-
19 gation of funds for the current fiscal year, and an
20 estimate for the planned carryover of funds into the
21 subsequent fiscal year;
- 22 (8) a listing of prime contractors and major
23 subcontractors; and

1 (9) narrative descriptions of risks to cost,
2 schedule, or performance that could result in a pro-
3 gram breach if not successfully mitigated.

4 (c) The Under Secretary for Management shall sub-
5 mit each approved Acquisition Decision Memorandum for
6 programs described in this section to the Committees on
7 Appropriations of the Senate and the House of Represent-
8 atives not later than five business days after the date of
9 approval of such memorandum by the Under Secretary for
10 Management or the designee of the Under Secretary.

11 SEC. 107. (a) None of the funds made available to
12 the Department of Homeland Security in this Act or prior
13 appropriations Acts may be obligated for any new pilot
14 or demonstration program unless the component or office
15 carrying out such pilot or program has documented the
16 information described in subsection (c).

17 (b) Prior to the obligation of any such funds made
18 available for “Operations and Support” for a new oper-
19 ational pilot or demonstration program, the Under Sec-
20 retary for Management shall provide a report to the Com-
21 mittees on Appropriations of the Senate and the House
22 of Representatives on the information described in sub-
23 section (c).

1 (c) The information required under subsections (a)
2 and (b) for a new pilot or program shall include the fol-
3 lowing—

4 (1) documented objectives that are well-defined
5 and measurable;

6 (2) an assessment methodology that details—

7 (A) the type and source of assessment
8 data;

9 (B) the methods for and frequency of col-
10 lecting such data; and

11 (C) how such data will be analyzed; and

12 (3) an implementation plan, including mile-
13 stones, a cost estimate, and schedule, including an
14 end date.

15 (d) Not later than 90 days after the date of comple-
16 tion of a pilot or program described in subsection (e), the
17 Under Secretary for Management shall provide a report
18 to the Committees on Appropriations of the Senate and
19 the House of Representatives detailing lessons learned, ac-
20 tual costs, any planned expansion or continuation of the
21 pilot or program, and any planned transition of such pilot
22 or program into an enduring program or operation.

23 (e) For the purposes of this section, a pilot or dem-
24 onstration program is a policy implementation, study,
25 demonstration, experimental program, or trial that—

1 at the discretion of the Secretary of Homeland Security,
2 the provision of such support to Federal, State, and local
3 agencies in other law enforcement and emergency humani-
4 tarian efforts; the purchase and lease of up to 7,500
5 (6,500 for replacement only) police-type vehicles; the pur-
6 chase, maintenance, or operation of marine vessels, air-
7 craft, and unmanned aerial systems; and contracting with
8 individuals for personal services abroad; \$14,690,501,000;
9 of which \$3,274,000 shall be derived from the Harbor
10 Maintenance Trust Fund for administrative expenses re-
11 lated to the collection of the Harbor Maintenance Fee pur-
12 suant to section 9505(c)(3) of the Internal Revenue Code
13 of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding sec-
14 tion 1511(e)(1) of the Homeland Security Act of 2002 (6
15 U.S.C. 551(e)(1)); of which \$200,000,000 shall be avail-
16 able until September 30, 2024; and of which such sums
17 as become available in the Customs User Fee Account, ex-
18 cept sums subject to section 13031(f)(3) of the Consoli-
19 dated Omnibus Budget Reconciliation Act of 1985 (19
20 U.S.C. 58c(f)(3)), shall be derived from that account: *Pro-*
21 *vided*, That not to exceed \$34,425 shall be for official re-
22 ception and representation expenses: *Provided further*,
23 That not to exceed \$150,000 shall be available for pay-
24 ment for rental space in connection with preclearance op-
25 erations: *Provided further*, That not to exceed \$2,000,000

1 shall be for awards of compensation to informants, to be
2 accounted for solely under the certificate of the Secretary
3 of Homeland Security: *Provided further*, That not to ex-
4 ceed \$5,000,000 may be transferred to the Bureau of In-
5 dian Affairs for the maintenance and repair of roads on
6 Native American reservations used by the U.S. Border Pa-
7 trol.

8 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

9 For necessary expenses of U.S. Customs and Border
10 Protection for procurement, construction, and improve-
11 ments, including procurement of marine vessels, aircraft,
12 and unmanned aerial systems, \$547,539,000, of which
13 \$402,180,000 shall remain available until September 30,
14 2025; and of which \$145,359,000 shall remain available
15 until September 30, 2027.

16 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

17 OPERATIONS AND SUPPORT

18 For necessary expenses of U.S. Immigration and
19 Customs Enforcement for operations and support, includ-
20 ing the purchase and lease of up to 3,790 (2,350 for re-
21 placement only) police-type vehicles; overseas vetted units;
22 and maintenance, minor construction, and minor leasehold
23 improvements at owned and leased facilities;
24 \$8,298,567,000; of which not less than \$6,000,000 shall
25 remain available until expended for efforts to enforce laws

1 against forced child labor; of which \$46,696,000 shall re-
2 main available until September 30, 2024; of which not less
3 than \$1,500,000 is for paid apprenticeships for partici-
4 pants in the Human Exploitation Rescue Operative Child-
5 Rescue Corps; of which not less than \$15,000,000 shall
6 be available for investigation of intellectual property rights
7 violations, including operation of the National Intellectual
8 Property Rights Coordination Center; of which not less
9 than \$13,500,000 shall be used for providing financial as-
10 sistance for operational, administrative, salary reimburse-
11 ment, and technology costs associated with participation
12 of Federal, State, local, tribal, and territorial law enforce-
13 ment officers on the Homeland Security Investigations
14 Border Enforcement Security Task Force; and of which
15 \$3,923,433,000 shall be for enforcement, detention, and
16 removal operations, including support for joint processing
17 centers and transportation of unaccompanied alien mi-
18 nors: *Provided*, That not to exceed \$11,475 shall be for
19 official reception and representation expenses: *Provided*
20 *further*, That not to exceed \$10,000,000 shall be available
21 until expended for conducting special operations under
22 section 3131 of the Customs Enforcement Act of 1986 (19
23 U.S.C. 2081): *Provided further*, That not to exceed
24 \$2,000,000 shall be for awards of compensation to inform-
25 ants, to be accounted for solely under the certificate of

1 the Secretary of Homeland Security: *Provided further*,
2 That not to exceed \$11,216,000 shall be available to fund
3 or reimburse other Federal agencies for the costs associ-
4 ated with the care, maintenance, and repatriation of
5 smuggled aliens unlawfully present in the United States:
6 *Provided further*, That of the amounts made available
7 under this heading for Executive Leadership and Over-
8 sight, \$5,000,000 shall not be available for obligation until
9 the reports directed under this heading in the explanatory
10 statements accompanying Public Laws 116–6, 116–93,
11 and 117–103 have been submitted to the Committees on
12 Appropriations of the Senate and the House of Represent-
13 atives: *Provided further*, That the amount made available
14 under this heading for Executive Leadership and Over-
15 sight shall be reduced each month by \$25,000 for each
16 day after the required date that the briefing described in
17 section 219 has not been provided to the Committees on
18 Appropriations of the Senate and the House of Represent-
19 atives.

20 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

21 For necessary expenses of U.S. Immigration and
22 Customs Enforcement for procurement, construction, and
23 improvements, \$97,762,000, of which \$22,997,000 shall
24 remain available until September 30, 2025, and of which

1 \$74,765,000 shall remain available until September 30,
2 2027.

3 TRANSPORTATION SECURITY ADMINISTRATION

4 OPERATIONS AND SUPPORT

5 For necessary expenses of the Transportation Secu-
6 rity Administration for operations and support,
7 \$9,244,863,000, to remain available until September 30,
8 2024: *Provided*, That not to exceed \$7,650 shall be for
9 official reception and representation expenses: *Provided*
10 *further*, That security service fees authorized under section
11 44940 of title 49, United States Code, shall be credited
12 to this appropriation as offsetting collections and shall be
13 available only for aviation security: *Provided further*, That
14 the sum appropriated under this heading from the general
15 fund shall be reduced on a dollar-for-dollar basis as such
16 offsetting collections are received during fiscal year 2023
17 so as to result in a final fiscal year appropriation from
18 the general fund estimated at not more than
19 \$6,754,863,000.

20 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

21 For necessary expenses of the Transportation Secu-
22 rity Administration for procurement, construction, and
23 improvements, \$141,689,000, to remain available until
24 September 30, 2025.

1 RESEARCH AND DEVELOPMENT

2 For necessary expenses of the Transportation Secu-
3 rity Administration for research and development,
4 \$33,532,000, to remain available until September 30,
5 2024.

6 COAST GUARD

7 OPERATIONS AND SUPPORT

8 For necessary expenses of the Coast Guard for oper-
9 ations and support including the Coast Guard Reserve;
10 purchase or lease of not to exceed 25 passenger motor ve-
11 hicles, which shall be for replacement only; purchase or
12 lease of small boats for contingent and emergent require-
13 ments (at a unit cost of not more than \$700,000) and
14 repairs and service-life replacements, not to exceed a total
15 of \$31,000,000; purchase, lease, or improvements of boats
16 necessary for overseas deployments and activities; pay-
17 ments pursuant to section 156 of Public Law 97–377 (42
18 U.S.C. 402 note; 96 Stat. 1920); and recreation and wel-
19 fare; \$9,751,469,000, of which \$530,000,000 shall be for
20 defense-related activities; of which \$24,500,000 shall be
21 derived from the Oil Spill Liability Trust Fund to carry
22 out the purposes of section 1012(a)(5) of the Oil Pollution
23 Act of 1990 (33 U.S.C. 2712(a)(5)); of which \$6,000,000
24 shall remain available until September 30, 2025; of which
25 \$28,386,000 shall remain available until September 30,

1 2027, for environmental compliance and restoration; and
2 of which \$70,000,000 shall remain available until Sep-
3 tember 30, 2024, which shall only be available for vessel
4 depot level maintenance: *Provided*, That not to exceed
5 \$23,000 shall be for official reception and representation
6 expenses.

7 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

8 For necessary expenses of the Coast Guard for pro-
9 curement, construction, and improvements, including aids
10 to navigation, shore facilities (including facilities at De-
11 partment of Defense installations used by the Coast
12 Guard), and vessels and aircraft, including equipment re-
13 lated thereto, \$2,301,050,000, to remain available until
14 September 30, 2027; of which \$20,000,000 shall be de-
15 rived from the Oil Spill Liability Trust Fund to carry out
16 the purposes of section 1012(a)(5) of the Oil Pollution Act
17 of 1990 (33 U.S.C. 2712(a)(5)).

18 RESEARCH AND DEVELOPMENT

19 For necessary expenses of the Coast Guard for re-
20 search and development; and for maintenance, rehabilita-
21 tion, lease, and operation of facilities and equipment;
22 \$7,476,000, to remain available until September 30, 2025,
23 of which \$500,000 shall be derived from the Oil Spill Li-
24 ability Trust Fund to carry out the purposes of section
25 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.

1 and other facilities on private or other property not in
2 Government ownership or control, as may be necessary to
3 perform protective functions; conduct of and participation
4 in firearms matches; presentation of awards; conduct of
5 behavioral research in support of protective intelligence
6 and operations; payment in advance for commercial ac-
7 commodations as may be necessary to perform protective
8 functions; and payment, without regard to section 5702
9 of title 5, United States Code, of subsistence expenses of
10 employees who are on protective missions, whether at or
11 away from their duty stations; \$2,645,596,000; of which
12 \$52,296,000 shall remain available until September 30,
13 2024, and of which \$6,000,000 shall be for a grant for
14 activities related to investigations of missing and exploited
15 children; and of which up to \$17,000,000 may be for cal-
16 endar year 2022 premium pay in excess of the annual
17 equivalent of the limitation on the rate of pay contained
18 in section 5547(a) of title 5, United States Code, pursuant
19 to section 2 of the Overtime Pay for Protective Services
20 Act of 2016 (5 U.S.C. 5547 note), as last amended by
21 Public Law 116–269: *Provided*, That not to exceed
22 \$19,125 shall be for official reception and representation
23 expenses: *Provided further*, That not to exceed \$100,000
24 shall be to provide technical assistance and equipment to
25 foreign law enforcement organizations in criminal inves-

1 tigtations within the jurisdiction of the United States Se-
2 cret Service.

3 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

4 For necessary expenses of the United States Secret
5 Service for procurement, construction, and improvements,
6 \$77,888,000, to remain available until September 30,
7 2025.

8 RESEARCH AND DEVELOPMENT

9 For necessary expenses of the United States Secret
10 Service for research and development, \$4,025,000, to re-
11 main available until September 30, 2024.

12 ADMINISTRATIVE PROVISIONS

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 201. Section 201 of the Department of Home-
15 land Security Appropriations Act, 2018 (division F of
16 Public Law 115–141), related to overtime compensation
17 limitations, shall apply with respect to funds made avail-
18 able in this Act in the same manner as such section ap-
19 plied to funds made available in that Act, except that “fis-
20 cal year 2023” shall be substituted for “fiscal year 2018”.

21 SEC. 202. Funding made available under the head-
22 ings “U.S. Customs and Border Protection—Operations
23 and Support” and “U.S. Customs and Border Protec-
24 tion—Procurement, Construction, and Improvements”
25 shall be available for customs expenses when necessary to

1 maintain operations and prevent adverse personnel actions
2 in Puerto Rico and the U.S. Virgin Islands, in addition
3 to funding provided by sections 740 and 1406i of title 48,
4 United States Code.

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

12 SEC. 204. (a) For an additional amount for “U.S.
13 Customs and Border Protection—Operations and Sup-
14 port”, \$31,000,000, to remain available until expended,
15 to be reduced by amounts collected and credited to this
16 appropriation in fiscal year 2023 from amounts authorized
17 to be collected by section 286(i) of the Immigration and
18 Nationality Act (8 U.S.C. 1356(i)), section 10412 of the
19 Farm Security and Rural Investment Act of 2002 (7
20 U.S.C. 8311), and section 817 of the Trade Facilitation
21 and Trade Enforcement Act of 2015 (Public Law 114–
22 25), or other such authorizing language.

23 (b) To the extent that amounts realized from such
24 collections exceed \$31,000,000, those amounts in excess

1 of \$31,000,000 shall be credited to this appropriation, to
2 remain available until expended.

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

14 (1) a controlled substance, as defined in section
15 102 of the Controlled Substances Act (21 U.S.C.
16 802); or

17 (2) a biological product, as defined in section
18 351 of the Public Health Service Act (42 U.S.C.
19 262).

20 SEC. 206. (a) Notwithstanding any other provision
21 of law, none of the funds provided in this or any other
22 Act shall be used to approve a waiver of the navigation
23 and vessel-inspection laws pursuant to section 501(b) of
24 title 46, United States Code, for the transportation of
25 crude oil distributed from and to the Strategic Petroleum

1 Reserve until the Secretary of Homeland Security, after
2 consultation with the Secretaries of the Departments of
3 Energy and Transportation and representatives from the
4 United States flag maritime industry, takes adequate
5 measures to ensure the use of United States flag vessels.

6 (b) The Secretary shall notify the Committees on Ap-
7 propriations of the Senate and the House of Representa-
8 tives, the Committee on Commerce, Science, and Trans-
9 portation of the Senate, and the Committee on Transpor-
10 tation and Infrastructure of the House of Representatives
11 within 2 business days of any request for waivers of navi-
12 gation and vessel-inspection laws pursuant to section
13 501(b) of title 46, United States Code, with respect to
14 such transportation, and the disposition of such requests.

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

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

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

24 (b) In this section, the term “border crossing fee”
25 means a fee that every pedestrian, cyclist, and driver and

1 passenger of a private motor vehicle is required to pay
2 for the privilege of crossing the Southern border or the
3 Northern border at a land port of entry.

4 SEC. 208. (a) Not later than 90 days after the date
5 of enactment of this Act, the Secretary of Homeland Secu-
6 rity shall submit an expenditure plan for any amounts
7 made available for “U.S. Customs and Border Protec-
8 tion—Procurement, Construction, and Improvements” in
9 this Act and prior Acts to the Committees on Appropria-
10 tions of the Senate and the House of Representatives.

11 (b) No such amounts may be obligated prior to the
12 submission of such plan.

13 SEC. 209. Federal funds may not be made available
14 for the construction of fencing—

15 (1) within the Santa Ana Wildlife Refuge;

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

18 (3) within La Lomita Historical park;

19 (4) within the National Butterfly Center;

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

23 (6) within any cemetery designated as a historic
24 cemetery under State law or regulation;

1 (7) within the San Ygnacio Bird Sanctuary &
2 Riverfront; or

3 (8) within the Salineño Wildlife Preserve.

4 SEC. 210. (a) The unobligated balances of amounts
5 specified in paragraphs (1) through (5) of section 230(a)
6 of division F of the Consolidated Appropriations Act, 2018
7 (Public Law 115–141), section 230(a)(1) of division A of
8 the Consolidated Appropriations Act, 2019 (Public Law
9 116–6), section 209(a)(1) of division D of the Consoli-
10 dated Appropriations Act, 2020 (Public Law 116–93), and
11 section 210 of division F of the Consolidated Appropria-
12 tions Act, 2021 (Public Law 116–260) shall, in addition
13 to the purposes for which they were originally appro-
14 priated, be available for—

15 (1) the construction and improvement of roads
16 along the southwest border;

17 (2) control of vegetation along the southwest
18 border that creates obstacles to the detection of ille-
19 gal entry;

20 (3) remediation and environmental mitigation,
21 including scientific studies, related to border barrier
22 construction, including barrier construction under-
23 taken by the Department of Defense; and

1 (4) the acquisition and deployment of border se-
2 curity technology at and between ports of entry
3 along the southwest border.

4 (b) Amounts repurposed by this section shall be in
5 addition to any other amounts made available for such
6 purposes.

7 SEC. 211. The Secretary of Homeland Security may
8 transfer up to \$100,000,000 in unobligated balances avail-
9 able from prior appropriations Acts under the heading
10 “U.S. Customs and Border Protection—Procurement,
11 Construction, and Improvements” to the Department of
12 the Interior (including any agency or bureau within the
13 Department of the Interior) or the Forest Service within
14 the Department of Agriculture for the execution of envi-
15 ronmental and other mitigation projects or activities, in-
16 cluding the acquisition of land and scientific studies, re-
17 lated to the construction of border barriers on the south-
18 west border during fiscal years 2017 through 2021 by
19 U.S. Customs and Border Protection and the Department
20 of Defense.

21 SEC. 212. Section 230(b) of division F of the Consoli-
22 dated Appropriations Act, 2018 (Public Law 115–141),
23 section 230(b) of division A of the Consolidated Appro-
24 priations Act, 2019 (Public Law 116–6), section 209(b)
25 of division D of the Consolidated Appropriations Act,

1 2020 (Public Law 116–93) (including with respect to sec-
2 tion 210 of division F of the Consolidated Appropriations
3 Act, 2021 (Public Law 116-260)) shall no longer apply.

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

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

21 (b) The performance evaluations referenced in sub-
22 section (a) shall be conducted by the U.S. Immigration
23 and Customs Enforcement Office of Professional Respon-
24 sibility.

1 SEC. 215. Without regard to the limitation as to time
2 and condition of section 503(d) of this Act, the Secretary
3 may reprogram within and transfer funds to “U.S. Immi-
4 gration and Customs Enforcement—Operations and Sup-
5 port” as necessary to ensure the detention of aliens
6 prioritized for removal.

7 SEC. 216. The reports required to be submitted by
8 U.S. Immigration and Customs Enforcement, related to
9 immigration enforcement, under section 216 of the De-
10 partment of Homeland Security Appropriations Act, 2021
11 (division F of Public Law 116–260), and section 218 of
12 the Department of Homeland Security Appropriations
13 Act, 2020 (division D of Public Law 116-260) shall con-
14 tinue to be submitted semimonthly and each matter re-
15 quired to be included in each such report by such section
16 216 shall apply in the same manner and to the same ex-
17 tent.

18 SEC. 217. No Federal funds may be used to place
19 in detention, remove, refer for a decision whether to ini-
20 tiate removal proceedings, or initiate removal proceedings
21 against any individual—

22 (1) based on information provided to a Federal
23 employee or contractor related to facilitating the
24 sponsorship of an unaccompanied alien child (as de-
25 fined in section 462(g) of the Homeland Security

1 Act of 2002 (6 U.S.C. 279(g))) or the reunification
2 of such child with a family member; or

3 (2) based on information gathered in therapy
4 sessions conducted while in the care of the Office of
5 Refugee Resettlement of the Department of Health
6 and Human Services.

7 SEC. 218. The terms and conditions of section 217
8 of the Department of Homeland Security Appropriations
9 Act, 2020 (division D of Public Law 116—93), related
10 to reporting on the U.S. Customs and Immigration En-
11 forcement 287(g) program, shall apply to this Act.

12 SEC. 219. Beginning not later than 30 calendar days
13 after the date of enactment of this Act and not later than
14 the 21st day of each month thereafter, the Director of Im-
15 migration and Customs Enforcement (or the Director’s
16 designee) shall provide a briefing to the Committees on
17 Appropriations of the Senate and the House of Represent-
18 atives on obligations and on-board staffing levels at both
19 the account and the program, project, and activity level
20 for the prior two fiscal years and the current fiscal year,
21 to-date, and projected obligations and staffing levels by
22 month for the remainder of the current fiscal year.

23 SEC. 220. (a) None of the funds provided under the
24 heading “U.S. Immigration and Customs Enforcement—
25 Operations and Support” may be used to engage in civil

1 immigration enforcement activities, such as arrests, expul-
2 sions, custodial detentions, removals, or referrals, proc-
3 essing, or issuance of charging documents, using Home-
4 land Security Investigations personnel, resources, or capa-
5 bilities, absent probable cause that the individual facing
6 such enforcement action has committed a criminal offense,
7 excluding state, local, or Federal offenses for which an es-
8 sential element was the noncitizen's immigration status.

9 (b) For the purposes of this section, criminal offenses
10 for which an essential element was the noncitizen's immi-
11 gration status includes, but is not limited to, offenses iden-
12 tified in sections 264, 266(a), 266(b), 275, or 276 of the
13 Immigration and Nationality Act and state and local of-
14 fenses for which an essential element was the noncitizen's
15 immigration status.

16 SEC. 221. (a) No Federal funds may be used for the
17 purposes of section 6(d) of Public Law 81-626 (8 U.S.C.
18 1555(d)).

19 (b) Subsection (a) shall not apply if the rate de-
20 scribed such section for work performed is not less than
21 the rates established under paragraph (1) of section 6703
22 of title 41, United States Code.

23 SEC. 222. Members of the United States House of
24 Representatives and the United States Senate, including
25 the leadership; the heads of Federal agencies and commis-

1 sions, including the Secretary, Deputy Secretary, Under
2 Secretaries, and Assistant Secretaries of the Department
3 of Homeland Security; the United States Attorney Gen-
4 eral, Deputy Attorney General, Assistant Attorneys Gen-
5 eral, and the United States Attorneys; and senior mem-
6 bers of the Executive Office of the President, including
7 the Director of the Office of Management and Budget,
8 shall not be exempt from Federal passenger and baggage
9 screening.

10 SEC. 223. Any award by the Transportation Security
11 Administration to deploy explosives detection systems
12 shall be based on risk, the airport's current reliance on
13 other screening solutions, lobby congestion resulting in in-
14 creased security concerns, high injury rates, airport readi-
15 ness, and increased cost effectiveness.

16 SEC. 224. Notwithstanding section 44923 of title 49,
17 United States Code, for fiscal year 2023, any funds in
18 the Aviation Security Capital Fund established by section
19 44923(h) of title 49, United States Code, may be used
20 for the procurement and installation of explosives detec-
21 tion systems or for the issuance of other transaction agree-
22 ments for the purpose of funding projects described in sec-
23 tion 44923(a) of such title.

24 SEC. 225. Not later than 45 days after the submis-
25 sion of the President's budget proposal, the Administrator

1 of the Transportation Security Administration shall sub-
2 mit to the Committees on Appropriations and Commerce,
3 Science, and Transportation of the Senate and the Com-
4 mittees on Appropriations and Homeland Security in the
5 House of Representatives a single report that fulfills the
6 following requirements:

7 (1) a Capital Investment Plan, both constrained
8 and unconstrained, that includes a plan for contin-
9 uous and sustained capital investment in new, and
10 the replacement of aged, transportation security
11 equipment;

12 (2) the 5-year technology investment plan as re-
13 quired by section 1611 of title XVI of the Homeland
14 Security Act of 2002, as amended by section 3 of
15 the Transportation Security Acquisition Reform Act
16 (Public Law 113–245); and

17 (3) the Advanced Integrated Passenger Screen-
18 ing Technologies report as required by the Senate
19 Report accompanying the Department of Homeland
20 Security Appropriations Act, 2019 (Senate Report
21 115–283).

22 SEC. 226. Section 225 of division A of Public Law
23 116–6 (49 U.S.C. 44901 note), relating to a pilot program
24 for screening outside of an existing primary passenger ter-

1 minal screening area, is amended in subsection (e) by
2 striking “2023” and inserting “2025”.

3 SEC. 227. (a) None of the funds made available by
4 this Act under the heading “Coast Guard—Operations
5 and Support” shall be for expenses incurred for rec-
6 reational vessels under section 12114 of title 46, United
7 States Code, except to the extent fees are collected from
8 owners of yachts and credited to the appropriation made
9 available by this Act under the heading “Coast Guard—
10 Operations and Support”.

11 (b) To the extent such fees are insufficient to pay
12 expenses of recreational vessel documentation under such
13 section 12114, and there is a backlog of recreational vessel
14 applications, personnel performing non-recreational vessel
15 documentation functions under subchapter II of chapter
16 121 of title 46, United States Code, may perform docu-
17 mentation under section 12114.

18 SEC. 228. Without regard to the limitation as to time
19 and condition of section 503(d) of this Act, after June
20 30, in accordance with the notification requirement de-
21 scribed in subsection (b) of such section, up to the fol-
22 lowing amounts may be reprogrammed within “Coast
23 Guard—Operations and Support”—

24 (1) \$10,000,000 to or from the “Military Per-
25 sonnel” funding category; and

1 (2) \$10,000,000 between the “Field Oper-
2 ations” funding subcategories.

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

13 SEC. 230. Of the funds made available for defense-
14 related activities under the heading “Coast Guard—Oper-
15 ations and Support”, up to \$190,000,000 that are used
16 for enduring overseas missions in support of the global
17 fight against terrorism may be reallocated by program,
18 project, and activity, notwithstanding section 503 of this
19 Act.

20 SEC. 231. Amounts deposited into the Coast Guard
21 Housing Fund in fiscal year 2023 shall be available until
22 expended to carry out the purposes of section 2946 of title
23 14, United States Code, and shall be in addition to funds
24 otherwise available for such purposes.

1 SEC. 232. (a) Notwithstanding section 2110 of title
2 46, United States Code, none of the funds made available
3 in this Act may be used to charge a fee for an inspection
4 of a towing vessel, as defined in 46 CFR Section 136.110,
5 that utilizes the Towing Safety Management System op-
6 tion for a Certificate of Inspection issued under sub-
7 chapter M of title 46, Code of Federal Regulations.

8 (b) Subsection (a) shall not apply after the date the
9 Commandant of the Coast Guard makes a determination
10 under section 815(a) of the Frank LoBiondo Coast Guard
11 Authorization Act of 2018 (Public Law 115–282) and, as
12 necessary based on such determination, carries out the re-
13 quirements of subsection 815(b) of such Act.

14 SEC. 233. The United States Secret Service is au-
15 thorized to obligate funds in anticipation of reimburse-
16 ments from executive agencies, as defined in section 105
17 of title 5, United States Code, for personnel receiving
18 training sponsored by the James J. Rowley Training Cen-
19 ter, except that total obligations at the end of the fiscal
20 year shall not exceed total budgetary resources available
21 under the heading “United States Secret Service—Oper-
22 ations and Support” at the end of the fiscal year.

23 SEC. 234. (a) None of the funds made available to
24 the United States Secret Service by this Act or by previous
25 appropriations Acts may be made available for the protec-

1 tion of the head of a Federal agency other than the Sec-
2 retary of Homeland Security.

3 (b) The Director of the United States Secret Service
4 may enter into agreements to provide such protection on
5 a fully reimbursable basis.

6 SEC. 235. For purposes of section 503(a)(3) of this
7 Act, up to \$15,000,000 may be reprogrammed within
8 “United States Secret Service—Operations and Support”.

9 SEC. 236. Funding made available in this Act for
10 “United States Secret Service—Operations and Support”
11 is available for travel of United States Secret Service em-
12 ployees on protective missions without regard to the limi-
13 tations on such expenditures in this or any other Act if
14 the Director of the United States Secret Service or a des-
15 ignee notifies the Committees on Appropriations of the
16 Senate and the House of Representatives 10 or more days
17 in advance, or as early as practicable, prior to such ex-
18 penditures.

19 SEC. 237. Subject to any legal limitations on contin-
20 ued detention, none of the funds made available by this
21 Act may be used to release removable aliens into the
22 United States until the Secretary of Homeland Security
23 has determined whether that person is included in the ter-
24 rorist screening database and whether the National Crime

1 Information Center includes any active wants or warrants
2 in the jurisdiction where such alien is to be released.

3 SEC. 238. None of the funds made available in this
4 Act may be used to pay the salaries or expenses of per-
5 sonnel to process aliens encountered at the United States
6 border under the immigration laws (as such term is de-
7 fined in section 101 of the Immigration and Nationality
8 Act (8 U.S.C. 1101)), if such alien would have been proc-
9 essed under section 362 and section 365 of the Public
10 Health Service Act (42 U.S.C. 265 and 268) as of Janu-
11 ary 19, 2021, until 180 days after date on which the pub-
12 lic health emergency relating to the Coronavirus Disease
13 2019 pandemic, declared under section 319 of such Act
14 (42 U.S.C. 247d) on January 31, 2020, and any continu-
15 ation of such declaration (including the continuation de-
16 scribed in Proclamation 9994 on February 24, 2021) has
17 been terminated.

18 TITLE III
19 PROTECTION, PREPAREDNESS, RESPONSE, AND
20 RECOVERY
21 CYBERSECURITY AND INFRASTRUCTURE SECURITY
22 AGENCY
23 OPERATIONS AND SUPPORT

24 For necessary expenses of the Cybersecurity and In-
25 frastructure Security Agency for operations and support,

1 \$2,373,213,000, of which \$28,293,000, shall remain avail-
2 able until September 30, 2024: *Provided*, That not to ex-
3 ceed \$5,500 shall be for official reception and representa-
4 tion expenses.

5 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

6 For necessary expenses of the Cybersecurity and In-
7 frastructure Security Agency for procurement, construc-
8 tion, and improvements, \$547,148,000, of which
9 \$520,048,000 shall remain available until September 30,
10 2025, and of which \$27,100,000 shall remain available
11 until September 30, 2027.

12 RESEARCH AND DEVELOPMENT

13 For necessary expenses of the Cybersecurity and In-
14 frastructure Security Agency for research and develop-
15 ment, \$7,431,000, to remain available until September 30,
16 2024.

17 FEDERAL EMERGENCY MANAGEMENT AGENCY

18 OPERATIONS AND SUPPORT

19 For necessary expenses of the Federal Emergency
20 Management Agency for operations and support,
21 \$1,414,461,000: *Provided*, That not to exceed \$2,250
22 shall be for official reception and representation expenses.

23 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

24 For necessary expenses of the Federal Emergency
25 Management Agency for procurement, construction, and

1 improvements, \$203,730,000, of which \$126,425,000
2 shall remain available until September 30, 2025, and of
3 which \$77,305,000 shall remain available until September
4 30, 2027.

5 FEDERAL ASSISTANCE

6 For activities of the Federal Emergency Management
7 Agency for Federal assistance through grants, contracts,
8 cooperative agreements, and other activities,
9 \$4,051,619,000, which shall be allocated as follows:

10 (1) \$520,000,000 for the State Homeland Secu-
11 rity Grant Program under section 2004 of the
12 Homeland Security Act of 2002 (6 U.S.C. 605), of
13 which \$90,000,000 shall be for Operation
14 Stonegarden, \$15,000,000 shall be for Tribal Home-
15 land Security Grants under section 2005 of the
16 Homeland Security Act of 2002 (6 U.S.C. 606).
17 *Provided*, That notwithstanding subsection (c)(4) of
18 such section 2004, for fiscal year 2023, the Com-
19 monwealth of Puerto Rico shall make available to
20 local and tribal governments amounts provided to
21 the Commonwealth of Puerto Rico under this para-
22 graph in accordance with subsection (c)(1) of such
23 section 2004.

1 (2) \$615,000,000 for the Urban Area Security
2 Initiative under section 2003 of the Homeland Security
3 Act of 2002 (6 U.S.C. 604).

4 (3) \$360,000,000 for the Nonprofit Security
5 Grant Program under sections 2003 and 2004 of the
6 Homeland Security Act of 2002 (6 U.S.C. 604 and
7 605), of which \$180,000,000 is for eligible recipients
8 located in high-risk urban areas that receive funding
9 under section 2003 of such Act and \$180,000,000 is
10 for eligible recipients that are located outside such
11 areas: *Provided*, That eligible recipients are those
12 described in section 2009(b) of such Act (6 U.S.C.
13 609a(b)) or are an otherwise eligible recipient at risk
14 of a terrorist or other extremist attack.

15 (4) \$105,000,000 for Public Transportation Security
16 Assistance, Railroad Security Assistance, and
17 Over-the-Road Bus Security Assistance under sections
18 1406, 1513, and 1532 of the Implementing
19 Recommendations of the 9/11 Commission Act of
20 2007 (6 U.S.C. 1135, 1163, and 1182), of which
21 \$10,000,000 shall be for Amtrak security and
22 \$2,000,000 shall be for Over-the-Road Bus Security:
23 *Provided*, That such public transportation security
24 assistance shall be provided directly to public transportation
25 agencies.

1 (5) \$100,000,000 for Port Security Grants in
2 accordance with section 70107 of title 46, United
3 States Code.

4 (6) \$740,000,000, to remain available until
5 September 30, 2024, of which \$370,000,000 shall be
6 for Assistance to Firefighter Grants and
7 \$370,000,000 shall be for Staffing for Adequate
8 Fire and Emergency Response Grants under sec-
9 tions 33 and 34 respectively of the Federal Fire Pre-
10 vention and Control Act of 1974 (15 U.S.C. 2229
11 and 2229a).

12 (7) \$370,000,000 for emergency management
13 performance grants under the National Flood Insur-
14 ance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-
15 ert T. Stafford Disaster Relief and Emergency As-
16 sistance Act (42 U.S.C. 5121), the Earthquake Haz-
17 ards Reduction Act of 1977 (42 U.S.C. 7701), sec-
18 tion 762 of title 6, United States Code, and Reorga-
19 nization Plan No. 3 of 1978 (5 U.S.C. App.).

20 (8) \$350,000,000 for necessary expenses for
21 Flood Hazard Mapping and Risk Analysis, in addi-
22 tion to and to supplement any other sums appro-
23 priated under the National Flood Insurance Fund,
24 and such additional sums as may be provided by
25 States or other political subdivisions for cost-shared

1 mapping activities under section 1360(f)(2) of the
2 National Flood Insurance Act of 1968 (42 U.S.C.
3 4101(f)(2)), to remain available until expended.

4 (9) \$12,000,000 for Regional Catastrophic Pre-
5 paredness Grants.

6 (10) \$280,000,000 for the emergency food and
7 shelter program under title III of the McKinney-
8 Vento Homeless Assistance Act (42 U.S.C. 11331),
9 to remain available until September 30, 2024, of
10 which \$150,000,000 is for the purposes of providing
11 humanitarian relief to families and individuals en-
12 countered by the Department of Homeland Security:
13 *Provided*, That not to exceed 3.5 percent shall be for
14 total administrative costs.

15 (11) \$40,000,000 for the Next Generation
16 Warning System.

17 (12) \$247,500,000, to remain available until
18 September 30, 2024, for the purposes, and in the
19 amounts, specified in the table entitled “Community
20 Project Funding” under this heading in the report
21 accompanying this Act, in addition to amounts oth-
22 erwise made available for such purposes; of which
23 \$51,856,713 is for emergency operations center
24 grants under section 614 of the Robert T. Stafford
25 Disaster Relief and Emergency Assistance Act (42

1 U.S.C. 5196c); of which \$173,118,908 is for pre-dis-
2 aster mitigation grants under section 203 of the
3 Robert T. Stafford Disaster Relief and Emergency
4 Assistance Act (42 U.S.C. 5133(e), notwithstanding
5 subsections (f), (g), and (l) of that section (42
6 U.S.C. 5133(f), (g), and (l)); and of which up to
7 \$22,524,379 is for management and administration
8 costs of recipients.

9 (13) \$312,119,000 to sustain current oper-
10 ations for training, exercises, technical assistance,
11 and other programs.

12 DISASTER RELIEF FUND

13 For necessary expenses in carrying out the Robert
14 T. Stafford Disaster Relief and Emergency Assistance Act
15 (42 U.S.C. 5121 et seq.), \$19,945,000,000 to remain
16 available until expended, shall be for major disasters de-
17 clared pursuant to the Robert T. Stafford Disaster Relief
18 and Emergency Assistance Act (42 U.S.C. 5121 et seq.)
19 and is designated by the Congress as being for disaster
20 relief pursuant to section 1(f) of H. Res. 1151 (117th
21 Congress), as engrossed in the House of Representatives
22 on June 8, 2022.

23 NATIONAL FLOOD INSURANCE FUND

24 For activities under the National Flood Insurance
25 Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster

1 Protection Act of 1973 (42 U.S.C. 4001 et seq.), the
2 Biggert-Waters Flood Insurance Reform Act of 2012
3 (Public Law 112–141, 126 Stat. 916), and the Home-
4 owner Flood Insurance Affordability Act of 2014 (Public
5 Law 113–89; 128 Stat. 1020), \$225,000,000, to remain
6 available until September 30, 2024, which shall be derived
7 from offsetting amounts collected under section 1308(d)
8 of the National Flood Insurance Act of 1968 (42 U.S.C.
9 4015(d)); of which \$18,500,000 shall be available for mis-
10 sion support associated with flood management; and of
11 which \$206,500,000 shall be available for flood plain man-
12 agement and flood mapping: *Provided*, That any addi-
13 tional fees collected pursuant to section 1308(d) of the
14 National Flood Insurance Act of 1968 (42 U.S.C.
15 4015(d)) shall be credited as offsetting collections to this
16 account, to be available for flood plain management and
17 flood mapping: *Provided further*, That in fiscal year 2023,
18 no funds shall be available from the National Flood Insur-
19 ance Fund under section 1310 of the National Flood In-
20 surance Act of 1968 (42 U.S.C. 4017) in excess of—

21 (1) \$233,700,000 for operating expenses and
22 salaries and expenses associated with flood insurance
23 operations;

24 (2) \$960,647,000 for commissions and taxes of
25 agents;

1 (3) such sums as are necessary for interest on
2 Treasury borrowings; and

3 (4) \$175,000,000, which shall remain available
4 until expended, for flood mitigation actions and for
5 flood mitigation assistance under section 1366 of the
6 National Flood Insurance Act of 1968 (42 U.S.C.
7 4104c), notwithstanding sections 1366(e) and
8 1310(a)(7) of such Act (42 U.S.C. 4104c(e), 4017):
9 *Provided further*, That the amounts collected under section
10 102 of the Flood Disaster Protection Act of 1973 (42
11 U.S.C. 4012a) and section 1366(e) of the National Flood
12 Insurance Act of 1968 (42 U.S.C. 4104c(e)), shall be de-
13 posited in the National Flood Insurance Fund to supple-
14 ment other amounts specified as available for section 1366
15 of the National Flood Insurance Act of 1968, notwith-
16 standing section 102(f)(8), section 1366(e) of the National
17 Flood Insurance Act of 1968, and paragraphs (1) through
18 (3) of section 1367(b) of such Act (42 U.S.C. 4012a(f)(8),
19 4104c(e), 4104d(b)(1)–(3)): *Provided further*, That total
20 administrative costs shall not exceed 4 percent of the total
21 appropriation: *Provided further*, That up to \$5,000,000 is
22 available to carry out section 24 of the Homeowner Flood
23 Insurance Affordability Act of 2014 (42 U.S.C. 4033).

1 ADMINISTRATIVE PROVISIONS

2 SEC. 301. (a) Notwithstanding section 2008(a)(12)
3 of the Homeland Security Act of 2002 (6 U.S.C.
4 609(a)(12)) or any other provision of law, not more than
5 5 percent of the amount of a grant made available in para-
6 graphs (1) through (5) under “Federal Emergency Man-
7 agement Agency—Federal Assistance”, may be used by
8 the recipient for expenses directly related to administra-
9 tion of the grant.

10 (b) The authority provided in subsection (a) shall also
11 apply to a state recipient for the administration of a grant
12 under paragraph (3) under such heading for the Nonprofit
13 Security Grant Program.

14 SEC. 302. Notwithstanding clauses (i) through (v) of
15 section 204(e)(1)(A) of the Homeland Security Act of
16 2002 (6 U.S.C. 605(e)(1)(A)(i) through (v)), for fiscal
17 year 2023, the meaning of “total funds appropriated for
18 grants under this section and section 2003” shall not in-
19 clude any funds appropriated for the Nonprofit Security
20 Grant Program under paragraph (3) under the heading
21 “Federal Emergency Management Agency—Federal As-
22 sistance”.

23 SEC. 303. Applications for grants under the heading
24 “Federal Emergency Management Agency—Federal As-
25 sistance”, for paragraphs (1) through (4), shall be made

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

7 SEC. 304. (a) Under the heading “Federal Emer-
8 gency Management Agency—Federal Assistance”, for
9 grants under paragraphs (1) through (5) and (9), the Ad-
10 ministrator of the Federal Emergency Management Agen-
11 cy shall brief the Committees on Appropriations of the
12 Senate and the House of Representatives 5 full business
13 days in advance of announcing publicly the intention of
14 making an award.

15 (b) If any such public announcement is made before
16 5 full business days have elapsed following such briefing,
17 \$1,000,000 of amounts appropriated by this Act for “Fed-
18 eral Emergency Management Agency—Operations and
19 Support” shall be rescinded.

20 SEC. 305. Under the heading “Federal Emergency
21 Management Agency—Federal Assistance”, for grants
22 under paragraphs (1) and (2), the installation of commu-
23 nications towers is not considered construction of a build-
24 ing or other physical facility.

1 SEC. 306. The reporting requirements in paragraphs
2 (1) and (2) under the heading “Federal Emergency Man-
3 agement Agency—Disaster Relief Fund” in the Depart-
4 ment of Homeland Security Appropriations Act, 2015
5 (Public Law 114–4), related to reporting on the Disaster
6 Relief Fund, shall be applied in fiscal year 2023 with re-
7 spect to budget year 2024 and current fiscal year 2023,
8 respectively—

9 (1) in paragraph (1) by substituting “fiscal
10 year 2024” for “fiscal year 2016”; and

11 (2) in paragraph (2) by inserting “business”
12 after “fifth”.

13 SEC. 307. In making grants under the heading “Fed-
14 eral Emergency Management Agency—Federal Assist-
15 ance”, for Staffing for Adequate Fire and Emergency Re-
16 sponse grants, the Administrator of the Federal Emer-
17 gency Management Agency may grant waivers from the
18 requirements in subsections (a)(1)(A), (a)(1)(B),
19 (a)(1)(E), (c)(1), (c)(2), and (c)(4) of section 34 of the
20 Federal Fire Prevention and Control Act of 1974 (15
21 U.S.C. 2229a).

22 SEC. 308. (a) The aggregate charges assessed during
23 fiscal year 2023, as authorized in title III of the Depart-
24 ments of Veterans Affairs and Housing and Urban Devel-
25 opment, and Independent Agencies Appropriations Act,

1 1999 (42 U.S.C. 5196e), shall not be less than 100 per-
2 cent of the amounts anticipated by the Department of
3 Homeland Security to be necessary for its Radiological
4 Emergency Preparedness Program for the next fiscal year.

5 (b) The methodology for assessment and collection of
6 fees shall be fair and equitable and shall reflect costs of
7 providing such services, including administrative costs of
8 collecting such fees.

9 (c) Such fees shall be deposited in a Radiological
10 Emergency Preparedness Program account as offsetting
11 collections and will become available for authorized pur-
12 poses on October 1, 2023, and remain available until ex-
13 pended.

14 SEC. 309. In making grants under the heading “Fed-
15 eral Emergency Management Agency—Federal Assist-
16 ance”, for Assistance to Firefighter Grants, the Adminis-
17 trator of the Federal Emergency Management Agency
18 may waive subsection (k) of section 33 of the Federal Fire
19 Prevention and Control Act of 1974 (15 U.S.C. 2229).

1 TITLE IV
2 RESEARCH, DEVELOPMENT, TRAINING, AND
3 SERVICES
4 U.S. CITIZENSHIP AND IMMIGRATION SERVICES
5 OPERATIONS AND SUPPORT

6 For necessary expenses of U.S. Citizenship and Im-
7 migration Services for operations and support, including
8 for the E-Verify Program, application processing, the re-
9 duction of backlogs within asylum, field, and service center
10 offices, and for the Refugee, Asylum, and International
11 Operations Programs, \$653,293,000: *Provided*, That such
12 amounts shall be in addition to any other amounts made
13 available for such purposes, and shall not be construed to
14 require any reduction of any fee described in section
15 286(m) of the Immigration and Nationality Act (8 U.S.C.
16 1356(m)): *Provided further*, That not to exceed \$2,500
17 shall be for official reception and representation expenses:
18 *Provided further*, That, notwithstanding any other provi-
19 sion of law, not to exceed \$20,000,000, to remain available
20 until September 30, 2024, shall be for implementation of
21 the Deferred Action for Childhood Arrivals Program of the
22 Secretary of Homeland Security, established pursuant to
23 the memorandum from the Secretary of Homeland Secu-
24 rity entitled ‘Exercising Prosecutorial Discretion with Re-
25 spect to Individuals Who Came to the United States as

1 Children', dated June 15, 2012, including for the proc-
2 essing of applications for such program and for work au-
3 thorization under such program.

4 FEDERAL ASSISTANCE

5 For necessary expenses of U.S. Citizenship and Im-
6 migration Services for Federal assistance for the Citizen-
7 ship and Integration Grant Program, \$30,000,000, to re-
8 main available until September 30, 2024.

9 FEDERAL LAW ENFORCEMENT TRAINING CENTERS

10 OPERATIONS AND SUPPORT

11 For necessary expenses of the Federal Law Enforce-
12 ment Training Centers for operations and support, includ-
13 ing the purchase of not to exceed 117 vehicles for police-
14 type use and hire of passenger motor vehicles, and services
15 as authorized by section 3109 of title 5, United States
16 Code, \$355,247,000, of which \$66,665,000 shall remain
17 available until September 30, 2024: *Provided*, That not
18 to exceed \$7,180 shall be for official reception and rep-
19 resentation expenses.

20 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

21 For necessary expenses of the Federal Law Enforce-
22 ment Training Centers for procurement, construction, and
23 improvements, \$41,300,000, to remain available until Sep-
24 tember 30, 2027, for acquisition of necessary additional
25 real property and facilities, construction and ongoing

1 maintenance, facility improvements and related expenses
2 of the Federal Law Enforcement Training Centers.

3 SCIENCE AND TECHNOLOGY DIRECTORATE

4 OPERATIONS AND SUPPORT

5 For necessary expenses of the Science and Tech-
6 nology Directorate for operations and support, including
7 the purchase or lease of not to exceed 5 vehicles,
8 \$369,107,000, of which \$215,397,000 shall remain avail-
9 able until September 30, 2024: *Provided*, That not to ex-
10 ceed \$10,000 shall be for official reception and representa-
11 tion expenses.

12 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

13 For necessary expenses of the Science and Tech-
14 nology Directorate for procurement, construction, and im-
15 provements, \$63,716,000, to remain available until Sep-
16 tember 30, 2027.

17 RESEARCH AND DEVELOPMENT

18 For necessary expenses of the Science and Tech-
19 nology Directorate for research and development,
20 \$530,954,000, to remain available until September 30,
21 2025.

22 COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

23 OPERATIONS AND SUPPORT

24 For necessary expenses of the Countering Weapons
25 of Mass Destruction Office for operations and support,

1 \$151,970,000, of which \$50,446,000 shall remain avail-
2 able until September 30, 2024: *Provided*, That not to ex-
3 ceed \$2,250 shall be for official reception and representa-
4 tion expenses.

5 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

6 For necessary expenses of the Countering Weapons
7 of Mass Destruction Office for procurement, construction,
8 and improvements, \$55,304,000, to remain available until
9 September 30, 2025.

10 RESEARCH AND DEVELOPMENT

11 For necessary expenses of the Countering Weapons
12 of Mass Destruction Office for research and development,
13 \$82,515,000, to remain available until September 30,
14 2025.

15 FEDERAL ASSISTANCE

16 For necessary expenses of the Countering Weapons
17 of Mass Destruction Office for Federal assistance through
18 grants, contracts, cooperative agreements, and other ac-
19 tivities, \$139,183,000, to remain available until Sep-
20 tember 30, 2025.

21 ADMINISTRATIVE PROVISIONS

22 SEC. 401. (a) Notwithstanding any other provision
23 of law, funds otherwise made available to U.S. Citizenship
24 and Immigration Services may be used to acquire, operate,
25 equip, and dispose of up to 5 vehicles, for replacement

1 only, for areas where the Administrator of General Serv-
2 ices does not provide vehicles for lease.

3 (b) The Director of U.S. Citizenship and Immigration
4 Services may authorize employees who are assigned to
5 those areas to use such vehicles to travel between the em-
6 ployees' residences and places of employment.

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

16 SEC. 403. Notwithstanding any other provision of
17 law, any Federal funds made available to U.S. Citizenship
18 and Immigration Services may be used for the collection
19 and use of biometrics taken at a U.S. Citizenship and Im-
20 migration Services Application Support Center that is
21 overseen virtually by U.S. Citizenship and Immigration
22 Services personnel using appropriate technology.

23 SEC. 404. (a) The numerical limitations in sections
24 201, 202, and 203 of the Immigration and Nationality Act
25 (8 U.S.C. 1151, 1152, and 1153) shall not apply during

1 fiscal year 2023 or during any subsequent fiscal year to
2 an alien described in section 101(a)(27)(J) of that Act (8
3 U.S.C. 1101(a)(27)(J)) for whom a petition for classifica-
4 tion under section 203(b)(4) of that Act (8 U.S.C.
5 1153(b)(4)) was filed before October 1, 2023.

6 (b) This section shall take effect on June 1, 2023.

7 SEC. 405. (a)(1) Notwithstanding any other provision
8 of law, beginning in fiscal year 2023, the number of fam-
9 ily-sponsored immigrant visas that may be issued under
10 section 203(a) of the Immigration and Nationality Act (8
11 U.S.C. 1153(a)) shall be increased by the number com-
12 puted under paragraph (2). Section 202(a)(2) of the Im-
13 migration and Nationality Act (8 U.S.C. 1152(a)(2)) shall
14 not apply to the additional family-sponsored immigrant
15 visas made available under this paragraph.

16 (2) The number computed under this paragraph is
17 the difference, if any, between—

18 (A) the difference, if any, between—

19 (i) the number of visas that were originally
20 made available to family-sponsored immigrants
21 under section 201(c)(1) of the Immigration and Na-
22 tionality Act (8 U.S.C. 1151(c)(1)) for fiscal years
23 1992 through 2021, reduced by any unused visas
24 made available to such immigrants in such fiscal

1 years under section 201(c)(3) of such Act (8 U.S.C.
2 1151(e)(3)); and

3 (ii) the number of visas described in clause (i)
4 that were issued under section 203(a) of the Immi-
5 gration and Nationality Act (8 U.S.C. 1153(a)), or,
6 in accordance with section 201(d)(2)(C) of such Act
7 (8 U.S.C. 1151(d)(2)(C)), under section 203(b) of
8 such Act (8 U.S.C. 1153(b)); and

9 (B) the number of visas resulting from the calculation
10 under subparagraph (A) issued under section 203(a) of
11 the Immigration and Nationality Act (8 U.S.C. 1153(a))
12 after fiscal year 2022.

13 (3) The number of family-sponsored immigrant
14 visas computed under paragraph (2) that may be
15 issued under section 203(a) of the Immigration and
16 Nationality Act (8 U.S.C. 1153(a)) shall be allotted
17 between the family-sponsored categories at the start
18 of every fiscal year as follows:

19 (A) 10.4 percent to family-sponsored immi-
20 grants under section 203(a)(1) of the Immigra-
21 tion and Nationality Act (8 U.S.C. 1153(a)(1)),
22 plus any visa available under this paragraph
23 not required for subparagraph (E);

24 (B) 38.9 percent to family-sponsored immi-
25 grants under section 203(a)(2)(A) of the Immi-

1 gration and Nationality Act (8 U.S.C.
2 1153(a)(2)(A)), plus any visa available under
3 this paragraph not required for subparagraph
4 (A);

5 (C) 11.6 percent to family-sponsored immi-
6 grants under section 203(a)(2)(B) of the Immi-
7 gration and Nationality Act (8 U.S.C.
8 1153(a)(2)(B)), plus any visa available under
9 this paragraph not required for subparagraphs
10 (A) and (B);

11 (D) 10.4 percent to family-sponsored im-
12 migrants under section 203(a)(3) of the Immi-
13 gration and Nationality Act (8 U.S.C.
14 1153(a)(3)), plus any visa available under this
15 paragraph not required for subparagraphs (A)
16 through (C); and

17 (E) 28.7 percent to family-sponsored immi-
18 grants under section 203(a)(4) of the Immigra-
19 tion and Nationality Act (8 U.S.C. 1153(a)(4)),
20 plus any visa available under this paragraph
21 not required for subparagraphs (A) through
22 (D).

23 (b)(1) Notwithstanding any other provision of law,
24 beginning in fiscal year 2023, the number of employment-
25 based immigrant visas that may be issued under section

1 203(b) of the Immigration and Nationality Act (8 U.S.C.
2 1153(b)) shall be increased by the number computed
3 under paragraph (2). Section 202(a)(2) of the Immigra-
4 tion and Nationality Act (8 U.S.C. 1152(a)(2)) shall not
5 apply to the additional employment-based immigrant visas
6 made available under this paragraph.

7 (2) The number computed under this paragraph is
8 the difference, if any, between—

9 (A) the difference, if any, between—

10 (i) the number of visas that were originally
11 made available to employment-based immi-
12 grants under section 201(d)(1) of the Immigra-
13 tion and Nationality Act (8 U.S.C. 1151(d)(1))
14 for fiscal years 1992 through 2022, reduced by
15 any unused visas made available to such immi-
16 grants in such fiscal years under section
17 201(d)(2) of the Immigration and Nationality
18 Act (8 U.S.C. 1151(d)(2)); and

19 (ii) the number of visas described in clause
20 (i) that were issued under section 203(b) of the
21 Immigration and Nationality Act (8 U.S.C.
22 1153(b)), or, in accordance with section
23 201(c)(3)(C) of the immigration and Nation-
24 ality Act (8 U.S.C. 1151(c)(3)(C)), under sec-

1 tion 203(a) of the Immigration and Nationality
2 Act (8 U.S.C. 1153(a)); and

3 (B) the number of visas resulting from the cal-
4 culation under subparagraph (A) issued under sec-
5 tion 203(b) of the Immigration and Nationality Act
6 (8 U.S.C. 1153(b)) after fiscal year 2022.

7 (3) The number of employment-based immi-
8 grant visas computed under paragraph (2) that may
9 be issued under section 203(b) of the Immigration
10 and Nationality Act (8 U.S.C. 1153(b)) shall be al-
11 lotted between the employment-based categories at
12 the start of every fiscal year as follows:

13 (A) 28.6 percent to employment-based im-
14 migrants under section 203(b)(1) of the Immi-
15 gration and Nationality Act (8 U.S.C.
16 1153(b)(1)), plus any visa available under this
17 paragraph not required for subparagraph (F);

18 (B) 28.6 percent to employment-based im-
19 migrants under section 203(b)(2) of the Immi-
20 gration and Nationality Act (8 U.S.C.
21 1153(b)(2)), plus any visa available under this
22 paragraph not required for subparagraph (A);

23 (C) 21.5 percent to employment-based im-
24 migrants under section 203(b)(3)(A)(i) and (ii)
25 of the Immigration and Nationality Act (8

1 U.S.C. 1153(b)(3)(A)(i) and (ii)), plus any visa
2 available under this paragraph not required for
3 subparagraphs (A) and (B);

4 (D) 7.1 percent to employment-based im-
5 migrants under section 203(b)(3)(A)(iii) of the
6 Immigration and Nationality Act (8 U.S.C.
7 1153(b)(3)(A)(iii)), plus any visa available
8 under this paragraph not required for subpara-
9 graphs (A) through (C);

10 (E) 7.1 percent to employment-based im-
11 migrants under section 203(b)(4) of the Immi-
12 gration and Nationality Act (8 U.S.C.
13 1153(b)(4)), plus any visa available under this
14 paragraph not required for subparagraphs (A)
15 through (D); and

16 (F) 7.1 percent to employment-based im-
17 migrants under section 203(b)(5) of the Immi-
18 gration and Nationality Act (8 U.S.C.
19 1153(b)(5)), plus any visa available under this
20 paragraph not required for subparagraphs (A)
21 through (E).

22 (c) Section 201(c) of the Immigration and Nation-
23 ality Act (8 U.S.C. 1151(c)) is amended to read as follows:

24 “(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED
25 IMMIGRANTS.—The worldwide level of family-sponsored

1 immigrants under this subsection for a fiscal year is equal
2 to—

3 “(1) 226,000, plus

4 “(2) the difference (if any) between the max-
5 imum number of visas which may be issued under
6 section 203(a) (relating to family-sponsored immi-
7 grants) during the previous fiscal year and the num-
8 ber of aliens who were issued immigrant visas or
9 who otherwise acquired the status of aliens lawfully
10 admitted to the United States for permanent resi-
11 dence under that section during that year.”.

12 (d) Section 201(d) of the Immigration and Nation-
13 ality Act (8 U.S.C. 1151(d)) is amended to read as fol-
14 lows:

15 “(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED
16 IMMIGRANTS.—The worldwide level of employment-based
17 immigrants under this subsection for a fiscal year is equal
18 to—

19 “(1) 140,000, plus

20 “(2) the difference (if any) between the max-
21 imum number of visas which may be issued under
22 section 203(b) (relating to employment-based immi-
23 grants) during the previous fiscal year and the num-
24 ber of aliens who were issued immigrant visas or
25 who otherwise acquired the status of aliens lawfully

1 admitted to the United States for permanent resi-
2 dence under that section during that year.”.

3 SEC. 406. (a) Notwithstanding section
4 204(a)(1)(I)(ii)(II) of the Immigration and Nationality
5 Act (8 U.S.C. 1154(a)(1)(I)(ii)(II)), and subject to sub-
6 section (d) of this section, an immigrant visa for those
7 selected in accordance with section 203(e)(2) of the Immi-
8 gration and Nationality Act (8 U.S.C. 1153(e)(2)) in any
9 of fiscal years 2017, 2018, 2019, 2020, or 2021 shall re-
10 main available to such alien if the alien was refused a visa,
11 prevented from seeking admission, or denied admission to
12 the United States solely because of—

13 (1) Executive Order 13769 (82 Fed. Reg. 8977; re-
14 lating to “Protecting the Nation from Foreign Terrorist
15 Entry into The United States”);

16 (2) Executive Order 13780 (82 Fed. Reg. 13209; re-
17 lating “Protecting the Nation from Foreign Terrorist
18 Entry into the United States”);

19 (3) Proclamation 9645 (82 Fed. Reg. 45161; relating
20 to “Enhancing Vetting Capabilities and Processes for De-
21 tecting Attempted Entry into the United States by Terror-
22 ists or Other Public-Safety Threats”); or

23 (4) Proclamation 9983 (85 Fed. Reg. 6699; relating
24 to “Improving Enhanced Vetting Capabilities and Proc-

1 esses for Detecting Attempted Entry into the United
2 States by Terrorists or Other Public-Safety Threats”).

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

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

11 (2) publish on the Department of State website,
12 information and procedures implementing this sec-
13 tion.

14 (c) The notice described in subsection (b)(1) shall in-
15 clude procedures for the alien to inform the Secretary of
16 State of the alien’s intent to proceed with or abandon the
17 application, and shall include an advisal that such applica-
18 tion shall be deemed abandoned if the alien fails to notify
19 the Secretary of the alien’s intent to proceed within one
20 year after the date on which the notice was issued.

21 (d) An alien described in subsection (a) shall remain
22 eligible to receive a visa described in such subsection until
23 the earliest of the date that—

24 (1) the alien—

1 (A) notifies the Secretary of the alien's in-
2 tent to abandon the application; or

3 (B) fails to respond to the notice described
4 in subsection (b)(1); or

5 (2) the Secretary of State makes a final deter-
6 mination of the alien's ineligibility for such visa
7 under section 203(c)(2), 204(a)(1)(I)(iii), or 212(a)
8 of the Immigration and Nationality Act (8 U.S.C.
9 1153(c)(2), 1154(a)(1)(I)(iii), or 1182(a)).

10 (e) A determination of whether an alien is the child
11 of a visa recipient described in subsection (a), pursuant
12 to section 203(d) of the Immigration and Nationality Act
13 (8 U.S.C. 1153(d)) shall be made using the age of the
14 child when an applicant was initially selected for a visa
15 in accordance with section 203(e)(2) of such Act.

16 SEC. 407. (a) Notwithstanding the numerical limita-
17 tion set forth in section 214(g)(1)(B) of the Immigration
18 and Nationality Act (8 U.S.C. 1184(g)(1)(B)), the Sec-
19 retary of Homeland Security, after consultation with the
20 Secretary of Labor and upon the determination that the
21 needs of American businesses cannot be satisfied in fiscal
22 year 2023 with United States workers who are willing,
23 qualified, and able to perform temporary nonagricultural
24 labor, may increase the total number of aliens who may
25 receive a visa under section 101(a)(15)(H)(ii)(b) of such

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

7 (b) The Secretary of Homeland Security shall issue
8 guidance implementing this section not later than 60 days
9 after the date of enactment of this Act.

10 (c) Notwithstanding section 553 of title 5, United
11 States Code, such guidance may be published on the inter-
12 net website of the Department of Homeland Security, and
13 shall be effective immediately upon such publication.

14 SEC. 408. In fiscal year 2023, nonimmigrants shall
15 be admitted to the United States under section
16 101(a)(15)(H)(ii)(a) of the Immigration and Nationality
17 Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) to perform agricul-
18 tural labor or services, without regard to whether such
19 labor is, or services are, of a temporary or seasonal nature.

20 SEC. 409. The Director of the Federal Law Enforce-
21 ment Training Centers is authorized to distribute funds
22 to Federal law enforcement agencies for expenses incurred
23 participating in training accreditation.

24 SEC. 410. The Federal Law Enforcement Training
25 Accreditation Board, including representatives from the

1 Federal law enforcement community and non-Federal ac-
2 creditation experts involved in law enforcement training,
3 shall lead the Federal law enforcement training accredita-
4 tion process to continue the implementation of measuring
5 and assessing the quality and effectiveness of Federal law
6 enforcement training programs, facilities, and instructors.

7 SEC. 411. (a) The Director of the Federal Law En-
8 forcement Training Centers may accept transfers to its
9 “Procurement, Construction, and Improvements” account
10 from Government agencies requesting the construction of
11 special use facilities, as authorized by the Economy Act
12 (31 U.S.C. 1535(b)).

13 (b) The Federal Law Enforcement Training Centers
14 shall maintain administrative control and ownership upon
15 completion of such facilities.

16 SEC. 412. The functions of the Federal Law Enforce-
17 ment Training Centers instructor staff shall be classified
18 as inherently governmental for purposes of the Federal
19 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
20 note).

TITLE V

GENERAL PROVISIONS

(INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

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

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided to the Department of Homeland Security by this Act, by prior Acts, or from any accounts in the Treasury of the United States derived from the collection of fees available to the components funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) augments funding for any program, project, or activity in excess of \$5,000,000 or 10 percent, whichever is less; or

1 (4) reduces funding for any program, project, or ac-
2 tivity, or numbers of personnel, by 10 percent or more.

3 (b) Subsection (a) shall not apply if the Com-
4 mittees on Appropriations of the Senate and the
5 House of Representatives are notified at least 15
6 days in advance of such reprogramming by the
7 Under Secretary for Management of the Department
8 of Homeland Security.

9 (c) Up to 5 percent of any appropriation made
10 available to the Department of Homeland Security
11 by this Act or provided by previous appropriations
12 Acts may be transferred between appropriations to
13 address exigent requirements or circumstances if the
14 Committees on Appropriations of the Senate and the
15 House of Representatives are notified at least 30
16 days in advance of such transfer, except that—

17 (1) no such appropriation shall be aug-
18 mented by more than 10 percent by such trans-
19 fers unless otherwise specifically provided in
20 this Act; and

21 (2) no funding may be transferred from an
22 appropriation that is designated by the Con-
23 gress as being for—

1 (A) an emergency requirement pursu-
2 ant to a concurrent resolution on the budg-
3 et; or

4 (B) disaster relief pursuant to a con-
5 current resolution on the budget.

6 (d) Notwithstanding subsections (b) and (c), no
7 funds shall be obligated for any purpose described in
8 subsection (a) and no funds shall be transferred be-
9 tween appropriations based upon an initial notifica-
10 tion provided after June 30, except—

11 (1) as otherwise provided in this Act; or

12 (2) when the Under Secretary for Manage-
13 ment provides a written justification and cer-
14 tifies in writing to the Committees on Appro-
15 priations of the Senate and the House of Rep-
16 resentatives that such action is necessary due to
17 extraordinary circumstances that imminently
18 threaten the safety of human life or the protec-
19 tion of property.

20 (e) 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 if the Secretary notifies the Committees on Appropria-

1 tions of the Senate and the House of Representatives at
2 least 5 days in advance of such transfer.

3 (f) For purposes of this section—

4 (1) The term “program, project, or activity” means—

5 (A) each item listed under an appropriation ac-
6 count or fee funded program account for which an
7 amount is specified in the detailed funding table lo-
8 cated at the end of the explanatory statement ac-
9 companying the applicable appropriations Act;

10 (B) each item for which the explanatory state-
11 ment accompanying the applicable appropriations
12 Act specifies a funding amount, except for references
13 to increases or reductions below the budget request;
14 or

15 (C) in the case of subsection (a)(1), any allow-
16 able use of funds that is not within the scope of an
17 item described in subparagraph (A) or (B) of this
18 paragraph, except for such accounts or programs for
19 which there are no such items;

20 (2) The term “reprogramming of funds”
21 means a reduction to or augmentation of a
22 funding amount specified in the explanatory
23 statement accompanying the applicable appro-
24 priations Act for a program, project, or activity;
25 and

1 (3) The term “exigent requirements or cir-
2 cumstances” means those requirements or cir-
3 cumstances for which an inability to increase
4 budgetary resources through a transfer of funds
5 during the current fiscal year would result in a
6 significant increase in costs to the Federal gov-
7 ernment in the current or a subsequent fiscal
8 year or would seriously compromise needed de-
9 partmental capabilities.

10 SEC. 504. (a) None of the funds provided by this Act,
11 by prior Acts, or from any accounts in the Treasury of
12 the United States derived from the collection of fees avail-
13 able to the components funded by this Act, shall be avail-
14 able for an obligation that contracts out any function pres-
15 ently performed by Federal personnel or any new function
16 proposed to be performed by Federal personnel in the
17 President’s budget, submitted pursuant to section 1105(a)
18 of title 31, United States Code, and accompanying jus-
19 tification materials for the fiscal year funded by this Act
20 or prior Department of Homeland Security appropriations
21 Acts.

22 (b) None of the funds provided by this Act or prior
23 Department of Homeland Security Appropriations Acts
24 for “Procurement, Construction, and Improvements” may

1 be available for an obligation for any purpose that was
2 not—

3 (1) proposed in the President’s budget, sub-
4 mitted pursuant to section 1105(a) of title 31,
5 United States Code, and accompanying justification
6 materials, for the applicable fiscal year; or

7 (2) explicitly described in the applicable appro-
8 priations Act or the explanatory statement accom-
9 panying such Act.

10 (c) None of the funds provided by this Act or prior
11 Department of Homeland Security Appropriations Acts
12 for “Operations and Support” may be available for an ob-
13 ligation to establish or eliminate any office or other func-
14 tional unit affecting more than 10 full-time personnel
15 equivalents unless such establishment or elimination
16 was—

17 (1) proposed in the President’s budget, sub-
18 mitted pursuant to section 1105(a) of title 31,
19 United States Code, and accompanying justification
20 materials, for the applicable fiscal year; or

21 (2) explicitly described in the applicable appro-
22 priations Act or the explanatory statement accom-
23 panying such Act.

24 (d) Subsections (a), (b), and (c) shall not apply if
25 the Committees on Appropriations of the Senate and the

1 House of Representatives are notified at least 15 days in
2 advance of such obligation by the Under Secretary for
3 Management of the Department of Homeland Security.

4 SEC. 505. (a) Except as otherwise specifically pro-
5 vided by law, not to exceed 50 percent of unobligated bal-
6 ances remaining available at the end of fiscal year 2023,
7 as recorded in the financial records at the time of a re-
8 programming notification, but not later than June 30,
9 2024, from appropriations for “Operations and Support”
10 for fiscal year 2023 in this Act shall remain available
11 through September 30, 2024, in the account and for the
12 purposes for which the appropriations were provided.

13 (b) Prior to the obligation of such funds, a notifica-
14 tion shall be submitted to the Committees on Appropria-
15 tions of the Senate and the House of Representatives in
16 accordance with section 503 of this Act.

17 SEC. 506. (a) Section 504 of the Department of
18 Homeland Security Appropriations Act, 2017 (division F
19 of Public Law 115–31), related to the operations of a
20 working capital fund, shall apply with respect to funds
21 made available in this Act in the same manner as such
22 section applied to funds made available in that Act.

23 (b) Funds from such working capital fund may be
24 obligated and expended in anticipation of reimbursements

1 from components of the Department of Homeland Secu-
2 rity.

3 SEC. 507. (a) Funds made available by this Act for
4 intelligence activities are deemed to be specifically author-
5 ized by the Congress for purposes of section 504 of the
6 National Security Act of 1947 (50 U.S.C. 414) during fis-
7 cal year 2023 until the enactment of an Act authorizing
8 intelligence activities for fiscal year 2023.

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

16 (c) Prior to the obligation of any funds transferred
17 under subsection (b), the Management Directorate shall
18 brief the Committees on Appropriations of the Senate and
19 the House of Representatives on a plan for the use of such
20 funds.

21 SEC. 508. (a) The Secretary of Homeland Security,
22 or the designee of the Secretary, shall notify the Commit-
23 tees on Appropriations of the Senate and the House of
24 Representatives at least 3 full business days in advance
25 of—

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

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

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

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

13 (5) announcing publicly the intention to make
14 or award items under paragraph (1), (2), (3), or (4),
15 including a contract covered by the Federal Acquisi-
16 tion Regulation.

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

24 (c) A notification under this section—

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

3 (2) shall include the amount of the award; the
4 fiscal year for which the funds for the award were
5 appropriated; the type of contract; and the account
6 from which the funds are being drawn.

7 SEC. 509. Notwithstanding any other provision of
8 law, no agency shall purchase, construct, or lease any ad-
9 ditional facilities, except within or contiguous to existing
10 locations, to be used for the purpose of conducting Federal
11 law enforcement training without advance notification to
12 the Committees on Appropriations of the Senate and the
13 House of Representatives, except that the Federal Law
14 Enforcement Training Centers is authorized to obtain the
15 temporary use of additional facilities by lease, contract,
16 or other agreement for training that cannot be accommo-
17 dated in existing Centers' facilities.

18 SEC. 510. None of the funds appropriated or other-
19 wise made available by this Act may be used for expenses
20 for any construction, repair, alteration, or acquisition
21 project for which a prospectus otherwise required under
22 chapter 33 of title 40, United States Code, has not been
23 approved, except that necessary funds may be expended
24 for each project for required expenses for the development
25 of a proposed prospectus.

1 SEC. 511. No Federal funds may be available to pay
2 the salary of any employee serving as a contracting offi-
3 cer’s representative, or anyone acting in a similar capacity,
4 who has not received contracting officer’s representative
5 training.

6 SEC. 512. (a) None of the funds made available in
7 this Act may be used in contravention of the applicable
8 provisions of the Buy American Act.

9 (b) For purposes of subsection (a), the term “Buy
10 American Act” means chapter 83 of title 41, United
11 States Code.

12 SEC. 513. None of the funds made available in this
13 Act may be used to amend the oath of allegiance required
14 by section 337 of the Immigration and Nationality Act
15 (8 U.S.C. 1448).

16 SEC. 514. None of the funds provided or otherwise
17 made available in this Act shall be available to carry out
18 section 872 of the Homeland Security Act of 2002 (6
19 U.S.C. 452) unless explicitly authorized by the Congress.

20 SEC. 515. None of the funds made available in this
21 Act may be used for planning, testing, piloting, or devel-
22 oping a national identification card.

23 SEC. 516. Any official that is required by this Act
24 to report or to certify to the Committees on Appropria-
25 tions of the Senate and the House of Representatives may

1 not delegate such authority to perform that act unless spe-
2 cifically authorized herein.

3 SEC. 517. None of the funds made available in this
4 Act may be used for first-class travel by the employees
5 of agencies funded by this Act in contravention of sections
6 301–10.122 through 301–10.124 of title 41, Code of Fed-
7 eral Regulations.

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

15 SEC. 519. (a) None of the funds made available in
16 this Act may be used to maintain or establish a computer
17 network unless such network blocks the viewing,
18 downloading, and exchanging of pornography.

19 (b) Nothing in subsection (a) shall limit the use of
20 funds necessary for any Federal, State, tribal, territorial,
21 or local law enforcement agency or any other entity car-
22 rying out criminal investigations, prosecution, or adjudica-
23 tion activities.

24 SEC. 520. None of the funds made available in this
25 Act may be used by a Federal law enforcement officer to

1 facilitate the transfer of an operable firearm to an indi-
2 vidual if the Federal law enforcement officer knows or sus-
3 pects that the individual is an agent of a drug cartel unless
4 law enforcement personnel of the United States continu-
5 ously monitor or control the firearm at all times.

6 SEC. 521. (a) None of the funds made available in
7 this Act may be used to pay for the travel to or attendance
8 of more than 50 employees of a single component of the
9 Department of Homeland Security, who are stationed in
10 the United States, at a single international conference un-
11 less the Secretary of Homeland Security, or a designee,
12 determines that such attendance is in the national interest
13 and notifies the Committees on Appropriations of the Sen-
14 ate and the House of Representatives within at least 10
15 days of that determination and the basis for that deter-
16 mination.

17 (b) For purposes of this section the term “inter-
18 national conference” shall mean a conference occurring
19 outside of the United States attended by representatives
20 of the United States Government and of foreign govern-
21 ments, international organizations, or nongovernmental
22 organizations.

23 (c) The total cost to the Department of Homeland
24 Security of any such conference shall not exceed \$500,000.

1 (d) Employees who attend a conference virtually
2 without travel away from their permanent duty station
3 within the United States shall not be counted for purposes
4 of this section, and the prohibition contained in this sec-
5 tion shall not apply to payments for the costs of attend-
6 ance for such employees.

7 SEC. 522. None of the funds made available in this
8 Act may be used to reimburse any Federal department
9 or agency for its participation in a National Special Secu-
10 rity Event.

11 SEC. 523. (a) None of the funds made available to
12 the Department of Homeland Security by this or any other
13 Act may be obligated for the implementation of any struc-
14 tural pay reform or the introduction of any new position
15 classification that will affect more than 100 full-time posi-
16 tions or costs more than \$5,000,000 in a single year be-
17 fore the end of the 30-day period beginning on the date
18 on which the Secretary of Homeland Security submits to
19 Congress a notification that includes—

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

22 (2) funding required for such change for the
23 current fiscal year and through the Future Years
24 Homeland Security Program;

25 (3) justification for such change; and

1 (4) for a structural pay reform, an analysis of
2 compensation alternatives to such change that were
3 considered by the Department.

4 (b) Subsection (a) shall not apply to such change if—

5 (1) it was proposed in the President’s budget
6 proposal for the fiscal year funded by this Act; and

7 (2) funds for such change have not been explic-
8 itly denied or restricted in this Act.

9 SEC. 524. (a) Any agency receiving funds made avail-
10 able in this Act shall, subject to subsections (b) and (c),
11 post on the public website of that agency any report re-
12 quired to be submitted by the Committees on Appropria-
13 tions of the Senate and the House of Representatives in
14 this Act.

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

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

18 (2) the report contains proprietary information.

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

1 SEC. 525. (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. 526. The authority provided by section 532 of
8 the Department of Homeland Security Appropriations
9 Act, 2018 (Public Law 115–141) regarding primary and
10 secondary schooling of dependents shall continue in effect
11 during fiscal year 2023.

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

14 (1) in subsection (a), by substituting “Sep-
15 tember 30, 2023,” for “September 30, 2017,”; and

16 (2) in subsection (c)(1), by substituting “Sep-
17 tember 30, 2023,” for “September 30, 2017”.

18 (b) The Secretary of Homeland Security, under the
19 authority of section 831 of the Homeland Security Act of
20 2002 (6 U.S.C. 391(a)), may carry out prototype projects
21 under section 2371b of title 10, United States Code, and
22 the Secretary shall perform the functions of the Secretary
23 of Defense as prescribed.

24 (c) The Secretary of Homeland Security under sec-
25 tion 831 of the Homeland Security Act of 2002 (6 U.S.C.

1 391(d)) may use the definition of nontraditional govern-
2 ment contractor as defined in section 2371b(e) of title 10,
3 United States Code.

4 SEC. 528. (a) None of the funds appropriated or oth-
5 erwise made available to the Department of Homeland Se-
6 curity by this Act may be used to prevent any of the fol-
7 lowing persons from entering, for the purpose of con-
8 ducting oversight, any facility operated by or for the De-
9 partment of Homeland Security used to detain or other-
10 wise house aliens, or to make any temporary modification
11 at any such facility that in any way alters what is observed
12 by a visiting Member of Congress or such designated em-
13 ployee, compared to what would be observed in the absence
14 of such modification:

15 (1) A Member of Congress.

16 (2) An employee of the United States House of
17 Representatives or the United States Senate des-
18 ignated by such a Member for the purposes of this
19 section.

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

24 (c) With respect to individuals described in subsection
25 (a)(2), the Department of Homeland Security may require

1 that a request be made at least 24 hours in advance of
2 an intent to enter a facility described in subsection (a).

3 SEC. 529. (a) Except as provided in subsection (b),
4 none of the funds made available in this Act may be used
5 to place restraints on a woman in the custody of the De-
6 partment of Homeland Security (including during trans-
7 port, in a detention facility, or at an outside medical facil-
8 ity) who is pregnant or in post-delivery recuperation.

9 (b) Subsection (a) shall not apply with respect to a
10 pregnant woman if—

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

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

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

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

23 (c) If a pregnant woman is restrained pursuant to
24 subsection (b), only the safest and least restrictive re-
25 straints, as determined by the appropriate medical profes-

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

9 SEC. 530. (a) None of the funds made available by
10 this Act may be used to destroy any document, recording,
11 or other record pertaining to any—

12 (1) death of,

13 (2) potential sexual assault or abuse per-
14 petrated against, or

15 (3) allegation of abuse, criminal activity, or dis-
16 ruption committed by

17 an individual held in the custody of the Department of
18 Homeland Security.

19 (b) The records referred to in subsection (a) shall be
20 made available, in accordance with applicable laws and
21 regulations, and Federal rules governing disclosure in liti-
22 gation, to an individual who has been charged with a
23 crime, been placed into segregation, or otherwise punished
24 as a result of an allegation described in paragraph (3),
25 upon the request of such individual.

1 SEC. 531. Section 519 of division F of Public Law
2 114–113, regarding a prohibition on funding for any posi-
3 tion designated as a Principal Federal Official, shall apply
4 with respect to any Federal funds in the same manner
5 as such section applied to funds made available in that
6 Act.

7 SEC. 532. (a) Not later than 10 days after the date
8 on which the budget of the President for a fiscal year is
9 submitted to Congress pursuant to section 1105(a) of title
10 31, United States Code, the Under Secretary for Manage-
11 ment of Homeland Security shall submit to the Commit-
12 tees on Appropriations of the Senate and the House of
13 Representatives a report on the unfunded priorities, for
14 the Department of Homeland Security and separately for
15 each departmental component, for which discretionary
16 funding would be classified as budget function 050.

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

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

22 (2) the description, including the objectives to
23 be achieved if such priority is funded (whether in
24 whole or in part);

1 (3) account information, including the following
2 (as applicable):

3 (A) appropriation account; and

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

5 and

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

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

10 (1) is not funded in the budget referred to in
11 subsection (a);

12 (2) is necessary to fulfill a requirement associ-
13 ated with an operational or contingency plan for the
14 Department; and

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

17 (A) additional resources had been available
18 for the budget to fund the requirement;

19 (B) the requirement has emerged since the
20 budget was formulated; or

21 (C) the requirement is necessary to sustain
22 prior-year investments.

23 SEC. 533. (a) Not later than 10 days after a deter-
24 mination is made by the President to evaluate and initiate
25 protection under any authority for a former or retired

1 Government official or employee, or for an individual who,
2 during the duration of the directed protection, will become
3 a former or retired Government official or employee (re-
4 ferred to in this section as a “covered individual”), the
5 Secretary of Homeland Security shall submit a notifica-
6 tion to congressional leadership and the Committees on
7 Appropriations of the Senate and the House of Represent-
8 atives, the Committees on the Judiciary of the Senate and
9 the House of Representatives, the Committee on Home-
10 land Security and Governmental Affairs of the Senate, the
11 Committee on Homeland Security of the House of Rep-
12 resentatives, and the Committee on Oversight and Reform
13 of the House of Representatives (referred to in this section
14 as the “appropriate congressional committees”).

15 (b) Such notification may be submitted in classified
16 form, if necessary, and in consultation with the Director
17 of National Intelligence or the Director of the Federal Bu-
18 reau of Investigation, as appropriate, and shall include the
19 threat assessment, scope of the protection, and the antici-
20 pated cost and duration of such protection.

21 (c) Not later than 15 days before extending, or 30
22 days before terminating, protection for a covered indi-
23 vidual, the Secretary of Homeland Security shall submit
24 a notification regarding the extension or termination and

1 any change to the threat assessment to the congressional
2 leadership and the appropriate congressional committees.

3 (d) Not later than 45 days after the date of enact-
4 ment of this Act, and quarterly thereafter, the Secretary
5 shall submit a report to the congressional leadership and
6 the appropriate congressional committees, which may be
7 submitted in classified form, if necessary, detailing each
8 covered individual, and the scope and associated cost of
9 protection.

10 SEC. 534. (a) None of the funds provided to the De-
11 partment of Homeland Security in this or any prior Act
12 may be used by an agency to submit an initial project pro-
13 posal to the Technology Modernization Fund (as author-
14 ized by section 1078 of subtitle G of Title X of the Na-
15 tional Defense Authorization Act for Fiscal Year 2018
16 (Public Law 115–91)) unless, concurrent with the submis-
17 sion of an initial project proposal to the Technology Mod-
18 ernization Board, the head of the agency—

19 (1) notifies the Committees on Appropriations
20 of the Senate and the House of Representatives of
21 the proposed submission of the project proposal;

22 (2) submits to the Committees on Appropria-
23 tions a copy of the project proposal; and

24 (3) provides a detailed analysis of how the pro-
25 posed project funding would supplement or supplant

1 funding requested as part of the Department's most
2 recent budget submission.

3 (b) None of the funds provided to the Department
4 of Homeland Security by the Technology Modernization
5 Fund shall be available for obligation until 15 days after
6 a report on such funds has been transmitted to the Com-
7 mittees on Appropriations of the Senate and the House
8 of Representatives.

9 (c) The report described in subsection (b) shall in-
10 clude—

11 (1) the full project proposal submitted to and
12 approved by the Fund's Technology Modernization
13 Board;

14 (2) the finalized interagency agreement between
15 the Department and the Fund including the
16 project's deliverables and repayment terms, as appli-
17 cable;

18 (3) a detailed analysis of how the project will
19 supplement or supplant existing funding available to
20 the Department for similar activities;

21 (4) a plan for how the Department will repay
22 the Fund, including specific planned funding
23 sources, as applicable; and

24 (5) other information as determined by the Sec-
25 retary.

1 SEC. 535. (a) For an additional amount for border
2 management requirements of the U.S. Border Patrol, non-
3 detention border management requirements of U.S. Cus-
4 toms and Immigration Enforcement, and the emergency
5 food and shelter program for the purposes of providing
6 shelter and other services to families and individuals en-
7 countered by the Department of Homeland Security, in
8 addition to amounts otherwise made available for such
9 purposes, \$200,000,000.

10 (b) The amount made available by subsection (a) may
11 be transferred by the Secretary of Homeland Security be-
12 tween appropriations for the same purposes, notwith-
13 standing section 503(c) of this Act.

14 (c) Not later than 90 days after the date of enact-
15 ment of this Act, the Under Secretary for Management
16 shall provide an expenditure plan for the use of the funds
17 made available in subsection (a).

18 SEC. 536. No Federal funds may be used by the De-
19 partment of Homeland Security to deny any benefit appli-
20 cation for admission, or protection available to an indi-
21 vidual under the Immigration and Nationality Act (8
22 U.S.C. 1101 et. seq.) on the sole basis of any event, con-
23 duct, finding, admission, history of substance use disorder,
24 arrest, or juvenile adjudication related to cannabis posses-

1 sion, consumption, or use, or to a conviction solely based
2 on such possession, consumption, or use.

3 SEC. 537. No Federal funds made available to the
4 Department of Homeland Security may be used to enter
5 into a procurement contract, memorandum of under-
6 standing, or cooperative agreement with, or make a grant
7 to, or provide a loan or guarantee to, any entity identified
8 under Section 1260H of the William M. (Mac) Thornberry
9 National Defense Authorization Act for Fiscal Year 2021
10 (Public Law 116-283) or any subsidiary of such entity.

11 SEC. 538. Section 205 of the Robert T. Stafford Dis-
12 aster Relief and Emergency Assistance Act (42 U.S.C.
13 5135) is amended—

14 (1) in subsection (d)—

15 (A) in paragraph (2)—

16 (i) by striking subparagraph (C);

17 (ii) at the end of subparagraph (A),

18 by adding “and”; and

19 (iii) at the end of subparagraph (B),

20 by striking “; and” and inserting a period;

21 (B) in paragraph (3)(D), by striking “local

22 governments, insular areas, and Indian tribal

23 governments” and inserting “local governments

24 and Tribal governments”; and

25 (C) by striking paragraph (4); and

1 (2) in subsection (m)—

2 (A) by striking paragraph (3) and insert-
3 ing the following:

4 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-
5 tity’ means a State or an Indian tribal government
6 that has received a major disaster declaration pursu-
7 ant to section 401.”;

8 (B) by striking paragraphs (5) and (10);

9 (C) by redesignating paragraphs (6)
10 through (9) as paragraphs (5) through (8), re-
11 spectively; and

12 (D) by redesignating paragraph (11) as
13 paragraph (9).

14 SEC. 539. (a) The remaining unobligated balances of
15 funds from amounts provided under the heading “Federal
16 Emergency Management Agency—Federal Assistance” in
17 division F of Public Law 117–103 for the project identi-
18 fied as the “Vermilion Safe Room” in the table entitled
19 “Homeland Incorporation of Community Project Funding
20 Items/Congressional Directed Spending Items” under
21 the heading “Federal Emergency Management Agency—
22 Federal Assistance” in the explanatory statement de-
23 scribed in section 4 in the matter preceding division A of
24 Public Law 117–103 are hereby rescinded.

1 (b) In addition to amounts otherwise available, there
2 is appropriated for an additional amount for fiscal year
3 2022 for "Federal Emergency Management Agency—Fed-
4 eral Assistance", \$3,000,000, to remain available until
5 September 30, 2024, for an Emergency Operations Center
6 grant under section 614 of the Robert T. Stafford Dis-
7 aster Relief and Emergency Assistance Act (42 U.S.C.
8 5196c) for the project identified as the "Vermilion Safe
9 Room" in the table entitled "Homeland Incorporation of
10 Community Project Funding Items/Congressionally Di-
11 rected Spending Items" under the heading "Federal
12 Emergency Management Agency—Federal Assistance" in
13 the explanatory statement described in section 4 in the
14 matter preceding division A of Public Law 117–103.

15 (c) —

16 (1) Subject to paragraph (2), this section shall
17 become effective immediately upon enactment of this
18 Act.

19 (2) If this Act is enacted after September 30,
20 2022, this section shall be applied as if it were in
21 effect on September 30, 2022.

22 (RESCISSIONS OF FUNDS)

23 SEC. 540. Of the funds appropriated to the Depart-
24 ment of Homeland Security, the following funds are here-
25 by rescinded from the following accounts and programs

1 in the specified amounts: Provided, That no amounts may
2 be rescinded from amounts that were designated by the
3 Congress as an emergency requirement pursuant to a con-
4 current resolution on the budget or the Balanced Budget
5 and Emergency Deficit Control Act of 1985:

6 (1) \$30,000,000 from Public Law 117–103
7 under the heading “U.S. Customs and Border Pro-
8 tection—Procurement, Construction, and Improve-
9 ments”.

10 (2) \$100,097,000 from Public Law 117–103
11 under the heading “Transportation Security Admin-
12 istration—Operations and Support”.

13 (3) \$87,619,000 from Public Law 117–103
14 under the heading “U.S. Citizenship and Immigra-
15 tion Services—Operations Support”.

16 This Act may be cited as the “Department of Home-
17 land Security Appropriations Act, 2023”.

Union Calendar No. 304

117TH CONGRESS
2^D SESSION

H. R. 8257

[Report No. 117-396]

A BILL

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2023, and for other purposes.

JULY 1, 2022

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