

117TH CONGRESS
2D SESSION

S. 4678

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

IN THE SENATE OF THE UNITED STATES

JULY 28, 2022

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

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, OPERATIONS,
3 INTELLIGENCE, AND OVERSIGHT
4 OFFICE OF THE SECRETARY AND EXECUTIVE
5 MANAGEMENT
6 OPERATIONS AND SUPPORT

7 For necessary expenses of the Office of the Secretary
8 and for executive management for operations and support,
9 \$306,045,000; of which \$20,259,000 shall be for the Of-
10 fice of the Ombudsman for Immigration Detention, of
11 which \$3,048,000 shall remain available until September
12 30, 2024: *Provided*, That not to exceed \$30,000 shall be
13 for official reception and representation expenses.

14 FEDERAL ASSISTANCE
15 (INCLUDING TRANSFER OF FUNDS)

16 For necessary expenses of the Office of the Secretary
17 and for executive management for Federal assistance
18 through grants, contracts, cooperative agreements, and
19 other activities, \$20,000,000, which shall be transferred
20 to “Federal Emergency Management Agency—Federal
21 Assistance”, of which \$20,000,000 shall be for targeted
22 violence and terrorism prevention grants, to remain avail-
23 able until September 30, 2024.

1 MANAGEMENT DIRECTORATE

2 OPERATIONS AND SUPPORT

3 For necessary expenses of the Management Direc-
4 torate for operations and support, including vehicle fleet
5 modernization, \$1,753,400,000, of which \$76,000,000
6 shall remain available until September 30, 2024: *Provided*,
7 That not to exceed \$2,000 shall be for official reception
8 and representation expenses.

9 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

10 For necessary expenses of the Management Direc-
11 torate for procurement, construction, and improvements,
12 \$555,245,000, of which \$165,245,000 shall remain avail-
13 able until September 30, 2025, and of which
14 \$390,000,000 shall remain available until September 30,
15 2027.

16 FEDERAL PROTECTIVE SERVICE

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

1 INTELLIGENCE, ANALYSIS, AND SITUATIONAL
2 AWARENESS
3 OPERATIONS AND SUPPORT

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

13 OFFICE OF THE INSPECTOR GENERAL
14 OPERATIONS AND SUPPORT

15 For necessary expenses of the Office of the Inspector
16 General for operations and support, \$214,879,000: *Pro-*
17 *vided*, That not less than \$5,000,000 shall be used to re-
18 view programs and operations of the United States Secret
19 Service: *Provided further*, That not to exceed \$300,000
20 may be used for certain confidential operational expenses,
21 including the payment of informants, to be expended at
22 the direction of the Inspector General.

23 ADMINISTRATIVE PROVISIONS

24 SEC. 101. (a) The Secretary of Homeland Security
25 shall submit a report not later than October 15, 2023,

1 to the Inspector General of the Department of Homeland
2 Security listing all grants and contracts awarded by any
3 means other than full and open competition during fiscal
4 years 2022 or 2023.

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

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

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

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

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

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

18 SEC. 106. (a) The Under Secretary for Management
19 shall brief the Committees on Appropriations of the Sen-
20 ate and the House of Representatives not later than 30
21 days after the end of each fiscal quarter on all Level 1
22 and Level 2 acquisition programs on the Master Acquisi-
23 tion Oversight list between Acquisition Decision Event 1
24 and Full Operational Capability, including programs that

1 have been removed from such list during the preceding
2 quarter.

3 (b) For each such program without a department-ap-
4 proved acquisition program baseline, the briefing de-
5 scribed in subsection (a) shall include—

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

9 (2) the Acquisition Review Board status, in-
10 cluding—

11 (A) the current acquisition phase;

12 (B) the date and purpose of the most re-
13 cent review; and

14 (C) whether the program has been paused
15 or is in breach status.

16 (c) For each such program with a department-ap-
17 proved acquisition program baseline, the briefing de-
18 scribed in subsection (a) shall include—

19 (1) a description of the purpose of the program,
20 including the capabilities being acquired and the
21 component(s) sponsoring the acquisition;

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

1 (3) the Acquisition Review Board status, in-
2 cluding—

3 (A) the current acquisition phase by incre-
4 ment, as applicable;

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

6 (C) whether the program has been paused
7 or is in breach status;

8 (4) a comparison between the initial Depart-
9 ment-approved acquisition program baseline cost,
10 schedule, and performance thresholds and objectives
11 and the program's current such thresholds and ob-
12 jectives, if applicable;

13 (5) the lifecycle cost estimate, including—

14 (A) the confidence level for the estimate;

15 (B) the fiscal years included in the esti-
16 mate; and

17 (C) a description of and rationale for any
18 changes to the estimate during the prior fiscal
19 year;

20 (6) a summary of the findings of any inde-
21 pendent verification and validation of the items to be
22 acquired or an explanation for why no such
23 verification and validation has been performed;

24 (7) a table displaying the obligation of all pro-
25 gram funds by prior fiscal year, the estimated obli-

1 gation of funds for the current fiscal year, and an
2 estimate for the planned carryover of funds into the
3 subsequent fiscal year;

4 (8) a listing of prime contractors and major
5 subcontractors; and

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

9 (d) The Under Secretary for Management shall sub-
10 mit each approved Acquisition Decision Memoranda for
11 programs described in this section to the Committees on
12 Appropriations of the Senate and the House of Represent-
13 atives not later than 5 business days after the date of ap-
14 proval of such memorandum by the Under Secretary for
15 Management or the designee of the Under Secretary.

16 SEC. 107. (a) None of the funds made available to
17 the Department of Homeland Security in this Act may be
18 obligated for any pilot or demonstration program unless
19 the component or office carrying out such pilot or dem-
20 onstration has documented the information described in
21 subsection (c).

22 (b) Prior to the obligation of any such funds made
23 available for “Operations and Support” for a pilot or dem-
24 onstration, the Under Secretary for Management shall
25 provide a report to the Committees on Appropriations of

1 the Senate and the House of Representatives on the infor-
2 mation described in subsection (c).

3 (c) The information required under subsections (a)
4 and (b) for a pilot or demonstration shall include the fol-
5 lowing—

6 (1) documented objectives that are well-defined
7 and measurable;

8 (2) an assessment methodology that details—

9 (A) the type and source of assessment
10 data;

11 (B) the methods for, and frequency of, col-
12 lecting such data; and

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

14 (3) an implementation plan, including mile-
15 stones, cost estimates, and implementation sched-
16 ules, including a projected end date.

17 (d) Not later than 90 days after the date of comple-
18 tion of a pilot or demonstration, the Under Secretary for
19 Management shall provide a report to the Committees on
20 Appropriations of the Senate and the House of Represent-
21 atives detailing lessons learned, actual costs, any planned
22 expansion or continuation of the pilot or demonstration,
23 and any planned transition of such pilot or demonstration
24 into an enduring program or operation.

1 (e) For the purposes of this section, a pilot or dem-
2 onstration program is a study, demonstration, experi-
3 mental program, or trial that—

4 (1) is an experiment conducted in order to
5 evaluate feasibility, duration, costs, or adverse
6 events, and improve upon the design of an effort
7 prior to implementation of a larger scale effort; and

8 (2) uses more than 10 full-time equivalents or
9 obligates, or proposes to obligate, \$5,000,000 or
10 more, but does not include congressionally directed
11 programs or enhancements and does not include pro-
12 grams that were in operation as of March 15, 2022.

1 TITLE II
2 SECURITY, ENFORCEMENT, AND
3 INVESTIGATIONS
4 U.S. CUSTOMS AND BORDER PROTECTION
5 OPERATIONS AND SUPPORT
6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses of U.S. Customs and Border
8 Protection for operations and support, including the trans-
9 portation of unaccompanied alien minors; the provision of
10 air and marine support to Federal, State, local, and inter-
11 national agencies in the enforcement or administration of
12 laws enforced by the Department of Homeland Security;
13 at the discretion of the Secretary of Homeland Security,
14 the provision of such support to Federal, State, and local
15 agencies in other law enforcement and emergency humani-
16 tarian efforts; the purchase and lease of up to 7,500
17 (6,500 for replacement only) police-type vehicles; the pur-
18 chase, maintenance, or operation of marine vessels, air-
19 craft, and unmanned aerial systems; and contracting with
20 individuals for personal services abroad; \$15,515,296,000;
21 of which \$3,274,000 shall be derived from the Harbor
22 Maintenance Trust Fund for administrative expenses re-
23 lated to the collection of the Harbor Maintenance Fee pur-
24 suant to section 9505(c)(3) of the Internal Revenue Code
25 of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding sec-

tion 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which \$700,000,000 shall be available until September 30, 2024; and of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account: *Provided*, That not to exceed \$34,425 shall be for official reception and representation expenses: *Provided further*, That not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations: *Provided further*, That not to exceed \$2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided further*, That not to exceed \$5,000,000 may be transferred to the Bureau of Indian Affairs for the maintenance and repair of roads on Native American reservations used by the U.S. Border Patrol.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of U.S. Customs and Border Protection for procurement, construction, and improvements, including procurement of marine vessels, aircraft, and unmanned aerial systems, \$548,975,000, of which \$177,009,000 shall remain available until September 30,

1 2025; and of which \$371,966,000 shall remain available
2 until September 30, 2027.

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

6 For necessary expenses of U.S. Immigration and
7 Customs Enforcement for operations and support, includ-
8 ing the purchase and lease of up to 3,790 (2,350 for re-
9 placement only) police-type vehicles; overseas vetted units;
10 and maintenance, minor construction, and minor leasehold
11 improvements at owned and leased facilities;
12 \$8,038,280,000; of which not less than \$6,000,000 shall
13 remain available until expended for efforts to enforce laws
14 against forced child labor; of which \$46,696,000 shall re-
15 main available until September 30, 2024; of which not less
16 than \$1,500,000 is for paid apprenticeships for partici-
17 pants in the Human Exploitation Rescue Operative Child-
18 Rescue Corps; of which not less than \$15,000,000 shall
19 be available for investigation of intellectual property rights
20 violations, including operation of the National Intellectual
21 Property Rights Coordination Center; and of which not
22 less than \$3,663,384,000 shall be for enforcement, deten-
23 tion, and removal operations, including transportation of
24 unaccompanied alien minors: *Provided*, That not to exceed
25 \$11,475 shall be for official reception and representation

1 expenses: *Provided further*, That not to exceed
 2 \$10,000,000 shall be available until expended for con-
 3 ducting special operations under section 3131 of the Cus-
 4 toms Enforcement Act of 1986 (19 U.S.C. 2081): *Pro-*
 5 *vided further*, That not to exceed \$2,000,000 shall be for
 6 awards of compensation to informants, to be accounted
 7 for solely under the certificate of the Secretary of Home-
 8 land Security: *Provided further*, That \$15,000,000, to re-
 9 main available until September 30, 2024, shall be trans-
 10 ferred to “Health and Human Services—Administration
 11 for Children and Families—Refugee and Entrant Assist-
 12 ance” for an Asylum Seeker Case Management Test Pro-
 13 gram: *Provided further*, That not to exceed \$11,216,000
 14 shall be available to fund or reimburse other Federal agen-
 15 cies for the costs associated with the care, maintenance,
 16 and repatriation of smuggled aliens unlawfully present in
 17 the United States.

18 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

19 For necessary expenses of U.S. Immigration and
 20 Customs Enforcement for procurement, construction, and
 21 improvements, \$100,762,000, of which \$22,997,000 shall
 22 remain available until September 30, 2025, and of which
 23 \$77,765,000 shall remain available until September 30,
 24 2027.

1 TRANSPORTATION SECURITY ADMINISTRATION

2 OPERATIONS AND SUPPORT

3 For necessary expenses of the Transportation Secu-
4 rity Administration for operations and support,
5 \$8,677,075,000, to remain available until September 30,
6 2024: *Provided*, That not to exceed \$7,650 shall be for
7 official reception and representation expenses: *Provided*
8 *further*, That security service fees authorized under section
9 44940 of title 49, United States Code, shall be credited
10 to this appropriation as offsetting collections and shall be
11 available only for aviation security: *Provided further*, That
12 the sum appropriated under this heading from the general
13 fund shall be reduced on a dollar-for-dollar basis as such
14 offsetting collections are received during fiscal year 2023
15 so as to result in a final fiscal year appropriation from
16 the general fund estimated at not more than
17 \$6,187,075,000.

18 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

19 For necessary expenses of the Transportation Secu-
20 rity Administration for procurement, construction, and
21 improvements, \$119,345,000, to remain available until
22 September 30, 2025.

23 RESEARCH AND DEVELOPMENT

24 For necessary expenses of the Transportation Secu-
25 rity Administration for research and development,

1 \$33,532,000, to remain available until September 30,
2 2024.

3 COAST GUARD

4 OPERATIONS AND SUPPORT

5 For necessary expenses of the Coast Guard for oper-
6 ations and support including the Coast Guard Reserve;
7 purchase or lease of not to exceed 25 passenger motor ve-
8 hicles, which shall be for replacement only; purchase or
9 lease of small boats for contingent and emergent require-
10 ments (at a unit cost of not more than \$700,000) and
11 repairs and service-life replacements, not to exceed a total
12 of \$31,000,000; purchase, lease, or improvements of boats
13 necessary for overseas deployments and activities; pay-
14 ments pursuant to section 156 of Public Law 97–377 (42
15 U.S.C. 402 note; 96 Stat. 1920); and recreation and wel-
16 fare; \$9,698,639,000, of which \$530,000,000 shall be for
17 defense-related activities; of which \$24,500,000 shall be
18 derived from the Oil Spill Liability Trust Fund to carry
19 out the purposes of section 1012(a)(5) of the Oil Pollution
20 Act of 1990 (33 U.S.C. 2712(a)(5)); of which \$5,000,000
21 shall remain available until September 30, 2025; of which
22 \$24,359,000 shall remain available until September 30,
23 2027, for environmental compliance and restoration; and
24 of which \$70,000,000 shall remain available until Sep-
25 tember 30, 2024, which shall only be available for vessel

1 depot level maintenance: *Provided*, That not to exceed
2 \$23,000 shall be for official reception and representation
3 expenses.

4 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

5 For necessary expenses of the Coast Guard for pro-
6 curement, construction, and improvements, including aids
7 to navigation, shore facilities (including facilities at De-
8 partment of Defense installations used by the Coast
9 Guard), and vessels and aircraft, including equipment re-
10 lated thereto, \$1,925,510,000, to remain available until
11 September 30, 2027; of which \$20,000,000 shall be de-
12 rived from the Oil Spill Liability Trust Fund to carry out
13 the purposes of section 1012(a)(5) of the Oil Pollution Act
14 of 1990 (33 U.S.C. 2712(a)(5)).

15 RESEARCH AND DEVELOPMENT

16 For necessary expenses of the Coast Guard for re-
17 search and development; and for maintenance, rehabilita-
18 tion, lease, and operation of facilities and equipment;
19 \$7,476,000, to remain available until September 30, 2025,
20 of which \$500,000 shall be derived from the Oil Spill Li-
21 ability Trust Fund to carry out the purposes of section
22 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.
23 2712(a)(5)): *Provided*, That there may be credited to and
24 used for the purposes of this appropriation funds received
25 from State and local governments, other public authori-

1 ties, private sources, and foreign countries for expenses
 2 incurred for research, development, testing, and evalua-
 3 tion.

4 RETIRED PAY

5 For retired pay, including the payment of obligations
 6 otherwise chargeable to lapsed appropriations for this pur-
 7 pose, payments under the Retired Serviceman's Family
 8 Protection and Survivor Benefits Plans, payment for ca-
 9 reer status bonuses, payment of continuation pay under
 10 section 356 of title 37, United States Code, concurrent
 11 receipts, combat-related special compensation, and pay-
 12 ments for medical care of retired personnel and their de-
 13 pendants under chapter 55 of title 10, United States Code,
 14 \$2,044,414,000, to remain available until expended.

15 UNITED STATES SECRET SERVICE

16 OPERATIONS AND SUPPORT

17 For necessary expenses of the United States Secret
 18 Service for operations and support, including purchase of
 19 not to exceed 652 vehicles for police-type use; hire of pas-
 20 senger motor vehicles; purchase of motorcycles made in
 21 the United States; hire of aircraft; rental of buildings in
 22 the District of Columbia; fencing, lighting, guard booths,
 23 and other facilities on private or other property not in
 24 Government ownership or control, as may be necessary to
 25 perform protective functions; conduct of and participation

1 in firearms matches; presentation of awards; conduct of
2 behavioral research in support of protective intelligence
3 and operations; payment in advance for commercial ac-
4 commodations as may be necessary to perform protective
5 functions; and payment, without regard to section 5702
6 of title 5, United States Code, of subsistence expenses of
7 employees who are on protective missions, whether at or
8 away from their duty stations; \$2,652,010,000; of which
9 \$52,296,000 shall remain available until September 30,
10 2024, and of which \$6,000,000 shall be for a grant for
11 activities related to investigations of missing and exploited
12 children; and of which up to \$17,000,000 may be for cal-
13 endar year 2022 premium pay in excess of the annual
14 equivalent of the limitation on the rate of pay contained
15 in section 5547(a) of title 5, United States Code, pursuant
16 to section 2 of the Overtime Pay for Protective Services
17 Act of 2016 (5 U.S.C. 5547 note), as last amended by
18 Public Law 116–269: *Provided*, That not to exceed
19 \$19,125 shall be for official reception and representation
20 expenses: *Provided further*, That not to exceed \$100,000
21 shall be to provide technical assistance and equipment to
22 foreign law enforcement organizations in criminal inves-
23 tigations within the jurisdiction of the United States Se-
24 cret Service.

1 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

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

6 RESEARCH AND DEVELOPMENT

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

10 ADMINISTRATIVE PROVISIONS

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

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

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

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

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

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

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

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

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

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

1 Energy and Transportation and representatives from the
2 United States flag maritime industry, takes adequate
3 measures to ensure the use of United States flag vessels.

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

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

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

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

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

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

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

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

12 SEC. 209. Section 211 of the Department of Home-
13 land Security Appropriations Act, 2021 (division F of
14 Public Law 116–260), prohibiting the use of funds for the
15 construction of fencing in certain areas, shall apply with
16 respect to funds made available in this Act in the same
17 manner as such section applied to funds made available
18 in that Act.

19 SEC. 210. (a) The unobligated balances of amounts
20 specified in paragraphs (1) through (5) of section 230(a)
21 of division F of the Consolidated Appropriations Act, 2018
22 (Public Law 115–141), section 230(a)(1) of division A of
23 the Consolidated Appropriations Act, 2019 (Public Law
24 116–6), section 209(a)(1) of division D of the Consoli-
25 dated Appropriations Act, 2020 (Public Law 116–93), and

1 section 210 of division F of the Consolidated Appropria-
2 tions Act, 2021 (Public Law 116–260) shall, in addition
3 to the purposes for which they were originally appro-
4 priated, be available for—

5 (1) the construction and improvement of roads
6 along the southwest border;

7 (2) control of vegetation along the southwest
8 border that creates obstacles to the detection of ille-
9 gal entry;

10 (3) remediation and environmental mitigation,
11 including scientific studies, related to border barrier
12 construction, including barrier construction under-
13 taken by the Department of Defense; and

14 (4) the acquisition and deployment of border se-
15 curity technology at and between ports of entry
16 along the southwest border.

17 (b) Amounts repurposed by this section shall be in
18 addition to any other amounts made available for such
19 purposes.

20 SEC. 211. The Secretary of Homeland Security may
21 transfer up to \$200,000,000 in unobligated balances avail-
22 able from prior appropriations Acts under the heading
23 “U.S. Customs and Border Protection—Procurement,
24 Construction, and Improvements” to the Department of
25 the Interior (including any agency or bureau within the

1 Department of the Interior) or the Forest Service within
2 the Department of Agriculture for the execution of envi-
3 ronmental and other mitigation projects or activities, in-
4 cluding the acquisition of land and scientific studies, re-
5 lated to the construction of border barriers on the south-
6 west border during fiscal years 2017 through 2021 by
7 U.S. Customs and Border Protection and the Department
8 of Defense.

9 SEC. 212. Section 230(b) of division F of the Consoli-
10 dated Appropriations Act, 2018 (Public Law 115–141),
11 section 230(b) of division A of the Consolidated Appro-
12 priations Act, 2019 (Public Law 116–6), section 209(b)
13 of division D of the Consolidated Appropriations Act,
14 (Public Law 116–93) (including with respect to section
15 210 of division F of the Consolidated Appropriations Act,
16 2021 (Public Law 116–260)) shall no longer apply.

17 SEC. 213. (a) Funds made available in this Act may
18 be used to alter operations within the National Targeting
19 Center of U.S. Customs and Border Protection.

20 (b) None of the funds provided by this Act, provided
21 by previous appropriations Acts that remain available for
22 obligation or expenditure in fiscal year 2023, or provided
23 from any accounts in the Treasury of the United States
24 derived by the collection of fees available to the compo-
25 nents funded by this Act, may be used to reduce antici-

1 pated or planned vetting operations at existing locations
2 unless specifically authorized by a statute enacted after
3 the date of enactment of this Act.

4 SEC. 214. 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. 215. (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. 216. The reports required to be submitted under
2 section 216 of the Department of Homeland Security Ap-
3 propriations Act, 2021 (division F of Public Law 116–
4 260) shall continue to be submitted semimonthly and each
5 matter required to be included in such report by such sec-
6 tion 216 shall apply in the same manner and to the same
7 extent during the period described in this section.

8 SEC. 217. The terms and conditions of sections 216
9 and 217 of the Department of Homeland Security Appro-
10 priations Act, 2020 (division D of Public Law 116–93)
11 shall apply to this Act.

12 SEC. 218. (a) None of the funds provided under the
13 heading “U.S. Immigration and Customs Enforcement—
14 Operations and Support” may be used to engage in civil
15 immigration enforcement activities, such as arrests, expul-
16 sions, custodial detention, removals, or referrals, proc-
17 essing, or issuance of charging documents, using Home-
18 land Security Investigations personnel, resources, or capa-
19 bilities, absent probable cause that the individual facing
20 such enforcement action has been convicted of a criminal
21 offense, excluding State, local, or Federal offenses for
22 which an essential element was the noncitizen’s immigra-
23 tion status.

24 (b) For the purposes of this section, criminal offenses
25 for which an essential element was the noncitizen’s immi-

1 gration status includes, but is not limited to, offenses iden-
2 tified in sections 264, 266(a) or (b), 275, or 276 of the
3 Immigration and Nationality Act and State and local of-
4 fenses for which an essential element was the noncitizen's
5 immigration status.

6 SEC. 219. Not later than 60 days after the date of
7 enactment of this Act, the Director shall ensure that all
8 persons who come into the custody of U.S. Immigration
9 and Customs Enforcement, undergo an individualized as-
10 sessment examining the necessity of continued detention
11 within 30 days of coming into such custody: *Provided*,
12 That for the purpose of such assessment, adjudicating of-
13 ficers shall consider a continuum of custody options, which
14 may include a combination of legal or physical custody op-
15 tions, including, but not limited to, release on recognizance
16 or supervision, conditions on release, release, and alter-
17 natives to detention programs, and shall consider whether
18 the person represents a specific danger to the public or
19 a serious risk of flight: *Provided further*, That after full
20 consideration as described above, and notwithstanding any
21 other provision of law, adjudicating officers shall select the
22 least restrictive form of custody: *Provided further*, That
23 for the purposes of this section, custody shall mean either
24 legal or physical custody of the person that is a restraint
25 on liberty not shared by the public generally, including

1 conditions on release, restrictions on liberty, reporting re-
2 quirements, and other methods, but does not necessarily
3 mean detention.

4 SEC. 220. Members of the United States House of
5 Representatives and the United States Senate, including
6 the leadership; the heads of Federal agencies and commis-
7 sions, including the Secretary, Deputy Secretary, Under
8 Secretaries, and Assistant Secretaries of the Department
9 of Homeland Security; the United States Attorney Gen-
10 eral, Deputy Attorney General, Assistant Attorneys Gen-
11 eral, and the United States Attorneys; and senior mem-
12 bers of the Executive Office of the President, including
13 the Director of the Office of Management and Budget,
14 shall not be exempt from Federal passenger and baggage
15 screening.

16 SEC. 221. Any award by the Transportation Security
17 Administration to deploy explosives detection systems
18 shall be based on risk, the airport's current reliance on
19 other screening solutions, lobby congestion resulting in in-
20 creased security concerns, high injury rates, airport readi-
21 ness, and increased cost effectiveness.

22 SEC. 222. Notwithstanding section 44923 of title 49,
23 United States Code, for fiscal year 2023, any funds in
24 the Aviation Security Capital Fund established by section
25 44923(h) of title 49, United States Code, may be used

1 for the procurement and installation of explosives detec-
2 tion systems or for the issuance of other transaction agree-
3 ments for the purpose of funding projects described in sec-
4 tion 44923(a) of such title.

5 SEC. 223. Not later than 30 days after the submis-
6 sion of the President's budget proposal, the Administrator
7 of the Transportation Security Administration shall sub-
8 mit to the Committees on Appropriations and Commerce,
9 Science, and Transportation of the Senate and the Com-
10 mittees on Appropriations and Homeland Security in the
11 House of Representatives a single report that fulfills the
12 following requirements:

13 (1) a Capital Investment Plan that includes a
14 plan for continuous and sustained capital investment
15 in new, and the replacement of aged, transportation
16 security equipment;

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

22 (3) the Advanced Integrated Passenger Screen-
23 ing Technologies report as required by the Senate
24 Report accompanying the Department of Homeland

1 Security Appropriations Act, 2019 (Senate Report
2 115–283).

3 SEC. 224. (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. 225. 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. 226. 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. 227. 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. 228. None of the funds in this Act shall be used
21 to reduce the Coast Guard’s legacy Operations Systems
22 Center mission or its government-employed or contract
23 staff levels.

24 SEC. 229. None of the funds appropriated by this Act
25 may be used to conduct, or to implement the results of,

1 a competition under Office of Management and Budget
2 Circular A–76 for activities performed with respect to the
3 Coast Guard National Vessel Documentation Center.

4 SEC. 230. Funds made available in this Act may be
5 used to alter operations within the Civil Engineering Pro-
6 gram of the Coast Guard nationwide, including civil engi-
7 neering units, facilities design and construction centers,
8 maintenance and logistics commands, and the Coast
9 Guard Academy, except that none of the funds provided
10 in this Act may be used to reduce operations within any
11 civil engineering unit unless specifically authorized by a
12 statute enacted after the date of enactment of this Act.

13 SEC. 231. Amounts deposited into the Coast Guard
14 Housing Fund in fiscal year 2023 shall be available until
15 expended to carry out the purposes of section 2946 of title
16 14, United States Code, and shall be in addition to funds
17 otherwise available for such purposes.

18 SEC. 232. (a) Notwithstanding section 2110 of title
19 46, United States Code, none of the funds made available
20 in this Act shall be used to charge a fee for an inspection
21 of a towing vessel, as defined in 46 CFR 136.110, that
22 utilizes the Towing Safety Management System option for
23 a Certificate of Inspection issued under subchapter M of
24 title 46, Code of Federal Regulations.

1 (b) Subsection (a) shall not apply after the date the
2 Commandant of the Coast Guard makes a determination
3 under section 815(a) of the Frank LoBiondo Coast Guard
4 Authorization Act of 2018 (Public Law 115–282) and, as
5 necessary based on such determination, carries out the re-
6 quirements of section 815(b) of such Act.

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

16 SEC. 234. (a) None of the funds made available to
17 the United States Secret Service by this Act or by previous
18 appropriations Acts may be made available for the protec-
19 tion of the head of a Federal agency other than the Sec-
20 retary of Homeland Security.

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

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

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

14 SEC. 237. Of the amounts made available by this Act
15 under the heading “United States Secret Service—Oper-
16 ations and Support”, \$9,500,000, to remain available
17 until expended, shall be distributed as a grant or coopera-
18 tive agreement for existing National Computer Forensics
19 Institute facilities currently used by the United States Se-
20 cret Service to carry out activities under section 383 of
21 title 6, United States Code, of which not to exceed 5 per-
22 cent, or the applicable negotiated rate, shall be for the ad-
23 ministrative costs of the Department of Homeland Secu-
24 rity in carrying out this section.

1 TITLE III
2 PROTECTION, PREPAREDNESS, RESPONSE, AND
3 RECOVERY
4 CYBERSECURITY AND INFRASTRUCTURE SECURITY
5 AGENCY
6 OPERATIONS AND SUPPORT

7 For necessary expenses of the Cybersecurity and In-
8 frastructure Security Agency for operations and support,
9 \$2,324,925,000, of which \$36,293,000 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.

13 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS
14 For necessary expenses of the Cybersecurity and In-
15 frastructure Security Agency for procurement, construc-
16 tion, and improvements, \$582,994,000, to remain avail-
17 able until September 30, 2025.

18 RESEARCH AND DEVELOPMENT
19 For necessary expenses of the Cybersecurity and In-
20 frastructure Security Agency for research and develop-
21 ment, \$3,931,000, to remain available until September 30,
22 2024.

1 FEDERAL EMERGENCY MANAGEMENT AGENCY
2 OPERATIONS AND SUPPORT

3 For necessary expenses of the Federal Emergency
4 Management Agency for operations and support,
5 \$1,530,713,000: *Provided*, That not to exceed \$2,250 shall
6 be for official reception and representation expenses.

7 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

8 For necessary expenses of the Federal Emergency
9 Management Agency for procurement, construction, and
10 improvements, \$188,919,000, of which \$122,025,000
11 shall remain available until September 30, 2025, and of
12 which \$66,894,000 shall remain available until September
13 30, 2027.

14 FEDERAL ASSISTANCE

15 (INCLUDING TRANSFER OF FUNDS)

16 For activities of the Federal Emergency Management
17 Agency for Federal assistance through grants, contracts,
18 cooperative agreements, and other activities,
19 \$3,875,619,000, which shall be allocated as follows:

20 (1) \$510,000,000 for the State Homeland Secu-
21 rity Grant Program under section 2004 of the
22 Homeland Security Act of 2002 (6 U.S.C. 605), of
23 which \$90,000,000 shall be for Operation
24 Stonegarden and \$15,000,000 shall be for Tribal
25 Homeland Security Grants under section 2005 of

1 the Homeland Security Act of 2002 (6 U.S.C. 606):
2 *Provided*, That notwithstanding subsection (c)(4) of
3 such section 2004, for fiscal year 2023, the Com-
4 monwealth of Puerto Rico shall make available to
5 local and tribal governments amounts provided to
6 the Commonwealth of Puerto Rico under this para-
7 graph in accordance with subsection (c)(1) of such
8 section 2004.

9 (2) \$605,000,000 for the Urban Area Security
10 Initiative under section 2003 of the Homeland Secu-
11 rity Act of 2002 (6 U.S.C. 604).

12 (3) \$360,000,000 is for the Nonprofit Security
13 Grant Program under sections 2003 and 2004 of the
14 Homeland Security Act of 2002 (6 U.S.C. 604 and
15 605), of which \$180,000,000 is for eligible recipients
16 located in high-risk urban areas that receive funding
17 under section 2003 of such Act, and \$180,000,000
18 is for eligible recipients that are located outside such
19 areas: *Provided*, That eligible recipients are those
20 described in section 2009(b) of such Act (6 U.S.C.
21 609a(b)) or are an otherwise eligible recipient at risk
22 of a terrorist or other extremist attack.

23 (4) \$105,000,000 for Public Transportation Se-
24 curity Assistance, Railroad Security Assistance, and
25 Over-the-Road Bus Security Assistance under sec-

1 tions 1406, 1513, and 1532 of the Implementing
2 Recommendations of the 9/11 Commission Act of
3 2007 (6 U.S.C. 1135, 1163, and 1182), of which
4 \$10,000,000 shall be for Amtrak security and
5 \$2,000,000 shall be for Over-the-Road Bus Security:
6 *Provided*, That such public transportation security
7 assistance shall be provided directly to public trans-
8 portation agencies.

9 (5) \$100,000,000 for Port Security Grants in
10 accordance with section 70107 of title 46, United
11 States Code.

12 (6) \$740,000,000, to remain available until
13 September 30, 2024, of which \$370,000,000 shall be
14 for Assistance to Firefighter Grants and
15 \$370,000,000 shall be for Staffing for Adequate
16 Fire and Emergency Response Grants under sec-
17 tions 33 and 34, respectively, of the Federal Fire
18 Prevention and Control Act of 1974 (15 U.S.C.
19 2229 and 2229a).

20 (7) \$355,000,000 for emergency management
21 performance grants under the National Flood Insur-
22 ance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-
23 ert T. Stafford Disaster Relief and Emergency As-
24 sistance Act (42 U.S.C. 5121), the Earthquake Haz-
25 ards Reduction Act of 1977 (42 U.S.C. 7701), sec-

tion 762 of title 6, United States Code, and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.).

(8) \$275,500,000 for necessary expenses for Flood Hazard Mapping and Risk Analysis, in addition to and to supplement any other sums appropriated under the National Flood Insurance Fund, and such additional sums as may be provided by States or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(f)(2)), to remain available until expended.

(9) \$12,000,000 for Regional Catastrophic Preparedness Grants.

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

(11) \$130,000,000 for the emergency food and shelter program under title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331), to remain available until September 30, 2024: *Provided*, That not to exceed 3.5 percent shall be for total administrative costs.

(12) \$200,000,000 for the emergency food and shelter program under title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331),

1 to remain available until September 30, 2024, for
2 the purpose of providing shelter and other services
3 to families and individuals encountered by the De-
4 partment of Homeland Security: *Provided*, That not
5 to exceed 5 percent shall be for total administrative
6 costs: *Provided further*, That notwithstanding sec-
7 tions 313(a) and 316 of such Act, up to
8 \$50,000,000 of the funds made available in this
9 paragraph may be used for the construction of new,
10 and the expansion of existing, shelter facilities: *Pro-*
11 *vided further*, That notwithstanding section 311 of
12 such Act, funds made available for the purposes de-
13 scribed in the preceding proviso may be awarded to
14 the Emergency Food and Shelter Program National
15 Board up to 6 months after the date of enactment
16 of this Act and, notwithstanding sections 315 and
17 316(b) of such Act, funds made available in the pre-
18 ceding proviso may be disbursed by the Emergency
19 Food and Shelter Program National Board up to 24
20 months after the date on which such funds become
21 available: *Provided further*, That the Emergency
22 Food and Shelter Program National Board shall dis-
23 tribute funds made available in this paragraph only
24 to jurisdictions or local recipient organizations serv-
25 ing communities that such Board determines have

1 experienced a significant increase of such families
2 and individuals.

3 (13) \$40,000,000 for the Next Generation
4 Warning System.

5 (14) \$115,000,000 for Congressionally Directed
6 Spending grants, which shall be for the purposes,
7 and the amounts, specified in the table entitled
8 “Congressionally Directed Spending Items” in the
9 explanatory statement accompanying this Act, of
10 which—

11 (A) \$36,392,000, in addition to amounts
12 otherwise made available for such purpose, is
13 for emergency operations center grants under
14 section 614 of the Robert T. Stafford Disaster
15 Relief and Emergency Assistance Act (42
16 U.S.C. 5196c);

17 (B) \$77,608,000, in addition to amounts
18 otherwise made available for such purpose, is
19 for pre-disaster mitigation grants under section
20 203 of the Robert T. Stafford Disaster Relief
21 and Emergency Assistance Act (42 U.S.C.
22 5133(e), notwithstanding subsections (f), (g),
23 and (l) of that section (42 U.S.C. 5133(f), (g),
24 (l)); and

1 (C) \$1,000,000 shall be transferred to
2 “Federal Emergency Management Agency—Op-
3 erations and Support”, to manage and admin-
4 ister Congressionally Directed Spending grants.
5 (15) \$316,119,000 to sustain current oper-
6 ations for training, exercises, technical assistance,
7 and other programs.

8 DISASTER RELIEF FUND

9 For necessary expenses in carrying out the Robert
10 T. Stafford Disaster Relief and Emergency Assistance Act
11 (42 U.S.C. 5121 et seq.), \$19,945,000,000, to remain
12 available until expended, shall be for major disasters de-
13 clared pursuant to the Robert T. Stafford Disaster Relief
14 and Emergency Assistance Act (42 U.S.C. 5121 et seq.)
15 and is designated by the Congress as being for disaster
16 relief pursuant to a concurrent resolution on the budget.

17 NATIONAL FLOOD INSURANCE FUND

18 For activities under the National Flood Insurance
19 Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster
20 Protection Act of 1973 (42 U.S.C. 4001 et seq.), the
21 Biggert-Waters Flood Insurance Reform Act of 2012
22 (Public Law 112–141, 126 Stat. 916), and the Home-
23 owner Flood Insurance Affordability Act of 2014 (Public
24 Law 113–89; 128 Stat. 1020), \$225,000,000, to remain
25 available until September 30, 2024, which shall be derived

1 from offsetting amounts collected under section 1308(d)
 2 of the National Flood Insurance Act of 1968 (42 U.S.C.
 3 4015(d)); of which \$18,500,000 shall be available for mis-
 4 sion support associated with flood management; and of
 5 which \$206,500,000 shall be available for flood plain man-
 6 agement and flood mapping: *Provided*, That any addi-
 7 tional fees collected pursuant to section 1308(d) of the
 8 National Flood Insurance Act of 1968 (42 U.S.C.
 9 4015(d)) shall be credited as offsetting collections to this
 10 account, to be available for flood plain management and
 11 flood mapping: *Provided further*, That in fiscal year 2023,
 12 no funds shall be available from the National Flood Insur-
 13 ance Fund under section 1310 of the National Flood In-
 14 surance Act of 1968 (42 U.S.C. 4017) in excess of—

15 (1) \$223,770,000 for operating expenses and
 16 salaries and expenses associated with flood insurance
 17 operations;

18 (2) \$960,647,000 for commissions and taxes of
 19 agents;

20 (3) such sums as are necessary for interest on
 21 Treasury borrowings; and

22 (4) \$175,000,000, which shall remain available
 23 until expended, for flood mitigation actions and for
 24 flood mitigation assistance under section 1366 of the
 25 National Flood Insurance Act of 1968 (42 U.S.C.

1 4104c), notwithstanding sections 1366(e) and
 2 1310(a)(7) of such Act (42 U.S.C. 4104c(e), 4017):
 3 *Provided further*, That the amounts collected under section
 4 102 of the Flood Disaster Protection Act of 1973 (42
 5 U.S.C. 4012a) and section 1366(e) of the National Flood
 6 Insurance Act of 1968 (42 U.S.C. 4104c(e)), shall be de-
 7 posited in the National Flood Insurance Fund to supple-
 8 ment other amounts specified as available for section 1366
 9 of the National Flood Insurance Act of 1968, notwith-
 10 standing section 102(f)(8), section 1366(e) of the National
 11 Flood Insurance Act of 1968, and paragraphs (1) through
 12 (3) of section 1367(b) of such Act (42 U.S.C. 4012a(f)(8),
 13 4104c(e), 4104d(b)(1)–(3)): *Provided further*, That total
 14 administrative costs shall not exceed 4 percent of the total
 15 appropriation: *Provided further*, That up to \$5,000,000 is
 16 available to carry out section 24 of the Homeowner Flood
 17 Insurance Affordability Act of 2014 (42 U.S.C. 4033).

18 ADMINISTRATIVE PROVISIONS

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 301. (a) Funds made available under the head-
 21 ing “Cybersecurity and Infrastructure Security Agency—
 22 Operations and Support” may be made available for the
 23 necessary expenses of carrying out the competition speci-
 24 fied in section 2(e) of Executive Order No. 13870 (May
 25 2, 2019), including the provision of monetary and non-

1 monetary awards for Federal civilian employees and mem-
2 bers of the uniformed services, the necessary expenses for
3 the honorary recognition of any award recipients, and ac-
4 tivities to encourage participation in the competition, in-
5 cluding promotional items.

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

9 SEC. 302. Notwithstanding sections 204(e)(1)(A) and
10 204(e)(1)(B) of the Homeland Security Act of 2002 (6
11 U.S.C. 605(e)(1)(A) and 605(e)(1)(B)), the meaning of
12 “total funds appropriated for grants under this section
13 and section 2003” in each place that it appears shall not
14 include any funds provided for the Nonprofit Security
15 Grant Program in paragraph (3) under the heading “Fed-
16 eral Emergency Management Agency—Federal Assist-
17 ance” in this Act.

18 SEC. 303. (a) Notwithstanding section 2008(a)(12)
19 of the Homeland Security Act of 2002 (6 U.S.C.
20 609(a)(12)) or any other provision of law, not more than
21 5 percent of the amount of a grant made available in para-
22 graphs (1) through (5) under “Federal Emergency Man-
23 agement Agency—Federal Assistance”, may be used by
24 the recipient for expenses directly related to administra-
25 tion of the grant.

1 (b) The authority provided in subsection (a) shall also
2 apply to a state recipient for the administration of a grant
3 under such paragraph (3).

4 SEC. 304. Applications for grants under the heading
5 “Federal Emergency Management Agency—Federal As-
6 sistance”, for paragraphs (1) through (5), shall be made
7 available to eligible applicants not later than 60 days after
8 the date of enactment of this Act, eligible applicants shall
9 submit applications not later than 80 days after the grant
10 announcement, and the Administrator of the Federal
11 Emergency Management Agency shall act within 65 days
12 after the receipt of an application.

13 SEC. 305. Under the heading “Federal Emergency
14 Management Agency—Federal Assistance”, for grants
15 under paragraphs (1) through (5), (9), and (10), the Ad-
16 ministrator of the Federal Emergency Management Agen-
17 cy shall brief the Committees on Appropriations of the
18 Senate and the House of Representatives 5 full business
19 days in advance of announcing publicly the intention of
20 making an award.

21 SEC. 306. Under the heading “Federal Emergency
22 Management Agency—Federal Assistance”, for grants
23 under paragraphs (1) through (3), the installation of com-
24 munications towers is not considered construction of a
25 building or other physical facility.

1 SEC. 307. 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) shall be applied in fiscal year 2023
6 with respect to budget year 2024 and current fiscal year
7 2023, respectively—

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

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

12 SEC. 308. In making grants under the heading “Fed-
13 eral Emergency Management Agency—Federal Assist-
14 ance”, for Staffing for Adequate Fire and Emergency Re-
15 sponse grants, the Administrator of the Federal Emer-
16 gency Management Agency may grant waivers from the
17 requirements in subsections (a)(1)(A), (a)(1)(B),
18 (a)(1)(E), (c)(1), (c)(2), and (c)(4) of section 34 of the
19 Federal Fire Prevention and Control Act of 1974 (15
20 U.S.C. 2229a).

21 SEC. 309. (a) The aggregate charges assessed during
22 fiscal year 2023, as authorized in title III of the Depart-
23 ments of Veterans Affairs and Housing and Urban Devel-
24 opment, and Independent Agencies Appropriations Act,
25 1999 (42 U.S.C. 5196e), shall not be less than 100 per-

1 cent of the amounts anticipated by the Department of
2 Homeland Security to be necessary for its Radiological
3 Emergency Preparedness Program for the next fiscal year.

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

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

13 SEC. 310. In making grants under the heading “Fed-
14 eral Emergency Management Agency—Federal Assist-
15 ance”, for Assistance to Firefighter Grants, the Adminis-
16 trator of the Federal Emergency Management Agency
17 may waive subsection (k) of section 33 of the Federal Fire
18 Prevention and Control Act of 1974 (15 U.S.C. 2229).

19 SEC. 311. (a) Of the amount made available by sec-
20 tion 4005 of the American Rescue Plan Act of 2021 (Pub-
21 lic Law 117–2)—

22 (1) not less than \$2,000,000,000, in addition to
23 any other amounts set aside pursuant to section
24 203(i) of the Robert T. Stafford Disaster Relief and
25 Emergency Assistance Act (42 U.S.C. 5133(i)) for

1 such purpose, shall be for the Building Resilient In-
2 frastructure and Communities program to mitigate
3 the effects of climate change and a notice of funding
4 opportunity for such purpose shall be announced not
5 later than September 30, 2023; and

6 (2) \$14,000,000 shall be transferred to the De-
7 partment of Homeland Security Office of Inspector
8 General for oversight of the obligations of funds
9 made available under such section 4005.

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 support of the refugee program;
11 \$816,705,000, of which \$87,619,000 shall remain avail-
12 able until September 30, 2024: *Provided*, That such
13 amounts shall be in addition to any other amounts made
14 available for such purposes, and shall not be construed to
15 require any reduction of any fee described in section
16 286(m) of the Immigration and Nationality Act (8 U.S.C.
17 1356(m)): *Provided further*, That at least \$10,000,000
18 shall be for the implementation of the Deferred Action for
19 Childhood Arrivals Program of the Secretary of Homeland
20 Security, established pursuant to the memorandum from
21 the Secretary of Homeland Security entitled “Exercising
22 Prosecutorial Discretion with Respect to Individuals Who
23 Came to the United States as Children,” dated June 15,
24 2012, including for the processing of applications for such
25 program and all related forms: *Provided further*, That not

1 to exceed \$2,500 shall be for official reception and rep-
2 resentation expenses.

3 FEDERAL ASSISTANCE

4 For necessary expenses of U.S. Citizenship and Im-
5 migration Services for Federal assistance for the Citizen-
6 ship and Integration Grant Program, \$50,000,000: *Pro-*
7 *vided*, That not less than \$30,000,000, to remain available
8 until September 30, 2024, shall be awarded as competitive
9 grants to organizations to provide pro-bono legal counsel,
10 or pro-bono accredited representation, to individuals ap-
11 pearing before U.S. Citizenship and Immigration Services
12 during either an affirmative asylum or asylum merits
13 interview.

14 FEDERAL LAW ENFORCEMENT TRAINING CENTERS

15 OPERATIONS AND SUPPORT

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

1 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

2 For necessary expenses of the Federal Law Enforce-
3 ment Training Centers for procurement, construction, and
4 improvements, \$41,300,000, to remain available until Sep-
5 tember 30, 2027, for acquisition of necessary additional
6 real property and facilities, construction and ongoing
7 maintenance, facility improvements and related expenses
8 of the Federal Law Enforcement Training Centers.

9 SCIENCE AND TECHNOLOGY DIRECTORATE

10 OPERATIONS AND SUPPORT

11 For necessary expenses of the Science and Tech-
12 nology Directorate for operations and support, including
13 the purchase or lease of not to exceed five vehicles,
14 \$391,172,000, of which \$215,085,000 shall remain avail-
15 able until September 30, 2024: *Provided*, That not to ex-
16 ceed \$10,000 shall be for official reception and representa-
17 tion expenses.

18 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

19 For necessary expenses of the Science and Tech-
20 nology Directorate for procurement, construction, and im-
21 provements, \$89,466,000, to remain available until Sep-
22 tember 30, 2027.

23 RESEARCH AND DEVELOPMENT

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

1 \$461,218,000, to remain available until September 30,
2 2025.

3 COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE
4 OPERATIONS AND SUPPORT

5 For necessary expenses of the Countering Weapons
6 of Mass Destruction Office for operations and support,
7 \$151,970,000, of which \$50,446,000 shall remain avail-
8 able until September 30, 2024: *Provided*, That not to ex-
9 ceed \$2,250 shall be for official reception and representa-
10 tion expenses.

11 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

12 For necessary expenses of the Countering Weapons
13 of Mass Destruction Office for procurement, construction,
14 and improvements, \$55,304,000, to remain available until
15 September 30, 2025.

16 RESEARCH AND DEVELOPMENT

17 For necessary expenses of the Countering Weapons
18 of Mass Destruction Office for research and development,
19 \$84,515,000, to remain available until September 30,
20 2025.

21 FEDERAL ASSISTANCE

22 For necessary expenses of the Countering Weapons
23 of Mass Destruction Office for Federal assistance through
24 grants, contracts, cooperative agreements, and other ac-

1 tivities, \$139,183,000, to remain available until Sep-
2 tember 30, 2025.

3 ADMINISTRATIVE PROVISIONS

4 SEC. 401. (a) Notwithstanding any other provision
5 of law, funds otherwise made available to U.S. Citizenship
6 and Immigration Services may be used to acquire, operate,
7 equip, and dispose of up to five vehicles, for replacement
8 only, for areas where the Administrator of General Serv-
9 ices does not provide vehicles for lease.

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

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

23 SEC. 403. The terms and conditions of section 403
24 of the Department of Homeland Security Appropriations

1 Act, 2020 (division D of Public Law 116–93) shall apply
2 to this Act.

3 SEC. 404. Notwithstanding the seventh proviso under
4 the heading “Immigration and Naturalization Service—
5 Salaries and Expenses” in Public Law 105–119 (relating
6 to FD–258 fingerprint cards), or any other provision of
7 law, any Federal funds made available to U.S. Citizenship
8 and Immigration Services may be used for the collection
9 and use of biometrics taken at a U.S. Citizenship and Im-
10 migration Services Application Support Center that is
11 overseen virtually by U.S. Citizenship and Immigration
12 Services personnel using appropriate technology.

13 SEC. 405. Section 401(b) of the Illegal Immigration
14 Reform and Immigrant Responsibility Act of 1996 (8
15 U.S.C. 1324a note) shall be applied by substituting “Sep-
16 tember 30, 2023” for “September 30, 2015”.

17 SEC. 406. Subclauses (II) and (III) of section
18 101(a)(27)(C)(ii) of the Immigration and Nationality Act
19 (8 U.S.C. 1101(a)(27)(C)(ii)) shall be applied by sub-
20 stituting “September 30, 2023” for “September 30,
21 2015”.

22 SEC. 407. Section 220(c) of the Immigration and Na-
23 tionality Technical Corrections Act of 1994 (8 U.S.C.
24 1182 note) shall be applied by substituting “September
25 30, 2023” for “September 30, 2015”.

1 SEC. 408. Notwithstanding the numerical limitation
 2 set forth in section 214(g)(1)(B) of the Immigration and
 3 Nationality Act (8 U.S.C. 1184(g)(1)(B)), the Secretary
 4 of Homeland Security, after consultation with the Sec-
 5 retary of Labor, and upon the determination that the
 6 needs of American businesses cannot be satisfied in fiscal
 7 year 2023 with United States workers who are willing,
 8 qualified, and able to perform temporary nonagricultural
 9 labor, shall increase the total number of aliens who may
 10 receive a visa under section 101(a)(15)(H)(ii)(b) of such
 11 Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) in such fiscal year
 12 above such limitation by not more than the highest num-
 13 ber of H-2B nonimmigrants who participated in the H-
 14 2B returning worker program in any fiscal year in which
 15 returning workers were exempt from such numerical limi-
 16 tation.

17 SEC. 409. (a) RECAPTURE OF UNUSED IMMIGRANT
 18 VISA NUMBERS.—

19 (1) ENSURING FUTURE USE OF ALL IMMIGRANT
 20 VISAS.—Section 201(c)(1)(B)(ii) of the Immigration
 21 and Nationality Act (8 U.S.C. 1151(c)(1)(B)(ii)) is
 22 amended to read as follows:

23 “(ii) In no case shall the number com-
 24 puted under subparagraph (A) be less than
 25 the sum of—

1 “(I) 226,000; and
 2 “(II) the number computed
 3 under paragraph (3).”.

4 (2) RECAPTURING UNUSED VISAS.—Section 201
 5 of the Immigration and Nationality Act (8 U.S.C.
 6 1151) is amended by adding at the end the fol-
 7 lowing:

8 “(g) RECAPTURING UNUSED VISAS.—

9 “(1) FAMILY-SPONSORED VISAS.—

10 “(A) IN GENERAL.—Notwithstanding the
 11 numerical limitations set forth in this section or
 12 in sections 202 or 203, beginning in fiscal year
 13 2023, the number of family-sponsored immi-
 14 grant visas that may be issued under section
 15 203(a) shall be increased by the number com-
 16 puted under subparagraph (B).

17 “(B) UNUSED VISAS.—The number com-
 18 puted under this subparagraph is the dif-
 19 ference, if any, between—

20 “(i) the difference, if any, between—

21 “(I) the number of visas that
 22 were originally made available to fam-
 23 ily-sponsored immigrants under sec-
 24 tion 201(c)(1) for fiscal years 1992
 25 through 2022, setting aside any un-

1 used visas made available to such im-
 2 migrants in such fiscal years under
 3 section 201(c)(3); and

4 “(II) the number of visas de-
 5 scribed in subclause (I) that were
 6 issued under section 203(a), or, in ac-
 7 cordance with section 201(d)(2)(C),
 8 under section 203(b); and

9 “(ii) the number of visas resulting
 10 from the calculation under clause (i) issued
 11 under section 203(a) after fiscal year
 12 2022.

13 “(2) EMPLOYMENT-BASED VISAS.—

14 “(A) IN GENERAL.—Notwithstanding the
 15 numerical limitations set forth in this section or
 16 in sections 202 or 203, beginning in fiscal year
 17 2023, the number of employment-based immi-
 18 grant visas that may be issued under section
 19 203(b) shall be increased by the number com-
 20 puted under subparagraph (B).

21 “(B) UNUSED VISAS.—The number com-
 22 puted under this paragraph is the difference, if
 23 any, between—

24 “(i) the difference, if any, between—

1 “(I) the number of visas that
 2 were originally made available to em-
 3 ployment-based immigrants under sec-
 4 tion 201(d)(1) for fiscal years 1992
 5 through 2022, setting aside any un-
 6 used visas made available to such im-
 7 migrants in such fiscal years under
 8 section 201(d)(2); and

9 “(II) the number of visas de-
 10 scribed in subclause (I) that were
 11 issued under section 203(b), or, in ac-
 12 cordance with section 201(c)(3)(C),
 13 under section 203(a); and

14 “(ii) the number of visas resulting
 15 from the calculation under clause (i) issued
 16 under section 203(b) after fiscal year
 17 2022.

18 “(3) DIVERSITY VISAS.—Notwithstanding sec-
 19 tion 204(a)(1)(I)(ii)(II) or 201(e), an immigrant
 20 visa for an alien selected in accordance with section
 21 203(e)(2) in fiscal year 2017, 2018, 2019, 2020,
 22 2021, or 2022 shall remain available to such alien
 23 (and the spouse and children of such alien) if—

24 “(A) the alien was refused a visa, pre-
 25 vented from seeking or obtaining admission or

1 a visa interview, or denied admission to the
2 United States solely because of Executive Order
3 13769, Executive Order 13780, Presidential
4 Proclamation 9645, or Presidential Proclama-
5 tion 9983; or

6 “(B) because of restrictions or limitations
7 on visa processing, visa issuance, travel, or
8 other effects associated with the COVID–19
9 public health emergency—

10 “(i) the alien was unable to receive a
11 visa interview despite submitting an Online
12 Immigrant Visa and Alien Registration
13 Application (Form DS–260) to the Sec-
14 retary of State; or

15 “(ii) the alien was unable to seek ad-
16 mission or was denied admission to the
17 United States despite being approved for a
18 visa under section 203(c).”.

19 SEC. 410. (a) The numerical limitations in sections
20 201, 202, and 203 of the Immigration and Nationality Act
21 (8 U.S.C. 1151, 1152 and 1153) shall not apply during
22 fiscal year 2023 or during any subsequent fiscal year to
23 an alien described in section 101(a)(27)(J) of that Act (8
24 U.S.C. 1101(a)(27)(J)) for whom a petition for classifica-

1 tion under section 203(b)(4) of that Act (8 U.S.C.
2 1153(b)(4)) was filed before October 1, 2023.

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

4 SEC. 411. The Director of the Federal Law Enforce-
5 ment Training Centers is authorized to distribute funds
6 to Federal law enforcement agencies for expenses incurred
7 participating in training accreditation.

8 SEC. 412. The Federal Law Enforcement Training
9 Accreditation Board, including representatives from the
10 Federal law enforcement community and non-Federal ac-
11 creditation experts involved in law enforcement training,
12 shall lead the Federal law enforcement training accredita-
13 tion process to continue the implementation of measuring
14 and assessing the quality and effectiveness of Federal law
15 enforcement training programs, facilities, and instructors.

16 SEC. 413. (a) The Director of the Federal Law En-
17 forcement Training Centers may accept transfers to its
18 “Procurement, Construction, and Improvements” account
19 from Government agencies requesting the construction of
20 special use facilities, as authorized by the Economy Act
21 (31 U.S.C. 1535(b)).

22 (b) The Federal Law Enforcement Training Centers
23 shall maintain administrative control and ownership upon
24 completion of such facilities.

1 SEC. 414. The functions of the Federal Law Enforce-
2 ment Training Centers instructor staff shall be classified
3 as inherently governmental for purposes of the Federal
4 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
5 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 by this Act, provided by previous appropriations Acts to the components in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2023, or provided from any accounts in the Treasury of the United States derived by 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 or eliminates a program, project, or activity, or increases funds for any program, project,

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

3 (2) contracts out any function or activity pres-
4 ently performed by Federal employees or any new
5 function or activity proposed to be performed by
6 Federal employees in the President's budget pro-
7 posal for fiscal year 2023 for the Department of
8 Homeland Security;

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

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

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

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

23 (c) Up to 2 percent of any appropriation made avail-
24 able for the current fiscal year for the Department of
25 Homeland Security by this Act or provided by previous

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

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

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

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

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

3 SEC. 504. (a) Section 504 of the Department of
4 Homeland Security Appropriations Act, 2017 (division F
5 of Public Law 115–31), related to the operations of a
6 working capital fund, shall apply with respect to funds
7 made available in this Act in the same manner as such
8 section applied to funds made available in that Act.

9 (b) Funds from such working capital fund may be
10 obligated and expended in anticipation of reimbursements
11 from components of the Department of Homeland Secu-
12 rity.

13 SEC. 505. (a) Except as otherwise specifically pro-
14 vided by law, not to exceed 50 percent of unobligated bal-
15 ances remaining available at the end of fiscal year 2023,
16 as recorded in the financial records at the time of a re-
17 programming notification, but not later than June 30,
18 2024, from appropriations for “Operations and Support”
19 for fiscal year 2023 in this Act shall remain available
20 through September 30, 2024, in the account and for the
21 purposes for which the appropriations were provided.

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

1 SEC. 506. (a) Funds made available by this Act for
2 intelligence activities are deemed to be specifically author-
3 ized by the Congress for purposes of section 504 of the
4 National Security Act of 1947 (50 U.S.C. 414) during fis-
5 cal year 2023 until the enactment of an Act authorizing
6 intelligence activities for fiscal year 2023.

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

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

19 SEC. 507. (a) The Secretary of Homeland Security,
20 or the designee of the Secretary, shall notify the Commit-
21 tees on Appropriations of the Senate and the House of
22 Representatives at least 3 full business days in advance
23 of—

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

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

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

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

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

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

22 (c) A notification under this section—

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

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

5 SEC. 508. Notwithstanding any other provision of
6 law, no agency shall purchase, construct, or lease any ad-
7 ditional facilities, except within or contiguous to existing
8 locations, to be used for the purpose of conducting Federal
9 law enforcement training without advance notification to
10 the Committees on Appropriations of the Senate and the
11 House of Representatives, except that the Federal Law
12 Enforcement Training Centers is authorized to obtain the
13 temporary use of additional facilities by lease, contract,
14 or other agreement for training that cannot be accommo-
15 dated in existing Centers' facilities.

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

24 SEC. 510. Sections 520, 522, and 530 of the Depart-
25 ment of Homeland Security Appropriations Act, 2008 (di-

1 vision E of Public Law 110–161; 121 Stat. 2073 and
2 2074) shall apply with respect to funds made available in
3 this Act in the same manner as such sections applied to
4 funds made available in that Act.

5 SEC. 511. (a) None of the funds made available in
6 this Act may be used in contravention of the applicable
7 provisions of the Buy American Act.

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

11 SEC. 512. None of the funds made available in this
12 Act may be used to amend the oath of allegiance required
13 by section 337 of the Immigration and Nationality Act
14 (8 U.S.C. 1448).

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

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

22 SEC. 515. Any official that is required by this Act
23 to report or to certify to the Committees on Appropria-
24 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. 516. 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. 517. None of the funds made available in this
9 Act may be used to employ workers described in section
10 274A(h)(3) of the Immigration and Nationality Act (8
11 U.S.C. 1324a(h)(3)).

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

19 SEC. 519. None of the funds appropriated or other-
20 wise made available by this Act may be used by the De-
21 partment of Homeland Security to enter into any Federal
22 contract unless such contract is entered into in accordance
23 with the requirements of subtitle I of title 41, United
24 States Code, or chapter 137 of title 10, United States
25 Code, and the Federal Acquisition Regulation, unless such

1 contract is otherwise authorized by statute to be entered
2 into without regard to the above referenced statutes.

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

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

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

18 SEC. 522. (a) None of the funds made available in
19 this Act may be used to pay for the travel to or attendance
20 of more than 50 employees of a single component of the
21 Department of Homeland Security, who are stationed in
22 the United States, at a single international conference un-
23 less the Secretary of Homeland Security, or a designee,
24 determines that such attendance is in the national interest
25 and notifies the Committees on Appropriations of the Sen-

1 ate and the House of Representatives within at least 10
2 days of that determination and the basis for that deter-
3 mination.

4 (b) For purposes of this section the term “inter-
5 national conference” shall mean a conference occurring
6 outside of the United States attended by representatives
7 of the United States Government and of foreign govern-
8 ments, international organizations, or nongovernmental
9 organizations.

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

12 (d) Employees who attend a conference virtually
13 without travel away from their permanent duty station
14 within the United States shall not be counted for purposes
15 of this section, and the prohibition contained in this sec-
16 tion shall not apply to payments for the costs of attend-
17 ance for such employees.

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

22 SEC. 524. (a) None of the funds made available to
23 the Department of Homeland Security by this or any other
24 Act may be obligated for the implementation of any struc-
25 tural pay reform or the introduction of any new position

1 classification that will affect more than 100 full-time posi-
2 tions or costs more than \$5,000,000 in a single year be-
3 fore the end of the 30-day period beginning on the date
4 on which the Secretary of Homeland Security submits to
5 Congress a notification that includes—

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

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

11 (3) justification for such change; and

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

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

16 (1) it was proposed in the President's budget
17 proposal for the fiscal year funded by this Act; and

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

20 SEC. 525. (a) Any agency receiving funds made avail-
21 able in this Act shall, subject to subsections (b) and (c),
22 post on the public website of that agency any report re-
23 quired to be submitted by the Committees on Appropria-
24 tions of the Senate and the House of Representatives in

1 this Act, upon the determination by the head of the agency
2 that it shall serve the national interest.

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

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

6 (2) the report contains proprietary information.

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

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

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

18 SEC. 527. The authority provided by section 532 of
19 the Department of Homeland Security Appropriations
20 Act, 2018 (Public Law 115–141) regarding primary and
21 secondary schooling of dependents shall continue in effect
22 during fiscal year 2023.

23 SEC. 528. (a) For an additional amount for “Federal
24 Emergency Management Agency—Federal Assistance”,
25 \$3,000,000, to remain available until September 30, 2024,

1 exclusively for providing reimbursement of extraordinary
2 law enforcement or other emergency personnel costs for
3 protection activities directly and demonstrably associated
4 with any residence of the President that is designated or
5 identified to be secured by the United States Secret Service.
6 ice.

7 (b) Subsections (b) through (f) of section 534 of the
8 Department of Homeland Security Appropriations Act,
9 2018 (Public Law 115–141), shall be applied with respect
10 to amounts made available by subsection (a) of this section
11 by substituting “October 1, 2023” for “October 1, 2018”
12 and “October 1, 2022” for “October 1, 2017”.

13 SEC. 529. (a) Section 831 of the Homeland Security
14 Act of 2002 (6 U.S.C. 391) shall be applied—

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

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

19 (b) The Secretary of Homeland Security, under the
20 authority of section 831 of the Homeland Security Act of
21 2002 (6 U.S.C. 391(a)), may carry out prototype projects
22 under section 4022 of title 10, United States Code, and
23 the Secretary shall perform the functions of the Secretary
24 of Defense as prescribed.

1 (c) The Secretary of Homeland Security under sec-
2 tion 831 of the Homeland Security Act of 2002 (6 U.S.C.
3 391(d)) may use the definition of nontraditional govern-
4 ment contractor as defined in section 4022(e) of title 10,
5 United States Code.

6 SEC. 530. (a) None of the funds appropriated or oth-
7 erwise made available to the Department of Homeland Se-
8 curity by this Act may be used to prevent any of the fol-
9 lowing persons from entering, for the purpose of con-
10 ducting oversight, any facility operated by or for the De-
11 partment of Homeland Security used to detain or other-
12 wise house aliens, or to make any temporary modification
13 at any such facility that in any way alters what is observed
14 by a visiting Member of Congress or such designated em-
15 ployee, compared to what would be observed in the absence
16 of such modification:

17 (1) A Member of Congress.

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

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

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

5 SEC. 531. (a) Except as provided in subsection (b),
6 none of the funds made available in this Act may be used
7 to place restraints on a noncitizen in the custody of the
8 Department of Homeland Security (including during
9 transport, in a detention facility, or at an outside medical
10 facility) who is pregnant or in post-delivery recuperation.

11 (b) Subsection (a) shall not apply with respect to a
12 pregnant noncitizen if—

13 (1) an appropriate official of the Department of
14 Homeland Security makes an individualized deter-
15 mination that the noncitizen—

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

18 (B) poses an immediate and serious threat
19 to harm themselves or others that cannot be
20 prevented by other means; or

21 (2) a medical professional responsible for the
22 care of the pregnant noncitizen determines that the
23 use of therapeutic restraints is appropriate for the
24 medical safety of the noncitizen.

1 (c) If a pregnant noncitizen is restrained pursuant
 2 to subsection (b), only the safest and least restrictive re-
 3 straints, as determined by the appropriate medical profes-
 4 sional treating the noncitizen, may be used. In no case
 5 may restraints be used on a noncitizen who is in active
 6 labor or delivery, and in no case may a pregnant noncit-
 7 izen be restrained in a face-down position with four-point
 8 restraints, on their back, or in a restraint belt that con-
 9 stricts the area of the pregnancy. A pregnant noncitizen
 10 who is immobilized by restraints shall be positioned, to the
 11 maximum extent feasible, on their left side.

12 SEC. 532. (a) None of the funds made available by
 13 this Act may be used to destroy any document, recording,
 14 or other record pertaining to any—

15 (1) death of,

16 (2) potential sexual assault or abuse per-
 17 petrated against, or

18 (3) allegation of abuse, criminal activity, or dis-
 19 ruption committed by

20 an individual held in the custody of the Department of
 21 Homeland Security.

22 (b) The records referred to in subsection (a) shall be
 23 made available, in accordance with applicable laws and
 24 regulations, and Federal rules governing disclosure in liti-
 25 gation, to an individual who has been charged with a

1 crime, been placed into segregation, or otherwise punished
2 as a result of an allegation described in paragraph (3),
3 upon the request of such individual.

4 SEC. 533. Section 519 of division F of Public Law
5 114–113, regarding a prohibition on funding for any posi-
6 tion designated as a Principal Federal Official, shall apply
7 with respect to any Federal funds in the same manner
8 as such section applied to funds made available in that
9 Act.

10 SEC. 534. Within 60 days of any budget submission
11 for the Department of Homeland Security for fiscal year
12 2024 that assumes revenues or proposes a reduction from
13 the previous year based on user fees proposals that have
14 not been enacted into law prior to the submission of the
15 budget, the Secretary of Homeland Security shall provide
16 the Committees on Appropriations of the Senate and the
17 House of Representatives specific reductions in proposed
18 discretionary budget authority commensurate with the
19 revenues assumed in such proposals in the event that they
20 are not enacted prior to October 1, 2023.

21 SEC. 535. None of the funds made available by this
22 Act may be obligated or expended to implement the Arms
23 Trade Treaty until the Senate approves a resolution of
24 ratification for the Treaty.

1 SEC. 536. (a) Not later than 10 days after the date
2 on which the budget of the President for a fiscal year is
3 submitted to Congress pursuant to section 1105(a) of title
4 31, United States Code, the Under Secretary for Manage-
5 ment of Homeland Security shall submit to the Commit-
6 tees on Appropriations of the Senate and the House of
7 Representatives a report on the unfunded priorities, for
8 the Department of Homeland Security and separately for
9 each departmental component, for which discretionary
10 funding would be classified as budget function 050.

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

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

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

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

21 (A) appropriation account; and

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

23 and

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

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

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

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

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

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

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

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

16 SEC. 537. (a) Not later than 10 days after a deter-
17 mination is made by the President to evaluate and initiate
18 protection under any authority for a former or retired
19 Government official or employee, or for an individual who,
20 during the duration of the directed protection, will become
21 a former or retired Government official or employee (re-
22 ferred to in this section as a “covered individual”), the
23 Secretary of Homeland Security shall submit a notifica-
24 tion to congressional leadership and the Committees on
25 Appropriations of the Senate and the House of Represent-

1 atives, the Committees on the Judiciary of the Senate and
2 the House of Representatives, the Committee on Home-
3 land Security and Governmental Affairs of the Senate, the
4 Committee on Homeland Security of the House of Rep-
5 resentatives, and the Committee on Oversight and Reform
6 of the House of Representatives (referred to in this section
7 as the “appropriate congressional committees”).

8 (b) Such notification may be submitted in classified
9 form, if necessary, and in consultation with the Director
10 of National Intelligence or the Director of the Federal Bu-
11 reau of Investigation, as appropriate, and shall include the
12 threat assessment, scope of the protection, and the antici-
13 pated cost and duration of such protection.

14 (c) Not later than 15 days before extending, or 30
15 days before terminating, protection for a covered indi-
16 vidual, the Secretary of Homeland Security shall submit
17 a notification regarding the extension or termination and
18 any change to the threat assessment to the congressional
19 leadership and the appropriate congressional committees.

20 (d) Not later than 45 days after the date of enact-
21 ment of this Act, and quarterly thereafter, the Secretary
22 shall submit a report to the congressional leadership and
23 the appropriate congressional committees, which may be
24 submitted in classified form, if necessary, detailing each

1 covered individual, and the scope and associated cost of
2 protection.

3 SEC. 538. (a) None of the funds provided to the De-
4 partment of Homeland Security in this or any prior Act
5 may be used by an agency to submit an initial project pro-
6 posal to the Technology Modernization Fund (as author-
7 ized by section 1078 of subtitle G of title X of the National
8 Defense Authorization Act for Fiscal Year 2018 (Public
9 Law 115–91)) unless, concurrent with the submission of
10 an initial project proposal to the Technology Moderniza-
11 tion Board, the head of the agency—

12 (1) notifies the Committees on Appropriations
13 of the Senate and the House of Representatives of
14 the proposed submission of the project proposal;

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

17 (3) provides a detailed analysis of how the pro-
18 posed project funding would supplement or supplant
19 funding requested as part of the Department’s most
20 recent budget submission.

21 (b) None of the funds provided to the Department
22 of Homeland Security by the Technology Modernization
23 Fund shall be available for obligation until 15 days after
24 a report on such funds has been transmitted to the Com-

1 mittees on Appropriations of the Senate and the House
2 of Representatives.

3 (c) The report described in subsection (b) shall in-
4 clude—

5 (1) the full project proposal submitted to and
6 approved by the Fund’s Technology Modernization
7 Board;

8 (2) the finalized interagency agreement between
9 the Department and the Fund including the
10 project’s deliverables and repayment terms, as appli-
11 cable;

12 (3) a detailed analysis of how the project will
13 supplement or supplant existing funding available to
14 the Department for similar activities;

15 (4) a plan for how the Department will repay
16 the Fund, including specific planned funding
17 sources, as applicable; and

18 (5) other information as determined by the Sec-
19 retary.

20 SEC. 539. Subsection (c) of section 16005 of title VI
21 of division B of the Coronavirus Aid, Relief, and Economic
22 Security Act (Public Law 116–136) shall be applied as
23 if the language read as follows: “Subsection (a) shall apply
24 until September 30, 2023.”.

1 SEC. 540. For necessary expenses related to pro-
2 viding customs and immigration inspection and pre-in-
3 spection services at, or in support of ports of entry, pursu-
4 ant to section 1356 of title 8, United States Code, and
5 section 58c(f) of title 19, United States Code, and in addi-
6 tion to any other funds made available for this purpose,
7 there is appropriated, out of any money in the Treasury
8 not otherwise appropriated, \$187,391,000, to offset the
9 loss resulting from the coronavirus pandemic of Immigra-
10 tion User Fee receipts collected pursuant to section 286(h)
11 of the Immigration and Nationality Act (8 U.S.C.
12 1356(h)), and fees for certain customs services collected
13 pursuant to paragraphs (1) through (8) and paragraph
14 (10) of subsection (a) of section 13031 of the Consolidated
15 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.
16 58c(a)(1)–(8) and (a)(10)).

17 SEC. 541. (a) The Secretary of Homeland Security
18 (in this section referred to as the “Secretary”) shall, on
19 a bimonthly basis beginning immediately after the date of
20 enactment of this Act, develop estimates of the number
21 of noncitizens anticipated to arrive at the southwest bor-
22 der of the United States.

23 (b) The Secretary shall ensure that, at a minimum,
24 the estimates developed pursuant to subsection (a)—

1 (1) cover the current fiscal year and the fol-
2 lowing fiscal year;

3 (2) include a breakout by demographics, to in-
4 clude single adults, family units, and unaccompanied
5 children;

6 (3) undergo an independent validation and
7 verification review;

8 (4) are used to inform policy planning and
9 budgeting processes within the Department of
10 Homeland Security; and

11 (5) are included in the budget materials sub-
12 mitted to Congress in support of the President's an-
13 nual budget request pursuant to section 1105 of title
14 31, United States Code, for each fiscal year begin-
15 ning after the date of enactment of this Act and, for
16 such budget materials shall include—

17 (A) the most recent bimonthly estimates
18 developed pursuant to subsection (a);

19 (B) a description and quantification of the
20 estimates used to justify funding requests for
21 Department programs related to border secu-
22 rity, immigration enforcement, and immigration
23 services;

1 (C) a description and quantification of the
 2 anticipated workload and requirements result-
 3 ing from such estimates; and

4 (D) a confirmation as to whether the budg-
 5 et requests for impacted agencies were devel-
 6 oped using the same estimates.

7 (c) The Secretary shall share the bimonthly estimates
 8 developed pursuant to subsection (a) with the Secretary
 9 of Health and Human Services, the Attorney General, the
 10 Secretary of State, and the Committees on Appropriations
 11 of the Senate and the House of Representatives.

12 (RESCISSIONS OF FUNDS)

13 SEC. 542. Of the funds appropriated to the Depart-
 14 ment of Homeland Security, the following funds are here-
 15 by rescinded from the following accounts and programs
 16 in the specified amounts: *Provided*, That no amounts may
 17 be rescinded from amounts that were designated by the
 18 Congress as an emergency requirement pursuant to a con-
 19 current resolution on the budget or the Balanced Budget
 20 and Emergency Deficit Control Act of 1985 (Public Law
 21 99–177):

22 (1) \$15,000,000 from Public Law 117–103
 23 under the heading “Office of the Secretary and Ex-
 24 ecutive Management—Federal Assistance”.

1 (2) \$65,000,000 from Public Law 116–93
2 under the heading “Coast Guard—Procurement,
3 Construction, and Improvements”.

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

