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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2023, and for other purposes, namely:
TITLE I
DEPARTMENTAL MANAGEMENT, INTELLIGENCE, SITUATIONAL AWARENESS, AND OVERSIGHT

Office of the Secretary and Executive Management

Operations and Support

For necessary expenses of the Office of the Secretary and for executive management for operations and support, $346,717,000; of which $28,570,000 shall be for the Office of the Ombudsman for Immigration Detention, of which $5,000,000 shall remain available until September 30, 2024: Provided, That not to exceed $30,000 shall be for official reception and representation expenses.

Procurement, Construction, and Improvements

For necessary expenses of the Office of the Secretary and for executive management for procurement, construction, and improvements, $8,048,000, which shall remain available until September 30, 2025.

Federal Assistance
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of the Secretary and for executive management for Federal assistance through grants, contracts, cooperative agreements, and other activities, $40,000,000, which shall be transferred
to “Federal Emergency Management Agency—Federal Assistance”, of which $20,000,000 shall be for targeted violence and terrorism prevention grants and of which $20,000,000 shall be for the Alternatives to Detention Case Management program, to remain available until September 30, 2024.

MANAGEMENT DIRECTORATE

OPERATIONS AND SUPPORT

For necessary expenses of the Management Directorate for operations and support, including vehicle fleet modernization, $1,787,000,000, of which $76,000,000 shall remain available until September 30, 2024: Provided, That not to exceed $2,000 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Management Directorate for procurement, construction, and improvements, $597,378,000, of which $182,378,000 shall remain available until September 30, 2025, and of which $415,000,000 shall remain available until September 30, 2027.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally
owned and leased buildings and for the operations of the Federal Protective Service.

**INTELLIGENCE, ANALYSIS, AND SITUATIONAL AWARENESS**

**OPERATIONS AND SUPPORT**

For necessary expenses of the Office of Intelligence and Analysis and the Office of Homeland Security Situational Awareness for operations and support, $341,159,000, of which $119,792,000 shall remain available until September 30, 2024: *Provided*, That not to exceed $3,825 shall be for official reception and representation expenses and not to exceed $2,000,000 is available for facility needs associated with secure space at fusion centers, including improvements to buildings.

**OFFICE OF THE INSPECTOR GENERAL**

**OPERATIONS AND SUPPORT**

For necessary expenses of the Office of the Inspector General for operations and support, $218,379,000: *Provided*, That not to exceed $300,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.
ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

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

(b) The Inspector General shall review the report required by subsection (a) to assess departmental compliance with applicable laws and regulations and report the results of that review to the Committees on Appropriations of the Senate and the House of Representatives not later than February 15, 2024.

SEC. 102. Not later than 30 days after the last day of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report that includes total obligations of the Department for that month and for the fiscal year at the appropriation and program, project, and activity levels, by the source year of the appropriation.

SEC. 103. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland...
Security that provide award fees link such fees to successful acquisition outcomes, which shall be specified in terms of cost, schedule, and performance.

SEC. 104. (a) The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under section 9705(g)(4)(B) of title 31, United States Code, from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security.

(b) None of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives are notified of the proposed transfer.

SEC. 105. All official costs associated with the use of Government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Office of the Secretary.

SEC. 106. (a) The Under Secretary for Management shall brief the Committees on Appropriations of the Senate and the House of Representatives not later than 30 days after the end of each fiscal quarter on all Level 1 and Level 2 acquisition programs on the Master Acquisi-
tion Oversight list between Acquisition Decision Event 1 and Full Operational Capability, including programs that have been removed from such list during the preceding quarter.

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

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

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

(3) the Acquisition Review Board status, including—

(A) the current acquisition phase by increment, as applicable;

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

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

(4) a comparison between the initial Department-approved acquisition program baseline cost, schedule, and performance thresholds and objectives and the program’s current such thresholds and objectives, if applicable;

(5) the lifecycle cost estimate, including—
(A) the confidence level for the estimate;

(B) the fiscal years included in the estimate;

(C) a breakout of the estimate for the prior five years, the current year, and the budget year;

(D) a breakout of the estimate by appropriation account or other funding source; and

(E) a description of and rationale for any changes to the estimate as compared to the previously approved baseline, as applicable, and during the prior fiscal year;

(6) a summary of the findings of any independent verification and validation of the items to be acquired or an explanation for why no such verification and validation has been performed;

(7) a table displaying the obligation of all program funds by prior fiscal year, the estimated obligation of funds for the current fiscal year, and an estimate for the planned carryover of funds into the subsequent fiscal year;

(8) a listing of prime contractors and major subcontractors; and
(9) narrative descriptions of risks to cost, schedule, or performance that could result in a program breach if not successfully mitigated.

(c) The Under Secretary for Management shall submit each approved Acquisition Decision Memorandum for programs described in this section to the Committees on Appropriations of the Senate and the House of Representatives not later than five business days after the date of approval of such memorandum by the Under Secretary for Management or the designee of the Under Secretary.

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

(b) Prior to the obligation of any such funds made available for “Operations and Support” for a new operational pilot or demonstration program, the Under Secretary for Management shall provide a report to the Committees on Appropriations of the Senate and the House of Representatives on the information described in subsection (c).
(c) The information required under subsections (a) and (b) for a new pilot or program shall include the following—

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

(2) an assessment methodology that details—

(A) the type and source of assessment data;

(B) the methods for and frequency of collecting such data; and

(C) how such data will be analyzed; and

(3) an implementation plan, including milestones, a cost estimate, and schedule, including an end date.

(d) Not later than 90 days after the date of completion of a pilot or program described in subsection (e), the Under Secretary for Management shall provide a report to the Committees on Appropriations of the Senate and the House of Representatives detailing lessons learned, actual costs, any planned expansion or continuation of the pilot or program, and any planned transition of such pilot or program into an enduring program or operation.

(e) For the purposes of this section, a pilot or demonstration program is a policy implementation, study, demonstration, experimental program, or trial that—
(1) is a small-scale, short-term experiment conducted in order to evaluate feasibility, duration, costs, or adverse events, and improve upon the design of an effort prior to implementation of a larger scale effort; and

(2) uses more than 5 full-time equivalents or obligates more than $1,000,000.

Sec. 108. Of the amount made available by section 4005 of the American Rescue Plan Act of 2021 (Public Law 117–2), $14,000,000 shall be transferred to “Office of Inspector General—Operations and Support” for oversight of the use of funds made available under such section 4005.

Title II

Security, Enforcement, and Investigations

U.S. Customs and Border Protection

Operations and Support

(including transfer of funds)

For necessary expenses of U.S. Customs and Border Protection for operations and support, including the transportation of unaccompanied alien minors; the provision of air and marine support to Federal, State, local, and international agencies in the enforcement or administration of laws enforced by the Department of Homeland Security;
at the discretion of the Secretary of Homeland Security, the provision of such support to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; the purchase and lease of up to 7,500 (6,500 for replacement only) police-type vehicles; the purchase, maintenance, or operation of marine vessels, aircraft, and unmanned aerial systems; and contracting with individuals for personal services abroad; $14,690,501,000; of which $3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which $200,000,000 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. 58e(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, $547,539,000, of which $402,180,000 shall remain available until September 30, 2025; and of which $145,359,000 shall remain available until September 30, 2027.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

OPERATIONS AND SUPPORT

For necessary expenses of U.S. Immigration and Customs Enforcement for operations and support, including the purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; overseas vetted units; and maintenance, minor construction, and minor leasehold improvements at owned and leased facilities; $8,298,567,000; of which not less than $6,000,000 shall remain available until expended for efforts to enforce laws
against forced child labor; of which $46,696,000 shall re-
main available until September 30, 2024; of which not less
than $1,500,000 is for paid apprenticeships for partici-
pants in the Human Exploitation Rescue Operative Child-
Rescue Corps; of which not less than $15,000,000 shall
be available for investigation of intellectual property rights
violations, including operation of the National Intellectual
Property Rights Coordination Center; of which not less
than $13,500,000 shall be used for providing financial as-
sistance for operational, administrative, salary reimburse-
ment, and technology costs associated with participation
of Federal, State, local, tribal, and territorial law enforc-
ment officers on the Homeland Security Investigations
Border Enforcement Security Task Force; and of which
$3,923,433,000 shall be for enforcement, detention, and
removal operations, including support for joint processing
centers and transportation of unaccompanied alien mi-
nors: Provided, That not to exceed $11,475 shall be for
official reception and representation expenses: Provided
further, That not to exceed $10,000,000 shall be available
until expended for conducting special operations under
section 3131 of the Customs Enforcement Act of 1986 (19
U.S.C. 2081): Provided further, That not to exceed
$2,000,000 shall be for awards of compensation to inform-
ants, to be accounted for solely under the certificate of
the Secretary of Homeland Security: Provided further, That not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: Provided further, That of the amounts made available under this heading for Executive Leadership and Oversight, $5,000,000 shall not be available for obligation until the reports directed under this heading in the explanatory statements accompanying Public Laws 116–6, 116–93, and 117–103 have been submitted to the Committees on Appropriations of the Senate and the House of Represent- atives: Provided further, That the amount made available under this heading for Executive Leadership and Oversight shall be reduced each month by $25,000 for each day after the required date that the briefing described in section 219 has not been provided to the Committees on Appropriations of the Senate and the House of Represent- atives.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of U.S. Immigration and Customs Enforcement for procurement, construction, and improvements, $97,762,000, of which $22,997,000 shall remain available until September 30, 2025, and of which
$74,765,000 shall remain available until September 30, 2027.

TRANSPORTATION SECURITY ADMINISTRATION
OPERATIONS AND SUPPORT

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

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Transportation Security Administration for procurement, construction, and improvements, $141,689,000, to remain available until September 30, 2025.
RESEARCH AND DEVELOPMENT

For necessary expenses of the Transportation Security Administration for research and development, $33,532,000, to remain available until September 30, 2024.

COAST GUARD

OPERATIONS AND SUPPORT

For necessary expenses of the Coast Guard for operations and support including the Coast Guard Reserve; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of not more than $700,000) and repairs and service-life replacements, not to exceed a total of $31,000,000; purchase, lease, or improvements of boats necessary for overseas deployments and activities; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $9,751,469,000, of which $530,000,000 shall be for defense-related activities; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $6,000,000 shall remain available until September 30, 2025; of which $28,386,000 shall remain available until September 30,
2027, for environmental compliance and restoration; and of which $70,000,000 shall remain available until September 30, 2024, which shall only be available for vessel depot level maintenance: Provided, That not to exceed $23,000 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Coast Guard for procurement, construction, and improvements, including aids to navigation, shore facilities (including facilities at Department of Defense installations used by the Coast Guard), and vessels and aircraft, including equipment related thereto, $2,301,050,000, to remain available until September 30, 2027; of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

RESEARCH AND DEVELOPMENT

For necessary expenses of the Coast Guard for research and development; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; $7,476,000, to remain available until September 30, 2025, of which $500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.
Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman’s Family Protection and Survivor Benefits Plans, payment for career status bonuses, payment of continuation pay under section 356 of title 37, United States Code, concurrent receipts, combat-related special compensation, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $2,044,414,000, to remain available until expended.

UNITED STATES SECRET SERVICE

OPERATIONS AND SUPPORT

For necessary expenses of the United States Secret Service for operations and support, including purchase of not to exceed 652 vehicles for police-type use; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; rental of buildings in the District of Columbia; fencing, lighting, guard booths,
and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; conduct of and participation in firearms matches; presentation of awards; conduct of behavioral research in support of protective intelligence and operations; payment in advance for commercial accommodations as may be necessary to perform protective functions; and payment, without regard to section 5702 of title 5, United States Code, of subsistence expenses of employees who are on protective missions, whether at or away from their duty stations; $2,645,596,000; of which $52,296,000 shall remain available until September 30, 2024, and of which $6,000,000 shall be for a grant for activities related to investigations of missing and exploited children; and of which up to $17,000,000 may be for calendar year 2022 premium pay in excess of the annual equivalent of the limitation on the rate of pay contained in section 5547(a) of title 5, United States Code, pursuant to section 2 of the Overtime Pay for Protective Services Act of 2016 (5 U.S.C. 5547 note), as last amended by Public Law 116–269: Provided, That not to exceed $19,125 shall be for official reception and representation expenses: Provided further, That not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in criminal inves-
tigations within the jurisdiction of the United States Sec-

tret Service.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

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

RESEARCH AND DEVELOPMENT

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

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

Sec. 205. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: Provided, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: Provided further, That the prescription drug may not be—

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

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

Sec. 206. (a) Notwithstanding any other provision of law, none of the funds provided in this or any other Act shall be used to approve a waiver of the navigation and vessel-inspection laws pursuant to section 501(b) of title 46, United States Code, for the transportation of crude oil distributed from and to the Strategic Petroleum...
Reserve until the Secretary of Homeland Security, after consultation with the Secretaries of the Departments of Energy and Transportation and representatives from the United States flag maritime industry, takes adequate measures to ensure the use of United States flag vessels.

(b) The Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives within 2 business days of any request for waivers of navigation and vessel-inspection laws pursuant to section 501(b) of title 46, United States Code, with respect to such transportation, and the disposition of such requests.

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

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

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

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

SEC. 208. (a) Not later than 90 days after the date
of enactment of this Act, the Secretary of Homeland Secu-

rity shall submit an expenditure plan for any amounts
made available for “U.S. Customs and Border Protec-
tion—Procurement, Construction, and Improvements” in
this Act and prior Acts to the Committees on Appropria-
tions of the Senate and the House of Representatives.

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

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

(1) within the Santa Ana Wildlife Refuge;

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

(3) within La Lomita Historical park;

(4) within the National Butterfly Center;

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

(6) within any cemetery designated as a historic
cemetery under State law or regulation;
(7) within the San Ygnacio Bird Sanctuary & Riverfront; or
(8) within the Salineño Wildlife Preserve.

SEC. 210. (a) The unobligated balances of amounts specified in paragraphs (1) through (5) of section 230(a) of division F of the Consolidated Appropriations Act, 2018 (Public Law 115–141), section 230(a)(1) of division A of the Consolidated Appropriations Act, 2019 (Public Law 116–6), section 209(a)(1) of division D of the Consolidated Appropriations Act, 2020 (Public Law 116–93), and section 210 of division F of the Consolidated Appropriations Act, 2021 (Public Law 116–260) shall, in addition to the purposes for which they were originally appropriated, be available for—

(1) the construction and improvement of roads along the southwest border;
(2) control of vegetation along the southwest border that creates obstacles to the detection of illegal entry;
(3) remediation and environmental mitigation, including scientific studies, related to border barrier construction, including barrier construction undertaken by the Department of Defense; and
(4) the acquisition and deployment of border security technology at and between ports of entry along the southwest border.

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

SEC. 211. The Secretary of Homeland Security may transfer up to $100,000,000 in unobligated balances available from prior appropriations Acts under the heading “U.S. Customs and Border Protection—Procurement, Construction, and Improvements” to the Department of the Interior (including any agency or bureau within the Department of the Interior) or the Forest Service within the Department of Agriculture for the execution of environmental and other mitigation projects or activities, including the acquisition of land and scientific studies, related to the construction of border barriers on the southwest border during fiscal years 2017 through 2021 by U.S. Customs and Border Protection and the Department of Defense.

SEC. 212. Section 230(b) of division F of the Consolidated Appropriations Act, 2018 (Public Law 115–141), section 230(b) of division A of the Consolidated Appropriations Act, 2019 (Public Law 116–6), section 209(b) of division D of the Consolidated Appropriations Act,
2020 (Public Law 116–93) (including with respect to section 210 of division F of the Consolidated Appropriations Act, 2021 (Public Law 116-260)) shall no longer apply.

Sec. 213. None of the funds provided under the heading “U.S. Immigration and Customs Enforcement—Operations and Support” may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been materially violated.

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

(b) The performance evaluations referenced in subsection (a) shall be conducted by the U.S. Immigration and Customs Enforcement Office of Professional Responsibility.
SEC. 215. Without regard to the limitation as to time and condition of section 503(d) of this Act, the Secretary may reprogram within and transfer funds to “U.S. Immigration and Customs Enforcement—Operations and Support” as necessary to ensure the detention of aliens prioritized for removal.

SEC. 216. The reports required to be submitted by U.S. Immigration and Customs Enforcement, related to immigration enforcement, under section 216 of the Department of Homeland Security Appropriations Act, 2021 (division F of Public Law 116–260), and section 218 of the Department of Homeland Security Appropriations Act, 2020 (division D of Public Law 116-260) shall continue to be submitted semimonthly and each matter required to be included in each such report by such section 216 shall apply in the same manner and to the same extent.

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

(1) based on information provided to a Federal employee or contractor related to facilitating the sponsorship of an unaccompanied alien child (as defined in section 462(g) of the Homeland Security
Act of 2002 (6 U.S.C. 279(g)) or the reunification of such child with a family member; or

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

Sec. 218. The terms and conditions of section 217 of the Department of Homeland Security Appropriations Act, 2020 (division D of Public Law 116—93), related to reporting on the U.S. Customs and Immigration Enforcement 287(g) program, shall apply to this Act.

Sec. 219. Beginning not later than 30 calendar days after the date of enactment of this Act and not later than the 21st day of each month thereafter, the Director of Immigration and Customs Enforcement (or the Director’s designee) shall provide a briefing to the Committees on Appropriations of the Senate and the House of Representatives on obligations and on-board staffing levels at both the account and the program, project, and activity level for the prior two fiscal years and the current fiscal year, to-date, and projected obligations and staffing levels by month for the remainder of the current fiscal year.

Sec. 220. (a) None of the funds provided under the heading “U.S. Immigration and Customs Enforcement—Operations and Support” may be used to engage in civil
immigration enforcement activities, such as arrests, expulsions, custodial detentions, removals, or referrals, processing, or issuance of charging documents, using Homeland Security Investigations personnel, resources, or capabilities, absent probable cause that the individual facing such enforcement action has committed a criminal offense, excluding state, local, or Federal offenses for which an essential element was the noncitizen’s immigration status.

(b) For the purposes of this section, criminal offenses for which an essential element was the noncitizen’s immigration status includes, but is not limited to, offenses identified in sections 264, 266(a), 266(b), 275, or 276 of the Immigration and Nationality Act and state and local offenses for which an essential element was the noncitizen’s immigration status.

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

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

SEC. 222. Members of the United States House of Representatives and the United States Senate, including the leadership; the heads of Federal agencies and commis-
sions, including the Secretary, Deputy Secretary, Under
Secretaries, and Assistant Secretaries of the Department
of Homeland Security; the United States Attorney Gen-
eral, Deputy Attorney General, Assistant Attorneys Gen-
eral, and the United States Attorneys; and senior mem-
ers of the Executive Office of the President, including
the Director of the Office of Management and Budget,
shall not be exempt from Federal passenger and baggage
screening.

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

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

SEC. 225. Not later than 45 days after the submis-
sion of the President’s budget proposal, the Administrator
of the Transportation Security Administration shall sub-
mit to the Committees on Appropriations and Commerce,
Science, and Transportation of the Senate and the Com-
mittees on Appropriations and Homeland Security in the
House of Representatives a single report that fulfills the
following requirements:

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

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

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

Sec. 226. Section 225 of division A of Public Law
116–6 (49 U.S.C. 44901 note), relating to a pilot program
for screening outside of an existing primary passenger ter-
minal screening area, is amended in subsection (e) by
striking “2023” and inserting “2025”.

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

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

SEC. 228. Without regard to the limitation as to time and condition of section 503(d) of this Act, after June 30, in accordance with the notification requirement described in subsection (b) of such section, up to the following amounts may be reprogrammed within “Coast Guard—Operations and Support”—

(1) $10,000,000 to or from the “Military Personnel” funding category; and
(2) $10,000,000 between the “Field Operations” funding subcategories.

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

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

SEC. 231. Amounts deposited into the Coast Guard Housing Fund in fiscal year 2023 shall be available until expended to carry out the purposes of section 2946 of title 14, United States Code, and shall be in addition to funds otherwise available for such purposes.
Sec. 232. (a) Notwithstanding section 2110 of title 46, United States Code, none of the funds made available in this Act may be used to charge a fee for an inspection of a towing vessel, as defined in 46 CFR Section 136.110, that utilizes the Towing Safety Management System option for a Certificate of Inspection issued under subchapter M of title 46, Code of Federal Regulations.

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

Sec. 233. The United States Secret Service is authorized to obligate funds in anticipation of reimbursements from executive agencies, as defined in section 105 of title 5, United States Code, for personnel receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under the heading “United States Secret Service—Operations and Support” at the end of the fiscal year.

Sec. 234. (a) None of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protec-
tion of the head of a Federal agency other than the Sec-

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

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

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

SEC. 237. Subject to any legal limitations on contin-
ued detention, none of the funds made available by this
Act may be used to release removable aliens into the
United States until the Secretary of Homeland Security
has determined whether that person is included in the ter-
rorist screening database and whether the National Crime
Information Center includes any active wants or warrants in the jurisdiction where such alien is to be released.

SEC. 238. None of the funds made available in this Act may be used to pay the salaries or expenses of personnel to process aliens encountered at the United States border under the immigration laws (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)), if such alien would have been processed under section 362 and section 365 of the Public Health Service Act (42 U.S.C. 265 and 268) as of January 19, 2021, until 180 days after date on which the public health emergency relating to the Coronavirus Disease 2019 pandemic, declared under section 319 of such Act (42 U.S.C. 247d) on January 31, 2020, and any continuation of such declaration (including the continuation described in Proclamation 9994 on February 24, 2021) has been terminated.

TITLE III
PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY
Cybersecurity and Infrastructure Security Agency
For necessary expenses of the Cybersecurity and Infrastructure Security Agency for operations and support,
$2,373,213,000, of which $28,293,000, shall remain available until September 30, 2024: Provided, That not to exceed $5,500 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Cybersecurity and Infrastructure Security Agency for procurement, construction, and improvements, $547,148,000, of which $520,048,000 shall remain available until September 30, 2025, and of which $27,100,000 shall remain available until September 30, 2027.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Cybersecurity and Infrastructure Security Agency for research and development, $7,431,000, to remain available until September 30, 2024.

FEDERAL EMERGENCY MANAGEMENT AGENCY

OPERATIONS AND SUPPORT

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

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Federal Emergency Management Agency for procurement, construction, and
improvements, $203,730,000, of which $126,425,000 shall remain available until September 30, 2025, and of which $77,305,000 shall remain available until September 30, 2027.

FEDERAL ASSISTANCE

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

(1) $520,000,000 for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605), of which $90,000,000 shall be for Operation Stonegarden, $15,000,000 shall be for Tribal Homeland Security Grants under section 2005 of the Homeland Security Act of 2002 (6 U.S.C. 606). Provided, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2023, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

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

(4) $105,000,000 for Public Transportation Security Assistance, Railroad Security Assistance, and Over-the-Road Bus Security Assistance under sections 1406, 1513, and 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135, 1163, and 1182), of which $10,000,000 shall be for Amtrak security and $2,000,000 shall be for Over-the-Road Bus Security: Provided, That such public transportation security assistance shall be provided directly to public transportation agencies.
(5) $100,000,000 for Port Security Grants in accordance with section 70107 of title 46, United States Code.

(6) $740,000,000, to remain available until September 30, 2024, of which $370,000,000 shall be for Assistance to Firefighter Grants and $370,000,000 shall be for Staffing for Adequate Fire and Emergency Response Grants under sections 33 and 34 respectively of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).


(8) $350,000,000 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) $280,000,000 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, of which $150,000,000 is for the purposes of providing humanitarian relief to families and individuals encountered by the Department of Homeland Security: Provided, That not to exceed 3.5 percent shall be for total administrative costs.

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

(12) $247,500,000, to remain available until September 30, 2024, for the purposes, and in the amounts, specified in the table entitled “Community Project Funding” under this heading in the report accompanying this Act, in addition to amounts otherwise made available for such purposes; of which $51,856,713 is for emergency operations center grants under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42
U.S.C. 5196c); of which $173,118,908 is for pre-disaster mitigation grants under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(e), notwithstanding subsections (f), (g), and (l) of that section (42 U.S.C. 5133(f), (g), and (l)); and of which up to $22,524,379 is for management and administration costs of recipients.

(13) $312,119,000 to sustain current operations for training, exercises, technical assistance, and other programs.

DISASTER RELIEF FUND

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

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster
Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141, 126 Stat. 916), and the Homeowner Flood Insurance Affordability Act of 2014 (Public Law 113–89; 128 Stat. 1020), $225,000,000, to remain available until September 30, 2024, which shall be derived from offsetting amounts collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)); of which $18,500,000 shall be available for mission support associated with flood management; and of which $206,500,000 shall be available for flood plain management and flood mapping: Provided, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as offsetting collections to this account, to be available for flood plain management and flood mapping: Provided further, That in fiscal year 2023, no funds shall be available from the National Flood Insurance Fund under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017) in excess of—

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

(2) $960,647,000 for commissions and taxes of agents;
(3) such sums as are necessary for interest on Treasury borrowings; and

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

Provided further, That the amounts collected under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) and section 1366(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(e)), shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding section 102(f)(8), section 1366(e) of the National Flood Insurance Act of 1968, and paragraphs (1) through (3) of section 1367(b) of such Act (42 U.S.C. 4012a(f)(8), 4104c(e), 4104d(b)(1)–(3)): Provided further, That total administrative costs shall not exceed 4 percent of the total appropriation: Provided further, That up to $5,000,000 is available to carry out section 24 of the Homeowner Flood Insurance Affordability Act of 2014 (42 U.S.C. 4033).
Sec. 301. (a) Notwithstanding section 2008(a)(12) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(12)) or any other provision of law, not more than 5 percent of the amount of a grant made available in paragraphs (1) through (5) under “Federal Emergency Management Agency—Federal Assistance”, may be used by the recipient for expenses directly related to administration of the grant.

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

Sec. 302. Notwithstanding clauses (i) through (v) of section 204(e)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 605(e)(1)(A)(i) through (v)), for fiscal year 2023, the meaning of “total funds appropriated for grants under this section and section 2003” shall not include any funds appropriated for the Nonprofit Security Grant Program under paragraph (3) under the heading “Federal Emergency Management Agency—Federal Assistance”.

Sec. 303. Applications for grants under the heading “Federal Emergency Management Agency—Federal Assistance”, for paragraphs (1) through (4), shall be made
available to eligible applicants not later than 60 days after
the date of enactment of this Act, eligible applicants shall
submit applications not later than 80 days after the grant
announcement, and the Administrator of the Federal
Emergency Management Agency shall act within 65 days
after the receipt of an application.

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

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

SEC. 305. Under the heading “Federal Emergency
Management Agency—Federal Assistance”, for grants
under paragraphs (1) and (2), the installation of commu-
ications towers is not considered construction of a build-
ing or other physical facility.
SEC. 306. The reporting requirements in paragraphs (1) and (2) under the heading “Federal Emergency Management Agency—Disaster Relief Fund” in the Department of Homeland Security Appropriations Act, 2015 (Public Law 114–4), related to reporting on the Disaster Relief Fund, shall be applied in fiscal year 2023 with respect to budget year 2024 and current fiscal year 2023, respectively—

(1) in paragraph (1) by substituting “fiscal year 2024” for “fiscal year 2016”; and
(2) in paragraph (2) by inserting “business” after “fifth”.


SEC. 308. (a) The aggregate charges assessed during fiscal year 2023, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act,
1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security to be necessary for its Radiological Emergency Preparedness Program for the next fiscal year.

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

c) Such fees shall be deposited in a Radiological Emergency Preparedness Program account as offsetting collections and will become available for authorized purposes on October 1, 2023, and remain available until expended.

TITLE IV
RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES
U.S. Citizenship and Immigration Services
OPERATIONS AND SUPPORT

For necessary expenses of U.S. Citizenship and Immigration Services for operations and support, including for the E-Verify Program, application processing, the reduction of backlogs within asylum, field, and service center offices, and for the Refugee, Asylum, and International Operations Programs, $653,293,000: Provided, That such amounts shall be in addition to any other amounts made available for such purposes, and shall not be construed to require any reduction of any fee described in section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)): Provided further, That not to exceed $2,500 shall be for official reception and representation expenses: Provided further, That, notwithstanding any other provision of law, not to exceed $20,000,000, to remain available until September 30, 2024, shall be for implementation of the Deferred Action for Childhood Arrivals Program of the Secretary of Homeland Security, established pursuant to the memorandum from the Secretary of Homeland Security entitled ‘Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as
Children’, dated June 15, 2012, including for the processing of applications for such program and for work authorization under such program.

FEDERAL ASSISTANCE

For necessary expenses of U.S. Citizenship and Immigration Services for Federal assistance for the Citizenship and Integration Grant Program, $30,000,000, to remain available until September 30, 2024.

FEDERAL LAW ENFORCEMENT TRAINING CENTERS

OPERATIONS AND SUPPORT

For necessary expenses of the Federal Law Enforcement Training Centers for operations and support, including the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, $355,247,000, of which $66,665,000 shall remain available until September 30, 2024: Provided, That not to exceed $7,180 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Federal Law Enforcement Training Centers for procurement, construction, and improvements, $41,300,000, to remain available until September 30, 2027, for acquisition of necessary additional real property and facilities, construction and ongoing
maintenance, facility improvements and related expenses
of the Federal Law Enforcement Training Centers.

SCIENCE AND TECHNOLOGY DIRECTORATE

OPERATIONS AND SUPPORT

For necessary expenses of the Science and Technology Directorate for operations and support, including
the purchase or lease of not to exceed 5 vehicles,
$369,107,000, of which $215,397,000 shall remain available
until September 30, 2024: Provided, That not to exceed $10,000 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Science and Technology Directorate for procurement, construction, and improvements, $63,716,000, to remain available until September 30, 2027.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Science and Technology Directorate for research and development,
$530,954,000, to remain available until September 30, 2025.

COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

OPERATIONS AND SUPPORT

For necessary expenses of the Countering Weapons of Mass Destruction Office for operations and support,
$151,970,000, of which $50,446,000 shall remain available until September 30, 2024: Provided, That not to exceed $2,250 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

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

RESEARCH AND DEVELOPMENT

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

FEDERAL ASSISTANCE

For necessary expenses of the Countering Weapons of Mass Destruction Office for Federal assistance through grants, contracts, cooperative agreements, and other activities, $139,183,000, to remain available until September 30, 2025.

ADMINISTRATIVE PROVISIONS

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

(b) The Director of U.S. Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees’ residences and places of employment.

Sec. 402. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided by employees (including employees serving on a temporary or term basis) of U.S. Citizenship and Immigration Services of the Department of Homeland Security who are known as Immigration Information Officers, Immigration Service Analysts, Contact Representatives, Investigative Assistants, or Immigration Services Officers.

Sec. 403. Notwithstanding any other provision of law, any Federal funds made available to U.S. Citizenship and Immigration Services may be used for the collection and use of biometrics taken at a U.S. Citizenship and Immigration Services Application Support Center that is overseen virtually by U.S. Citizenship and Immigration Services personnel using appropriate technology.

Sec. 404. (a) The numerical limitations in sections 201, 202, and 203 of the Immigration and Nationality Act (8 U.S.C. 1151, 1152, and 1153) shall not apply during
fiscal year 2023 or during any subsequent fiscal year to
an alien described in section 101(a)(27)(J) of that Act (8
U.S.C. 1101(a)(27)(J)) for whom a petition for classifica-
tion under section 203(b)(4) of that Act (8 U.S.C.
1153(b)(4)) was filed before October 1, 2023.

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

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

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

(A) the difference, if any, between—

(i) the number of visas that were originally
made available to family-sponsored immigrants
under section 201(c)(1) of the Immigration and Na-
tionality Act (8 U.S.C. 1151(c)(1)) for fiscal years
1992 through 2021, reduced by any unused visas
made available to such immigrants in such fiscal
years under section 201(c)(3) of such Act (8 U.S.C. 1151(c)(3)); and

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

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

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

(A) 10.4 percent to family-sponsored immigrants under section 203(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(1)), plus any visa available under this paragraph not required for subparagraph (E);

(B) 38.9 percent to family-sponsored immigrants under section 203(a)(2)(A) of the Immi-
gration and Nationality Act (8 U.S.C. 1153(a)(2)(A)), plus any visa available under this paragraph not required for subparagraph (A);

(C) 11.6 percent to family-sponsored immigrants under section 203(a)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(2)(B)), plus any visa available under this paragraph not required for subparagraphs (A) and (B);

(D) 10.4 percent to family-sponsored immigrants under section 203(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(3)), plus any visa available under this paragraph not required for subparagraphs (A) through (C); and

(E) 28.7 percent to family-sponsored immigrants under section 203(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(4)), plus any visa available under this paragraph not required for subparagraphs (A) through (D).

(b)(1) Notwithstanding any other provision of law, beginning in fiscal year 2023, the number of employment-based immigrant visas that may be issued under section
203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) shall be increased by the number computed under paragraph (2). Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) shall not apply to the additional employment-based immigrant visas made available under this paragraph.

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

(A) the difference, if any, between—

(i) the number of visas that were originally made available to employment-based immigrants under section 201(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(d)(1)) for fiscal years 1992 through 2022, reduced by any unused visas made available to such immigrants in such fiscal years under section 201(d)(2) of the Immigration and Nationality Act (8 U.S.C. 1151(d)(2)); and

(ii) the number of visas described in clause (i) that were issued under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)), or, in accordance with section 201(c)(3)(C) of the immigration and Nationality Act (8 U.S.C. 1151(c)(3)(C)), under sec-
tion 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)); and

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

(3) The number of employment-based immigrant visas computed under paragraph (2) that may be issued under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) shall be allotted between the employment-based categories at the start of every fiscal year as follows:

(A) 28.6 percent to employment-based immigrants under section 203(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(1)), plus any visa available under this paragraph not required for subparagraph (F);

(B) 28.6 percent to employment-based immigrants under section 203(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(2)), plus any visa available under this paragraph not required for subparagraph (A);

(C) 21.5 percent to employment-based immigrants under section 203(b)(3)(A)(i) and (ii) of the Immigration and Nationality Act (8
U.S.C. 1153(b)(3)(A)(i) and (ii)), plus any visa available under this paragraph not required for subparagraphs (A) and (B);

(D) 7.1 percent to employment-based immigrants under section 203(b)(3)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(3)(A)(iii)), plus any visa available under this paragraph not required for subparagraphs (A) through (C);

(E) 7.1 percent to employment-based immigrants under section 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(4)), plus any visa available under this paragraph not required for subparagraphs (A) through (D); and

(F) 7.1 percent to employment-based immigrants under section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)), plus any visa available under this paragraph not required for subparagraphs (A) through (E).

(c) Section 201(c) of the Immigration and Nationality Act (8 U.S.C. 1151(c)) is amended to read as follows:

“(c) **Worldwide Level of Family-Sponsored Immigrants.**—The worldwide level of family-sponsored
immigrants under this subsection for a fiscal year is equal to—

“(1) 226,000, plus

“(2) the difference (if any) between the maximum number of visas which may be issued under section 203(a) (relating to family-sponsored immigrants) during the previous fiscal year and the number of aliens who were issued immigrant visas or who otherwise acquired the status of aliens lawfully admitted to the United States for permanent residence under that section during that year.”.

(d) Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 1151(d)) is amended to read as follows:

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

“(1) 140,000, plus

“(2) the difference (if any) between the maximum number of visas which may be issued under section 203(b) (relating to employment-based immigrants) during the previous fiscal year and the number of aliens who were issued immigrant visas or who otherwise acquired the status of aliens lawfully
admitted to the United States for permanent residence under that section during that year.”.

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

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

(2) Executive Order 13780 (82 Fed. Reg. 13209; relating “Protecting the Nation from Foreign Terrorist Entry into the United States”);

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

(4) Proclamation 9983 (85 Fed. Reg. 6699; relating to “Improving Enhanced Vetting Capabilities and Proc-
esses for Detecting Attempted Entry into the United States by Terrorists or Other Public-Safety Threats’’).

(b) Not later than 90 days after the date of the enactment of this section, the Secretary of State shall—

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

(2) publish on the Department of State website, information and procedures implementing this section.

(e) The notice described in subsection (b)(1) shall include procedures for the alien to inform the Secretary of State of the alien’s intent to proceed with or abandon the application, and shall include an advisory that such application shall be deemed abandoned if the alien fails to notify the Secretary of the alien’s intent to proceed within one year after the date on which the notice was issued.

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

(1) the alien—
(A) notifies the Secretary of the alien’s intent to abandon the application; or

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

(2) the Secretary of State makes a final determination of the alien’s ineligibility for such visa under section 203(e)(2), 204(a)(1)(I)(iii), or 212(a) of the Immigration and Nationality Act (8 U.S.C. 1153(e)(2), 1154(a)(1)(I)(iii), or 1182(a)).

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

SEC. 407. (a) Notwithstanding the numerical limitation set forth in section 214(g)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(B)), the Secretary of Homeland Security, after consultation with the Secretary of Labor and upon the determination that the needs of American businesses cannot be satisfied in fiscal year 2023 with United States workers who are willing, qualified, and able to perform temporary nonagricultural labor, may increase the total number of aliens who may receive a visa under section 101(a)(15)(H)(ii)(b) of such
Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) in such fiscal year above such limitation by not more than the highest number of H–2B nonimmigrants who participated in the H–2B returning worker program in any fiscal year in which returning workers were exempt from such numerical limitation.

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

(c) Notwithstanding section 553 of title 5, United States Code, such guidance may be published on the internet website of the Department of Homeland Security, and shall be effective immediately upon such publication.

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

Sec. 409. The Director of the Federal Law Enforcement Training Centers is authorized to distribute funds to Federal law enforcement agencies for expenses incurred participating in training accreditation.

Sec. 410. The Federal Law Enforcement Training Accreditation Board, including representatives from the
Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

Sec. 411. (a) The Director of the Federal Law Enforcement Training Centers may accept transfers to its “Procurement, Construction, and Improvements” account from Government agencies requesting the construction of special use facilities, as authorized by the Economy Act (31 U.S.C. 1535(b)).

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

TITLE V

GENERAL PROVISIONS

(INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

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

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

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

1. creates a new program, project, or activity;
2. eliminates a program, project, or activity;
3. augments funding for any program, project, or activity in excess of $5,000,000 or 10 percent, whichever is less; or
(4) reduces funding for any program, project, or activity, or numbers of personnel, by 10 percent or more.

(b) Subsection (a) shall not apply if the Committees on Appropriations of the Senate and the House of Representatives are notified at least 15 days in advance of such reprogramming by the Under Secretary for Management of the Department of Homeland Security.

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

(1) no such appropriation shall be augmented by more than 10 percent by such transfers unless otherwise specifically provided in this Act; and

(2) no funding may be transferred from an appropriation that is designated by the Congress as being for—
(A) an emergency requirement pursuant to a concurrent resolution on the budget; or

(B) disaster relief pursuant to a concurrent resolution on the budget.

(d) Notwithstanding subsections (b) and (e), no funds shall be obligated for any purpose described in subsection (a) and no funds shall be transferred between appropriations based upon an initial notification provided after June 30, except—

(1) as otherwise provided in this Act; or

(2) when the Under Secretary for Management provides a written justification and certifies in writing to the Committees on Appropriations of the Senate and the House of Representatives that such action is necessary due to extraordinary circumstances that imminently threaten the safety of human life or the protection of property.

(e) Notwithstanding subsection (e), the Secretary of Homeland Security may transfer to the fund established by 8 U.S.C. 1101 note, up to $20,000,000 from appropriations available to the Department of Homeland Security if the Secretary notifies the Committees on Appropriations...
tions of the Senate and the House of Representatives at least 5 days in advance of such transfer.

(f) For purposes of this section—

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

(A) each item listed under an appropriation account or fee funded program account for which an amount is specified in the detailed funding table located at the end of the explanatory statement accompanying the applicable appropriations Act;

(B) each item for which the explanatory statement accompanying the applicable appropriations Act specifies a funding amount, except for references to increases or reductions below the budget request; or

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

(2) The term “reprogramming of funds” means a reduction to or augmentation of a funding amount specified in the explanatory statement accompanying the applicable appropriations Act for a program, project, or activity; and
(3) The term “exigent requirements or circumstances” means those requirements or circumstances for which an inability to increase budgetary resources through a transfer of funds during the current fiscal year would result in a significant increase in costs to the Federal government in the current or a subsequent fiscal year or would seriously compromise needed departmental capabilities.

SEC. 504. (a) None of the funds provided by this Act, by prior Acts, or from any accounts in the Treasury of the United States derived from the collection of fees available to the components funded by this Act, shall be available for an obligation that contracts out any function presently performed by Federal personnel or any new function proposed to be performed by Federal personnel in the President’s budget, submitted pursuant to section 1105(a) of title 31, United States Code, and accompanying justification materials for the fiscal year funded by this Act or prior Department of Homeland Security appropriations Acts.

(b) None of the funds provided by this Act or prior Department of Homeland Security Appropriations Acts for “Procurement, Construction, and Improvements” may
be available for an obligation for any purpose that was not—

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

(2) explicitly described in the applicable appropriations Act or the explanatory statement accompanying such Act.

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

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

(2) explicitly described in the applicable appropriations Act or the explanatory statement accompanying such Act.

(d) Subsections (a), (b), and (c) shall not apply if the Committees on Appropriations of the Senate and the
House of Representatives are notified at least 15 days in advance of such obligation by the Under Secretary for Management of the Department of Homeland Security.

Sec. 505. (a) Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2023, as recorded in the financial records at the time of a reprogramming notification, but not later than June 30, 2024, from appropriations for “Operations and Support” for fiscal year 2023 in this Act shall remain available through September 30, 2024, in the account and for the purposes for which the appropriations were provided.

(b) Prior to the obligation of such funds, a notification shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives in accordance with section 503 of this Act.

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

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

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

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

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

Sec. 508. (a) The Secretary of Homeland Security, or the designee of the Secretary, shall notify the Commit-
tees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of—
(1) making or awarding a grant allocation or
grant in excess of $1,000,000;

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

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

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

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

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

(c) A notification under this section—
(1) may not involve funds that are not available for obligation; and

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

Sec. 509. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without advance notification to the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Centers is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training that cannot be accommodated in existing Centers’ facilities.

Sec. 510. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.
SEC. 511. No Federal funds may be available to pay the salary of any employee serving as a contracting officer’s representative, or anyone acting in a similar capacity, who has not received contracting officer’s representative training.

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

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

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

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

SEC. 515. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 516. Any official that is required by this Act to report or to certify to the Committees on Appropriations of the Senate and the House of Representatives may
not delegate such authority to perform that act unless spe-
cifically authorized herein.

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

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

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

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

Sec. 520. None of the funds made available in this Act may be used by a Federal law enforcement officer to
facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

SEC. 521. (a) None of the funds made available in this Act may be used to pay for the travel to or attendance of more than 50 employees of a single component of the Department of Homeland Security, who are stationed in the United States, at a single international conference unless the Secretary of Homeland Security, or a designee, determines that such attendance is in the national interest and notifies the Committees on Appropriations of the Senate and the House of Representatives within at least 10 days of that determination and the basis for that determination.

(b) For purposes of this section the term “international conference” shall mean a conference occurring outside of the United States attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

(c) The total cost to the Department of Homeland Security of any such conference shall not exceed $500,000.
(d) Employees who attend a conference virtually without travel away from their permanent duty station within the United States shall not be counted for purposes of this section, and the prohibition contained in this section shall not apply to payments for the costs of attendance for such employees.

Sec. 522. None of the funds made available in this Act may be used to reimburse any Federal department or agency for its participation in a National Special Security Event.

Sec. 523. (a) None of the funds made available to the Department of Homeland Security by this or any other Act may be obligated for the implementation of any structural pay reform or the introduction of any new position classification that will affect more than 100 full-time positions or costs more than $5,000,000 in a single year before the end of the 30-day period beginning on the date on which the Secretary of Homeland Security submits to Congress a notification that includes—

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

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

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

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

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

(2) funds for such change have not been explicitly denied or restricted in this Act.

SEC. 524. (a) Any agency receiving funds made available in this Act shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Committees on Appropriations of the Senate and the House of Representatives in this Act.

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

(1) the public posting of the report compromises homeland or national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the Committees on Appropriations of the Senate and the House of Representatives for not less than 45 days except as otherwise specified in law.
SEC. 525. (a) Funding provided in this Act for “Operations and Support” may be used for minor procurement, construction, and improvements.

(b) For purposes of subsection (a), “minor” refers to end items with a unit cost of $250,000 or less for personal property, and $2,000,000 or less for real property.


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

(1) in subsection (a), by substituting “September 30, 2023,” for “September 30, 2017,”; and

(2) in subsection (c)(1), by substituting “September 30, 2023,” for “September 30, 2017”.

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

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

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

(1) A Member of Congress.

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

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

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

SEC. 529. (a) Except as provided in subsection (b), none of the funds made available in this Act may be used to place restraints on a woman in the custody of the Department of Homeland Security (including during transport, in a detention facility, or at an outside medical facility) who is pregnant or in post-delivery recuperation.

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

(1) an appropriate official of the Department of Homeland Security makes an individualized determination that the woman—

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

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

(2) a medical professional responsible for the care of the pregnant woman determines that the use of therapeutic restraints is appropriate for the medical safety of the woman.

(e) If a pregnant woman is restrained pursuant to subsection (b), only the safest and least restrictive restraints, as determined by the appropriate medical profes-
sional treating the woman, may be used. In no case may
restraints be used on a woman who is in active labor or
delivery, and in no case may a pregnant woman be re-
strained in a face-down position with four-point restraints,
on her back, or in a restraint belt that constricts the area
of the pregnancy. A pregnant woman who is immobilized
by restraints shall be positioned, to the maximum extent
feasible, on her left side.

SEC. 530. (a) None of the funds made available by
this Act may be used to destroy any document, recording,
or other record pertaining to any—
(1) death of,
(2) potential sexual assault or abuse per-
pertrated against, or
(3) allegation of abuse, criminal activity, or dis-
ruption committed by
an individual held in the custody of the Department of
Homeland Security.
(b) The records referred to in subsection (a) shall be
made available, in accordance with applicable laws and
regulations, and Federal rules governing disclosure in liti-
gation, to an individual who has been charged with a
crime, been placed into segregation, or otherwise punished
as a result of an allegation described in paragraph (3),
upon the request of such individual.
SEC. 531. Section 519 of division F of Public Law 114–113, regarding a prohibition on funding for any position designated as a Principal Federal Official, shall apply with respect to any Federal funds in the same manner as such section applied to funds made available in that Act.

SEC. 532. (a) Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the Under Secretary for Management of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on the unfunded priorities, for the Department of Homeland Security and separately for each departmental component, for which discretionary funding would be classified as budget function 050.

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

(1) a summary description, including the objectives to be achieved if such priority is funded (whether in whole or in part);

(2) the description, including the objectives to be achieved if such priority is funded (whether in whole or in part);
(3) account information, including the following
(as applicable):

(A) appropriation account; and

(B) program, project, or activity name;

and

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

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

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

(2) is necessary to fulfill a requirement associated with an operational or contingency plan for the Department; and

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

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

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

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

Sec. 533. (a) Not later than 10 days after a determination is made by the President to evaluate and initiate protection under any authority for a former or retired
Government official or employee, or for an individual who, during the duration of the directed protection, will become a former or retired Government official or employee (referred to in this section as a “covered individual”), the Secretary of Homeland Security shall submit a notification to congressional leadership and the Committees on Appropriations of the Senate and the House of Representatives, the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Oversight and Reform of the House of Representatives (referred to in this section as the “appropriate congressional committees”).

(b) Such notification may be submitted in classified form, if necessary, and in consultation with the Director of National Intelligence or the Director of the Federal Bureau of Investigation, as appropriate, and shall include the threat assessment, scope of the protection, and the anticipated cost and duration of such protection.

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

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

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

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

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

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

(b) None of the funds provided to the Department of Homeland Security by the Technology Modernization Fund shall be available for obligation until 15 days after a report on such funds has been transmitted to the Committees on Appropriations of the Senate and the House of Representatives.

(e) The report described in subsection (b) shall include—

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

(2) the finalized interagency agreement between the Department and the Fund including the project’s deliverables and repayment terms, as applicable;

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

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

(5) other information as determined by the Secretary.
SEC. 535. (a) For an additional amount for border management requirements of the U.S. Border Patrol, non-detention border management requirements of U.S. Customs and Immigration Enforcement, and the emergency food and shelter program for the purposes of providing shelter and other services to families and individuals encountered by the Department of Homeland Security, in addition to amounts otherwise made available for such purposes, $200,000,000.

(b) The amount made available by subsection (a) may be transferred by the Secretary of Homeland Security between appropriations for the same purposes, notwithstanding section 503(c) of this Act.

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

SEC. 536. No Federal funds may be used by the Department of Homeland Security to deny any benefit application for admission, or protection available to an individual under the Immigration and Nationality Act (8 U.S.C. 1101 et. seq.) on the sole basis of any event, conduct, finding, admission, history of substance use disorder, arrest, or juvenile adjudication related to cannabis possesses-
sion, consumption, or use, or to a conviction solely based
on such possession, consumption, or use.

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

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

(1) in subsection (d)—

(A) in paragraph (2)—

(i) by striking subparagraph (C);

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

by adding “and”; and

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

by striking “; and” and inserting a period;

(B) in paragraph (3)(D), by striking “local
governments, insular areas, and Indian tribal
governments” and inserting “local governments
and Tribal governments”; and

(C) by striking paragraph (4); and
(2) in subsection (m)—

(A) by striking paragraph (3) and inserting the following:

“(3) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a State or an Indian tribal government that has received a major disaster declaration pursuant to section 401.”;

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

(C) by redesignating paragraphs (6) through (9) as paragraphs (5) through (8), respectively; and

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

Sec. 539. (a) The remaining unobligated balances of funds from amounts provided under the heading “Federal Emergency Management Agency—Federal Assistance” in division F of Public Law 117–103 for the project identified as the “Vermilion Safe Room” in the table entitled “Homeland Incorporation of Community Project Funding Items/Congressionally Directed Spending Items” under the heading “Federal Emergency Management Agency—Federal Assistance” in the explanatory statement described in section 4 in the matter preceding division A of Public Law 117–103 are hereby rescinded.
(b) In addition to amounts otherwise available, there is appropriated for an additional amount for fiscal year 2022 for "Federal Emergency Management Agency—Federal Assistance", $3,000,000, to remain available until September 30, 2024, for an Emergency Operations Center grant under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c) for the project identified as the “Vermilion Safe Room” in the table entitled “Homeland Incorporation of Community Project Funding Items/Congressionally Directed Spending Items” under the heading “Federal Emergency Management Agency—Federal Assistance” in the explanatory statement described in section 4 in the matter preceding division A of Public Law 117–103.

(c) —

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

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

(RESCISIONS OF FUNDS)

Sec. 540. Of the funds appropriated to the Department of Homeland Security, the following funds are hereby rescinded from the following accounts and programs...
in the specified amounts: Provided, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985:

(1) $30,000,000 from Public Law 117–103 under the heading “U.S. Customs and Border Protection—Procurement, Construction, and Improvements”.

(2) $100,097,000 from Public Law 117–103 under the heading “Transportation Security Administration—Operations and Support”.

(3) $87,619,000 from Public Law 117–103 under the heading “U.S. Citizenship and Immigration Services—Operations Support”.

This Act may be cited as the “Department of Homeland Security Appropriations Act, 2023”.

•HR 8257 RH
A BILL

[Report No. 117-396]

H.R. 8257

Union Calendar No. 304

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

JULY 1, 2022

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

Date: 1, 2022