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[Report No. 117-____]

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

IN THE HOUSE OF REPRESENTATIVES

____ --, 2022

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Department of Homeland Security for the fiscal year end-
6 ing September 30, 2023, and for other purposes, namely:

7 TITLE I

8 DEPARTMENTAL MANAGEMENT, INTELLIGENCE,
9 SITUATIONAL AWARENESS, AND
10 OVERSIGHT

11 OFFICE OF THE SECRETARY AND EXECUTIVE

12 MANAGEMENT

13 OPERATIONS AND SUPPORT

14 For necessary expenses of the Office of the Secretary
15 and for executive management for operations and support,
16 \$346,717,000; of which \$28,570,000 shall be for the Of-
17 fice of the Ombudsman for Immigration Detention, of
18 which \$5,000,000 shall remain available until September
19 30, 2024: *Provided*, That not to exceed \$30,000 shall be
20 for official reception and representation expenses.

21 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

22 For necessary expenses of the Office of the Secretary
23 and for executive management for procurement, construc-
24 tion, and improvements, \$8,048,000, which shall remain
25 available until September 30, 2025.

1 FEDERAL ASSISTANCE

2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses of the Office of the Secretary
4 and for executive management for Federal assistance
5 through grants, contracts, cooperative agreements, and
6 other activities, \$40,000,000, which shall be transferred
7 to “Federal Emergency Management Agency—Federal
8 Assistance”, of which \$20,000,000 shall be for targeted
9 violence and terrorism prevention grants and of which
10 \$20,000,000 shall be for the Alternatives to Detention
11 Case Management program, to remain available until Sep-
12 tember 30, 2024.

13 MANAGEMENT DIRECTORATE

14 OPERATIONS AND SUPPORT

15 For necessary expenses of the Management Direc-
16 torate for operations and support, including vehicle fleet
17 modernization, \$1,787,000,000, of which \$76,000,000
18 shall remain available until September 30, 2024: *Provided*,
19 That not to exceed \$2,000 shall be for official reception
20 and representation expenses.

21 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

22 For necessary expenses of the Management Direc-
23 torate for procurement, construction, and improvements,
24 \$597,378,000, of which \$182,378,000 shall remain avail-
25 able until September 30, 2025, and of which

1 \$415,000,000 shall remain available until September 30,
2 2027.

3 FEDERAL PROTECTIVE SERVICE

4 The revenues and collections of security fees credited
5 to this account shall be available until expended for nec-
6 essary expenses related to the protection of federally
7 owned and leased buildings and for the operations of the
8 Federal Protective Service.

9 INTELLIGENCE, ANALYSIS, AND SITUATIONAL
10 AWARENESS
11 OPERATIONS AND SUPPORT

12 For necessary expenses of the Office of Intelligence
13 and Analysis and the Office of Homeland Security Situa-
14 tional Awareness for operations and support,
15 \$341,159,000, of which \$119,792,000 shall remain avail-
16 able until September 30, 2024: *Provided*, That not to ex-
17 ceed \$3,825 shall be for official reception and representa-
18 tion expenses and not to exceed \$2,000,000 is available
19 for facility needs associated with secure space at fusion
20 centers, including improvements to buildings.

21 OFFICE OF THE INSPECTOR GENERAL
22 OPERATIONS AND SUPPORT

23 For necessary expenses of the Office of the Inspector
24 General for operations and support, \$218,379,000: *Pro-*
25 *vided*, That not to exceed \$300,000 may be used for cer-

1 tain confidential operational expenses, including the pay-
2 ment of informants, to be expended at the direction of the
3 Inspector General.

4 ADMINISTRATIVE PROVISIONS

5 (INCLUDING TRANSFER OF FUNDS)

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

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

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

1 program, project, and activity levels, by the source year
2 of the appropriation.

3 SEC. 103. The Secretary of Homeland Security shall
4 require that all contracts of the Department of Homeland
5 Security that provide award fees link such fees to success-
6 ful acquisition outcomes, which shall be specified in terms
7 of cost, schedule, and performance.

8 SEC. 104. (a) The Secretary of Homeland Security,
9 in consultation with the Secretary of the Treasury, shall
10 notify the Committees on Appropriations of the Senate
11 and the House of Representatives of any proposed trans-
12 fers of funds available under section 9705(g)(4)(B) of title
13 31, United States Code, from the Department of the
14 Treasury Forfeiture Fund to any agency within the De-
15 partment of Homeland Security.

16 (b) None of the funds identified for such a transfer
17 may be obligated until the Committees on Appropriations
18 of the Senate and the House of Representatives are noti-
19 fied of the proposed transfer.

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

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

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

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

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

18 (3) the Acquisition Review Board status, in-
19 cluding—

20 (A) the current acquisition phase by incre-
21 ment, as applicable;

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

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

1 (4) a comparison between the initial Depart-
2 ment-approved acquisition program baseline cost,
3 schedule, and performance thresholds and objectives
4 and the program's current such thresholds and ob-
5 jectives, if applicable;

6 (5) the lifecycle cost estimate, including—

7 (A) the confidence level for the estimate;

8 (B) the fiscal years included in the esti-
9 mate;

10 (C) a breakout of the estimate for the
11 prior five years, the current year, and the budg-
12 et year;

13 (D) a breakout of the estimate by appro-
14 priation account or other funding source; and

15 (E) a description of and rationale for any
16 changes to the estimate as compared to the pre-
17 viously approved baseline, as applicable, and
18 during the prior fiscal year;

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

23 (7) a table displaying the obligation of all pro-
24 gram funds by prior fiscal year, the estimated obli-
25 gation of funds for the current fiscal year, and an

1 estimate for the planned carryover of funds into the
2 subsequent fiscal year;

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

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

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

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

21 (b) Prior to the obligation of any such funds made
22 available for “Operations and Support” for a new oper-
23 ational pilot or demonstration program, the Under Sec-
24 retary for Management shall provide a report to the Com-
25 mittees on Appropriations of the Senate and the House

1 of Representatives on the information described in sub-
2 section (c).

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

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

8 (2) an assessment methodology that details—

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

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

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

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

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

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

4 (1) is a small-scale, short-term experiment con-
5 ducted in order to evaluate feasibility, duration,
6 costs, or adverse events, and improve upon the de-
7 sign of an effort prior to implementation of a larger
8 scale effort; and

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

11 SEC. 108. Of the amount made available by section
12 4005 of the American Rescue Plan Act of 2021 (Public
13 Law 117–2), \$14,000,000 shall be transferred to the De-
14 partment of Homeland Security Office of Inspector Gen-
15 eral for oversight of the use of funds made available under
16 such section 4005.

17 TITLE II

18 SECURITY, ENFORCEMENT, AND

19 INVESTIGATIONS

20 U.S. CUSTOMS AND BORDER PROTECTION

21 OPERATIONS AND SUPPORT

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses of U.S. Customs and Border
24 Protection for operations and support, including the trans-
25 portation of unaccompanied alien minors; the provision of

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

1 That not to exceed \$150,000 shall be available for pay-
2 ment for rental space in connection with preclearance op-
3 erations: *Provided further*, That not to exceed \$2,000,000
4 shall be for awards of compensation to informants, to be
5 accounted for solely under the certificate of the Secretary
6 of Homeland Security: *Provided further*, That not to ex-
7 ceed \$5,000,000 may be transferred to the Bureau of In-
8 dian Affairs for the maintenance and repair of roads on
9 Native American reservations used by the U.S. Border Pa-
10 trol.

11 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

12 For necessary expenses of U.S. Customs and Border
13 Protection for procurement, construction, and improve-
14 ments, including procurement of marine vessels, aircraft,
15 and unmanned aerial systems, \$547,539,000, of which
16 \$402,180,000 shall remain available until September 30,
17 2025; and of which \$145,359,000 shall remain available
18 until September 30, 2027.

19 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

20 OPERATIONS AND SUPPORT

21 For necessary expenses of U.S. Immigration and
22 Customs Enforcement for operations and support, includ-
23 ing the purchase and lease of up to 3,790 (2,350 for re-
24 placement only) police-type vehicles; overseas vetted units;
25 and maintenance, minor construction, and minor leasehold

1 improvements at owned and leased facilities;
2 \$8,298,567,000; of which not less than \$6,000,000 shall
3 remain available until expended for efforts to enforce laws
4 against forced child labor; of which \$46,696,000 shall re-
5 main available until September 30, 2024; of which not less
6 than \$1,500,000 is for paid apprenticeships for partici-
7 pants in the Human Exploitation Rescue Operative Child-
8 Rescue Corps; of which not less than \$15,000,000 shall
9 be available for investigation of intellectual property rights
10 violations, including operation of the National Intellectual
11 Property Rights Coordination Center; of which not less
12 than \$13,500,000 shall be used for providing financial as-
13 sistance for operational, administrative, salary reimburse-
14 ment, and technology costs associated with participation
15 of Federal, State, local, tribal, and territorial law enforce-
16 ment officers on the Homeland Security Investigations
17 Border Enforcement Security Task Force; and of which
18 \$3,923,433,000 shall be for enforcement, detention, and
19 removal operations, including support for joint processing
20 centers and transportation of unaccompanied alien mi-
21 nors: *Provided*, That not to exceed \$11,475 shall be for
22 official reception and representation expenses: *Provided*
23 *further*, That not to exceed \$10,000,000 shall be available
24 until expended for conducting special operations under
25 section 3131 of the Customs Enforcement Act of 1986 (19

1 U.S.C. 2081): *Provided further*, That not to exceed
2 \$2,000,000 shall be for awards of compensation to inform-
3 ants, to be accounted for solely under the certificate of
4 the Secretary of Homeland Security: *Provided further*,
5 That not to exceed \$11,216,000 shall be available to fund
6 or reimburse other Federal agencies for the costs associ-
7 ated with the care, maintenance, and repatriation of
8 smuggled aliens unlawfully present in the United States:
9 *Provided further*, That of the amounts made available
10 under this heading for Executive Leadership and Over-
11 sight, \$5,000,000 shall not be available for obligation until
12 the reports directed under this heading in the explanatory
13 statements accompanying Public Laws 116–6, 116–93,
14 and 117–103 have been submitted to the Committees on
15 Appropriations of the Senate and the House of Represent-
16 atives: *Provided further*, That the amount made available
17 under this heading for Executive Leadership and Over-
18 sight shall be reduced each month by \$25,000 for each
19 day after the required date that the briefing described in
20 section 219 has not been provided to the Committees on
21 Appropriations of the Senate and the House of Represent-
22 atives.

23 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

24 For necessary expenses of U.S. Immigration and
25 Customs Enforcement for procurement, construction, and

1 improvements, \$97,762,000, of which \$22,997,000 shall
2 remain available until September 30, 2025, and of which
3 \$74,765,000 shall remain available until September 30,
4 2027.

5 TRANSPORTATION SECURITY ADMINISTRATION
6 OPERATIONS AND SUPPORT

7 For necessary expenses of the Transportation Secu-
8 rity Administration for operations and support,
9 \$9,240,363,000, to remain available until September 30,
10 2024: *Provided*, That not to exceed \$7,650 shall be for
11 official reception and representation expenses: *Provided*
12 *further*, That security service fees authorized under section
13 44940 of title 49, United States Code, shall be credited
14 to this appropriation as offsetting collections and shall be
15 available only for aviation security: *Provided further*, That
16 the sum appropriated under this heading from the general
17 fund shall be reduced on a dollar-for-dollar basis as such
18 offsetting collections are received during fiscal year 2023
19 so as to result in a final fiscal year appropriation from
20 the general fund estimated at not more than
21 \$6,750,363,000.

22 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

23 For necessary expenses of the Transportation Secu-
24 rity Administration for procurement, construction, and

1 improvements, \$141,689,000, to remain available until
2 September 30, 2025.

3 RESEARCH AND DEVELOPMENT

4 For necessary expenses of the Transportation Secu-
5 rity Administration for research and development,
6 \$33,532,000, to remain available until September 30,
7 2024.

8 COAST GUARD

9 OPERATIONS AND SUPPORT

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

1 shall remain available until September 30, 2025; of which
2 \$28,386,000 shall remain available until September 30,
3 2027, for environmental compliance and restoration; and
4 of which \$70,000,000 shall remain available until Sep-
5 tember 30, 2024, which shall only be available for vessel
6 depot level maintenance: *Provided*, That not to exceed
7 \$23,000 shall be for official reception and representation
8 expenses.

9 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

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

20 RESEARCH AND DEVELOPMENT

21 For necessary expenses of the Coast Guard for re-
22 search and development; and for maintenance, rehabilita-
23 tion, lease, and operation of facilities and equipment;
24 \$7,476,000, to remain available until September 30, 2025,
25 of which \$500,000 shall be derived from the Oil Spill Li-

1 ability Trust Fund to carry out the purposes of section
2 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.
3 2712(a)(5)): *Provided*, That there may be credited to and
4 used for the purposes of this appropriation funds received
5 from State and local governments, other public authori-
6 ties, private sources, and foreign countries for expenses
7 incurred for research, development, testing, and evalua-
8 tion.

9
10 RETIRED PAY

11 For retired pay, including the payment of obligations
12 otherwise chargeable to lapsed appropriations for this pur-
13 pose, payments under the Retired Serviceman's Family
14 Protection and Survivor Benefits Plans, payment for ca-
15 reer status bonuses, payment of continuation pay under
16 section 356 of title 37, United States Code, concurrent
17 receipts, combat-related special compensation, and pay-
18 ments for medical care of retired personnel and their de-
19 pendants under chapter 55 of title 10, United States Code,
20 \$2,044,414,000, to remain available until expended.

21 UNITED STATES SECRET SERVICE

22 OPERATIONS AND SUPPORT

23 For necessary expenses of the United States Secret
24 Service for operations and support, including purchase of
25 not to exceed 652 vehicles for police-type use; hire of pas-
senger motor vehicles; purchase of motorcycles made in

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

1 shall be to provide technical assistance and equipment to
2 foreign law enforcement organizations in criminal inves-
3 tigations within the jurisdiction of the United States Se-
4 cret Service.

5 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

6 For necessary expenses of the United States Secret
7 Service for procurement, construction, and improvements,
8 \$77,888,000, to remain available until September 30,
9 2025.

10 RESEARCH AND DEVELOPMENT

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

14 ADMINISTRATIVE PROVISIONS

15 (INCLUDING TRANSFER OF FUNDS)

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

23 SEC. 202. Funding made available under the head-
24 ings “U.S. Customs and Border Protection—Operations
25 and Support” and “U.S. Customs and Border Protec-

1 tion—Procurement, Construction, and Improvements”
2 shall be available for customs expenses when necessary to
3 maintain operations and prevent adverse personnel actions
4 in Puerto Rico and the U.S. Virgin Islands, in addition
5 to funding provided by sections 740 and 1406i of title 48,
6 United States Code.

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

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

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

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

16 (1) a controlled substance, as defined in section
17 102 of the Controlled Substances Act (21 U.S.C.
18 802); or

19 (2) a biological product, as defined in section
20 351 of the Public Health Service Act (42 U.S.C.
21 262).

22 SEC. 206. (a) Notwithstanding any other provision
23 of law, none of the funds provided in this or any other
24 Act shall be used to approve a waiver of the navigation
25 and vessel-inspection laws pursuant to section 501(b) of

1 title 46, United States Code, for the transportation of
2 crude oil distributed from and to the Strategic Petroleum
3 Reserve until the Secretary of Homeland Security, after
4 consultation with the Secretaries of the Departments of
5 Energy and Transportation and representatives from the
6 United States flag maritime industry, takes adequate
7 measures to ensure the use of United States flag vessels.

8 (b) The Secretary shall notify the Committees on Ap-
9 propriations of the Senate and the House of Representa-
10 tives, the Committee on Commerce, Science, and Trans-
11 portation of the Senate, and the Committee on Transpor-
12 tation and Infrastructure of the House of Representatives
13 within 2 business days of any request for waivers of navi-
14 gation and vessel-inspection laws pursuant to section
15 501(b) of title 46, United States Code, with respect to
16 such transportation, and the disposition of such requests.

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

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

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

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

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

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

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

17 (1) within the Santa Ana Wildlife Refuge;

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

20 (3) within La Lomita Historical park;

21 (4) within the National Butterfly Center;

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

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

3 (7) within the San Ygnacio Bird Sanctuary &
4 Riverfront; or

5 (8) within the Salineño Wildlife Preserve.

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

17 (1) the construction and improvement of roads
18 along the southwest border;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 For necessary expenses of the Cybersecurity and In-
8 frastructure Security Agency for operations and support,
9 \$2,373,213,000, of which \$28,293,000, shall remain avail-
10 able until September 30, 2024: *Provided*, That not to ex-
11 ceed \$5,500 shall be for official reception and representa-
12 tion expenses.

13 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

14 For necessary expenses of the Cybersecurity and In-
15 frastructure Security Agency for procurement, construc-
16 tion, and improvements, \$547,148,000, of which
17 \$520,048,000 shall remain available until September 30,
18 2025, and of which \$27,100,000 shall remain available
19 until September 30, 2027.

20 RESEARCH AND DEVELOPMENT

21 For necessary expenses of the Cybersecurity and In-
22 frastructure Security Agency for research and develop-
23 ment, \$7,431,000, to remain available until September 30,
24 2024.

1 FEDERAL EMERGENCY MANAGEMENT AGENCY

2 OPERATIONS AND SUPPORT

3 For necessary expenses of the Federal Emergency
4 Management Agency for operations and support,
5 \$1,414,461,000: *Provided*, That not to exceed \$2,250
6 shall be for official reception and representation expenses.

7 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

8 For necessary expenses of the Federal Emergency
9 Management Agency for procurement, construction, and
10 improvements, \$203,730,000, of which \$126,425,000
11 shall remain available until September 30, 2025, and of
12 which \$77,305,000 shall remain available until September
13 30, 2027.

14 FEDERAL ASSISTANCE

15 (INCLUDING TRANSFER OF FUNDS)

16 For activities of the Federal Emergency Management
17 Agency for Federal assistance through grants, contracts,
18 cooperative agreements, and other activities,
19 \$4,051,619,000, which shall be allocated as follows:

20 (1) \$520,000,000 for the State Homeland Secu-
21 rity Grant Program under section 2004 of the
22 Homeland Security Act of 2002 (6 U.S.C. 605), of
23 which \$90,000,000 shall be for Operation
24 Stonegarden, \$15,000,000 shall be for Tribal Home-
25 land Security Grants under section 2005 of the

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

9 (2) \$615,000,000 for the Urban Area Security
10 Initiative under section 2003 of the Homeland Secu-
11 rity Act of 2002 (6 U.S.C. 604).

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

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

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

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

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

20 (7) \$370,000,000 for emergency management
21 performance grants under the National Flood Insur-
22 ance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-
23 ert T. Stafford Disaster Relief and Emergency As-
24 sistance Act (42 U.S.C. 5121), the Earthquake Haz-
25 ards Reduction Act of 1977 (42 U.S.C. 7701), sec-

1 tion 762 of title 6, United States Code, and Reorga-
2 nization Plan No. 3 of 1978 (5 U.S.C. App.).

3 (8) \$350,000,000 for necessary expenses for
4 Flood Hazard Mapping and Risk Analysis, in addi-
5 tion to and to supplement any other sums appro-
6 priated under the National Flood Insurance Fund,
7 and such additional sums as may be provided by
8 States or other political subdivisions for cost-shared
9 mapping activities under section 1360(f)(2) of the
10 National Flood Insurance Act of 1968 (42 U.S.C.
11 4101(f)(2)), to remain available until expended.

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

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

23 (11) \$40,000,000 for the Next Generation
24 Warning System.

1 (12) \$247,500,000, to remain available until
2 September 30, 2024, for the purposes, and in the
3 amounts, specified in the table entitled “Community
4 Project Funding” under this heading in the report
5 accompanying this Act, in addition to amounts oth-
6 erwise made available for such purposes; of which
7 \$51,856,713 is for emergency operations center
8 grants under section 614 of the Robert T. Stafford
9 Disaster Relief and Emergency Assistance Act (42
10 U.S.C. 5196c); of which \$173,118,908 is for pre-dis-
11 aster mitigation grants under section 203 of the
12 Robert T. Stafford Disaster Relief and Emergency
13 Assistance Act (42 U.S.C. 5133(e), notwithstanding
14 subsections (f), (g), and (l) of that section (42
15 U.S.C. 5133(f), (g), and (l)); and of which up to
16 \$22,524,379 is for management and administration
17 costs of recipients.

18 (13) \$312,119,000 to sustain current oper-
19 ations for training, exercises, technical assistance,
20 and other programs.

21 DISASTER RELIEF FUND

22 For necessary expenses in carrying out the Robert
23 T. Stafford Disaster Relief and Emergency Assistance Act
24 (42 U.S.C. 5121 et seq.), \$19,945,000,000 to remain
25 available until expended, shall be for major disasters de-

1 clared pursuant to the Robert T. Stafford Disaster Relief
2 and Emergency Assistance Act (42 U.S.C. 5121 et seq.)
3 and is designated by the Congress as being for disaster
4 relief pursuant to section 1(f) of H. Res. 1151 (117th
5 Congress), as engrossed in the House of Representatives
6 on June 8, 2022.

7 NATIONAL FLOOD INSURANCE FUND

8 For activities under the National Flood Insurance
9 Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster
10 Protection Act of 1973 (42 U.S.C. 4001 et seq.), the
11 Biggert-Waters Flood Insurance Reform Act of 2012
12 (Public Law 112–141, 126 Stat. 916), and the Home-
13 owner Flood Insurance Affordability Act of 2014 (Public
14 Law 113–89; 128 Stat. 1020), \$225,000,000, to remain
15 available until September 30, 2024, which shall be derived
16 from offsetting amounts collected under section 1308(d)
17 of the National Flood Insurance Act of 1968 (42 U.S.C.
18 4015(d)); of which \$18,500,000 shall be available for mis-
19 sion support associated with flood management; and of
20 which \$206,500,000 shall be available for flood plain man-
21 agement and flood mapping: *Provided*, That any addi-
22 tional fees collected pursuant to section 1308(d) of the
23 National Flood Insurance Act of 1968 (42 U.S.C.
24 4015(d)) shall be credited as offsetting collections to this
25 account, to be available for flood plain management and

1 flood mapping: *Provided further*, That in fiscal year 2023,
2 no funds shall be available from the National Flood Insur-
3 ance Fund under section 1310 of the National Flood In-
4 surance Act of 1968 (42 U.S.C. 4017) in excess of—

5 (1) \$233,700,000 for operating expenses and
6 salaries and expenses associated with flood insurance
7 operations;

8 (2) \$960,647,000 for commissions and taxes of
9 agents;

10 (3) such sums as are necessary for interest on
11 Treasury borrowings; and

12 (4) \$175,000,000, which shall remain available
13 until expended, for flood mitigation actions and for
14 flood mitigation assistance under section 1366 of the
15 National Flood Insurance Act of 1968 (42 U.S.C.
16 4104c), notwithstanding sections 1366(e) and
17 1310(a)(7) of such Act (42 U.S.C. 4104c(e), 4017):

18 *Provided further*, That the amounts collected under section
19 102 of the Flood Disaster Protection Act of 1973 (42
20 U.S.C. 4012a) and section 1366(e) of the National Flood
21 Insurance Act of 1968 (42 U.S.C. 4104c(e)), shall be de-
22 posited in the National Flood Insurance Fund to supple-
23 ment other amounts specified as available for section 1366
24 of the National Flood Insurance Act of 1968, notwith-
25 standing section 102(f)(8), section 1366(e) of the National

1 Flood Insurance Act of 1968, and paragraphs (1) through
2 (3) of section 1367(b) of such Act (42 U.S.C. 4012a(f)(8),
3 4104c(e), 4104d(b)(1)–(3)): *Provided further*, That total
4 administrative costs shall not exceed 4 percent of the total
5 appropriation: *Provided further*, That up to \$5,000,000 is
6 available to carry out section 24 of the Homeowner Flood
7 Insurance Affordability Act of 2014 (42 U.S.C. 4033).

8 ADMINISTRATIVE PROVISIONS

9 SEC. 301. (a) Notwithstanding section 2008(a)(12)
10 of the Homeland Security Act of 2002 (6 U.S.C.
11 609(a)(12)) or any other provision of law, not more than
12 5 percent of the amount of a grant made available in para-
13 graphs (1) through (5) under “Federal Emergency Man-
14 agement Agency—Federal Assistance”, may be used by
15 the recipient for expenses directly related to administra-
16 tion of the grant.

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

21 SEC. 302. Notwithstanding clauses (i) through (v) of
22 section 204(e)(1)(A) of the Homeland Security Act of
23 2002 (6 U.S.C. 605(e)(1)(A)(i) through (v)), for fiscal
24 year 2023, the meaning of “total funds appropriated for
25 grants under this section and section 2003” shall not in-

1 clude any funds appropriated for the Nonprofit Security
2 Grant Program under paragraph (3) under the heading
3 “Federal Emergency Management Agency—Federal As-
4 sistance”.

5 SEC. 303. Applications for grants under the heading
6 “Federal Emergency Management Agency—Federal As-
7 sistance”, for paragraphs (1) through (4), shall be made
8 available to eligible applicants not later than 60 days after
9 the date of enactment of this Act, eligible applicants shall
10 submit applications not later than 80 days after the grant
11 announcement, and the Administrator of the Federal
12 Emergency Management Agency shall act within 65 days
13 after the receipt of an application.

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

22 (b) If any such public announcement is made before
23 5 full business days have elapsed following such briefing,
24 \$1,000,000 of amounts appropriated by this Act for “Fed-

1 eral Emergency Management Agency—Operations and
2 Support” shall be rescinded.

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

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

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

18 (2) in paragraph (2) by inserting “business”
19 after “fifth”.

20 SEC. 307. In making grants under the heading “Fed-
21 eral Emergency Management Agency—Federal Assist-
22 ance”, for Staffing for Adequate Fire and Emergency Re-
23 sponse grants, the Administrator of the Federal Emer-
24 gency Management Agency may grant waivers from the
25 requirements in subsections (a)(1)(A), (a)(1)(B),

1 (a)(1)(E), (c)(1), (c)(2), and (c)(4) of section 34 of the
2 Federal Fire Prevention and Control Act of 1974 (15
3 U.S.C. 2229a).

4 SEC. 308. (a) The aggregate charges assessed during
5 fiscal year 2023, as authorized in title III of the Depart-
6 ments of Veterans Affairs and Housing and Urban Devel-
7 opment, and Independent Agencies Appropriations Act,
8 1999 (42 U.S.C. 5196e), shall not be less than 100 per-
9 cent of the amounts anticipated by the Department of
10 Homeland Security to be necessary for its Radiological
11 Emergency Preparedness Program for the next fiscal year.

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

16 (c) Such fees shall be deposited in a Radiological
17 Emergency Preparedness Program account as offsetting
18 collections and will become available for authorized pur-
19 poses on October 1, 2023, and remain available until ex-
20 pended.

21 SEC. 309. In making grants under the heading “Fed-
22 eral Emergency Management Agency—Federal Assist-
23 ance”, for Assistance to Firefighter Grants, the Adminis-
24 trator of the Federal Emergency Management Agency

1 may waive subsection (k) of section 33 of the Federal Fire
2 Prevention and Control Act of 1974 (15 U.S.C. 2229).

3 TITLE IV
4 RESEARCH, DEVELOPMENT, TRAINING, AND
5 SERVICES

6 U.S. CITIZENSHIP AND IMMIGRATION SERVICES
7 OPERATIONS AND SUPPORT

8 For necessary expenses of U.S. Citizenship and Im-
9 migration Services for operations and support, including
10 for the E-Verify Program, application processing, the re-
11 duction of backlogs within asylum, field, and service center
12 offices, and for the Refugee, Asylum, and International
13 Operations Programs, \$653,293,000: *Provided*, That such
14 amounts shall be in addition to any other amounts made
15 available for such purposes, and shall not be construed to
16 require any reduction of any fee described in section
17 286(m) of the Immigration and Nationality Act (8 U.S.C.
18 1356(m)): *Provided further*, That not to exceed \$2,500
19 shall be for official reception and representation expenses.

20 FEDERAL ASSISTANCE

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

1 FEDERAL LAW ENFORCEMENT TRAINING CENTERS

2 OPERATIONS AND SUPPORT

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

12 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

13 For necessary expenses of the Federal Law Enforce-
14 ment Training Centers for procurement, construction, and
15 improvements, \$41,300,000, to remain available until Sep-
16 tember 30, 2027, for acquisition of necessary additional
17 real property and facilities, construction and ongoing
18 maintenance, facility improvements and related expenses
19 of the Federal Law Enforcement Training Centers.

20 SCIENCE AND TECHNOLOGY DIRECTORATE

21 OPERATIONS AND SUPPORT

22 For necessary expenses of the Science and Tech-
23 nology Directorate for operations and support, including
24 the purchase or lease of not to exceed 5 vehicles,
25 \$369,107,000, of which \$215,397,000 shall remain avail-

1 able until September 30, 2024: *Provided*, That not to ex-
2 ceed \$10,000 shall be for official reception and representa-
3 tion expenses.

4 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

5 For necessary expenses of the Science and Tech-
6 nology Directorate for procurement, construction, and im-
7 provements, \$63,716,000, to remain available until Sep-
8 tember 30, 2027.

9 RESEARCH AND DEVELOPMENT

10 For necessary expenses of the Science and Tech-
11 nology Directorate for research and development,
12 \$530,954,000, to remain available until September 30,
13 2025.

14 COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

15 OPERATIONS AND SUPPORT

16 For necessary expenses of the Countering Weapons
17 of Mass Destruction Office for operations and support,
18 \$151,970,000, of which \$50,446,000 shall remain avail-
19 able until September 30, 2024: *Provided*, That not to ex-
20 ceed \$2,250 shall be for official reception and representa-
21 tion expenses.

22 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

23 For necessary expenses of the Countering Weapons
24 of Mass Destruction Office for procurement, construction,

1 and improvements, \$55,304,000, to remain available until
2 September 30, 2025.

3 RESEARCH AND DEVELOPMENT

4 For necessary expenses of the Countering Weapons
5 of Mass Destruction Office for research and development,
6 \$82,515,000, to remain available until September 30,
7 2025.

8 FEDERAL ASSISTANCE

9 For necessary expenses of the Countering Weapons
10 of Mass Destruction Office for Federal assistance through
11 grants, contracts, cooperative agreements, and other ac-
12 tivities, \$139,183,000, to remain available until Sep-
13 tember 30, 2025.

14 ADMINISTRATIVE PROVISIONS

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

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

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

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

17 SEC. 404. The Director of the Federal Law Enforce-
18 ment Training Centers is authorized to distribute funds
19 to Federal law enforcement agencies for expenses incurred
20 participating in training accreditation.

21 SEC. 405. The Federal Law Enforcement Training
22 Accreditation Board, including representatives from the
23 Federal law enforcement community and non-Federal ac-
24 creditation experts involved in law enforcement training,
25 shall lead the Federal law enforcement training accredita-

1 tion process to continue the implementation of measuring
2 and assessing the quality and effectiveness of Federal law
3 enforcement training programs, facilities, and instructors.

4 SEC. 406. (a) The Director of the Federal Law En-
5 forcement Training Centers may accept transfers to its
6 “Procurement, Construction, and Improvements” account
7 from Government agencies requesting the construction of
8 special use facilities, as authorized by the Economy Act
9 (31 U.S.C. 1535(b)).

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

13 SEC. 407. The functions of the Federal Law Enforce-
14 ment Training Centers instructor staff shall be classified
15 as inherently governmental for purposes of the Federal
16 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
17 note).

18 TITLE V

19 GENERAL PROVISIONS

20 (INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

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

24 SEC. 502. Subject to the requirements of section 503
25 of this Act, the unexpended balances of prior appropria-

1 tions provided for activities in this Act may be transferred
2 to appropriation accounts for such activities established
3 pursuant to this Act, may be merged with funds in the
4 applicable established accounts, and thereafter may be ac-
5 counted for as one fund for the same time period as origi-
6 nally enacted.

7 SEC. 503. (a) None of the funds provided to the De-
8 partment of Homeland Security by this Act, by prior Acts,
9 or from any accounts in the Treasury of the United States
10 derived from the collection of fees available to the compo-
11 nents funded by this Act, shall be available for obligation
12 or expenditure through a reprogramming of funds that—

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

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

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

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

20 (b) Subsection (a) shall not apply if the Com-
21 mittees on Appropriations of the Senate and the
22 House of Representatives are notified at least 15
23 days in advance of such reprogramming by the
24 Under Secretary for Management of the Department
25 of Homeland Security.

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

9 (1) no such appropriation shall be aug-
10 mented by more than 10 percent by such trans-
11 fers unless otherwise specifically provided in
12 this Act; and

13 (2) no funding may be transferred from an
14 appropriation that is designated by the Con-
15 gress as being for—

16 (A) an emergency requirement pursu-
17 ant to a concurrent resolution on the budg-
18 et; or

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

21 (d) Notwithstanding subsections (b) and (c), no
22 funds shall be obligated for any purpose described in
23 subsection (a) and no funds shall be transferred be-
24 tween appropriations based upon an initial notifica-
25 tion provided after June 30, except—

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

2 (2) when the Under Secretary for Manage-
3 ment provides a written justification and cer-
4 tifies in writing to the Committees on Appro-
5 priations of the Senate and the House of Rep-
6 resentatives that such action is necessary due to
7 extraordinary circumstances that imminently
8 threaten the safety of human life or the protec-
9 tion of property.

10 (e) Notwithstanding subsection (c), the Secretary of
11 Homeland Security may transfer to the fund established
12 by 8 U.S.C. 1101 note, up to \$20,000,000 from appro-
13 priations available to the Department of Homeland Secu-
14 rity if the Secretary notifies the Committees on Appropria-
15 tions of the Senate and the House of Representatives at
16 least 5 days in advance of such transfer.

17 (f) For purposes of this section—

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

19 (A) each item listed under an appropriation ac-
20 count or fee funded program account for which an
21 amount is specified in the detailed funding table lo-
22 cated at the end of the explanatory statement ac-
23 companying the applicable appropriations Act;

24 (B) each item for which the explanatory state-
25 ment accompanying the applicable appropriations

1 Act specifies a funding amount, except for references
2 to increases or reductions below the budget request;
3 or

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

9 (2) The term “reprogramming of funds”
10 means a reduction to or augmentation of a
11 funding amount specified in the explanatory
12 statement accompanying the applicable appro-
13 priations Act for a program, project, or activity;
14 and

15 (3) The term “exigent requirements or cir-
16 cumstances” means those requirements or cir-
17 cumstances for which an inability to increase
18 budgetary resources through a transfer of funds
19 during the current fiscal year would result in a
20 significant increase in costs to the Federal gov-
21 ernment in the current or a subsequent fiscal
22 year or would seriously compromise needed de-
23 partmental capabilities.

24 SEC. 504. (a) None of the funds provided by this Act,
25 by prior Acts, or from any accounts in the Treasury of

1 the United States derived from the collection of fees avail-
2 able to the components funded by this Act, shall be avail-
3 able for an obligation that contracts out any function pres-
4 ently performed by Federal personnel or any new function
5 proposed to be performed by Federal personnel in the
6 President's budget, submitted pursuant to section 1105(a)
7 of title 31, United States Code, and accompanying jus-
8 tification materials for the fiscal year funded by this Act
9 or prior Department of Homeland Security appropriations
10 Acts.

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

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

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

23 (c) None of the funds provided by this Act or prior
24 Department of Homeland Security Appropriations Acts
25 for "Operations and Support" may be available for an ob-

1 ligation to establish or eliminate any office or other func-
2 tional unit affecting more than 10 full-time personnel
3 equivalents unless such establishment or elimination
4 was—

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

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

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

17 SEC. 505. (a) Except as otherwise specifically pro-
18 vided by law, not to exceed 50 percent of unobligated bal-
19 ances remaining available at the end of fiscal year 2023,
20 as recorded in the financial records at the time of a re-
21 programming notification, but not later than June 30,
22 2024, from appropriations for “Operations and Support”
23 for fiscal year 2023 in this Act shall remain available
24 through September 30, 2024, in the account and for the
25 purposes for which the appropriations were provided.

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

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

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

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

21 (b) Amounts described in subsection (a) made avail-
22 able for “Intelligence, Analysis, and Situational Aware-
23 ness—Operations and Support” that exceed the amounts
24 in such authorization for such account shall be transferred
25 to and merged with amounts made available under the

1 heading “Management Directorate—Operations and Sup-
2 port”.

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

8 SEC. 508. (a) The Secretary of Homeland Security,
9 or the designee of the Secretary, shall notify the Commit-
10 tees on Appropriations of the Senate and the House of
11 Representatives at least 3 full business days in advance
12 of—

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

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

20 (3) awarding a task or delivery order requiring
21 an obligation of funds in an amount greater than
22 \$10,000,000 from multi-year Department of Home-
23 land Security funds;

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

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

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

12 (c) A notification under this section—

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

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

19 SEC. 509. Notwithstanding any other provision of
20 law, no agency shall purchase, construct, or lease any ad-
21 ditional facilities, except within or contiguous to existing
22 locations, to be used for the purpose of conducting Federal
23 law enforcement training without advance notification to
24 the Committees on Appropriations of the Senate and the
25 House of Representatives, except that the Federal Law

1 Enforcement Training Centers is authorized to obtain the
2 temporary use of additional facilities by lease, contract,
3 or other agreement for training that cannot be accommo-
4 dated in existing Centers' facilities.

5 SEC. 510. None of the funds appropriated or other-
6 wise made available by this Act may be used for expenses
7 for any construction, repair, alteration, or acquisition
8 project for which a prospectus otherwise required under
9 chapter 33 of title 40, United States Code, has not been
10 approved, except that necessary funds may be expended
11 for each project for required expenses for the development
12 of a proposed prospectus.

13 SEC. 511. No Federal funds may be available to pay
14 the salary of any employee serving as a contracting offi-
15 cer's representative, or anyone acting in a similar capacity,
16 who has not received contracting officer's representative
17 training.

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

21 (b) For purposes of subsection (a), the term "Buy
22 American Act" means chapter 83 of title 41, United
23 States Code.

24 SEC. 513. None of the funds made available in this
25 Act may be used to amend the oath of allegiance required

1 by section 337 of the Immigration and Nationality Act
2 (8 U.S.C. 1448).

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

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

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

15 SEC. 517. None of the funds made available in this
16 Act may be used for first-class travel by the employees
17 of agencies funded by this Act in contravention of sections
18 301–10.122 through 301–10.124 of title 41, Code of Fed-
19 eral Regulations.

20 SEC. 518. Notwithstanding any other provision of
21 this Act, none of the funds appropriated or otherwise
22 made available by this Act may be used to pay award or
23 incentive fees for contractor performance that has been
24 judged to be below satisfactory performance or perform-

1 ance that does not meet the basic requirements of a con-
2 tract.

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

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

12 SEC. 520. None of the funds made available in this
13 Act may be used by a Federal law enforcement officer to
14 facilitate the transfer of an operable firearm to an indi-
15 vidual if the Federal law enforcement officer knows or sus-
16 pects that the individual is an agent of a drug cartel unless
17 law enforcement personnel of the United States continu-
18 ously monitor or control the firearm at all times.

19 SEC. 521. (a) None of the funds made available in
20 this Act may be used to pay for the travel to or attendance
21 of more than 50 employees of a single component of the
22 Department of Homeland Security, who are stationed in
23 the United States, at a single international conference un-
24 less the Secretary of Homeland Security, or a designee,
25 determines that such attendance is in the national interest

1 and notifies the Committees on Appropriations of the Sen-
2 ate and the House of Representatives within at least 10
3 days of that determination and the basis for that deter-
4 mination.

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

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

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

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

23 SEC. 523. (a) None of the funds made available to
24 the Department of Homeland Security by this or any other
25 Act may be obligated for the implementation of any struc-

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

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

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

12 (3) justification for such change; and

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

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

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

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

21 SEC. 524. (a) Any agency receiving funds made avail-
22 able in this Act shall, subject to subsections (b) and (c),
23 post on the public website of that agency any report re-
24 quired to be submitted by the Committees on Appropria-

1 tions of the Senate and the House of Representatives in
2 this Act.

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

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

6 (2) the report contains proprietary information.

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

12 SEC. 525. (a) Funding provided in this Act for “Op-
13 erations and Support” may be used for minor procure-
14 ment, construction, and improvements.

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

18 SEC. 526. The authority provided by section 532 of
19 the Department of Homeland Security Appropriations
20 Act, 2018 (Public Law 115–141) regarding primary and
21 secondary schooling of dependents shall continue in effect
22 during fiscal year 2023.

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

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

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

5 (b) The Secretary of Homeland Security, under the
6 authority of section 831 of the Homeland Security Act of
7 2002 (6 U.S.C. 391(a)), may carry out prototype projects
8 under section 2371b of title 10, United States Code, and
9 the Secretary shall perform the functions of the Secretary
10 of Defense as prescribed.

11 (c) The Secretary of Homeland Security under sec-
12 tion 831 of the Homeland Security Act of 2002 (6 U.S.C.
13 391(d)) may use the definition of nontraditional govern-
14 ment contractor as defined in section 2371b(e) of title 10,
15 United States Code.

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

1 ployee, compared to what would be observed in the absence
2 of such modification:

3 (1) A Member of Congress.

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

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

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

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

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

1 (1) an appropriate official of the Department of
2 Homeland Security makes an individualized deter-
3 mination that the woman—

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

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

9 (2) a medical professional responsible for the
10 care of the pregnant woman determines that the use
11 of therapeutic restraints is appropriate for the med-
12 ical safety of the woman.

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

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

4 (1) death of,

5 (2) potential sexual assault or abuse per-
6 petrated against, or

7 (3) allegation of abuse, criminal activity, or dis-
8 ruption committed by

9 an individual held in the custody of the Department of
10 Homeland Security.

11 (b) The records referred to in subsection (a) shall be
12 made available, in accordance with applicable laws and
13 regulations, and Federal rules governing disclosure in liti-
14 gation, to an individual who has been charged with a
15 crime, been placed into segregation, or otherwise punished
16 as a result of an allegation described in paragraph (3),
17 upon the request of such individual.

18 SEC. 531. Section 519 of division F of Public Law
19 114–113, regarding a prohibition on funding for any posi-
20 tion designated as a Principal Federal Official, shall apply
21 with respect to any Federal funds in the same manner
22 as such section applied to funds made available in that
23 Act.

24 SEC. 532. (a) Not later than 10 days after the date
25 on which the budget of the President for a fiscal year is

1 submitted to Congress pursuant to section 1105(a) of title
2 31, United States Code, the Under Secretary for Manage-
3 ment of Homeland Security shall submit to the Commit-
4 tees on Appropriations of the Senate and the House of
5 Representatives a report on the unfunded priorities, for
6 the Department of Homeland Security and separately for
7 each departmental component, for which discretionary
8 funding would be classified as budget function 050.

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

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

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

17 (3) account information, including the following
18 (as applicable):

19 (A) appropriation account; and

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

21 and

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

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

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

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

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

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

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

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

14 SEC. 533. (a) Not later than 10 days after a deter-
15 mination is made by the President to evaluate and initiate
16 protection under any authority for a former or retired
17 Government official or employee, or for an individual who,
18 during the duration of the directed protection, will become
19 a former or retired Government official or employee (re-
20 ferred to in this section as a “covered individual”), the
21 Secretary of Homeland Security shall submit a notifica-
22 tion to congressional leadership and the Committees on
23 Appropriations of the Senate and the House of Represent-
24 atives, the Committees on the Judiciary of the Senate and
25 the House of Representatives, the Committee on Home-

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

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

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

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

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

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

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

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

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

1 (c) The report described in subsection (b) shall in-
2 clude—

3 (1) the full project proposal submitted to and
4 approved by the Fund's Technology Modernization
5 Board;

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

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

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

16 (5) other information as determined by the Sec-
17 retary.

18 SEC. 535. (a) For an additional amount for border
19 management requirements of the U.S. Border Patrol, non-
20 detention border management requirements of U.S. Cus-
21 toms and Immigration Enforcement, and the emergency
22 food and shelter program for the purposes of providing
23 shelter and other services to families and individuals en-
24 countered by the Department of Homeland Security, in

1 addition to amounts otherwise made available for such
2 purposes, \$200,000,000.

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

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

11 SEC. 536. No Federal funds may be used by the De-
12 partment of Homeland Security to deny any benefit appli-
13 cation for admission, or protection available to an indi-
14 vidual under the Immigration and Nationality Act (8
15 U.S.C. 1101 et. seq.) on the sole basis of any event, con-
16 duct, finding, admission, history of substance use disorder,
17 arrest, or juvenile adjudication related to cannabis posses-
18 sion, consumption, or use, or to a conviction solely based
19 on such possession, consumption, or use.

20 SEC. 537. (a) The remaining unobligated balances of
21 funds from amounts provided under the heading “Federal
22 Emergency Management Agency—Federal Assistance” in
23 division F of Public Law 117–103 for the project identi-
24 fied as the “Vermilion Safe Room” in the table entitled
25 “Homeland Incorporation of Community Project Funding

1 Items/Congressionally Directed Spending Items” under
2 the heading “Federal Emergency Management Agency—
3 Federal Assistance” in the explanatory statement de-
4 scribed in section 4 in the matter preceding division A of
5 Public Law 117–103 are hereby rescinded.

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

20 (c) —

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

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

4 (RESCISSIONS OF FUNDS)

5
6 SEC. 538. Of the funds appropriated to the Depart-
7 ment of Homeland Security, the following funds are here-
8 by rescinded from the following accounts and programs
9 in the specified amounts: Provided, That no amounts may
10 be rescinded from amounts that were designated by the
11 Congress as an emergency requirement pursuant to a con-
12 current resolution on the budget or the Balanced Budget
13 and Emergency Deficit Control Act of 1985:

14 (1) \$30,000,000 from Public Law 117–103
15 under the heading “U.S. Customs and Border Pro-
16 tection—Procurement, Construction, and Improve-
17 ments”.

18 (2) \$83,597,000 from Public Law 117–103
19 under the heading “Transportation Security Admin-
20 istration—Operations and Support”.

21 (3) \$87,619,000 from Public Law 117–103
22 under the heading “U.S. Citizenship and Immigra-
23 tion Services—Operations Support”.

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

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[FULL COMMITTEE PRINT]

Union Calendar No. _____

117TH CONGRESS
2^D SESSION

H. R. _____

[Report No. 117-____]

A BILL

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

, 2022

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