

AMENDMENTS TO THE HOMELAND SECURITY APPROPRIATIONS BILL
FY2023

Full Committee Markup
House Appropriations Committee
June 24, 2022

#1

Adopted VV

Committee on Appropriations
Subcommittee on Homeland Security

FY 2023 Department of Homeland Security Appropriations Bill
Full Committee Markup

MANAGER'S AMENDMENT

Offered by Ms. Roybal-Allard of California
(Roybal-Allard #1)

In the BILL:

On page **11**, lines **13-15**, strike “the Department of Homeland Security Office of Inspector General” and insert “Office of the Inspector General—Operations and Support”.

On page 16, line 9, strike “\$9,240,363,000” and insert “\$9,244,863,000”.

On page 16, line 21, strike “\$6,750,363,000” and insert “\$6,754,863,000”.

On page 82, line 18, strike “\$83,597,000” and insert “\$88,097,000”.

In the appropriate place at the end of the bill, insert the following:

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

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

In the REPORT:

On page 12, in the paragraph entitled "*Statelessness*", strike the first instance of "identify" and replace it with "identity".

On page 14 after the paragraph entitled "Budget Justifications", insert the following paragraph:

Common Operating Platform for Maritime Domain Awareness.—The Committee is interested in the work that ICE, CBP, and the Coast Guard are doing to expand their maritime domain awareness, whether DHS is exploring the use of a common operating platform for all three components, and if so, where it should be housed. The Committee directs OCFO in conjunction with the JRC to provide a briefing on this topic within 180 days of the date of enactment of this Act.

On page 17, before the heading "Office of the Inspector General", insert the following:

"Information Sharing to Prevent School Violence.—The Committee encourages the Office of Intelligence and Analysis (I&A) to work with primary and recognized fusion centers to improve the use of open-source based threat analyses to detect threats online and supports voluntary information-sharing arrangements between the private sector, I&A, and fusion centers that help inform such analyses while at the same time protecting individual privacy."

On page 19, in the fourth paragraph under the heading "Operations and Support", add ",000" after \$17,112.

On page 20, before the paragraph "*Border Barrier Mitigation Activities*", insert the following:

"Behavior Health Challenges. – The bill includes \$23,000,000 to address behavioral health challenges within CBP. CBP is expected to address the following:

- Develop a process to ensure that employees who utilize CBP behavior health resources are not adversely impacted solely because they self-identify a need for behavior health counseling and seek behavior health assistance;
- Increase the number of local behavioral health professionals with experience providing psychological support services to law enforcement personnel;
- Create a behavioral health curriculum for employees at the beginning of their CBP career to provide resources early and instill the importance of mental health;
- Create periodic management training on crisis intervention and CBP's programs and services to aid employees with behavioral health issues;
- Improve the existing Peer Support Program (PSP), to include additional training and resources for peer support personnel in the workplace and full-time PSP members across the Agency; and
- Develop a voluntary alcohol treatment program.

Not later than 30 days after the date of enactment of this Act, CBP shall brief the Committee on plans to address behavioral health challenges, to include a plan for the obligation of the funding provided."

On page 23, strike the paragraph titled “*Mental Health Clinicians*”

On page 28, in the paragraph entitled “*Aircraft Sensor Upgrades*”, after the word “electro-optic”, insert the following “, low cost, lightweight multimode surveillance radar,”.

On page 40 in the first paragraph under “Operations & Support” strike “and \$4,000,000 for pipeline cybersecurity activities” and insert “\$4,000,000 for pipeline cybersecurity activities; and \$4,500,000 for Federal Flight Deck Officer and Crew Training”

On page 40 in the paragraph entitled “*Federal Flight Deck Officer and Crew Training*” before the first sentence insert: “The Committee provides \$25,399,000 for the Federal Flight Deck Officer and Crew Training, including \$3,000,000 to support continuation of initial training and \$1,200,000 for expanded recurrent training.”

On page 49, before the heading “Procurement, Construction, and Infrastructure”, insert:

“Presidential Campaigns, Former Presidents Protraction, Nominating Conventions, and NSSE. – The Committee directs USSS to brief the Committee quarterly on resources required for Presidential Campaigns, protection of former Presidents, nominating conventions, and other NSSE’s. The briefings shall include up-to-date estimates of needs that differ from estimates identified in the budget request.”

On page 66 in the paragraph entitled “*Post Disaster Fuel Availability*”, strike the current language and insert the following:

Post Disaster Fuel Availability.—The Committee recognizes the importance of fuel supplies in the aftermath of a disaster and is concerned that insufficient refined fuel reserves, fragile supply chains, and other impediments to timely regional access threaten emergency response capabilities. In 2014, the Department of Energy Office of Energy Policy commissioned a report on U.S. Fuels Supply Infrastructure Vulnerabilities and Resiliency. FEMA, in its 2020 National

Preparedness Report, highlighted insufficient capabilities of government to access fuel and perform “National Critical Functions” due to susceptible supply chains, and its 2021 National Preparedness Report calls for strategic investment in long-term “National Critical Function” resilience strategies to reduce risk during disasters. Within 120 days of the date of enactment of this Act, FEMA is directed to brief the Committee on the steps it and its interagency partners, including the Department of Energy, are taking to ensure the availability of fuel supplies in the aftermath of a disaster.

On page 70 of the report, in the paragraph entitled “*Transit Security Grant Program*”, strike the current language and insert the following:

Transit Security Grant Program (TSGP).—The TSGP supports efforts to address the highest transit security risks through investments in security infrastructure, such as security cameras, and training, including surveillance training. The Committee is aware that many TSGP applicants have been unsuccessful in getting grant awards to address transit security risks, while other grantees have at times received awards in recurring years to continue operational activities. The Committee encourages FEMA to consider giving priority to applicants that have not received an award within the previous three years. An increase of \$5,000,000 above the request is recommended for TSGP in the bill to allow FEMA to make awards to additional applicants.

On page 73 of the report, under the heading “Community Project Funding Grants”, strike “Filoli Center” and insert “San Mateo County”

On page 88, in the paragraph entitled “*Gunshot Detection for Law Enforcement-Fired Weapons*”, after the word “local” insert the word “law”.

On page 104 of the report, under the heading “[Community Project Funding]”, strike “Filoli Center” and insert “San Mateo County”

#2

Adopted VV

Newhouse
Homeland
#1

**AMENDMENT TO HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MR. NEWHOUSE OF WASHINGTON**

After section 537, insert the following:

1 SEC. 538. None of the funds made available in this
2 Act may be used to pay the salaries or expenses of per-
3 sonnel to process aliens encountered at the United States
4 border under the immigration laws (as such term is de-
5 fined in section 101 of the Immigration and Nationality
6 Act (8 U.S.C. 1101)), if such alien would have been proc-
7 essed under section 362 and section 365 of the Public
8 Health Service Act (42 U.S.C. 265 and 268) as of Janu-
9 ary 19, 2021, until 180 days after date on which the pub-
10 lic health emergency relating to the Coronavirus Disease
11 2019 pandemic, declared under section 319 of such Act
12 (42 9 U.S.C. 247d) on January 31, 2020, and any con-
13 tinuation of such declaration (including the continuation
14 described in Proclamation 9994 on February 24, 2021)
15 has been terminated.

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#3

Adopted W

**AMENDMENT TO HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MR. AGUILAR OF CALIFORNIA**

Page 50, line 19, insert before the period at the end the following: “: *Provided further*, That, notwithstanding any other provision of law, not to exceed \$20,000,000, to remain available until September 30, 2024, shall be for implementation of the Deferred Action for Childhood Arrivals Program of the Secretary of Homeland Security, established pursuant to the memorandum from the Secretary of Homeland Security entitled ‘Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children’, dated June 15, 2012, including for the processing of applications for such program and for work authorization under such program”.

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14

Not Adopted
28-28

Gonzales
Homeland
#1

AMENDMENT TO HOMELAND SECURITY

APPROPRIATIONS BILL

OFFERED BY MR. TONY GONZALES OF TEXAS

Page 50, line 13, strike "\$653,293,000" and insert "\$553,514,000".

Page 13, line 15, strike "\$547,539,000" and insert "\$647,318,000".

Page 13, line 16, strike "\$402,180,000" and insert "\$501,959,000".

At the appropriate place in the report, strike "\$100,000,000" and insert "\$199,779,000".

At the appropriate place in the report, in the paragraph relating to "Border Technology Procurement" strike "\$100,000,000" and insert "\$199,779,000".



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#5

Adopted W

AMENDMENT TO HOMELAND SECURITY

APPROPRIATIONS BILL

OFFERED BY MR. ESPAILLAT OF NEW YORK

At the end of the bill (before the short title), insert the following:

1 SEC. _____. (a) The numerical limitations in sec-
2 tions 201, 202, and 203 of the Immigration and Nation-
3 ality Act (8 U.S.C. 1151, 1152, 1153) shall not apply dur-
4 ing fiscal year 2023 or during any subsequent fiscal year
5 to an alien described in section 101(a)(27)(J) of that Act
6 (8 U.S.C. 1101(a)(27)(J)) for whom a petition for classi-
7 fication under section 203(b)(4) of that Act (8 U.S.C.
8 1153(b)(4)) was filed before October 1, 2023.

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

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Rep. Ashley Hinson
FY23 Homeland
Amendment #1

#6

Not Adopted W

AMENDMENT TO HOMELAND SECURITY

APPROPRIATIONS BILL

OFFERED BY MRS. HINSON OF IOWA

Strike section 211.



#7

Adopted VV

Rep. Barbara Lee
FY 23 - Homeland
Amendment #1

**AMENDMENT TO HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MS. LEE OF CALIFORNIA**

At the appropriate place in the bill, insert the following:

- 1 SEC. _____.
- 2 Section 205 of the Robert T. Stafford Disaster Relief
- 3 and Emergency Assistance Act (42 U.S.C. 5135) is
- 4 amended—
- 5 (1) in subsection (d)—
- 6 (A) in paragraph (2)—
- 7 (i) by striking subparagraph (C);
- 8 (ii) at the end of subparagraph (A),
- 9 by adding “and”; and
- 10 (iii) at the end of subparagraph (B),
- 11 by striking “; and” and inserting a period;
- 12 (B) in paragraph (3)(D), by striking “local
- 13 governments, insular areas, and Indian tribal
- 14 governments” and inserting “local governments
- 15 and Tribal governments”; and
- 16 (C) by striking paragraph (4); and
- 17 (2) in subsection (m)—

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

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

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

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

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



Palazzo
Homeland
#1

#8

Withdrawn

**AMENDMENT TO HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MR. PALAZZO OF MISSISSIPPI**

Page 50, line 13, strike “\$653,293,000” and insert
“\$485,793,000”.

Page 18, line 15, strike “\$2,301,050,000” and in-
sert “\$2,468,550,000”.

At the appropriate place in the report, strike the
paragraph entitled “National Security Cutter (NSC)”
and insert the following:

1 () NATIONAL SECURITY CUTTER (NSC).—The
2 Committee provides \$314,500,000, which is
3 \$254,500,000 above the request, to missionize and
4 operationalize NSCs 10 and 11, of which
5 \$167,500,000 for the cost of long lead time mate-
6 rials and start of construction for NSC 12.



Rep. Ben Cline
FY 23 - Homeland
Amendment # 1

#9

Not Adopted
W

**AMENDMENT TO HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MR. CLINE OF VIRGINIA**

Page 16, line 9, strike "\$9,240,363,000" and insert "\$9,193,879,000".

Page 16, line 21, strike "\$6,750,363,000" and insert "\$6,703,879,000".

Page 13, line 15, strike "\$547,593,000" and insert "\$594,077,000".

Page 13, line 16, strike "\$402,180,000" and insert "\$448,664,000".

At the appropriate place in the report, in the paragraph relating to "Border Technology Procurement" strike "\$100,000,000" and insert "\$146,484,000".



Rep. Ben Cline
FY23 - Homeland
Amendment #2

#10

Not Adopted
VV

**AMENDMENT TO HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MR. CLINE OF VIRGINIA**

Strike section 220.



#11

Withdrawn

Let low
Homeland
#1

**AMENDMENT TO HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MS. LETLOW OF LOUISIANA**

Page 3, line 24, strike "\$597,378,000" and insert "\$467,378,000".

Page 4, line 1, strike "\$415,000,000" and insert "\$285,000,000".

Page 18, line 15, strike "\$2,301,050,000" and insert "\$2,641,050,000".

Page 50, line 13, strike "\$653,293,000" and insert "\$443,293,000".

At the appropriate place in the report, strike the paragraph entitled "Fast Response Cutter (FRC)" and insert the following:

1 () FAST RESPONSE CUTTERS (FRC).—The
2 recommendation provides \$471,000,000 for the FRC
3 program, an increase of \$455,000,000 above the re-
4 quest. \$131,000,000 is for FRCs funded in prior
5 years to cover class-wide activities, including eco-
6 nomic price adjustments related to the rise in mate-
7 rial and labor costs and for post-delivery

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HomeLand
#1

2

1 missionization costs. \$340,000,000 is for the con-
2 struction of four FRCs and related class-wide activi-
3 ties including post-delivery missionization.



#12

Not Adopted
VV

Rep. Ashley Hinson
FY23 Homeland
Amendment #3

**AMENDMENT TO HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MRS. HINSON OF IOWA**

Page 14, line 2, strike "\$8,298,567,000" and insert "\$8,379,567,000".

Page 14, line 18, strike "\$3,923,433,000" and insert "\$4,004,433,000".

Page 50, line 13, strike "\$653,293,000" and insert "\$572,293,000".

At the appropriate place in the report, insert the following after the paragraph entitled, "Multiple Funding Sources for Migrant Operations":

1 () MIGRANT PROTECTION PROTOCOLS
2 (MPP).—The committee provides \$81,000,000, for
3 the court-ordered reinstatement of the MPP Pro-
4 gram. This funding will support the return to Mex-
5 ico for nationals of countries other than Mexico
6 while their U.S. removal proceedings are pending.

☒

#13

Not Adopted
24-31

Rep. Ken Calvert
FY23- Homeland Security
Amendment #1

**AMENDMENT TO HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MR. CALVERT OF CALIFORNIA**

At the end of the bill (before the short title), insert the following:

1 SEC. _____. Of the amounts made available by this
2 Act to “Office of the Secretary and Executive Manage-
3 ment—operations and support”, not more than 50 percent
4 may be made available for obligation or expenditure until
5 the date on which all amounts previously made available
6 to finish construction of the barrier at the southern border
7 of the United States have been obligated.

☒

#14 Not Adopted
VV

Gonzales
Homeland
#2

AMENDMENT TO HOMELAND SECURITY

APPROPRIATIONS BILL

OFFERED BY MR. TONY GONZALES OF TEXAS

And
Mr. Rutherford
of
Florida

Page 39, line 19, strike "\$4,051,619,000" and insert "\$4,081,619,000"

Page 39, line 20, strike "\$520,000,000" and insert "\$550,000,000".

Page 39, beginning on line 23, strike "\$90,000,000" and all that follows through "Stonegarden," and insert "\$120,000,000 shall be for Operation Stonegarden for immigration enforcement purposes,".

Page 50, line 13, strike "\$653,293,000" and insert "\$623,293,000".



#15 Adopted 32-25

Rep. Grace Meng, Amendment #1
Rep. mark Pocan
Rep. Adriano Espaillat
Rep. Norma Torres
Homeland - FY23

**AMENDMENT TO THE HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MS. MENG OF NEW YORK**

Page 82, line 18, increase the dollar amount by \$5,000,000.

At the end of the bill (before the short title) insert the following:

1 SEC. ____ (a)(1) Notwithstanding any other provi-
2 sion of law, beginning in fiscal year 2023, the number of
3 family-sponsored immigrant visas that may be issued
4 under section 203(a) of the Immigration and Nationality
5 Act (8 U.S.C. 1153(a)) shall be increased by the number
6 computed under paragraph (2). Section 202(a)(2) of the
7 Immigration and Nationality Act (8 U.S.C. 1152(a)(2))
8 shall not apply to the additional family-sponsored immi-
9 grant visas made available under this paragraph.

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

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

13 (i) the number of visas that were
14 originally made available to family-spon-
15 sored immigrants under section 201(c)(1)

1 of the Immigration and Nationality Act (8
2 U.S.C. 1151(c)(1)) for fiscal years 1992
3 through 2021, reduced by any unused
4 visas made available to such immigrants in
5 such fiscal years under section 201(c)(3) of
6 such Act (8 U.S.C. 1151(c)(3)); and

7 (ii) the number of visas described in
8 clause (i) that were issued under section
9 203(a) of the Immigration and Nationality
10 Act (8 U.S.C. 1153(a)), or, in accordance
11 with section 201(d)(2)(C) of such Act (8
12 U.S.C. 1151(d)(2)(C)), under section
13 203(b) of such Act (8 U.S.C. 1153(b));
14 and

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

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

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

6 (B) 38.9 percent to family-sponsored immi-
7 grants under section 203(a)(2)(A) of the Immi-
8 gration and Nationality Act (8 U.S.C.
9 1153(a)(2)(A)), plus any visa available under
10 this paragraph not required for subparagraph
11 (A);

12 (C) 11.6 percent to family-sponsored immi-
13 grants under section 203(a)(2)(B) of the Immi-
14 gration and Nationality Act (8 U.S.C.
15 1153(a)(2)(B)), plus any visa available under
16 this paragraph not required for subparagraphs
17 (A) and (B);

18 (D) 10.4 percent to family-sponsored im-
19 migrants under section 203(a)(3) of the Immi-
20 gration and Nationality Act (8 U.S.C.
21 1153(a)(3)), plus any visa available under this
22 paragraph not required for subparagraphs (A)
23 through (C); and

24 (E) 28.7 percent to family-sponsored immi-
25 grants under section 203(a)(4) of the Immigra-

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

5 (b)(1) Notwithstanding any other provision of law,
6 beginning in fiscal year 2023, the number of employment-
7 based immigrant visas that may be issued under section
8 203(b) of the Immigration and Nationality Act (8 U.S.C.
9 1153(b)) shall be increased by the number computed
10 under paragraph (2). Section 202(a)(2) of the Immigra-
11 tion and Nationality Act (8 U.S.C. 1152(a)(2)) shall not
12 apply to the additional employment-based immigrant visas
13 made available under this paragraph.

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

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

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

1 of the Immigration and Nationality Act (8
2 U.S.C. 1151(d)(2)); and

3 (ii) the number of visas described in
4 clause (i) that were issued under section
5 203(b) of the Immigration and Nationality
6 Act (8 U.S.C. 1153(b)), or, in accordance
7 with section 201(c)(3)(C) of the Immigra-
8 tion and Nationality Act (8 U.S.C.
9 1151(e)(3)(C)), under section 203(a) of
10 the Immigration and Nationality Act (8
11 U.S.C. 1153(a)); and

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

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

23 (A) 28.6 percent to employment-based im-
24 migrants under section 203(b)(1) of the Immi-
25 gration and Nationality Act (8 U.S.C.

1 1153(b)(1)), plus any visa available under this
2 paragraph not required for subparagraph (F);

3 (B) 28.6 percent to employment-based im-
4 migrants under section 203(b)(2) of the Immi-
5 gration and Nationality Act (8 U.S.C.
6 1153(b)(2)), plus any visa available under this
7 paragraph not required for subparagraph (A);

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

14 (D) 7.1 percent to employment-based im-
15 migrants under section 203(b)(3)(A)(iii) of the
16 Immigration and Nationality Act (8 U.S.C.
17 1153(b)(3)(A)(iii)), plus any visa available
18 under this paragraph not required for subpara-
19 graphs (A) through (C);

20 (E) 7.1 percent to employment-based im-
21 migrants under section 203(b)(4) of the Immi-
22 gration and Nationality Act (8 U.S.C.
23 1153(b)(4)), plus any visa available under this
24 paragraph not required for subparagraphs (A)
25 through (D); and

1 (F) 7.1 percent to employment-based im-
2 migrants under section 203(b)(5) of the Immi-
3 gration and Nationality Act (8 U.S.C.
4 1153(b)(5)), plus any visa available under this
5 paragraph not required for subparagraphs (A)
6 through (E).

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

9 “(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED IM-
10 MIGRANTS.—The worldwide level of family-sponsored im-
11 migrants under this subsection for a fiscal year is equal
12 to—

13 “(1) 226,000, plus

14 “(2) the difference (if any) between the max-
15 imum number of visas which may be issued under
16 section 203(a) (relating to family-sponsored immi-
17 grants) during the previous fiscal year and the num-
18 ber of aliens who were issued immigrant visas or
19 who otherwise acquired the status of aliens lawfully
20 admitted to the United States for permanent resi-
21 dence under that section during that year.”.

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

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

5 “(1) 140,000, plus

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

14 SEC. _____. (a) Notwithstanding section
15 204(a)(1)(I)(ii)(II) of the Immigration and Nationality
16 Act (8 U.S.C. 1154(a)(1)(I)(ii)(II)), and subject to sub-
17 section (d) of this section, an immigrant visa for those
18 selected in accordance with section 203(e)(2) of the Immi-
19 gration and Nationality Act (8 U.S.C. 1153(e)(2)) in any
20 of fiscal years 2017, 2018, 2019, 2020, or 2021 shall re-
21 main available to such alien if the alien was refused a visa,
22 prevented from seeking admission, or denied admission to
23 the United States solely because of—

24 (1) Executive Order 13769 (82 Fed. Reg.
25 8977; relating to “Protecting the Nation from

1 Foreign Terrorist Entry into The United
2 States”);

3 (2) Executive Order 13780 (82 Fed. Reg.
4 13209; relating “Protecting the Nation from
5 Foreign Terrorist Entry into the United
6 States”);

7 (3) Proclamation 9645 (82 Fed. Reg.
8 45161; relating to “Enhancing Vetting Capa-
9 bilities and Processes for Detecting Attempted
10 Entry into the United States by Terrorists or
11 Other Public-Safety Threats”); or

12 (4) Proclamation 9983 (85 Fed. Reg.
13 6699; relating to “Improving Enhanced Vetting
14 Capabilities and Processes for Detecting At-
15 tempted Entry into the United States by Ter-
16 rorists or Other Public-Safety Threats”).

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

19 (1) provide written notice, consistent with subsection
20 (c), to each alien described in subsection (a) (and such
21 alien’s representative, if applicable) of the alien’s con-
22 tinuing eligibility to apply for a visa under section 203(c)
23 of the Immigration and Nationality Act (8 U.S.C.
24 1153(c)); and

1 (2) publish on the Department of State website, in-
2 formation and procedures implementing this section.

3 (c) The notice described in subsection (b)(1) shall in-
4 clude procedures for the alien to inform the Secretary of
5 State of the alien's intent to proceed with or abandon the
6 application, and shall include an advisal that such applica-
7 tion shall be deemed abandoned if the alien fails to notify
8 the Secretary of the alien's intent to proceed within one
9 year after the date on which the notice was issued.

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

13 (1) the alien—

14 (A) notifies the Secretary of the alien's intent
15 to abandon the application; or

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

18 (2) the Secretary of State makes a final determina-
19 tion of the alien's ineligibility for such visa under section
20 203(c)(2), 204(a)(1)(I)(iii), or 212(a) of the Immigration
21 and Nationality Act (8 U.S.C. 1153(c)(2),
22 1154(a)(1)(I)(iii), or 1182(a)).

23 (e) A determination of whether an alien is the child
24 of a visa recipient described in subsection (a), pursuant
25 to section 203(d) of the Immigration and Nationality Act

1 (8 U.S.C. 1153(d)) shall be made using the age of the
2 child when applicant was initially selected for a visa in
3 accordance with section 203(e)(2) of such Act.



16

Not Adopted
26-31

Fleischmann
Home Land
41

AMENDMENT TO HOMELAND SECURITY

APPROPRIATIONS BILL

OFFERED BY MR. FLEISCHMANN OF TENNESSEE AND

DIAZ-Balart of Florida

After section 537, insert the following:

- 1 SEC. 538. None of the funds made available in this
- 2 Act may be used to establish or support the activities of
- 3 a Disinformation Governance Board at the Department of
- 4 Homeland Security, or any other similar entity established
- 5 in the Department of Homeland Security to carry out ac-
- 6 tivities to the same extent and in the same manner as the
- 7 Board.



#17

Not Adopted
25-31

Fleischmann
Homeland
#2

**AMENDMENT TO HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MR. FLEISCHMANN OF TENNESSEE**

Strike sections 210 and 212.



Rep. Ashley Hinson
FY 23 Homeland
Amendment #2

#10

Not Adopted
25-32

**AMENDMENT TO HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MRS. HINSON OF IOWA**

After section 236, insert the following:

1 SEC. 237. None of the funds made available in this
2 Act may be used to implement, administer, or otherwise
3 carry out the activities and policies described in the memo-
4 randum, issued by the Secretary of Homeland Security
5 September 30, 2021, on the subject of "Guidelines for the
6 Enforcement of Civil Immigration Law" or described in
7 the memorandum issued by Kerry Doyle, Immigration and
8 Customs Enforcement Principal Legal Advisor on April 3,
9 2022 on the subject of "Guidance to OPLA Attorneys Re-
10 garding the Enforcement of Civil Immigration Laws and
11 the Exercise of Prosecutorial Discretion".



#19

Not Adopted
25-32

Rep. Ashley Hinson
FY23 Homeland
Amendment #4

**AMENDMENT TO HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MRS. HINSON OF IOWA**

Insert after section 236 the following:

1 SEC. ____ . (a) No Federal funds may be made avail-
2 able by the Department of Homeland Security or any
3 other Federal department, agency, or contractor to trans-
4 port aliens unlawfully present in the United States into
5 the interior of the United States for purposes other than
6 enforcement of the immigration laws (as such term is de-
7 fined in section 101 of the Immigration and Nationality
8 Act (8 U.S.C. 1101)).

9 (b) The limitation under subsection (a) shall not
10 apply with respect to amounts made available to transport
11 unaccompanied alien children (as such term is defined in
12 section 462 of the Homeland Security Act of 2002 (6
13 U.S.C. 279)).



Rutherford
Homeland
#2

#202 **Not Adopted**
25-32

**AMENDMENT TO HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MR. RUTHERFORD OF FLORIDA**

Page 50, line 13, strike "\$653,293,000" and insert "\$455,293,000".

Page 20, line 13, strike "\$2,645,596,000" and insert "\$2,650,596,000".

Page 13, line 15, strike "\$547,539,000" and insert "\$740,539,000".

Page 13, line 17, strike "\$145,359,000" and insert "\$338,359,000".

At the appropriate place in the report, strike the paragraph relating to the "National Threat Assessment Center" insert the following:

1 () NATIONAL THREAT ASSESSMENT CENTER
2 (NTAC).—The Committee provides an additional
3 \$10,000,000 for NTAC, which supports efforts by
4 public and private sector entities to confront the
5 threat of targeted violence that impacts commu-
6 nities, including schools. The USSS is encouraged to
7 hire additional personnel to expand NTAC research

Rutherford
Homeland
#2

1 and training on targeted school violence nationwide
2 and promote the developments of best practices and
3 standardization across all levels of government on
4 threat assessment and prevention of targeted vio-
5 lence.

At the appropriate place in the report, insert the fol-
lowing:

6 () BORDER WALL.—The Committee provides
7 an additional \$193,000,000 for border barriers to be
8 constructed in accordance with the U.S. Border Pa-
9 trol’s 2019 Border Security Improvement Plan.



Rutherford
Homeland
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#21

Not Adopted
26-31

**AMENDMENT TO HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MR. RUTHERFORD OF FLORIDA**

Page 14, line 2, strike “\$8,298,567,000” and insert “\$8,853,486,000”.

Page 14, line 18, strike “\$3,923,433,000” and insert “\$4,478,352,000”.

Page 50, line 13, strike “\$653,293,000” and insert “\$117,931,000”.

Page 82, line 18, strike “\$83,597,000” and insert “\$103,154,000”.

At the appropriate place in the report, strike the paragraph entitled “Detention Capacity” and insert the following:

1 () DETENTION CAPACITY.—The recommenda-
2 tion provides an increase of \$554,919,000 above the
3 request, for a total of \$3,039,374,000 for the Cus-
4 tody Operations PPA. The Committee expects ICE
5 to increase detention bed usage as COVID detention
6 restrictions allow. The recommendation supports an

Rutherford
Homeland
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- 1 average daily population (ADP) of 34,000 for single
- 2 adults for fiscal year 2023.



#22

Adopted
UU

Rep. Chellie
Pingree

Rep. Andy Harris

Rep. Henry Cuellar

Rep. C.A. Dutch

Ryparber

FY23 Homeland
Approps

**AMENDMENT TO HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MS. PINGREE OF MAINE**

Page 82, line 18, increase the dollar amount by \$7,000,000.

Page 55, after line 17, insert the following new section:

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

1 returning workers were exempt from such numerical limi-
2 tation.

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

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



#23

Adopted
VV

Rep Henry Cuellar / Dan Newhouse
FY23 Homeland
Amendment

**AMENDMENT TO HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MR. CUELLAR OF TEXAS**

At the appropriate place in the bill, insert the following:

1 SEC. _____. In fiscal year 2023, nonimmigrants
2 shall be admitted to the United States under section
3 101(a)(15)(H)(ii)(a) of the Immigration and Nationality
4 Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) to perform agricul-
5 tural labor or services, without regard to whether such
6 labor is, or services are, of a temporary or seasonal nature.

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