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# Department of Homeland Security Appropriations: FY2023 Provisions

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## Department of Homeland Security Appropriations: FY2023 Provisions

Through appropriations legislation, Congress provides not only budget authority for federal agencies and departments to operate, but also legally binding direction on how that budget authority can (or cannot) be used. Sometimes enacted appropriations measures include authorizing (or “legislative”) provisions as well.

These directions may appear in three places in an appropriations act:

1. in the language of individual appropriations;
2. in administrative provisions at the end of a title; and
3. in general provisions at the end of a bill (or division, in the case of a consolidated measure).

Some of these directions directly relate to the management of budget authority enacted in the measure, while others relate to policy or operational matters. As with any facet of legislation, these provisions are not constant. Due to the passage of time or enactment of permanent legislation, a provision may require adjustment or lose its relevance. Provisions are also a focus of negotiations between the parties and between the chambers during the appropriations process, so provisions will evolve through negotiations until a compromise is worked out in the final measure.

Rather than reciting the entire catalog of more than 100 administrative and general provisions in the Department of Homeland Security (DHS) Appropriations Act, 2023, this report focuses on the substantive changes in directions provided from FY2022 to FY2023.

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## Introduction

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These directions may appear in three places in an appropriations act:

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Some of these directions directly relate to the management of budget authority enacted in the measure, while others relate to policy or operational matters. As with any facet of legislation, these provisions are not constant. Due to the passage of time or enactment of permanent legislation, a provision may require adjustment or lose its relevance. Provisions are also a focus of negotiations between the parties and between the chambers during the appropriations process, so provisions will evolve through negotiations until a compromise is worked out in the final measure.

This report focuses on the substantive changes in administrative and general provisions enacted in the Department of Homeland Security (DHS) Appropriations Act, 2023.<sup>1</sup>

- For more information on the President’s DHS budget request for FY2023, see CRS Report R47123, *DHS Budget Request Analysis: FY2023*.
- For more information on the budget authority provided to DHS components through the FY2023 appropriations process, see CRS Report R47220, *Comparing DHS Component Funding, FY2023: In Brief*.
- For more information on the current status of DHS appropriations for FY2023, see CRS Report R47239, *Department of Homeland Security Appropriations: FY2023 State of Play*.
- For information on DHS structure, component missions, and longer-term staffing and funding history, see CRS Report R47446, *The Department of Homeland Security: A Primer*.

## Scope and Methodology

This report provides an outline, by title, of the administrative and general provisions included in the annual DHS appropriations act for FY2023. For each title, quick tally of provisions included in the DHS Appropriations Act, 2022 is provided, and how the provisions in the FY2023 Act compare. It first describes Administration proposals and past provisions that were NOT included, then notes new provisions and those with substantive changes (ones that would alter the practical effects of the prior year’s provisions). For provisions described, the report notes

- those included in the FY2022 act;

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<sup>1</sup> P.L. 117-328, Div. F.

- those provisions proposed by the Administration in the FY2023 budget request; and
- the resolution of these proposals in the DHS Appropriations Act, 2023.

In the process, the report indicates whether and how those provisions were included in

- H.R. 8257, the DHS appropriations bill reported by the House Appropriations committee; and
- the Senate Appropriations Committee majority draft bill (for simplicity of persistent references, this report cites to S. 4678, an identical measure introduced by the Senate subcommittee chair).

The President's FY2023 budget request did not expressly take positions on the FY2022 DHS appropriations measure, given that the bill was enacted in early March, after the statutory deadline for the release of the President's budget. As the President's FY2023 budget request was released less than one month after the enactment of the FY2022 consolidated appropriations measure, it had likely been formulated without complete knowledge of final FY2022 appropriations or accompanying provisions. Therefore, any variances between the two— inclusions, restructuring, or omissions—should not necessarily be seen as the Administration responding to the enacted bill.

## Security, Enforcement, and Investigations Administrative Provisions (Title II)

Title II of the DHS Appropriations Act, 2023 covers appropriations for:

- U.S. Customs and Border Protection (CBP);
- U.S. Immigration and Customs Enforcement (ICE);
- the Transportation Security Administration (TSA);
- U.S. Coast Guard (USCG); and
- U.S. Secret Service (USSS).

There were 36 administrative provisions included at the end of Title II of the FY2022 act.<sup>2</sup> The FY2023 act also included 36 administrative provisions in Title II: three from FY2022 were not included, three were substantively changed from FY2022, and three that had not appeared in FY2022 were added.<sup>3</sup> The other 30 remained essentially unchanged.

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<sup>2</sup> Descriptions of these provisions can be found in the FY2022 consolidated appropriations measure's explanatory statement, as printed in "Explanatory Statement Submitted by Ms. DeLauro, Chair of the House Committee on Appropriations, Regarding the House Amendment to the Senate Amendment to H.R. 2471, Consolidated Appropriations Act, 2022," *Congressional Record*, vol. 168, no. 42, Book III (March 9, 2022), pp. H2405-H2406.

<sup>3</sup> Descriptions of these provisions can be found in the FY2023 consolidated appropriations measure's explanatory statement, as printed in "Explanatory Statement Submitted by Mr. Leahy, Chair of the Senate Committee on Appropriations, Regarding H.R. 2617, Consolidated Appropriations Act, 2023," Senate, *Congressional Record*, vol. 168, no. 198, Book II (December 20, 2022), pp. S8564-S8565.

## Not Included

### *Administration Proposals*

The Administration proposed several new administrative provisions for Title II in the budget request for FY2023 that were not adopted:

- authorization for CBP and ICE to reimburse third parties for COVID-19 testing and shelter in certain cases;
- authorization for CBP to use unobligated balances of its “Procurement, Construction, and Improvement” appropriations from FY2018-FY2021 for other specified border management purposes;
- removal of previously enacted restrictions on the types of border barrier that could be constructed that had been carried in DHS appropriations acts for FY2018-FY2020; and
- authorization for DHS to transfer up to \$225 million in unobligated CBP Procurement Construction, and Improvement appropriations from prior years to the Department of the Interior (including any agency or bureau within the Department of the Interior) or the Forest Service “for the execution of environmental and other mitigation projects or activities ... related to the construction of border barriers on the southwest border.”

### *Prior Year Provisions*

Three provisions included in the FY2022 act were not carried forward in FY2023:

- FY2022 Section 212: a one-time amendment regarding cellular relay rescue beacons;
- FY2022 Section 213: a \$100 million appropriation for CBP “Operations and Support” to support certain Border Patrol hiring and contracting functions; and
- FY2022 Section 232: a \$50 million appropriation for a grant for the National Coast Guard Museum.

## Substantive Changes and Additions

### *Section 208*

In FY2022, this administrative provision required the Secretary to submit an expenditure plan for U.S. Customs and Border Protection’s “Procurement, Construction and Improvements” appropriation.

In FY2023, while neither H.R. 8257 nor S. 4678 proposed a modification, P.L. 117-328 assigned the reporting requirement to the Commissioner of U.S. Customs and Border Protection.

### *FY2022 Section 209 / Section 212*

In FY2022, this administrative provision delimited the use of part of U.S. Customs and Border Protection’s “Procurement, Construction and Improvements” appropriation.

In FY2023, the Administration did not include the administrative provision in its request, and neither H.R. 8257 nor S. 4678 included similar language. P.L. 117-328 included a modified provision as Section 212, controlling the entire \$581.6 million of the appropriation (see **Table 1**).

**Table 1. CBP PC&I Appropriations Allocation in Administrative Provisions**

Program, Project, or Activity	FY2022	FY2023
Acquisition and deployment of border technologies	\$276,000,000	\$230,277,000
Trade and travel assets and infrastructure	99,653,000	126,047,000
Facility construction and improvements	93,425,000	99,900,000
Integrated operations assets and infrastructure	72,395,000	92,661,000
Mission support and infrastructure	30,610,000	32,673,000
<b>Total</b>	<b>572,083,000</b>	<b>581,558,000</b>

Sources: P.L. 117-103, Section 209; P.L. 117-328, Section 212.

**Section 211 (new)**

This new administrative provision included in the FY2023 act provided for a grant program funded by CBP and administered by FEMA to help nonprofit organizations provide shelter and other services to migrants. This program was to be an evolution of federal support for such activities under FEMA’s “Emergency Food and Shelter Program-Humanitarian (EFSP-H).”<sup>4</sup> \$800 million for this program was transferred from CBP to FEMA elsewhere in the bill, and this provision allowed up to \$785 million of the transferred funds to be used for the EFSP-H, and established parameters for its availability and use.

In FY2022, the general provisions for the act had included \$150 million in EFSP-H funding. In FY2023, H.R. 8257 included \$150 million in FEMA’s “Federal Assistance” appropriation for FEMA’s “Emergency Food and Shelter Program-Humanitarian” program, and S. 4678 included \$200 million.

**FY2022 Section 222 / Section 221**

In FY2022, this administrative provision required the Administrator of the TSA to submit to certain congressional committees a single report that fulfils the requirements of a Capital Investment Plan, a five-year technology investment plan, and an Advanced Integrated Passenger Screening Technologies report within 30 days of the submission of the President’s budget proposal.

In FY2023, Section 225 of H.R. 8257 proposed extending the deadline to 45 days. Section 223 of S. 4678 included the administrative provision as it had been enacted in FY2022.

<sup>4</sup> For additional information on the Shelter and Services Program, see CRS Insight IN12132, *FEMA’s Emergency Food and Shelter Program-Humanitarian Relief (EFSP-H) and the New Shelter and Services Program (SSP)*, by Elizabeth M. Webster.

P.L. 117-328 included the provision as Section 221, giving the Administrator 45 days from the submission of the budget proposal to submit the report, and expanding the parameters of the required Capital Investment Plan.

### ***Section 222 (new)***

This new administrative provision included in the FY2023 act extends by two years the authority for a pilot program for screening of passengers outside of an existing primary passenger terminal screening area.

The provision had been included in H.R. 8257 as Section 226, but had not been formally requested by the Administration in their annual budget request and was not included in S. 4678.

### ***Section 236 (new)***

In FY2023, this new administrative provision directs \$23 million of the U.S. Secret Service's "Operations and Support" appropriation for facilities of the National Computer Forensics Institute.

A similar provision had been included as Section 237 of S. 4678, directing \$9.5 million for the same purpose. The Administration did not include such an administrative provision in their request, nor did such a provision appear in H.R. 8257.

## **Protection, Preparedness, Response, and Recovery Administrative Provisions (Title III)**

Title III of the DHS Appropriations Act, 2023 covers appropriations for:

- the Cybersecurity and Infrastructure Security Agency (CISA); and
- Federal Emergency Management Agency (FEMA).

There were eleven administrative provisions included at the end of Title III of the FY2022 DHS Appropriations Act.<sup>5</sup> The FY2023 act included eleven as well: two from FY2022 were not included, two were substantively changed, and two that had not appeared in FY2022 were added. The other seven remained essentially unchanged.<sup>6</sup>

## **Not Included**

### ***Administration Proposal***

The Administration proposed a new administrative provision that would have allowed any prior-year unobligated balances in the Pre-disaster Mitigation Fund to be merged with funding for the

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<sup>5</sup> Descriptions of these provisions can be found in the FY2022 consolidated appropriations measure's explanatory statement, as printed in "Explanatory Statement Submitted by Ms. DeLauro, Chair of the House Committee on Appropriations, Regarding the House Amendment to the Senate Amendment to H.R. 2471, Consolidated Appropriations Act, 2022," *Congressional Record*, vol. 168, no. 42, Book III (March 9, 2022), p. H2417.

<sup>6</sup> Descriptions of these provisions can be found in the FY2023 consolidated appropriations measure's explanatory statement, as printed in "Explanatory Statement Submitted by Mr. Leahy, Chair of the Senate Committee on Appropriations, Regarding H.R. 2617, Consolidated Appropriations Act, 2023," Senate, *Congressional Record*, vol. 168, no. 198, Book II (December 20, 2022), p. S8579. Technical changes made to reflect a numbering shift due to the inclusion of the Nonprofit Security Grant Program as a separate element are not included.

Building Resilient Infrastructure and Communities (BRIC) grant program. This specific provision was not included in the FY2023 act.

### ***Prior Year Provisions***

Provisions not carried forward in FY2023 included:

- FY2022 Section 301: a provision authorizing the Cybersecurity and Infrastructure Security Agency (CISA) to use certain funds for a cybersecurity competition.
- FY2022 Section 311: a provision modifying the percentage share of the cost of certain disaster response and recovery projects that could be covered by the federal government.

### **Substantive Changes and Additions**

#### ***FY2022 Section 302 / Section 301***

In FY2023, this administrative provision, slightly modified from its FY2022 form, allowed CISA “Operations and Support” appropriations to be used to provide cybersecurity threat feeds to a broader range of CISA’s various partners, fusion centers, and Information and Analysis Organizations. Neither H.R. 8257 nor S. 4678 included the provision.

#### ***Section 302 (new)***

In FY2023, this new administrative provision required the Director of CISA to provide quarterly budget and staffing briefings that had been originally laid out in the explanatory statement accompanying the FY2022 DHS Appropriations Act, making them a statutory requirement, and curtailing certain CISA funding unless the briefings are provided within a certain time frame. Neither H.R. 8257 nor S. 4678 included the provision.

#### ***Section 304 (new)***

In FY2023, this new administrative provision clarified the allocation of funds for the Homeland Security Grant Program, specifically removing the Nonprofit Security Grant Program from such calculations. This modification had been included in Section 302 of both H.R. 8257 and S. 4678.

#### ***FY2022 Section 305 / Section 306***

In FY2022, this administrative provision required FEMA to brief the appropriations committees on the award of certain preparedness grants at least five business days prior to the public announcement of the award.

In FY2023, the provision was modified to add a reduction of the FEMA “Operations and Support” appropriation should FEMA announce such grant awards without meeting that requirement. This modification had been included in Section 304 H.R. 8257, but not Section 305 of S. 4678.

### **Research, Development, Training, and Services Administrative Provisions (Title IV)**

Title IV of the DHS Appropriations Act, 2023 covers appropriations for:

- U.S. Citizenship and Immigration Services;
- Federal Law Enforcement Training Centers (FLETC);
- the Science and Technology Directorate (S&T); and
- the Countering Weapons of Mass Destruction Office.

There were eight administrative provisions included at the end of Title IV of the FY2022 DHS Appropriations Act.<sup>7</sup> The FY2023 act included seven: one from FY2022 was not included and the other seven remained essentially unchanged.<sup>8</sup>

## Not Included

### *Prior Year Provision*

- FY2022 Section 403 carried forward by reference a provision from the FY2020 appropriations act. The original provision required that U.S. Citizenship and Immigration Services publicly report on a semimonthly basis on the adjudication of claims of fear of persecution or torture. The provision was not included in H.R. 8257, but included in Section 403 of S. 4678. It was not included in P.L. 117-328, but a related general provision (Section 545) is discussed below.

## Departmental Management, Intelligence, Situational Awareness and Oversight Administrative Provisions (Title I)

Title I of the DHS Appropriations Act, 2023 covers appropriations for:

- the Office of the Secretary and Executive Management;
- the Management Directorate;
- Intelligence, Analysis, and Situational Awareness; and
- the Office of Inspector General.

There were eight administrative provisions included at the end of Title I of the FY2022 act.<sup>9</sup> The FY2023 act also included eight at the end of Title II: one from FY2022 was not included, two were substantively changed from FY2022, and one that had not appeared in FY2022 was added. The first five remained essentially unchanged.<sup>10</sup>

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<sup>7</sup> Descriptions of these provisions can be found in the FY2022 consolidated appropriations measure's explanatory statement, as printed in "Explanatory Statement Submitted by Ms. DeLauro, Chair of the House Committee on Appropriations, Regarding the House Amendment to the Senate Amendment to H.R. 2471, Consolidated Appropriations Act, 2022," *Congressional Record*, vol. 168, no. 42, Book III (March 9, 2022), p. H2419.

<sup>8</sup> Descriptions of these provisions can be found in the FY2023 consolidated appropriations measure's explanatory statement, as printed in "Explanatory Statement Submitted by Mr. Leahy, Chair of the Senate Committee on Appropriations, Regarding H.R. 2617, Consolidated Appropriations Act, 2023," Senate, *Congressional Record*, vol. 168, no. 198, Book II (December 20, 2022), p. S8582. FY2022 Section 404 (now Section 403) was simplified, but had no substantive change in its effect.

<sup>9</sup> Descriptions of these provisions can be found in the FY2022 consolidated appropriations measure's explanatory statement, as printed in "Explanatory Statement Submitted by Ms. DeLauro, Chair of the House Committee on Appropriations, Regarding the House Amendment to the Senate Amendment to H.R. 2471, Consolidated Appropriations Act, 2022," *Congressional Record*, vol. 168, no. 42, Book III (March 9, 2022), p. H2398.

<sup>10</sup> Descriptions of these provisions can be found in the FY2023 consolidated appropriations measure's explanatory statement, as printed in "Explanatory Statement Submitted by Mr. Leahy, Chair of the Senate Committee on (continued...)"

## Not Included

### *Prior Year Provisions*

- FY2022 Section 108 authorized reimbursement to airports of certain costs related to receiving evacuees from Afghanistan.

## Substantive Changes and Additions

### *Section 106*

In FY2022, this administrative provision required the Under Secretary for Management to provide quarterly a briefing to the appropriations committees on DHS's major acquisition programs,<sup>11</sup> as well as copies of each acquisition memorandum as they are approved. The requirement would have covered all acquisition programs costing more than \$300 million over their lifecycle on the DHS Master Acquisition Oversight List.<sup>12</sup> All such programs from the point that a program manager has begun to review approaches to meeting a capability need to full operational capability were to be included, including those programs removed from the list in the preceding quarter. This was a new provision at the time.

In FY2023, P.L. 117-328 included the provision as Section 106 with additional modifications to the lifecycle cost estimate parameters by adding a breakout for the prior five years, the current year, and the budget year, and a breakout of the estimate by appropriation account or other funding source. Section 106 of H.R. 8257 had included a similar proposal, including additional requirements for the lifecycle cost estimates presented. S. 4678 included the provision with the FY2022 terms.

### *Section 107*

In FY2022, this new administrative provision required reporting from the DHS Under Secretary for Management to the appropriations committees before DHS could obligate money from the act for pilot or demonstration programs above a certain size.

In FY2023, Section 107 of H.R. 8257 restructured the requirement, adding a requirement for additional information on the transition of such pilots into more enduring programs. Section 107 of S. 4678 would have raised the threshold for included projects from those that propose to use more than five full-time equivalents (FTE) or \$1 million to those that propose to use more than 10 FTE or \$5 million. S. 4678 would have provided exceptions for existing projects and those specifically directed by Congress.

P.L. 117-328 included the provision as Section 107, incorporating both sets of changes and a further exclusion for information technology (IT) projects under a procurement contract and those carried out by nonfederal recipients of financial assistance from DHS.

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Appropriations, Regarding H.R. 2617, Consolidated Appropriations Act, 2023," Senate, *Congressional Record*, vol. 168, no. 198, Book II (December 20, 2022), p. S8556.

<sup>11</sup> The Office of Management and Budget (OMB) defines a major acquisition as "a capital project that requires special management attention because of its: (1) importance to an agency's mission; (2) high development, operating, or maintenance costs; (3) high risk; (4) high return; or (5) significant role in the administration of an agency's programs, finances, property, or other resources."

<sup>12</sup> A list of all DHS major acquisitions developed by the DHS Office of Program Accountability and Risk Management.

### **Section 108 (new)**

In FY2023, Section 108 provides for a \$14 million transfer of previously appropriated Disaster Relief Fund resources from the American Rescue Plan Act to the DHS Office of Inspector General, which had been included in H.R. 8257 as Section 108, and S. 4678 as Section 311(a)(2).

## **General Provisions (Title V)**

As noted earlier, Title V of the annual DHS appropriations act historically contains general provisions, the impact of which may reach across the government, apply to the entire department, affect multiple components, or focus on a single activity. Title V often includes provisions that make additional appropriations and others that make rescissions—cancellations of previously provided budget authority that offset the overall cost of the bill.<sup>13</sup>

### **Some Provisions Are More General Than Others**

There are general provisions not included in this report that affect DHS; their effect is so broad they cover the entire federal government. Title VII of the Financial Services and General Government Appropriations Act includes these broadest general provisions, which address a range of issues.

There were 48 general provisions included in Title V of the FY2022 DHS Appropriations Act. The FY2023 act included 49: six from FY2022 were not included, four were substantively changed from FY2022, and seven<sup>14</sup> that had not appeared in FY2022 were added. The other 38 remained essentially unchanged.<sup>15</sup>

## **Not Included**

### **Administration Proposals**

The Administration proposed two new general provisions for DHS in FY2023, neither of which was included:

- One to allow resources from any DHS component to be deployed to deal with a rise in the number of undocumented migrants at the southwest border, and for “the enforcement of immigration and customs laws, detention and removals of undocumented migrants crossing the border unlawfully, and investigations without reimbursement as jointly agreed by the detailing components;” and
- One to allow up to five percent of any appropriation to be transferred to the DHS Information Technology Modernization Fund, and that those funds would be available for obligation for three more years.

<sup>13</sup> Descriptions of these provisions can be found in the FY2022 consolidated appropriations measure’s explanatory statement, as printed in “Explanatory Statement Submitted by Ms. DeLauro, Chair of the House Committee on Appropriations, Regarding the House Amendment to the Senate Amendment to H.R. 2471, Consolidated Appropriations Act, 2022,” *Congressional Record*, vol. 168, no. 42, Book III (March 9, 2022), p. H2419-H2421.

<sup>14</sup> The new Section 510 was a restatement of a general provision that had been included by reference in FY2022.

<sup>15</sup> Descriptions of these provisions can be found in the FY2023 consolidated appropriations measure’s explanatory statement, as printed in “Explanatory Statement Submitted by Mr. Leahy, Chair of the Senate Committee on Appropriations, Regarding H.R. 2617, Consolidated Appropriations Act, 2023,” Senate, *Congressional Record*, vol. 168, no. 198, Book II (December 20, 2022), pp. S8582-S8584.

### ***Prior Year Provisions***

Three general provisions that had been included in the FY2022 Act were not carried forward in FY2023:

- FY2022 Section 529 extended the authority for the Secretary of Homeland Security to use other transaction authority for research and development activities and prototype projects through the fiscal year. A provision to extend this authority through FY2024 was included as Section 7227 of the FY2023 James M. Inhofe National Defense Authorization Act,<sup>16</sup> so it was no longer required in the FY2023 DHS appropriations measure.
- FY2022 Section 538 established a “Department of Homeland Security Nonrecurring Expenses Fund,” which can receive unobligated appropriations up to five years after their expiration, and use those to fund information technology improvements and facilities infrastructure improvements, subject to the approval of the Office of Management and Budget.
- FY2022 Section 542 provided \$650 million in emergency-designated budget authority for CBP to cover the costs of programs left unpaid for due to a shortfall in Immigration User Fee receipts.
- FY2022 Sections 544 and 545 rescinded funding from CBP and reappropriated it to the Management Directorate for development of joint processing centers.
- FY2022 Section 548 rescinded \$148 million in unobligated funds from the Disaster Relief Fund’s “base”—that portion that does not pay directly for the costs of major disasters. No similar provision was included the FY2023 act.<sup>17</sup>

### **Substantive Changes and Additions**

#### ***Section 510 (new) / Section 511***

In FY2023, Section 510 was an explicit inclusion of a restriction on the use of funds to pay the salary of a person acting as a contracting officer’s representative or in a similar role if they have not completed training for said role. In prior years, this had been included by reference to prior acts, along with two other provisions still included by reference in Section 511 regarding sensitive security information and the Energy Policy Act of 1992. H.R. 8257 had included the Section 510 provision.<sup>18</sup> S. 4678 had included all the provisions by reference.<sup>19</sup>

#### ***Section 514***

This long-standing general provision, which first appeared in FY2007, bars the use of funds to carry out departmental reorganization under Section 872 of the Homeland Security Act.

In FY2022, this provision was included in Section 513, which had been modified to allow a specific reorganization of certain functions that had been under the Countering Weapons of Mass Destruction Office. The FY2023 version of the general provision in Section 514 essentially

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<sup>16</sup> P.L. 117-263.

<sup>17</sup> Section 136 of the Continuing Appropriations Act, 2023 (P.L. 117-180, Division A) had redirected \$2.5 billion of the Disaster Relief Fund “base” to pay claims against the federal government from certain wildfires.

<sup>18</sup> H.R. 8257, Section 511.

<sup>19</sup> S. 4678, Section 510.

returns to the baseline restriction, which requires reorganizations of the Department to be explicitly authorized by Congress.

### ***Section 539 (new)***

In FY2023, this new general provision barred the use of DHS funds “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 as a Chinese military company operating in the United States, or their subsidiaries. This provision had been included in Section 537 of H.R. 8257, but not S. 4678.

### ***Section 540 (new)***

In FY2023, this new general provision made technical corrections to Section 205 of the Stafford Act, which allows the FEMA Administrator to make capitalization grants to states or tribal entities to establish hazard mitigation revolving loan funds. Section 205 had been added by P.L. 116-284, the Safeguarding Tomorrow through Ongoing Risk Mitigation Act, or STORM Act in January, 2021. This provision had been included in H.R. 8257,<sup>20</sup> but not S. 4678.

### ***Sections 541 (new) and 542 (new)***

In FY2023, these two general provisions made technical corrections to a Community Funding Project and a Congressionally Direct Spending grant, respectively, both of which had been funded in FY2022.

### ***Section 545 (new)***

In FY2023, this new general provision required the Secretary to develop and share bimonthly estimates on noncitizens anticipated to arrive at the U.S.-Mexico border, and use those estimates to inform policymaking and budget processes. The provision had not been included in H.R. 8257, but had been included in Section 541 of S. 4678.<sup>21</sup>

### ***Section 546***

In FY2022, this general provision provided emergency-designated funding for CBP, ICE, and FEMA to address the situation at the U.S.-Mexico Border.<sup>22</sup>

In FY2023, this general provision had a similar function, providing more resources, but only to CBP and ICE. Details are included in **Table 2**. New requirements accompanied the funding:

- The provided funds could not be used for hiring permanent federal employees, for flight hours except for CBP Air and Marine Operations, and internal transportation of noncitizens, or for border security technology other than that needed to improve Border Patrol processing.
- An expenditure plan was required 45 days after enactment (as opposed to 30 days in the FY2022 Act), and the plan was to be updated every sixty days until all funds were expended or expired.

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<sup>20</sup> H.R. 8257, Section 538.

<sup>21</sup> S. 4678, Section 541.

<sup>22</sup> P.L. 117-103, Div. F, Section 543.

**Table 2. Emergency Funding for Border Management in Annual DHS Appropriations, FY2022-FY2023**

Component	FY2022 (Sec. 543)	FY2023 (Sec. 546)	Purpose
U.S. Customs and Border Protection	\$993,792,000	\$1,563,143,000	“for border management requirements”
U.S. Immigration and Customs Enforcement	\$239,658,000	\$339,658,000	“for non-detention border management requirements”
Federal Emergency Management Agency	\$150,000,000	\$0 <sup>a</sup>	“for the emergency food and shelter program for the purposes of providing shelter and services to families and individuals encountered by the Department of Homeland Security”
<b>Total</b>	<b>\$1,383,450,000</b>	<b>\$1,902,801,000</b>	

**Source:** CRS analysis of P.L. 117-103, Div. F, Section 543 and P.L. 117-328, Div. F, Section 546.

**Notes:**

- a. \$800 million provided for congruent purposes to CBP, with \$785 available to transfer to FEMA for use in the Emergency Food and Shelter-Humanitarian program.

**Section 547 (new)**

This new general provision extended through the end of FY2023 the authority for the Secretary and the Attorney General to take steps to mitigate threats posed by unmanned aerial vehicles. The provision had not been included in either H.R. 8257 or S. 4678, but an extension of the authority had been included as an anomaly in the FY2023 continuing resolution.<sup>23</sup>

**Rescissions**

These general provisions provide for rescissions of prior-year appropriations.

**Section 548**

In FY2023, Section 548 rescinded \$348 million from various active and legacy accounts at DHS. In FY2022, a similar provision rescinded \$90 million.<sup>24</sup>

**Section 549**

In FY2023, Section 549 rescinded \$46 million in expired “Operations and Support” appropriations from 12 different accounts. In FY2022, a similar provision rescinded \$42 million from 14 different accounts.<sup>25</sup>

<sup>23</sup> P.L. 117-180, Section 141.

<sup>24</sup> P.L. 117-103, Div. F, Section 546.

<sup>25</sup> P.L. 117-103, Div. F, Section 547.

## Appendix A. Glossary of Abbreviations

<b>BRIC</b>	Building Resilient Infrastructure and Communities
<b>CBP</b>	U.S. Customs and Border Protection
<b>CISA</b>	Cybersecurity and Infrastructure Security Agency
<b>CRS</b>	Congressional Research Service
<b>DHS</b>	U.S. Department of Homeland Security
<b>DRF</b>	Disaster Relief Fund
<b>FEMA</b>	Federal Emergency Management Agency
<b>FLETC</b>	Federal Law Enforcement Training Centers
<b>ICE</b>	U.S. Immigration and Customs Enforcement
<b>OIG</b>	Office of Inspector General
<b>OMB</b>	Office of Management and Budget
<b>OSEM</b>	Office of the Secretary and Executive Management
<b>O&amp;S</b>	Operations and Support
<b>PC&amp;I</b>	Procurement, Construction, and Improvements
<b>R&amp;D</b>	Research and Development
<b>S&amp;T</b>	Science and Technology Directorate
<b>TSA</b>	Transportation Security Administration
<b>USCG</b>	U.S. Coast Guard

## Appendix B. List of CRS Experts

Area of Expertise	Name
Coordinator, Department of Homeland Security; Cross-Cutting Issues; Federal Emergency Management Agency (FEMA) Disaster Relief Fund (DRF)	William L. Painter
Departmental Management, Personnel Issues	Barbara L. Schwemle
Analysis and Operations	Lisa N. Sacco
Office of Inspector General	Ben Wilhelm
U.S. Customs and Border Protection (CBP) Office of Field Operations (at Ports of Entry)	Abigail F. Kolker
Immigration and Customs Enforcement; CBP Border Patrol (between Ports of Entry)	Holly Straut-Eppsteiner
Transportation Security Administration; Aviation Security	Bart Elias
U.S. Coast Guard (USCG), Personnel and Administration	Alan Ott
USCG Health Care	Bryce H.P. Mendez
USCG Shipbuilding	Ronald O'Rourke
USCG, Maritime Transportation	John Frittelli
U.S. Secret Service; Federal Protective Service; FEMA Preparedness Grants	Shawn Reese
Cybersecurity and Infrastructure Security Agency (CISA), Cybersecurity	Chris Jaikaran
CISA, Infrastructure Protection; FEMA, Fire Grants and U.S. Fire Administration	Brian E. Humphreys
Office of Countering Weapons of Mass Destruction	Frank Gottron
FEMA, Disaster Response / Recovery; Individual Assistance Program	Elizabeth M. Webster
FEMA, Mitigation Programs and National Flood Insurance Program	Diane P. Horn
FEMA, Disaster Response / Recovery; Public Assistance Program	Erica A. Lee
Disaster Declarations	Bruce R. Lindsay
U.S. Citizenship and Immigration Services	William A. Kandel
Science and Technology Directorate	Daniel Morgan

### Author Information

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