



COMMITTEE *on* APPROPRIATIONS

CHAIRMAN PATRICK LEAHY

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SUMMARY

SUBCOMMITTEE ON HOMELAND SECURITY

FISCAL YEAR 2023 APPROPRIATIONS BILL

Chairman's Mark: July 28, 2022

Washington, D.C. – The fiscal year 2023 Homeland Security bill provides discretionary funding of \$59.9 billion, which is \$2.4 billion more than the fiscal year 2022 enacted level.

U.S. Senator Chris Murphy (D-Conn.), Chair of the Subcommittee on Homeland Security, said:

“This bill makes smart investments to ensure the Department of Homeland Security can tackle threats to our security like climate change and domestic violent extremism while managing the border in a more humane and practical way. I’m especially proud of the major increases at FEMA to make communities more resilient to climate-related disasters and at CISA to strengthen our defense against cyberattacks. We also continue to invest in humane and effective border security programs and make important reforms to our immigration laws that will help reunite more families and address labor shortages. For the first time ever, this bill also provides funding for CBP to crack down on gun trafficking through a new initiative that will increase seizures of weapons at the border. I look forward to working with my colleagues to make these critical investments a reality.”

U.S. Senator Patrick Leahy (D-Vt.), Chair of the Senate Appropriations Committee, said:

“This bill makes significant reforms to improve our broken immigration system and strengthen protections for those seeking asylum, while investing in smart border security. The bill also acknowledges the increasing frequency of extreme weather events by replenishing the Disaster Relief Fund to respond to major disasters and emergency declarations, and investing at least \$2 billion to mitigate the effects of climate change before these disasters occur.”

Key Points & Highlights

Reforming Our Nation’s Immigration System: The bill makes a number of significant reforms to the nation’s immigration laws that seek to reunite families, meet employer needs,

deter irregular migration, and start to bring a badly outdated immigration system into the current century.

For instance, currently, some families seeking to lawfully reunite have been waiting 25 years for a visa to become available and employers are struggling to find workers. The bill works toward addressing these problems by recapturing thousands of lost immigrant and diversity visas, helping, deter irregular migration, reuniting these families faster, and ensuring employers can hire workers.

Additionally, the bill would help provide stability and permanency for children who have been determined to have been abused, abandoned, or neglected by the proper state authorities, by making them exempt from the numerical limitations in the employment-based visa categories. Furthermore, the bill authorizes the Department of Homeland Security (DHS) to make individualized determinations about whether someone should continue to be detained, in lieu of treating all persons the same regardless of individualized threat level as current law does today. Importantly, for the first time in the DHS appropriations bill, the bill would provide grant funding to support legal representation for asylum seekers with applications before the United States Citizenship and Immigration Services (USCIS).

The bill provides \$866 million, \$457 million above the fiscal year 2022 enacted level which includes funding for the Department to create a safe return program for unaccompanied children that extends beyond removal from the country and creates additional safeguards for this vulnerable population. Finally, the bill requires the issuance of additional H-2B visas to help address workforce shortages and meet employee needs.

Responsibly Meeting Today's Border Security Requirements and Improving and Modernizing Capabilities for Tomorrow: The bill provides funding to secure our borders today while making investments to improve planning and leverage technology to create smarter pathways for noncitizens seeking protection.

The bill provides \$700 million for: soft-sided facilities to humanely and safely process noncitizens encountered at the border; transportation requirements to prevent overcrowding at facilities; and other costs relating to border management requirements that provide the tools needed for the DHS workforce to manage our nation's borders. It also includes \$200 million in the Emergency Food and Shelter-Humanitarian program to provide funding to non-profit organizations, critical partners working with DHS to offer food, housing, and transportation for noncitizens, which ultimately reduces pressure on Border Patrol operational capabilities.

The bill includes funding to fully implement the proposed asylum officer rule, which is projected to result in 15 percent fewer cases in the immigration court. Such investments help vulnerable asylum seekers obtain lawful status faster, while increasing government efficiencies by reducing referrals that add to the immigration court backlog.

Additionally, to evaluate options for noncitizens seeking protection while also reducing pressure on DHS personnel and capabilities on the southwest border, the accompanying report to the bill includes direction to the Secretary of Homeland Security to review the "Uniting for Ukraine" initiative to leverage the pathways to applicability for individuals in Central and South American

countries. The report also directs Customs and Border Protection (CBP) and USCIS to work with the State Department on a new pathway that would allow noncitizens seeking asylum from certain countries in the hemisphere to apply from their home countries via the CBP One™ mobile application. Both of these assessments present new options for those seeking protection that would eliminate the need for the dangerous journey many families and unaccompanied children make to the southwest border. This journey often requires families to pay and rely on transnational criminal organizations for entry. The language would instead allow, for those approved, to arrive in the U.S. at a port of entry.

Finally, the bill supports planning for border security, immigration enforcement, and immigration services requirements. It includes new language directing the Secretary of Homeland Security to develop regular projections of arrivals at the southwest border (broken out by single adults, families, and unaccompanied children) and to share such projections with the Attorney General, and the Secretaries of Health and Human Services and State. Such projections will help to prevent future imbalances between Federal agencies responsible for border security, immigration enforcement, and immigration services. The Secretary is also directed to use such projections to estimate future workload on DHS agencies and the requirements that stem from that workload. The bill also directs the Secretary to include that data in annual budget justifications, providing Congress with critical data to make informed budget decisions.

Strengthening Resiliency of Our Nation’s Communities: The bill fortifies Federal Emergency Management Agency’s (FEMA) Building Resilient Infrastructure and Communities (BRIC) Program with an additional \$2 billion on top of the current available balance of approximately \$945 million, a 112 percent increase, to incorporate climate adaptation into national preparedness and community grants and projects. BRIC projects reflect an ongoing shift in federal investments from simply reacting to disasters, to working to mitigate the effects of disasters—including the loss of life and property—before they happen. An independent study by the National Institute of Building Sciences (NIBS) ([Natural Hazard Mitigation Saves 2019 Report \(nibs.org\)](#)) found that “society will ultimately save \$6 for every \$1 spent on up-front mitigation costs.”

Reforming TSA Pay Reform: The bill provides funding to initiate pay equity for TSA’s dedicated workforce, ensuring that the aviation industry’s first layer of security is compensated on par with the rest of the federal workforce and allows TSA to recruit in a competitive employment market. Additionally, the pay reform measures include collective bargaining rights and protections long sought by the TSA workforce and the American Federation of Government Employees.

Customs and Border Protection: The bill provides \$16.4 billion, \$1.7 billion above the fiscal year 2022 enacted level, for CBP. This level of funding equips CBP and its 64,000+ workforce (agents, officers, trade specialists, agriculture inspection officers, mission support personnel, and many others) with the resources and tools to facilitate trade and travel while securing our borders.

It makes investments in a range of programs for employees, such as \$23 million for onsite clinicians, and \$23 million for 300 additional processing coordinators to take over processing of

noncitizens, allowing 300 agents and officers to return to the field faster to patrol our borders and facilitate trade and travel at ports of entry.

New investments are made at land ports of entry including \$50 million for a new initiative dedicated to outbound inspections to combat gun trafficking and increase seizures of weapons and money (resulting from the sale of narcotics) leaving the U.S. It also provides \$39 million to integrate artificial intelligence and machine learning with non-intrusive inspection capabilities, transforming a manual process that relies on CBP officers to detect anomalies in cargo and vehicles to an automated process that alerts CBP officers to the smuggling of illicit cargo into the U.S. faster (reducing wait times) while improving security. In addition, the bill makes the following investments:

- \$90 million for combatting forced labor, including implementation of the Uyghur Forced Labor Prevention Act;
- \$50 million for border security technology, continuing efforts to improve situational awareness at our nation's borders; and
- \$20 million for the Unified Immigration Portal, a government-wide capability that allows for the sharing of information of noncitizens encountered at the border through which agencies have improved visibility leading to more efficient processing and faster decision-making, reducing delays and costs.

The bill also expands the eligible uses for prior-year border barrier construction funding to include technology at and between ports of entry and environmental mitigation activities to address impacts of previous border wall construction to communities along the border. Further, the bill authorizes the transfer to the Department of the Interior and the Department of Agriculture of up to \$200 million from those prior-year balances for environmental mitigation.

Immigration and Customs Enforcement (ICE): The bill includes \$8.13 billion, \$119 million below the fiscal year 2022 enacted level, for ICE. Funding for the average daily population (ADP) of immigration detention beds in the bill is reduced from 34,000 to 25,000. As a result, when compared to fiscal year 2022 enacted, Custody Operations is reduced by \$485 million and Alternatives to Detention is reduced by \$98 million. At the same time, the bill makes overdue and critical investments in ICE that increase transparency, increase access to counsel, and improve Congress' oversight. For example, \$6 million is provided to enhance inspections related to the Prison Rape Elimination Act, \$16.6 million to update law libraries and improve attorney-client access in ICE facilities, \$50 million to ensure that asylum seekers can be transported off the border to their final destinations, and \$18 million to assist immigrant children with case management services and safe returns with services. Lastly, \$15 million is provided for a case management pilot project for asylum seekers through the Department of Health and Human Services, in lieu of ICE.

Coast Guard: The bill provides \$13.92 billion, \$475.13 million above the fiscal year 2022 enacted level, for the Coast Guard. When mandatory funding is excluded, the discretionary total is \$11.885 billion, \$394 million above the fiscal year 2022 enacted level. Coast Guard funding within the bill supports maritime safety and security, including (but not limited to) search and rescue, drug interdiction, environmental and marine life protection, and aids to navigation. The bill continues funding for the recapitalization and modernization of the Service's sea, air, and

shore assets to ensure the men and women of the Coast Guard are well-equipped to perform their mission. It invests \$150 million for the purchase and operation of a commercially –available polar class icebreaker in order to promote trade and safety in the Arctic. The bill includes \$1.92 billion for major acquisitions, including \$1.33 billion for vessels, \$238 million for aircraft, and \$255 million for construction of shore facilities. It also includes critical investments to support the Coast Guard workforce, such as child care, recruiting and diversity, and tuition assistance.

Cybersecurity and Infrastructure Security Agency (CISA): The bill provides \$2.91 billion, a \$318 million increase, or 12 percent, above the fiscal year 2022 enacted level, for CISA. CISA’s programs help to detect and mitigate the effects of cyber-attacks on Federal, State, local, tribal, and territorial (SLTT) governments and the private sector; manage risks to critical infrastructure, such as the power grid, fuel pipelines, and transportation; and ensure the continuation of communications capabilities in times of emergency for our leaders, first responders, and other key officials. The bill provides a total of \$1.73 billion for cybersecurity activities, including protection of federal networks and information sharing with nonfederal partners; \$206 million for infrastructure security programs; and \$197 million for emergency communications.

Federal Emergency Management Administration (FEMA): The bill includes \$3.87 billion for grants and training to State, local, tribal, and territorial entities, \$242 million above the fiscal year 2022 enacted level. Fiscal year 2023 highlights include \$360 million for the Nonprofit Security Grant Program, an increase of \$110 million above fiscal year 2022, which provides funds to nonprofits (including places of worship) to harden their facilities to mitigate the risk of a terrorist attack and \$740 million for fire safety grants that equip, train, and otherwise support the nation’s firefighters. Grant programs are funded as follows:

- \$510 million for State Homeland Security, of which \$90 million is for Operation Stonegarden and \$15 million is for tribal security;
- \$605 million for the Urban Area Security Initiative;
- \$360 million for Nonprofit Security;
- \$105 million for Public Transportation Security, of which \$10 million is for Amtrak and \$2 million is for Bus Security;
- \$100 million for Port Security;
- \$740 million for Assistance to Firefighters and SAFER;
- \$355 million for Emergency Management Performance;
- \$275.5 million for Flood Hazard Mapping and Risk Analysis;
- \$130 million for Emergency Food and Shelter—Traditional;
- \$200 million for Emergency Food and Shelter—Humanitarian, of which \$50 million may be used for construction of new, and the expansion of existing, shelter facilities;
- \$12 million for Regional Catastrophic Preparedness;
- \$12 million for Rehabilitation of High Hazard Potential Dams;
- \$40 million for the Next Generation Warning System;
- \$316 million for training, including \$71 million for the Center for Domestic Preparedness, \$58 million for the U.S. Fire Administration, and \$31 million for the Emergency Management Institute; and
- \$20 million (by transfer) for Targeted Violence and Terrorism Prevention.

Disaster Relief: The bill provides \$19.94 billion for the Disaster Relief Fund (DRF) pursuant to the Budget Control Act disaster relief cap adjustment. These funds bolster State and tribal resources to respond to and recover from major disasters and emergency declarations, such as hurricanes, wildfires, and pandemics. In addition, the bill makes not less than \$2 billion from the DRF available for the BRIC Program to mitigate the effects of climate change.

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