Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2024, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2023

Mr. Joyce of Ohio 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, 2024, and for other purposes.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,
That the following sums are appropriated, out of any
money in the Treasury not otherwise appropriated, for the
Department of Homeland Security for the fiscal year end-
ing September 30, 2024, and for other purposes, namely:

TITLE I
DEPARTMENTAL MANAGEMENT, INTEL-
LIGENCE, SITUATIONAL AWARENESS, AND
OVERSIGHT

Office of the Secretary and Executive
Management

Operations and Support

For necessary expenses of the Office of the Secretary
and for executive management for operations and support,
$279,606,000; of which $5,000,000 shall remain available
until September 30, 2025: Provided, That $5,000,000
shall be withheld from obligation until the Secretary sub-
mits, to the Committees on Appropriations of the House
of Representatives and the Senate, responses to all ques-
tions for the record for each hearing on the fiscal year
2025 budget submission for the Department of Homeland
Security held by such Committees prior to July 1: Pro-
vided further, That $25,000,000 shall be withheld from ob-
ligation until the Secretary submits the reports required

MANAGEMENT DIRECTORATE

OPERATIONS AND SUPPORT

For necessary expenses of the Management Directorate for operations and support, $1,695,326,000: Provided, That not to exceed $2,000 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Management Directorate for procurement, construction, and improvements, $127,758,000, to remain available until September 30, 2026.

FEDERAL PROTECTIVE SERVICE

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

For necessary expenses of the Office of Intelligence and Analysis and the Office of Homeland Security Situational Awareness for operations and support, $348,736,000, of which $105,701,000 shall remain available until September 30, 2025: Provided, That not to exceed $3,825 shall be for official reception and representation expenses and not to exceed $2,000,000 is available for facility needs associated with secure space at fusion centers, including improvements to buildings.

Office of Inspector General

operations and support

For necessary expenses of the Office of Inspector General for operations and support, $228,371,000: Provided, That not to exceed $300,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

Administrative Provisions

Sec. 101. (a) The Secretary of Homeland Security shall submit a report not later than October 15, 2024, to the Inspector General of the Department of Homeland Security listing all grants and contracts awarded by any
means other than full and open competition during fiscal years 2023 or 2024.

(b) The Inspector General shall review the report required by subsection (a) to assess departmental compliance with applicable laws and regulations and report the results of that review to the Committees on Appropriations of the House of Representatives and the Senate not later than February 15, 2025.

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

Sec. 103. (a) The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the House of Representatives and the Senate of any proposed transfers of funds available under section 9705(g)(4)(B) of title 31, United States Code, from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security.
(b) None of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the House of Representatives and the Senate are notified of the proposed transfer.

SEC. 104. All official costs associated with the use of Government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Office of the Secretary.

SEC. 105. (a) The Under Secretary for Management shall brief the Committees on Appropriations of the House of Representatives and the Senate not later than 45 days after the end of each fiscal quarter on all Level 1 and Level 2 acquisition programs on the Master Acquisition Oversight list between Acquisition Decision Event and Full Operational Capability, including programs that have been removed from such list during the preceding quarter.

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

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

(2) the total number of units, as appropriate, to be acquired annually until procurement is complete under the current acquisition program baseline;
(3) the Acquisition Review Board status, including—

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

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

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

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

(5) the lifecycle cost estimate, adjusted for comparison to the Future Years Homeland Security Program, including—

(A) the confidence level for the estimate;

(B) the fiscal years included in the estimate;

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

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

(E) a description of and rationale for any changes to the estimate as compared to the pre-
viously approved baseline, as applicable, and
during the prior fiscal year;
(6) a summary of the findings of any inde-
dependent verification and validation of the items to be
acquired or an explanation for why no such
verification and validation has been performed;
(7) a table displaying the obligation of all pro-
gram funds by prior fiscal year, the estimated obli-
gation of funds for the current fiscal year, and an
estimate for the planned carryover of funds into the
subsequent fiscal year;
(8) a listing of prime contractors and major
subcontractors; and
(9) narrative descriptions of risks to cost,
schedule, or performance that could result in a pro-
gram breach if not successfully mitigated.
(c) The Under Secretary for Management shall sub-
mit each approved Acquisition Decision Memorandum for
programs described in this section to the Committees on
Appropriations of the House of Representatives and the
Senate not later than five business days after the date of
approval of such memorandum by the Under Secretary for
Management or the designee of the Under Secretary.
SEC. 106. (a) None of the funds made available to
the Department of Homeland Security in this Act or prior
appropriations Acts may be obligated for any new pilot
or demonstration unless the component or office carrying
out such pilot or demonstration has documented the infor-
mation described in subsection (c).

(b) Prior to the obligation of any such funds made
available for “Operations and Support” for a new pilot
or demonstration, the Under Secretary for Management
shall provide a report to the Committees on Appropria-
tions of the House of Representatives and the Senate on
the information described in subsection (c).

(c) The information required under subsections (a)
and (b) for a pilot or demonstration shall include the fol-
lowing—

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

(2) an assessment methodology that details—

(A) the type and source of assessment
data;

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

(C) how such data will be analyzed; and

(3) an implementation plan, including mile-
stones, cost estimates, and implementation sched-
ules, including a projected end date.
(d) Not later than 90 days after the date of completion of a pilot or demonstration described in subsection (e) the Under Secretary for Management shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate detailing lessons learned, actual costs, any planned expansion or continuation of the pilot or demonstration, and any planned transition of such pilot or demonstration into an enduring program or operation.

(e) For the purposes of this section, a pilot or demonstration program is a study, demonstration, experimental program, or trial that—

(1) is a small-scale, short-term experiment conducted in order to evaluate feasibility, duration, costs, or adverse events, and improve upon the design of an effort prior to implementation of a larger scale effort; and

(2) uses more than 10 full-time equivalents or obligates, or proposes to obligate, $5,000,000 or more, but does not include congressionally directed programs or enhancements and does not include programs that were in operation as of December 29, 2022.

(f) For the purposes of this section, a pilot or demonstration does not include any testing, evaluation, or ini-
tial deployment phase executed under a procurement con-
tract for the acquisition of information technology services
or systems, or any pilot or demonstration carried out by
a non-federal recipient under any financial assistance
agreement funded by the Department.
TITLE II
SECURITY, ENFORCEMENT, AND INVESTIGATIONS
U.S. CUSTOMS AND BORDER PROTECTION OPERATIONS AND SUPPORT

For necessary expenses of U.S. Customs and Border Protection for operations and support, including the transportation of unaccompanied alien minors; the provision of air and marine support to Federal, State, local, and international agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; at the discretion of the Secretary of Homeland Security, the provision of such support to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; the purchase and lease of up to 7,500 (6,500 for replacement only) police-type vehicles; the purchase, maintenance, or operation of marine vessels, aircraft, and unmanned aerial systems; and contracting with individuals for personal services abroad; $16,241,678,000; of which $3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(e)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(e)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6
U.S.C. 551(e)(1)); of which $700,000,000 shall be avail-
able until September 30, 2025; and of which such sums
as become available in the Customs User Fee Account, ex-
cept sums subject to section 13031(f)(3) of the Consoli-
dated Omnibus Budget Reconciliation Act of 1985 (19
U.S.C. 58c(f)(3)), shall be derived from that account: Pro-
vided, That not to exceed $34,425 shall be for official re-
ception and representation expenses: Provided further,
That not to exceed $150,000 shall be available for pay-
ment for rental space in connection with preclearance op-
erations: Provided further, That not to exceed $2,000,000
shall be for awards of compensation to informants, to be
accounted for solely under the certificate of the Secretary

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of U.S. Customs and Border
Protection for procurement, construction, and improve-
ments, including procurement of physical barriers, marine
vessels, aircraft, and unmanned aerial systems,
$2,965,653,000, of which $741,885,000 shall remain
available until September 30, 2026; and of which
$2,223,768,000 shall remain available until September 30,
2028.
For necessary expenses of U.S. Immigration and Customs Enforcement for operations and support, including the purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; overseas vetted units, including stipends for members of such units; and maintenance, minor construction, and minor leasehold improvements at owned and leased facilities; $9,758,297,000; of which not less than $6,000,000 shall remain available until expended for efforts to enforce laws against forced child labor; of which $46,696,000 shall remain available until September 30, 2025; of which not less than $2,000,000 is for paid apprenticeships for participants in the Human Exploitation Rescue Operative Child-Rescue Corps; of which not less than $15,000,000 shall be available for investigation of intellectual property rights violations, including operation of the National Intellectual Property Rights Coordination Center; and of which not less than $5,310,547,000 shall be for enforcement, detention, and removal operations, including transportation of unaccompanied alien minors: Provided, That not to exceed $11,475 shall be for official reception and representation expenses: Provided further, That not to exceed $10,000,000 shall be available until expended for con-
ducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081): Provided further, That not to exceed $2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: Provided further, That not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: Provided further, That not less than $2,000,000 shall be for entering into new agreements for the delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act: Provided further, That funding made available under this heading shall maintain a level of not less than 41,500 detention beds through September 30, 2024.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of U.S. Immigration and Customs Enforcement for procurement, construction, and improvements, $50,520,000, of which $35,420,000 shall remain available until September 30, 2026, and of which $15,100,000 shall remain available until September 30, 2028.
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TRANSPORTATION SECURITY ADMINISTRATION

OPERATIONS AND SUPPORT

For necessary expenses of the Transportation Security Administration for operations and support, $10,118,131,000, of which $600,000,000 shall remain available until September 30, 2025: Provided, That not to exceed $7,650 shall be for official reception and representation expenses: Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: Provided further, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2024 so as to result in a final fiscal year appropriation from the general fund estimated at not more than $7,498,131,000.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Transportation Security Administration for procurement, construction, and improvements, $130,340,000, to remain available until September 30, 2026.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Transportation Security Administration for research and development,
$33,532,000, to remain available until September 30, 2025.

COAST GUARD

OPERATIONS AND SUPPORT

For necessary expenses of the Coast Guard for operations and support including the Coast Guard Reserve; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of not more than $700,000) and repairs and service-life replacements, not to exceed a total of $31,000,000; purchase, lease, or improvements of boats necessary for overseas deployments and activities; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $10,222,488,000, of which $530,000,000 shall be for defense-related activities; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $20,000,000 shall remain available until September 30, 2026; of which $24,717,000 shall remain available until September 30, 2028, for environmental compliance and restoration; and of which $100,000,000 shall remain available until September 30, 2025, which shall only be avail-
able for vessel depot level maintenance: Provided, That not to exceed $23,000 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Coast Guard for procurement, construction, and improvements, including aids to navigation, shore facilities (including facilities at Department of Defense installations used by the Coast Guard), and vessels and aircraft, including equipment related thereto, $1,981,194,000, to remain available until September 30, 2028; of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

RESEARCH AND DEVELOPMENT

For necessary expenses of the Coast Guard for research and development; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; $7,476,000, to remain available until September 30, 2026, of which $500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authori-
ties, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman’s Family Protection and Survivor Benefits Plans, payment for career status bonuses, payment of continuation pay under section 356 of title 37, United States Code, concurrent receipts, combat-related special compensation, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,147,244,000, to remain available until expended.

UNITED STATES SECRET SERVICE

OPERATIONS AND SUPPORT

For necessary expenses of the United States Secret Service for operations and support, including purchase of not to exceed 652 vehicles for police-type use; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; rental of buildings in the District of Columbia; fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; conduct of and participation
in firearms matches; presentation of awards; conduct of behavioral research in support of protective intelligence and operations; payment in advance for commercial accommodations as may be necessary to perform protective functions; and payment, without regard to section 5702 of title 5, United States Code, of subsistence expenses of employees who are on protective missions, whether at or away from their duty stations; $2,949,463,000; of which $114,599,000 shall remain available until September 30, 2025, and of which $6,000,000 shall be for a grant for activities related to investigations of missing and exploited children; and of which up to $30,000,000 may be for calendar year 2023 premium pay in excess of the annual equivalent of the limitation on the rate of pay contained in section 5547(a) of title 5, United States Code, pursuant to section 2 of the Overtime Pay for Protective Services Act of 2016 (5 U.S.C. 5547 note), as last amended by Public Law 116–269: Provided, That not to exceed $19,125 shall be for official reception and representation expenses: Provided further, That not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in criminal investigations within the jurisdiction of the United States Secret Service.
PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the United States Secret Service for procurement, construction, and improvements, $61,098,000, to remain available until September 30, 2026.

RESEARCH AND DEVELOPMENT

For necessary expenses of the United States Secret Service for research and development, $4,217,000, to remain available until September 30, 2025.

ADMINISTRATIVE PROVISIONS

Sec. 201. Section 201 of the Department of Homeland Security Appropriations Act, 2018 (division F of Public Law 115–141), related to overtime compensation limitations, shall apply with respect to funds made available in this Act in the same manner as such section applied to funds made available in that Act, except that “fiscal year 2024” shall be substituted for “fiscal year 2018”.

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

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

SEC. 204. (a) For an additional amount for “U.S. Customs and Border Protection—Operations and Support”, $31,000,000, to remain available until expended, to be reduced by amounts collected and credited to this appropriation in fiscal year 2024 from amounts authorized to be collected by section 286(i) of the Immigration and Nationality Act (8 U.S.C. 1356(i)), section 10412 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8311), and section 817 of the Trade Facilitation and Trade Enforcement Act of 2015 (Public Law 114–125), or other such authorizing language.

(b) To the extent that amounts realized from such collections exceed $31,000,000, those amounts in excess of $31,000,000 shall be credited to this appropriation, to remain available until expended.
SEC. 205. None of the funds made available in this
Act for U.S. Customs and Border Protection may be used
to prevent an individual not in the business of importing
a prescription drug (within the meaning of section 801(g)
of the Federal Food, Drug, and Cosmetic Act) from im-
porting a prescription drug from Canada that complies
with the Federal Food, Drug, and Cosmetic Act: Provided,
That this section shall apply only to individuals trans-
porting on their person a personal-use quantity of the pre-
scription drug, not to exceed a 90-day supply: Provided

further, That the prescription drug may not be—

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

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

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

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

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

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

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

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

Sec. 208. (a) Not later than 90 days after the date of enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall submit an expenditure plan for any amounts made available for “U.S. Customs and Border Protection—Procurement, Construction, and Improvements” in this Act and prior Acts to the Committees on Appropriations of the House of Representatives and the Senate.

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

Sec. 209. Section 211 of the Department of Homeland Security Appropriations Act, 2021 (division F of Public Law 116–260), prohibiting the use of funds for the construction of fencing in certain areas, shall apply with respect to funds made available in this Act in the same manner as such section applied to funds made available in that Act.

Sec. 210. (a) Funds made available in this Act may be used to alter operations within the National Targeting Center of U.S. Customs and Border Protection.

(b) None of the funds provided by this Act, provided by previous appropriations Acts that remain available for obligation or expenditure in fiscal year 2024, or provided
from any accounts in the Treasury of the United States derived by the collection of fees available to the components funded by this Act, may be used to reduce anticipated or planned vetting operations at existing locations unless specifically authorized by a statute enacted after the date of enactment of this Act.

Sec. 211. (a) Of the total amount made available under “U.S. Customs and Border Protection—Procurement, Construction, and Improvements”, $2,965,653,000 shall be available only as follows:

(1) $2,104,000,000 for the acquisition and deployment of physical barriers;

(2) $276,000,000 for the acquisition and deployment of border security technologies;

(3) $305,400,000 for trade and travel assets and infrastructure;

(4) $119,768,000 for facility construction and improvements;

(5) $123,232,000 for integrated operations assets and infrastructure; and

(6) $37,253,000 for mission support and infrastructure.

(b) None of the funds allocated for pedestrian physical barriers may be made available for any purpose other than the construction of steel bollard pedestrian barrier
built at least 18 to 30 feet in effective height and augmented with anti-climb and anti-dig features.

(c) None of the funds allocated for pedestrian physical barriers may be made available for any purpose other than construction of pedestrian barriers consistent with the description in subsection (b) at locations identified in the Border Security Improvement Plan submitted to Congress on August 1, 2020.

(d) The Commissioner of U.S. Customs and Border Protection may reprioritize the construction of physical barriers outlined in the Border Security Improvement Plan and, with prior approval of the Committees on Appropriations of the House of Representatives and the Senate, add additional miles of pedestrian physical barriers where no such barriers exist, prioritized by operational requirements developed in coordination with U.S. Border Patrol leadership.

(e) The Secretary of Homeland Security shall begin to obligate amounts for physical barrier construction no later than 120 days after the date of enactment of this Act.

(f) For purposes of this section, the term “effective height” refers to the height above the level of the adjacent terrain features.
Sec. 212. None of the funds appropriated or otherwise made available by this Act may be obligated, expended, or transferred to another Federal agency, board, or commission to be used to dismantle, demolish, remove, or damage existing United States-Mexico physical barriers at any location where such barriers have been constructed as of the date of enactment of this Act unless such barrier is simultaneously being repaired or replaced.

Sec. 213. None of the funds appropriated or otherwise made available by this Act may be made available to utilize the U.S. Customs and Border Protection CBP One Application, or any successor application, to facilitate the parole of any alien into the United States.

Sec. 214. None of the funds appropriated or otherwise made available by this Act may be made available to reduce participation in or substantively diminish the delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act, except as provided in section 215 of this Act.

Sec. 215. None of the funds provided under the heading “U.S. Immigration and Customs Enforcement—Operations and Support” may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security
Inspector General determines that the terms of the agreement governing the delegation of authority have been materially violated.

**SEC. 216.** (a) None of the funds provided under the heading “U.S. Immigration and Customs Enforcement—Operations and Support” may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than “adequate” or the equivalent median score in any subsequent performance evaluation system.

(b) The performance evaluations referenced in subsection (a) shall be conducted by the U.S. Immigration and Customs Enforcement Office of Professional Responsibility.

**SEC. 217.** Without regard to the limitation as to time and condition of section 503(d) of this Act, the Secretary may reprogram within and transfer funds to “U.S. Immigration and Customs Enforcement—Operations and Support” as necessary to ensure the detention of aliens prioritized for removal.

**SEC. 218.** The reports required to be submitted under section 216 of the Department of Homeland Security Appropriations Act, 2021 (division F of Public Law 116–260) shall continue to be submitted semimonthly and each
matter required to be included in such reports by such section 216 shall apply in the same manner and to the same extent during the period described in such section 216.


SEC. 220. None of the funds appropriated or otherwise made available by this Act may be made available to implement, administer, or otherwise carry out the activities and policies described in the memorandum issued by the Secretary of Homeland Security on September 30, 2021, entitled “Guidelines for the Enforcement of Civil Immigration Law” or described in the memorandum issued by Kerry Doyle, Immigration and Customs Enforcement Principal Legal Advisor on April 3, 2022, entitled “Guidance to OPLA Attorneys Regarding the Enforcement of Civil Immigration Laws and the Exercise of Prosecutorial Discretion” or any successor or similar memorandum or policy.

SEC. 221. (a) None of the funds appropriated or otherwise made available by this Act may be made available to transport aliens unlawfully present in, paroled into, or inadmissible to the United States into the interior of the
United States for purposes other than enforcement of the immigration laws (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

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

SEC. 222. (a) None of the funds appropriated or otherwise made available by this Act for “U.S. Immigration and Customs Enforcement” may be used to pay for or facilitate an abortion, except where the life of the mother would be endangered if the fetus would be carried to term, or in the case of rape or incest.

(b) None of the funds appropriated or otherwise made available by this Act for “U.S. Immigration and Customs Enforcement” may be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 223. None of the funds appropriated or otherwise made available by this Act may be made available to administer hormone therapy medication or perform or facilitate any surgery for any person in custody of U.S. Immigration and Customs Enforcement for the purpose of gender-affirming care.
SEC. 224. The Secretary of Homeland Security shall allocate amounts appropriated or otherwise made available under the heading “U.S. Immigration and Customs Enforcement—Operations and Support” by this Act in order to—

(1) prioritize detention by using such amounts to ensure that the average daily population of detainees is maintained at the full capacity funded by this Act throughout the fiscal year; and

(2) ensure that every alien on the non-detained docket is enrolled into the Alternatives to Detention Program with mandatory GPS monitoring throughout the duration of all applicable immigration proceedings (including any appeals) and until removal, if ordered removed.

SEC. 225. Members of the United States House of Representatives and the United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General, Deputy Attorney General, Assistant Attorneys General, and the United States Attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget,
shall not be exempt from Federal passenger and baggage screening.

SEC. 226. Notwithstanding section 44923 of title 49, United States Code, for fiscal year 2024, any funds in the Aviation Security Capital Fund established by section 44923(h) of title 49, United States Code, may be used for the procurement and installation of explosives detection systems or for the issuance of other transaction agreements for the purpose of funding projects described in section 44923(a) of such title.

SEC. 227. Not later than 45 days after the submission of the President’s budget proposal, the Administrator of the Transportation Security Administration shall submit to the Committees on Appropriations and Homeland Security in the House of Representatives and the Committees on Appropriations and Commerce, Science, and Transportation of the Senate a single report that fulfills the following requirements:

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

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

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

SEC. 228. None of the funds made available under the heading “Transportation Security Administration—Operations and Support” may be made available for the purpose of implementation of any structural pay reform that would alter the pay structure in place as of October 1, 2022, for any employee that is not a Transportation Security Officer.

SEC. 229. (a) None of the funds made available by this Act under the heading “Coast Guard—Operations and Support” shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from owners of yachts and credited to the appropriation made available by this Act under the heading “Coast Guard—Operations and Support”.

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

SEC. 230. Without regard to the limitation as to time
and condition of section 503(d) of this Act, after June
30, in accordance with the notification requirement de-
scribed in subsection (b) of such section, up to the fol-
lowing amounts may be reprogrammed within “Coast
Guard—Operations and Support”—

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

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

SEC. 231. Notwithstanding any other provision of
law, the Commandant of the Coast Guard shall submit
to the Committees on Appropriations of the House of Rep-
resentatives and the Senate a future-years capital invest-
ment plan as described in the second proviso under the
heading “Coast Guard—Acquisition, Construction, and
Improvements” in the Department of Homeland Security
Appropriations Act, 2015 (Public Law 114–4), which shall
be subject to the requirements in the third and fourth pro-
visos under such heading.
SEC. 232. None of the funds in this Act shall be used to reduce the Coast Guard’s legacy Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 233. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A–76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 234. Funds made available in this Act may be used to alter operations within the Civil Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any civil engineering unit unless specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 235. Amounts deposited into the Coast Guard Housing Fund in fiscal year 2024 shall be available until expended to carry out the purposes of section 2946 of title 14, United States Code, and shall be in addition to funds otherwise available for such purposes.

SEC. 236. (a) Notwithstanding section 2110 of title 46, United States Code, none of the funds made available
in this Act shall be used to charge a fee for an inspection
of a towing vessel, as defined in 46 CFR 136.110, that
utilizes the Towing Safety Management System option for
a Certificate of Inspection issued under subchapter M of
(b) Subsection (a) shall not apply after the date the
Commandant of the Coast Guard makes a determination
under section 815(a) of the Frank LoBiondo Coast Guard
Authorization Act of 2018 (Public Law 115–282) and, as
necessary based on such determination, carries out the re-
quirements of section 815(b) of such Act.

SEC. 237. The United States Secret Service is au-
thorized to obligate funds in anticipation of reimburse-
ments from executive agencies, as defined in section 105
of title 5, United States Code, for personnel receiving
training sponsored by the James J. Rowley Training Cen-
ter, except that total obligations at the end of the fiscal
year shall not exceed total budgetary resources available
under the heading “United States Secret Service—Oper-
ations and Support” at the end of the fiscal year.

SEC. 238. (a) None of the funds made available to
the United States Secret Service by this Act or by previous
appropriations Acts may be made available for the protec-
tion of the head of a Federal agency other than the Sec-
(b) The Director of the United States Secret Service may enter into agreements to provide such protection on a fully reimbursable basis.

Sec. 239. For purposes of section 503(a)(3) of this Act, up to $15,000,000 may be reprogrammed within “United States Secret Service—Operations and Support”.

Sec. 240. Funding made available in this Act for “United States Secret Service—Operations and Support” is available for travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if the Director of the United States Secret Service or a designee notifies the Committees on Appropriations of the House of Representatives and the Senate 10 or more days in advance, or as early as practicable, prior to such expenditures.

Sec. 241. None of the funds appropriated or otherwise made available by this Act may be made available to implement, administer, or otherwise carry out the policies described in the directive issued by the Acting Commissioner of U.S. Customs and Border Protection on January 10, 2023, entitled “Emergency Driving and Vehicular Pursuits”, or any successor or similar directive or policy.
SEC. 242. None of the funds appropriated or otherwise made available by this Act may be made available to admit an alien into the United States based on a Department of Homeland Security Form I-20 (Certificate of Eligibility for Nonimmigrant Student Status) issued by a college, university, or other institution of higher education that is not accredited by a nationally recognized accrediting agency or association recognized by the Secretary of Education pursuant to part H of title IV of the Higher Education Act of 1965 (20 U.S.C. 1099a et seq.).

SEC. 243. None of the funds appropriated or otherwise made available by this Act may be made available to parole into the Commonwealth of the Northern Mariana Islands, for the purpose of temporary visit for business or pleasure without a visa, an alien who is a national of the People’s Republic of China.

SEC. 244. None of the funds appropriated or otherwise made available by this Act or previous appropriations Acts under the heading “Coast Guard—Procurement, Construction, and Improvements” that remain available for obligation in fiscal year 2024 within the Waterways Commerce Cutter Program may be used to enter into or carry out a procurement contract with any entity deemed not eligible for an award from a size standpoint by the Small Business Administration.
TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND
RECOVERY

Cybersecurity and Infrastructure Security Agency

OPERATIONS AND SUPPORT

For necessary expenses of the Cybersecurity and Infrastructure Security Agency for operations and support, $2,370,963,000, of which $24,424,000 shall remain available until September 30, 2025: Provided, That not to exceed $3,825 shall be for official reception and representation expenses: Provided further, That $5,000,000 shall be withheld from obligation until the reports and briefings directed under this heading in the explanatory statement accompanying Public Law 117–103 have been submitted to the Committees on Appropriations of the House of Representatives and the Senate.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Cybersecurity and Infrastructure Security Agency for procurement, construction, and improvements, $553,537,000, to remain available until September 30, 2026.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Cybersecurity and Infrastructure Security Agency for research and develop-
ment, $1,791,000, to remain available until September 30, 2025.

FEDERAL EMERGENCY MANAGEMENT AGENCY
OPERATIONS AND SUPPORT

For necessary expenses of the Federal Emergency Management Agency for operations and support, $1,521,248,000: Provided, That not to exceed $2,250 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Federal Emergency Management Agency for procurement, construction, and improvements, $119,137,000, of which $81,637,000 shall remain available until September 30, 2026, and of which $37,500,000 shall remain available until September 30, 2028.

FEDERAL ASSISTANCE

For activities of the Federal Emergency Management Agency for Federal assistance through grants, contracts, cooperative agreements, and other activities, $3,742,460,342, which shall be allocated as follows:

(1) $530,000,000 for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605), of which $100,000,000 shall be for Operation Stonegarden and $15,000,000 shall be for Tribal
Homeland Security Grants under section 2005 of

*Provided, That notwithstanding subsection (c)(4) of
such section 2004, for fiscal year 2024, the Com-
monwealth of Puerto Rico shall make available to
local and tribal governments amounts provided to
the Commonwealth of Puerto Rico under this para-
graph in accordance with subsection (c)(1) of such
section 2004.

(2) $615,000,000 for the Urban Area Security
Initiative under section 2003 of the Homeland Secu-

(3) $315,000,000 for the Nonprofit Security
Grant Program under section 2009 of the Homeland
Security Act of 2002 (6 U.S.C. 609a), of which
$157,500,000 is for eligible recipients located in
high-risk urban areas that receive funding under
section 2003 of such Act and $157,500,000 is for el-
igible recipients that are located outside such areas:

*Provided, That eligible recipients are those described
in section 2009(b) of such Act (6 U.S.C. 609a(b))
or are an otherwise eligible recipient at risk of a ter-
rorist or other extremist attack.

(4) $105,000,000 for Public Transportation Se-
curity Assistance, Railroad Security Assistance, and
Over-the-Road Bus Security Assistance under sections 1406, 1513, and 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135, 1163, and 1182), of which $10,000,000 shall be for Amtrak security and $2,000,000 shall be for Over-the-Road Bus Security: Provided, That such public transportation security assistance shall be provided directly to public transportation agencies.

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

(6) $720,000,000, to remain available until September 30, 2025, of which $360,000,000 shall be for Assistance to Firefighter Grants and $360,000,000 shall be for Staffing for Adequate Fire and Emergency Response Grants under sections 33 and 34 respectively of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

(7) $355,000,000 for emergency management performance grants under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), the Earthquake Haz-

(8) $312,750,000 for necessary expenses for Flood Hazard Mapping and Risk Analysis, in addition to and to supplement any other sums appropriated under the National Flood Insurance Fund, and such additional sums as may be provided by States or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(f)(2)), to remain available until expended.

(9) $12,000,000 for Regional Catastrophic Preparedness Grants.

(10) $130,000,000 for the emergency food and shelter program under title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331), to remain available until September 30, 2025: Provided, That not to exceed 3.5 percent shall be for total administrative costs.

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

(12) $181,223,342 for Community Project Funding grants, which shall be for the purposes, and the amounts, specified in the table entitled
“Homeland Security—Community Project Funding” in the report accompanying this Act, of which—

(A) $65,627,263, in addition to amounts otherwise made available for such purpose, is for emergency operations center grants under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c); and

(B) $115,596,079, in addition to amounts otherwise made available for such purpose, is for pre-disaster mitigation grants under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(e), notwithstanding subsections (f), (g), and (l) of that section (42 U.S.C. 5133(f), (g), (l)).

(13) $326,487,000 to sustain current operations for training, exercises, technical assistance, and other programs.

DISASTER RELIEF FUND

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $20,406,341,000, to remain available until expended, of which $20,261,000,000 shall be for major disasters declared pursuant to the Robert T.
Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141, 126 Stat. 916), and the Homeowner Flood Insurance Affordability Act of 2014 (Public Law 113–89; 128 Stat. 1020), $239,983,000, to remain available until September 30, 2025, which shall be derived from offsetting amounts collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)); of which $18,917,000 shall be available for mission support associated with flood management; and of which $221,066,000 shall be available for flood plain management and flood mapping: Provided, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as offsetting collections to this account, to be available for flood plain management and flood mapping: Provided further, That in fiscal year 2024,
no funds shall be available from the National Flood Insurance Fund under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017) in excess of—

(1) $230,504,000 for operating expenses and salaries and expenses associated with flood insurance operations;

(2) $1,300,000,000 for commissions and taxes of agents;

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

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

Provided further, That the amounts collected under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) and section 1366(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(e)), shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding section 102(f)(8), section 1366(e) of the National Flood Insurance Act of 1968, and paragraphs (1) through
(3) of section 1367(b) of such Act (42 U.S.C. 4012a(f)(8), 4104(e), 4104d(b)(1)–(3)): Provided further, That total administrative costs shall not exceed 4 percent of the total appropriation: Provided further, That up to $5,000,000 is available to carry out section 24 of the Homeowner Flood Insurance Affordability Act of 2014 (42 U.S.C. 4033).

ADMINISTRATIVE PROVISIONS

SEC. 301. (a) The Director of the Cybersecurity and Infrastructure Security Agency (or the Director’s designee) shall provide the briefings to the Committees on Appropriations of the House of Representatives and the Senate described under the heading “Quarterly Budget and Staffing Briefings” in the explanatory statement for division F of Public Law 117–103 described in section 4 in the matter preceding division A of such Public Law—

(1) with respect to the first quarter of fiscal year 2024, not later than the later of 30 days after the date of enactment of this Act or January 30, 2024; and

(2) with respect to each subsequent fiscal quarter in fiscal year 2024, not later than 21 days after the end of each such quarter.

(b) In the event that any such briefing required during this fiscal year under subsection (a) is not provided, the amount made available in title III to the Cybersecurity
and Infrastructure Security Agency under the heading
“Operations and Support” shall be reduced by $50,000
for each day of noncompliance with subsection (a), and
the amount made available under such heading and speci-
field in the detailed funding table in the report accom-
panying this Act for Mission Support shall be correspond-
ingly reduced by an equivalent amount.

Sec. 302. (a) Notwithstanding section 2008(a)(12)
609(a)(12)) or any other provision of law, not more than
5 percent of the amount of a grant made available in para-
graphs (1) through (5) under “Federal Emergency Man-
agement Agency—Federal Assistance”, may be used by
the recipient for expenses directly related to administra-
tion of the grant.

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

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

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

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

Sec. 305. Under the heading “Federal Emergency Management Agency—Federal Assistance”, for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility.

Sec. 306. The reporting requirements in paragraphs (1) and (2) under the heading “Federal Emergency Management Agency—Disaster Relief Fund” in the Department of Homeland Security Appropriations Act, 2015 (Public Law 114–4), related to reporting on the Disaster
Relief Fund, shall be applied in fiscal year 2024 with re-
spect to budget year 2025 and current fiscal year 2024,
respectively—

(1) in paragraph (1) by substituting “fiscal
year 2025” for “fiscal year 2016”; and

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

SEC. 307. In making grants under the heading “Fed-
eral Emergency Management Agency—Federal Assist-
ance”, for Staffing for Adequate Fire and Emergency Re-
response grants, the Administrator of the Federal Emer-
gency Management Agency may grant waivers from the
requirements in subsections (a)(1)(A), (a)(1)(B),
(a)(1)(E), (c)(1), (c)(2), and (c)(4) of section 34 of the
Federal Fire Prevention and Control Act of 1974 (15

SEC. 308. (a) The aggregate charges assessed during
fiscal year 2024, as authorized in title III of the Depart-
ments of Veterans Affairs and Housing and Urban Devel-
opment, and Independent Agencies Appropriations Act,
1999 (42 U.S.C. 5196e), shall not be less than 100 per-
cent of the amounts anticipated by the Department of
Homeland Security to be necessary for its Radiological
Emergency Preparedness Program for the next fiscal year.
(b) The methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees.

(c) Such fees shall be deposited in a Radiological Emergency Preparedness Program account as offsetting collections and will become available for authorized purposes on October 1, 2024, and remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES

U.S. CITIZENSHIP AND IMMIGRATION SERVICES

OPERATIONS AND SUPPORT

For necessary expenses of U.S. Citizenship and Immigration Services for operations and support of the E-Verify Program, $111,865,000: Provided, That such amounts shall be in addition to any other amounts made available for such purposes, and shall not be construed to require any reduction of any fee described in section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)).

FEDERAL LAW ENFORCEMENT TRAINING CENTERS

OPERATIONS AND SUPPORT

For necessary expenses of the Federal Law Enforcement Training Centers for operations and support, including the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, $361,398,000, of which $66,665,000 shall remain available until September 30, 2025: Provided, That not to exceed $7,180 shall be for official reception and representation expenses.
 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Federal Law Enforcement Training Centers for procurement, construction, and improvements, $20,100,000, to remain available until September 30, 2028, for acquisition of necessary additional real property and facilities, construction and ongoing maintenance, facility improvements and related expenses of the Federal Law Enforcement Training Centers.

SCIENCE AND TECHNOLOGY DIRECTORATE

OPERATIONS AND SUPPORT

For necessary expenses of the Science and Technology Directorate for operations and support, including the purchase or lease of not to exceed 5 vehicles, $333,632,000, of which $206,548,000 shall remain available until September 30, 2025: Provided, That not to exceed $10,000 shall be for official reception and representation expenses.

 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Science and Technology Directorate for procurement, construction, and improvements, $58,466,000, to remain available until September 30, 2028.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Science and Technology Directorate for research and development,
$444,545,000, to remain available until September 30, 2026.

COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE OPERATIONS AND SUPPORT

For necessary expenses of the Countering Weapons of Mass Destruction Office for operations and support, $164,315,000, of which $69,364,000 shall remain available until September 30, 2025: Provided, That not to exceed $2,250 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Countering Weapons of Mass Destruction Office for procurement, construction, and improvements, $42,338,000, to remain available until September 30, 2026.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Countering Weapons of Mass Destruction Office for research and development, $64,201,000, to remain available until September 30, 2026.

FEDERAL ASSISTANCE

For necessary expenses of the Countering Weapons of Mass Destruction Office for Federal assistance through grants, contracts, cooperative agreements, and other ac-
tivities, $142,885,000, to remain available until Sep-
tember 30, 2026.

ADMINISTRATIVE PROVISIONS

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

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

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

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

Sec. 404. None of the funds appropriated or other- 
wise made available by this Act may be made available 
to implement, administer, or enforce the rule entitled 
“Procedures or Credible Fear Screening and Consider-
ation of Asylum, Withholding of Removal, and CAT Pro-
tection Claims by Asylum Officers” (87 Fed. Reg. 18078).

Sec. 405. None of the funds appropriated or other-
wise made available by this Act may be made available 
to issue any employment authorization document or simi-
lar document to any alien whose application for asylum 
in the United States has been denied, or who is convicted 
of a Federal or State crime while his or her application 
for asylum in the United States is pending.

Sec. 406. (a) Section 214(g)(9)(A) of the Immigra-
tion and Nationality Act (8 U.S.C. 1184(g)(9)(A)) is 
amended to read as follows: “(A) Subject to subpara-
graphs (B) and (C), an alien shall be considered a return-
ing worker and shall not again be counted toward the nu-
merical limitation of paragraph (1)(B) during fiscal year 
2024 if such alien has already been counted toward such
numerical limitation during any of the 3 preceding fiscal years.”.

(b) The amendment made by this section shall apply on and after October 1, 2023.

Sec. 407. In fiscal year 2024, nonimmigrants shall be admitted to the United States under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) to perform agricultural labor or services, without regard to whether such labor is, or services are, of a temporary or seasonal nature.

Sec. 408. Notwithstanding section 286(n) of the Immigration and Nationality Act (8 U.S.C. 1356(n)), the Director of U.S. Citizenship and Immigration Services may use not more than $5,000 of the amounts deposited in the Immigration Examinations Fee Account for official reception and representation expenses in fiscal year 2024.

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

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

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

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

Sec. 412. The functions of the Federal Law Enforce-
ment Training Centers instructor staff shall be classified
as inherently governmental for purposes of the Federal
note).
TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS OF FUNDS)

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

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

Sec. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the components in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2024, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the components funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates or eliminates a program, project, or activity, or increases funds for any program, project,
or activity for which funds have been denied or restricted by the Congress;

(2) contracts out any function or activity presently performed by Federal employees or any new function or activity proposed to be performed by Federal employees in the President’s budget proposal for fiscal year 2024 for the Department of Homeland Security;

(3) augments funding for existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less;

(4) reduces funding for any program, project, or activity, or numbers of personnel, by 10 percent or more; or

(5) results from any general savings from a reduction in personnel that would result in a change in funding levels for programs, projects, or activities as approved by the Congress.

(b) Subsection (a) shall not apply if the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of such reprogramming.

(e) Up to 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous
appropriations Acts may be transferred between such ap-
nropriations if the Committees on Appropriations of the
House of Representatives and the Senate are notified at
least 30 days in advance of such transfer, but no such
appropriation, except as otherwise specifically provided,
shall be increased by more than 10 percent by such trans-
fer.

(d) Notwithstanding subsections (a), (b), and (c), no
funds shall be reprogrammed within or transferred be-
tween appropriations based upon an initial notification
provided after June 30, except in extraordinary cir-
cumstances that imminently threaten the safety of human
life or the protection of property.

(e) The notification thresholds and procedures set
forth in subsections (a), (b), (c), and (d) shall apply to
any use of deobligated balances of funds provided in pre-
vious Department of Homeland Security Appropriations
Acts that remain available for obligation in the current
year.

(f) Notwithstanding subsection (e), the Secretary of
Homeland Security may transfer to the fund established
by 8 U.S.C. 1101 note, up to $20,000,000 from appro-
priations available to the Department of Homeland Secu-
rity: Provided, That the Secretary shall notify the Commit-
tees on Appropriations of the House of Representatives and the Senate at least 5 days in advance of such transfer.

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

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

SEC. 505. (a) Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2024, as recorded in the financial records at the time of a reprogramming notification, but not later than June 30, 2025, from appropriations for “Operations and Support” for fiscal year 2024 in this Act shall remain available through September 30, 2025, in the account and for the purposes for which the appropriations were provided.

(b) Prior to the obligation of such funds, a notification shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 503 of this Act.
SEC. 506. (a) Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2024 until the enactment of an Act authorizing intelligence activities for fiscal year 2024.

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

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

SEC. 507. (a) The Secretary of Homeland Security, or the designee of the Secretary, shall notify the Committees on Appropriations of the House of Representatives and the Senate at least 3 full business days in advance of—

(1) making or awarding a grant allocation or grant in excess of $1,000,000;
(2) making or awarding a contract, other transaction agreement, or task or delivery order on a multiple award contract, or to issue a letter of intent totaling in excess of $4,000,000;

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

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

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

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

(c) A notification under this section—

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

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

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without advance notification to the Committees on Appropriations of the House of Representatives and the Senate, except that the Federal Law Enforcement Training Centers is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training that cannot be accommodated in existing Centers’ facilities.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. Sections 522 and 530 of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110–161; 121 Stat. 2073 and 2074) shall apply with respect to funds made available in this Act in
the same manner as such sections applied to funds made available in that Act.

SEC. 511. (a) None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act.

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

SEC. 512. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 513. None of the funds provided or otherwise made available in this Act shall be available to carry out section 872 of the Homeland Security Act of 2002 (6 U.S.C. 452) unless explicitly authorized by the Congress.

SEC. 514. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 515. Any official that is required by this Act to report or to certify to the Committees on Appropriations of the House of Representatives and the Senate may not delegate such authority to perform that act unless specifically authorized herein.
SEC. 516. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 517. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

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

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

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, territorial, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.
SEC. 520. None of the funds made available in this Act may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

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

(b) For purposes of this section the term “international conference” shall mean a conference occurring outside of the United States attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.
(c) The total cost to the Department of Homeland Security of any such conference shall not exceed $500,000.

(d) Employees who attend a conference virtually without travel away from their permanent duty station within the United States shall not be counted for purposes of this section, and the prohibition contained in this section shall not apply to payments for the costs of attendance for such employees.

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

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

(1) the number of full-time positions affected by such change;
(2) funding required for such change for the current fiscal year and through the Future Years Homeland Security Program;

(3) justification for such change; and

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

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

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

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

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

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

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

(2) the report contains proprietary information.

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

Sec. 525. (a) Funding provided in this Act for “Operations and Support” may be used for minor procurement, construction, and improvements.

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

Sec. 526. The authority provided by section 532 of the Department of Homeland Security Appropriations Act, 2018 (Public Law 115–141) regarding primary and secondary schooling of dependents shall continue in effect during fiscal year 2024.

Sec. 527. (a) None of the funds appropriated or otherwise made available to the Department of Homeland Security by this Act may be used to prevent any of the following persons from entering, for the purpose of conducting oversight, any facility operated by or for the Department of Homeland Security used to detain or otherwise house aliens, or to make any temporary modification at any such facility that in any way alters what is observed by a visiting Member of Congress or such designated employee, compared to what would be observed in the absence of such modification:
(1) A Member of Congress.

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

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

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

SEC. 528. (a) For an additional amount for “Federal Emergency Management Agency—Federal Assistance”, $3,000,000, to remain available until September 30, 2025, exclusively for providing reimbursement of extraordinary law enforcement or other emergency personnel costs for protection activities directly and demonstrably associated with any residence of the President that is designated or identified to be secured by the United States Secret Service.

(b) Subsections (b) through (f) of section 534 of the Department of Homeland Security Appropriations Act, 2018 (Public Law 115–141), shall be applied with respect
to amounts made available by subsection (a) of this section by substituting “October 1, 2024” for “October 1, 2018” and “October 1, 2023” for “October 1, 2017”.

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

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

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

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

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

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

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

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

(1) death of,

(2) potential sexual assault or abuse perpetrated against, or

(3) allegation of abuse, criminal activity, or disruption committed by

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

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

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

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

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

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

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

(A) appropriation account; and

(B) program, project, or activity name;

and

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

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

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

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

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

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

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

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

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

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

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

Sec. 534. (a) None of the funds provided to the Department of Homeland Security in this or any prior Act may be used by an agency to submit an initial project proposal to the Technology Modernization Fund (as authorized by section 1078 of subtitle G of title X of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91)) unless, concurrent with the submission of an initial project proposal to the Technology Modernization Board, the head of the agency—

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

(2) submits to the Committees on Appropriations a copy of the project proposal; and
(3) provides a detailed analysis of how the proposed project funding would supplement or supplant funding requested as part of the Department’s most recent budget submission.

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

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

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

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

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

(4) a plan for how the Department will repay the Fund, including specific planned funding sources, as applicable; and
(5) other information as determined by the Secretary.

SEC. 535. Within 60 days of any budget submission for the Department of Homeland Security for fiscal year 2025 that assumes revenues or proposes a reduction from the previous year based on user fees proposals that have not been enacted into law prior to the submission of the budget, the Secretary of Homeland Security shall provide the Committees on Appropriations of the House of Representatives and the Senate specific reductions in proposed discretionary budget authority commensurate with the revenues assumed in such proposals in the event that they are not enacted prior to October 1, 2024.

SEC. 536. None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

SEC. 537. 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. 538. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 539. (a) The Secretary of Homeland Security (in this section referred to as the “Secretary”) shall, on a bimonthly basis beginning immediately after the date of enactment of this Act, develop estimates of the number of migrants anticipated to arrive at the southwest border of the United States.

(b) The Secretary shall ensure that, at a minimum, the estimates developed pursuant to subsection (a)—

(1) cover the current fiscal year and the following fiscal year;

(2) include a breakout by demographics, to include single adults, family units, and unaccompanied children;

(3) undergo an independent validation and verification review;
are used to inform policy planning and budgeting processes within the Department of Homeland Security; and

(5) are included in the budget materials submitted to Congress in support of the President’s annual budget request pursuant to section 1105 of title 31, United States Code, for each fiscal year beginning after the date of enactment of this Act and, for such budget materials shall include—

(A) the most recent bimonthly estimates developed pursuant to subsection (a);

(B) a description and quantification of the estimates used to justify funding requests for Department programs related to border security, immigration enforcement, and immigration services;

(C) a description and quantification of the anticipated workload and requirements resulting from such estimates; and

(D) a confirmation as to whether the budget requests for impacted agencies were developed using the same estimates.

(e) The Secretary shall share the bimonthly estimates developed pursuant to subsection (a) with the Secretary of Health and Human Services, the Attorney General, the
Secretary of State, and the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 540. None of the funds appropriated or otherwise made available by this Act may be made available to establish or support the activities of:

(1) a Disinformation Governance Board at the Department of Homeland Security, or any other entity carrying out similar activities relating to mis-, dis-, or mal-information in a similar manner or to a similar extent to such a Board; or

(2) any entity responsible, directly or indirectly, under color of countering mis-, dis-, or mal-information or otherwise, for instructing, influencing, directing, or recommending that private companies censor, prohibit, or obstruct lawful and constitutionally protected speech of United States persons on social media platforms, including by—

(A) terminating speakers’ accounts;

(B) temporarily suspending accounts;

(C) imposing warnings or strikes against accounts to stop future speech;

(D) “shadowbanning” speakers;

(E) demonetizing content or speakers;

(F) adjusting algorithms to suppress or de-emphasize speakers or messages;
(G) deboosting speakers or content;
(H) promoting or demoting content;
(I) placing warning labels or explanatory notes on content;
(J) suppressing content in other users’ feeds;
(K) promoting negative comments on disfavored content;
(L) requiring additional click-through(s) to access content; or
(M) any other such methods.

Sec. 541. None of the funds appropriated or otherwise made available by this Act may be made available to require an employee of the Department of Homeland Security to receive a vaccination against COVID-19.

Sec. 542. None of the funds appropriated or otherwise made available by this Act may be made available to administer, implement, or enforce the rules entitled “Amended Order Implementing Presidential Proclamation on Advancing the Safe Resumption of Global Travel During the COVID–19 Pandemic” (87 Fed. Reg. 20405 et seq.) or “Notification of Temporary Travel Restrictions Applicable to Land Ports of Entry and Ferries Service Between the United States and Mexico” (87 Fed. Reg. 24041) (or any successor rules).
SEC. 543. (a) None of the funds appropriated or otherwise made available by this Act may be made available to:

(1) classify or facilitate the classification of any communications by a United States person as mis-, dis-, or mal-information; or

(2) partner with or fund nonprofit or other organizations that in any way instruct, influence, direct, or recommend that private companies in any way censor, prohibit, or obstruct lawful and constitutionally protected speech of United States persons on social media platforms, including by—

(A) terminating speakers’ accounts;

(B) temporarily suspending accounts;

(C) imposing warnings or strikes against accounts to stop future speech;

(D) “shadowbanning” speakers;

(E) demonetizing content or speakers;

(F) adjusting algorithms to suppress or de-emphasize speakers or messages;

(G) deboosting speakers or content;

(H) promoting or demoting content;

(I) placing warning labels or explanatory notes on content;
(J) suppressing content in other users’
feeds;
(K) promoting negative comments on
disfavored content;
(L) requiring additional click-through(s) to
access content; or
(M) any other such methods.

(b) Any officer or employee of the Federal Govern-
ment whose salary is funded by this Act and who conducts
any activity described in subsections (a)(1) or (a)(2) shall
be removed from the Federal service.

Sec. 544. None of the funds appropriated or other-
wise made available by this Act may be made available
to implement, administer, or enforce the rule related to
11704).

Sec. 545. None of the funds appropriated or other-
wise made available by this Act may be made available
to implement, administer, apply, enforce, or carry out the
Equity Action Plan of the Department of Homeland Secu-
rity, or Executive Order 13985 of January 20, 2021 (86
Fed. Reg. 7009, relating to advancing racial equity and
support for under-served communities through the federal
government), Executive Order 14035 of June 25, 2021
(86 Fed. Reg. 34593, relating to diversity, equity, inclu-
sion, and accessibility in the federal workforce), Executive Order 14091 of February 16, 2023 (88 Fed. Reg. 10825 relating to further advancing racial equity and support for underserved communities through the federal government) or any program, project, or activity that promotes or advances Critical Race Theory or any concept associated with Critical Race Theory.

Sec. 546. None of the funds appropriated or otherwise made available by this Act under the heading “Office of the Secretary and Executive Management—Operations and Support” may be made available for the purpose of paying counsel outside the Federal Government—

(1) before the date on which all funds provided in section 211(a)(1) of this Act are obligated; and
(2) to prepare for or defend against impeachment.

Sec. 547. (a) None of the funds appropriated or otherwise made available by this Act may be made available to be used to purchase, maintain, or continue to operate any Unmanned Aircraft Systems that are manufactured in the People’s Republic of China or a country identified as a foreign adversary in the Annual Threat Assessment of the U.S. Intelligence Community or by an entity domiciled in the People’s Republic of China or a country identi-
fied as a foreign adversary in the most recent Annual Threat Assessment of the U.S. Intelligence Community.

(b) Nothing in subsection (a) shall limit the use of funds for counterintelligence, research and development, test and evaluation, or counter Unmanned Aircraft System mitigation efforts, including the activities of the Coast Guard authorized by section 8414 of Public Law 116–283 (14 U.S.C. 1156 note).

SEC. 548. (a) Section 538 of the Department of Homeland Security Appropriations Act, 2022 (division F of Public Law 117–103) is amended—

(1) in subsection (b), by striking “may” and inserting “shall”; and

(2) by striking subsection (d) and inserting the following:

“(d) Amounts in the Fund may not be obligated until after the date on which the Act making full-year appropriations for the Department of Homeland Security for the applicable fiscal year is enacted into law, subject to subsection (e).

“(e) The Committees on Appropriations of the House of Representatives and the Senate shall be notified at least 15 days in advance of the planned use of funds.”.
(b) The amendments made by this section shall apply to amounts transferred under such section 538 on or after the date of enactment of this Act.

SEC. 549. (a) None of the funds appropriated or otherwise made available by this Act or any other Act shall be used to execute an inspection of any detention facility that is in a contractual agreement with U.S. Immigration and Customs Enforcement for the provision of detention services within six months of a previous inspection of such facility.

(b) Subsection (a) shall not apply with respect to inspections executed by the Office of Inspector General.

SEC. 550. (a) None of the funds appropriated or otherwise made available by this Act or any other Act shall be used to execute an inspection of any detention facility that is in a contractual agreement with U.S. Immigration and Customs Enforcement for the provision of detention services, except solely for compliance with the terms, conditions, and standards found within the National Detention Standards 2019 for U.S. Immigration and Customs Enforcement.

(b) Subsection (a) shall take effect for detention facilities operating under existing contracts, as of the date of enactment of this Act, not later than 180 days after the date of enactment of this Act.
SEC. 551. None of the funds appropriated or otherwise made available by this Act shall be used to admit an alien, who is a national of the Republic of Chile, under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), until the Secretary of Homeland Security verifies that the Republic of Chile provides access to appropriate criminal databases and the Department of Homeland Security screens Chilean nationals against such criminal databases.

SEC. 552. (a) In general.—Notwithstanding section 7 of title 1, United States Code, section 1738C of title 28, United States Code, or any other provision of law, none of the funds provided by this Act, or previous appropriations Acts, shall be used in whole or in part to take any discriminatory action against a person, wholly or partially, on the basis that such person speaks, or acts, in accordance with a sincerely held religious belief, or moral conviction, that marriage is, or should be recognized as, a union of one man and one woman.

(b) Discriminatory action defined.—As used in subsection (a), a discriminatory action means any action taken by the Federal Government to—

(1) alter in any way the Federal tax treatment of, or cause any tax, penalty, or payment to be assessed against, or deny, delay, or revoke an exemp-
tion from taxation under section 501(a) of the Internal Revenue Code of 1986 of, any person referred to in subsection (a);

(2) disallow a deduction for Federal tax purposes of any charitable contribution made to or by such person;

(3) withhold, reduce the amount or funding for, exclude, terminate, or otherwise make unavailable or deny, any Federal grant, contract, subcontract, cooperative agreement, guarantee, loan, scholarship, license, certification, accreditation, employment, or other similar position or status from or to such person;

(4) withhold, reduce, exclude, terminate, or otherwise make unavailable or deny, any entitlement or benefit under a Federal benefit program, including admission to, equal treatment in, or eligibility for a degree from an educational program, from or to such person; or

(5) withhold, reduce, exclude, terminate, or otherwise make unavailable or deny access or an entitlement to Federal property, facilities, educational institutions, speech fora (including traditional, limited, and nonpublic fora), or charitable fundraising campaigns from or to such person.
(c) Accreditation; Licensure; Certification.—The Federal Government shall consider accredited, licensed, or certified for purposes of Federal law any person that would be accredited, licensed, or certified, respectively, for such purposes but for a determination against such person wholly or partially on the basis that the person speaks, or acts, in accordance with a sincerely held religious belief or moral conviction described in subsection (a).

(RESCISSIONS OF FUNDS)

Sec. 553. Of the funds appropriated to the Department of Homeland Security, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: Provided, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985:

(1) $800,000 from unobligated balances available in the “Office of the Secretary and Executive Management—Operations and Support” account (70 23/24 0100).

(2) $4,100,000 from the unobligated balances available in the “Management Directorate—Office of the Chief Information Officer and Operations” account (70 X 0113).
(3) $1,473,000 from the unobligated balances available in the “U.S. Customs and Border Protection—Procurement, Construction, and Improvements” account (70 X 0532).

(4) $1,842,000 from the unobligated balances available in the “U.S. Customs and Border Protection—Border Security Fencing, Infrastructure, and Technology” account (70 X 0533).

(5) $452,000 from the unobligated balances available in the “U.S. Customs and Border Protection—Air and Marine Interdiction, Operations, Maintenance, and Procurement” account (70 X 0544).

(6) $1,159,000,000 from the unobligated balances available under the heading “U.S. Customs and Border Protection—Procurement, Construction, and Improvements” of the amounts provided by Public Law 116–93 for the construction of barrier system along the southwest border.

(7) $945,000,000 from the unobligated balances available under the heading “U.S. Customs and Border Protection—Procurement, Construction, and Improvements” of the amounts provided by Public Law 116–260 for the construction of barrier system along the southwest border.
(8) $3,000,000 from the unobligated balances available in the “U.S. Immigration and Customs Enforcement—Operations and Support” account (70 23/24 0540).

(9) $2,092,841 from the unobligated balances available in the “U.S. Immigration and Customs Enforcement—Operations and Support” account (70 X 0540).

(10) $10,439 from the unobligated balances available in the “U.S. Immigration and Customs Enforcement—Automation Modernization” account (70 X 0543).

(11) $154,515,000 from the unobligated balances available under the heading “Transportation Security Administration—Operations and Support” of the amounts provided by Public Law 117–328.

(12) $22,600,000 from the unobligated balances available in the “Coast Guard—Acquisition, Construction, and Improvements” account (70 X 0613).

(13) $3,500,000 from the unobligated balances available in the “Cybersecurity and Infrastructure Security Agency—Procurement, Construction, and Improvements” account (70 23/27 0412).
(14) $2,000,000 from the unobligated balances available in the “Cybersecurity and Infrastructure Security Agency—Research and Development” account (70 23/24 0805).

(15) $5,821,000 from the unobligated balances available in the “Federal Emergency Management Agency—National Predisaster Mitigation Fund” account (70 X 0716).

(16) $800,000 from the unobligated balances available in the “Federal Law Enforcement Training Centers—Procurement, Construction, and Improvements” account (70 20/24 0510).

(17) $900,000 from the unobligated balances available in the “Science and Technology Directorate—Operations and Support” account (70 X 0800).

(18) $388,522 from the unobligated balances available in the “Countering Weapons of Mass Destruction Office—Research and Development” account (70 22/24 0860).

(19) $11,478 from the unobligated balances available in the “Countering Weapons of Mass Destruction Office—Research and Development” account (70 X 0860).
SEC. 554. Of the unobligated balances of amounts made available under section 70001 of Public Law 117–169, $312,000,000 are hereby rescinded.

SEC. 555. Of the unobligated balances of amounts made available in the Department of Homeland Security Nonrecurring Expenses Fund (70 X 1914), $3,800,000 are hereby rescinded.

SPENDING REDUCTION ACCOUNT

SEC. 556. The amount by which the applicable allocation of new budget authority made by the Committee on Appropriations of the House of Representatives under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of proposed new budget authority is $0.

This division may be cited as the “Department of Homeland Security Appropriations Act, 2024”.
Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2024, and for other purposes.

JUNE 27, 2023

[Report No. 118-123]

H. R. 4367

A BILL