

Calendar No. 188118TH CONGRESS
1ST SESSION**S. 2625****[Report No. 118–85]**

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

IN THE SENATE OF THE UNITED STATES

JULY 27, 2023

Mr. MURPHY, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

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

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

1 TITLE I
2 DEPARTMENTAL MANAGEMENT, INTEL-
3 LIGENCE, SITUATIONAL AWARENESS, AND
4 OVERSIGHT
5 OFFICE OF THE SECRETARY AND EXECUTIVE
6 MANAGEMENT
7 OPERATIONS AND SUPPORT

8 For necessary expenses of the Office of the Secretary
9 and for executive management for operations and support,
10 \$286,563,000: *Provided*, That not to exceed \$30,000 shall
11 be for official reception and representation expenses.

12 FEDERAL ASSISTANCE
13 (INCLUDING TRANSFER OF FUNDS)

14 For necessary expenses of the Office of the Secretary
15 and for executive management for Federal assistance
16 through grants, contracts, cooperative agreements, and
17 other activities, \$32,900,000, which shall be transferred
18 to “Federal Emergency Management Agency—Federal
19 Assistance”, of which \$18,800,000 shall be for targeted
20 violence and terrorism prevention grants and of which
21 \$14,100,000, to remain available until September 30,
22 2025, shall be for the Alternatives to Detention Case Man-
23 agement pilot program.

1 MANAGEMENT DIRECTORATE
2 OPERATIONS AND SUPPORT

3 For necessary expenses of the Management Direc-
4 torate for operations and support, including vehicle fleet
5 modernization, \$1,700,952,000: *Provided*, That not to ex-
6 ceed \$2,000 shall be for official reception and representa-
7 tion expenses.

8 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

9 For necessary expenses of the Management Direc-
10 torate for procurement, construction, and improvements,
11 \$73,365,000, to remain available until September 30,
12 2026: *Provided*, That of the amounts made available under
13 this heading, \$63,365,000 is designated by the Congress
14 as being for an emergency requirement pursuant to sec-
15 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
16 gency Deficit Control Act of 1985.

17 FEDERAL PROTECTIVE SERVICE

18 The revenues and collections of security fees credited
19 to this account shall be available until expended for nec-
20 essary expenses related to the protection of federally
21 owned and leased buildings and for the operations of the
22 Federal Protective Service.

1 INTELLIGENCE, ANALYSIS, AND SITUATIONAL
2 AWARENESS
3 OPERATIONS AND SUPPORT

4 For necessary expenses of the Office of Intelligence
5 and Analysis and the Office of Homeland Security Situa-
6 tional Awareness for operations and support,
7 \$341,497,000, of which \$105,701,000 shall remain avail-
8 able until September 30, 2025: *Provided*, That not to ex-
9 ceed \$3,825 shall be for official reception and representa-
10 tion expenses and not to exceed \$2,000,000 is available
11 for facility needs associated with secure space at fusion
12 centers, including improvements to buildings.

13 OFFICE OF THE INSPECTOR GENERAL
14 OPERATIONS AND SUPPORT

15 For necessary expenses of the Office of the Inspector
16 General for operations and support, \$237,000,000: *Pro-*
17 *vided*, That not to exceed \$300,000 may be used for cer-
18 tain confidential operational expenses, including the pay-
19 ment of informants, to be expended at the direction of the
20 Inspector General.

21 ADMINISTRATIVE PROVISIONS

22 SEC. 101. (a) The Secretary of Homeland Security
23 shall submit a report not later than October 15, 2024,
24 to the Inspector General of the Department of Homeland
25 Security listing all grants and contracts awarded by any

1 means other than full and open competition during fiscal
2 years 2023 or 2024.

3 (b) The Inspector General shall review the report re-
4 quired by subsection (a) to assess departmental compli-
5 ance with applicable laws and regulations and report the
6 results of that review to the Committees on Appropriations
7 of the Senate and the House of Representatives not later
8 than February 14, 2025.

9 SEC. 102. Not later than 30 days after the last day
10 of each month, the Chief Financial Officer of the Depart-
11 ment of Homeland Security shall submit to the Commit-
12 tees on Appropriations of the Senate and the House of
13 Representatives a monthly budget and staffing report that
14 includes total obligations of the Department for that
15 month and for the fiscal year at the appropriation and
16 program, project, and activity levels, by the source year
17 of the appropriation.

18 SEC. 103. (a) The Secretary of Homeland Security,
19 in consultation with the Secretary of the Treasury, shall
20 notify the Committees on Appropriations of the Senate
21 and the House of Representatives of any proposed trans-
22 fers of funds available under section 9705(g)(4)(B) of title
23 31, United States Code, from the Department of the
24 Treasury Forfeiture Fund to any agency within the De-
25 partment of Homeland Security.

1 (b) None of the funds identified for such a transfer
2 may be obligated until the Committees on Appropriations
3 of the Senate and the House of Representatives are noti-
4 fied of the proposed transfer.

5 SEC. 104. All official costs associated with the use
6 of Government aircraft by Department of Homeland Secu-
7 rity personnel to support official travel of the Secretary
8 and the Deputy Secretary shall be paid from amounts
9 made available for the Office of the Secretary.

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

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

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

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

1 (3) the Acquisition Review Board status, in-
2 cluding—

3 (A) the current acquisition phase by incre-
4 ment, as applicable;

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

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

8 (4) a comparison between the initial Depart-
9 ment-approved acquisition program baseline cost,
10 schedule, and performance thresholds and objectives
11 and the program's current such thresholds and ob-
12 jectives, if applicable;

13 (5) the lifecycle cost estimate, adjusted for com-
14 parison to the Future Years Homeland Security
15 Program, including—

16 (A) the confidence level for the estimate;

17 (B) the fiscal years included in the esti-
18 mate;

19 (C) a breakout of the estimate for the
20 prior five years, the current year, and the budg-
21 et year;

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

24 (E) a description of and rationale for any
25 changes to the estimate as compared to the pre-

1 viously approved baseline, as applicable, and
2 during the prior fiscal year;

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

7 (7) a table displaying the obligation of all pro-
8 gram funds by prior fiscal year, the estimated obli-
9 gation of funds for the current fiscal year, and an
10 estimate for the planned carryover of funds into the
11 subsequent fiscal year;

12 (8) a listing of prime contractors and major
13 subcontractors; and

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

17 (c) The Under Secretary for Management shall sub-
18 mit each approved Acquisition Decision Memorandum for
19 programs described in this section to the Committees on
20 Appropriations of the Senate and the House of Represent-
21 atives not later than five business days after the date of
22 approval of such memorandum by the Under Secretary for
23 Management or the designee of the Under Secretary.

24 SEC. 106. (a) None of the funds made available to
25 the Department of Homeland Security in this Act or prior

1 appropriations Acts may be obligated for any new pilot
2 or demonstration unless the component or office carrying
3 out such pilot or demonstration has documented the infor-
4 mation described in subsection (c).

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

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

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

16 (2) an assessment methodology that details—

17 (A) the type and source of assessment
18 data;

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

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

22 (3) an implementation plan, including mile-
23 stones, cost estimates, and implementation sched-
24 ules, including a projected end date.

1 (d) Not later than 90 days after the date of comple-
2 tion of a pilot or demonstration described in subsection
3 (e), the Under Secretary for Management shall provide a
4 report to the Committees on Appropriations of the Senate
5 and the House of Representatives detailing lessons
6 learned, actual costs, any planned expansion or continu-
7 ation of the pilot or demonstration, and any planned tran-
8 sition of such pilot or demonstration into an enduring pro-
9 gram or operation.

10 (e) For the purposes of this section, a pilot or dem-
11 onstration program is a study, demonstration, experi-
12 mental program, or trial that—

13 (1) is a small-scale, short-term experiment con-
14 ducted in order to evaluate feasibility, duration,
15 costs, or adverse events, and improve upon the de-
16 sign of an effort prior to implementation of a larger
17 scale effort; and

18 (2) uses more than 10 full-time equivalents or
19 obligates, or proposes to obligate, \$5,000,000 or
20 more, but does not include congressionally directed
21 programs or enhancements and does not include pro-
22 grams that were in operation as of March 15, 2022.

23 (f) For the purposes of this section, a pilot or dem-
24 onstration does not include any testing, evaluation, or ini-
25 tial deployment phase executed under a procurement con-

1 tract for the acquisition of information technology services
2 or systems, or any pilot or demonstration carried out by
3 a non-Federal recipient under any financial assistance
4 agreement funded by the Department.

1 TITLE II
2 SECURITY, ENFORCEMENT, AND
3 INVESTIGATIONS
4 U.S. CUSTOMS AND BORDER PROTECTION
5 OPERATIONS AND SUPPORT
6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses of U.S. Customs and Border
8 Protection for operations and support, including the trans-
9 portation of unaccompanied alien minors; the provision of
10 air and marine support to Federal, State, local, and inter-
11 national agencies in the enforcement or administration of
12 laws enforced by the Department of Homeland Security;
13 at the discretion of the Secretary of Homeland Security,
14 the provision of such support to Federal, State, and local
15 agencies in other law enforcement and emergency humani-
16 tarian efforts; the purchase and lease of up to 7,500
17 (6,500 for replacement only) police-type vehicles; the pur-
18 chase, maintenance, or operation of marine vessels, air-
19 craft, and unmanned aerial systems; and contracting with
20 individuals for personal services abroad; \$16,598,076,000;
21 of which \$3,274,000 shall be derived from the Harbor
22 Maintenance Trust Fund for administrative expenses re-
23 lated to the collection of the Harbor Maintenance Fee pur-
24 suant to section 9505(c)(3) of the Internal Revenue Code
25 of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding sec-

1 tion 1511(e)(1) of the Homeland Security Act of 2002 (6
2 U.S.C. 551(e)(1)); of which \$500,000,000 shall be avail-
3 able until September 30, 2025; and of which such sums
4 as become available in the Customs User Fee Account, ex-
5 cept sums subject to section 13031(f)(3) of the Consoli-
6 dated Omnibus Budget Reconciliation Act of 1985 (19
7 U.S.C. 58c(f)(3)), shall be derived from that account: *Pro-*
8 *vided*, That not to exceed \$34,425 shall be for official re-
9 ception and representation expenses: *Provided further*,
10 That not to exceed \$150,000 shall be available for pay-
11 ment for rental space in connection with preclearance op-
12 erations: *Provided further*, That not to exceed \$2,000,000
13 shall be for awards of compensation to informants, to be
14 accounted for solely under the certificate of the Secretary
15 of Homeland Security: *Provided further*, That
16 \$752,000,000 shall be transferred to “Federal Emergency
17 Management Agency—Federal Assistance” to support
18 sheltering and related activities provided by non-Federal
19 entities, in support of relieving overcrowding in short-term
20 holding facilities of U.S. Customs and Border Protection,
21 of which not to exceed \$10,528,000 shall be for the admin-
22 istrative costs of the Federal Emergency Management
23 Agency: *Provided further*, That not to exceed \$5,000,000
24 may be transferred to the Bureau of Indian Affairs for
25 the maintenance and repair of roads on Native American

1 reservations used by the U.S. Border Patrol: *Provided fur-*
2 *ther*, That of the amounts made available under this head-
3 ing for the Executive Leadership and Oversight program,
4 project, and activity, as outlined in the report accom-
5 panying this Act), \$5,000,000 shall not be available for
6 obligation until the reports concerning human capital stra-
7 tegic plans and the Office of Field Operations workload
8 staffing model that are directed in such report are sub-
9 mitted to the Committees on Appropriations of the Senate
10 and the House of Representatives: *Provided further*, That
11 of the amounts made available under this heading,
12 \$798,762,000 is designated by the Congress as being for
13 an emergency requirement pursuant to section
14 251(b)(2)(A)(i) of the Balanced Budget and Emergency
15 Deficit Control Act of 1985.

16 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

17 For necessary expenses of U.S. Customs and Border
18 Protection for procurement, construction, and improve-
19 ments, including procurement of marine vessels, aircraft,
20 and unmanned aerial systems, \$1,152,529,000, of which
21 \$1,082,875,000 shall remain available until September 30,
22 2026, and of which \$69,654,000 shall remain available
23 until September 30, 2028: *Provided*, That the amounts
24 made available under this heading are designated by the
25 Congress as being for an emergency requirement pursuant

1 to section 251(b)(2)(A)(i) of the Balanced Budget and
2 Emergency Deficit Control Act of 1985.

3 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

4 OPERATIONS AND SUPPORT

5 For necessary expenses of U.S. Immigration and
6 Customs Enforcement for operations and support, includ-
7 ing the purchase and lease of up to 3,790 (2,350 for re-
8 placement only) police-type vehicles; overseas vetted units;
9 and maintenance, minor construction, and minor leasehold
10 improvements at owned and leased facilities;
11 \$8,836,263,000; of which not less than \$6,000,000 shall
12 remain available until expended for efforts to enforce laws
13 against forced child labor; of which \$46,696,000 shall re-
14 main available until September 30, 2025; of which not less
15 than \$2,000,000 is for paid apprenticeships for partici-
16 pants in the Human Exploitation Rescue Operative Child-
17 Rescue Corps; of which not less than \$15,000,000 shall
18 be available for investigation of intellectual property rights
19 violations, including operation of the National Intellectual
20 Property Rights Coordination Center; and of which not
21 less than \$4,544,495,000 shall be for enforcement, deten-
22 tion, and removal operations, including transportation of
23 unaccompanied alien minors: *Provided*, That not to exceed
24 \$11,475 shall be for official reception and representation
25 expenses: *Provided further*, That not to exceed

1 \$10,000,000 shall be available until expended for con-
2 ducting special operations under section 3131 of the Cus-
3 toms Enforcement Act of 1986 (19 U.S.C. 2081): *Pro-*
4 *vided further*, That not to exceed \$2,000,000 shall be for
5 awards of compensation to informants, to be accounted
6 for solely under the certificate of the Secretary of Home-
7 land Security: *Provided further*, That not to exceed
8 \$11,216,000 shall be available to fund or reimburse other
9 Federal agencies for the costs associated with the care,
10 maintenance, and repatriation of smuggled aliens unlaw-
11 fully present in the United States: *Provided further*, That
12 of the amounts made available under this heading,
13 \$686,000,000 is designated by the Congress as being for
14 an emergency requirement pursuant to section
15 251(b)(2)(A)(i) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

18 For necessary expenses of U.S. Immigration and
19 Customs Enforcement for procurement, construction, and
20 improvements, \$50,100,000, of which \$35,000,000 shall
21 remain available until September 30, 2026; and of which
22 \$15,100,000 shall remain available until September 30,
23 2028: *Provided*, That of the amounts made available under
24 this heading, \$35,000,000 is designated by the Congress
25 as being for an emergency requirement pursuant to sec-

1 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
2 gency Deficit Control Act of 1985.

3 TRANSPORTATION SECURITY ADMINISTRATION

4 OPERATIONS AND SUPPORT

5 For necessary expenses of the Transportation Secu-
6 rity Administration for operations and support,
7 \$10,020,729,000, to remain available until September 30,
8 2025: *Provided*, That not to exceed \$7,650 shall be for
9 official reception and representation expenses: *Provided*
10 *further*, That security service fees authorized under section
11 44940 of title 49, United States Code, shall be credited
12 to this appropriation as offsetting collections and shall be
13 available only for aviation security: *Provided further*, That
14 the sum appropriated under this heading from the general
15 fund shall be reduced on a dollar-for-dollar basis as such
16 offsetting collections are received during fiscal year 2024
17 so as to result in a final fiscal year appropriation from
18 the general fund estimated at not more than
19 \$7,400,729,000.

20 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

21 For necessary expenses of the Transportation Secu-
22 rity Administration for procurement, construction, and
23 improvements, \$13,939,000, to remain available until Sep-
24 tember 30, 2026.

1 COAST GUARD

2 OPERATIONS AND SUPPORT

3 For necessary expenses of the Coast Guard for oper-
4 ations and support including the Coast Guard Reserve;
5 purchase or lease of not to exceed 25 passenger motor ve-
6 hicles, which shall be for replacement only; purchase or
7 lease of small boats for contingent and emergent require-
8 ments (at a unit cost of not more than \$700,000) and
9 repairs and service-life replacements, not to exceed a total
10 of \$31,000,000; purchase, lease, or improvements of boats
11 necessary for overseas deployments and activities; pay-
12 ments pursuant to section 156 of Public Law 97-377 (42
13 U.S.C. 402 note; 96 Stat. 1920); and recreation and wel-
14 fare; \$10,063,203,000, of which \$530,000,000 shall be for
15 defense-related activities; of which \$24,500,000 shall be
16 derived from the Oil Spill Liability Trust Fund to carry
17 out the purposes of section 1012(a)(5) of the Oil Pollution
18 Act of 1990 (33 U.S.C. 2712(a)(5)); of which
19 \$20,000,000 shall remain available until September 30,
20 2026; of which \$24,717,000 shall remain available until
21 September 30, 2028, for environmental compliance and
22 restoration; and of which \$70,000,000 shall remain avail-
23 able until September 30, 2025, which shall only be avail-
24 able for vessel depot level maintenance: *Provided*, That not

1 receipts, combat-related special compensation, and pay-
2 ments for medical care of retired personnel and their de-
3 pendants under chapter 55 of title 10, United States Code,
4 \$1,147,244,000, to remain available until expended.

5 UNITED STATES SECRET SERVICE

6 OPERATIONS AND SUPPORT

7 For necessary expenses of the United States Secret
8 Service for operations and support, including purchase of
9 not to exceed 652 vehicles for police-type use; hire of pas-
10 senger motor vehicles; purchase of motorcycles made in
11 the United States; hire of aircraft; rental of buildings in
12 the District of Columbia; fencing, lighting, guard booths,
13 and other facilities on private or other property not in
14 Government ownership or control, as may be necessary to
15 perform protective functions; conduct of and participation
16 in firearms matches; presentation of awards; conduct of
17 behavioral research in support of protective intelligence
18 and operations; payment in advance for commercial ac-
19 commodations as may be necessary to perform protective
20 functions; and payment, without regard to section 5702
21 of title 5, United States Code, of subsistence expenses of
22 employees who are on protective missions, whether at or
23 away from their duty stations; \$2,903,030,000; of which
24 \$114,599,000 shall remain available until September 30,
25 2025, and of which \$6,000,000 shall be for a grant for

1 activities related to investigations of missing and exploited
2 children; and of which up to \$20,500,000 may be for cal-
3 endar year 2023 premium pay in excess of the annual
4 equivalent of the limitation on the rate of pay contained
5 in section 5547(a) of title 5, United States Code, pursuant
6 to section 2 of the Overtime Pay for Protective Services
7 Act of 2016 (5 U.S.C. 5547 note), as last amended by
8 Public Law 116–269: *Provided*, That not to exceed
9 \$19,125 shall be for official reception and representation
10 expenses: *Provided further*, That not to exceed \$100,000
11 shall be to provide technical assistance and equipment to
12 foreign law enforcement organizations in criminal inves-
13 tigation within the jurisdiction of the United States Se-
14 cret Service: *Provided further*, That of the amounts made
15 available under this heading, \$197,785,000 is designated
16 by the Congress as being for an emergency requirement
17 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
18 et and Emergency Deficit Control Act of 1985.

19 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

20 For necessary expenses of the United States Secret
21 Service for procurement, construction, and improvements,
22 \$69,098,000, to remain available until September 30,
23 2026: *Provided*, That of the amounts made available under
24 this heading, \$18,000,000 is designated by the Congress
25 as being for an emergency requirement pursuant to sec-

1 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
2 gency Deficit Control Act of 1985.

3 RESEARCH AND DEVELOPMENT

4 For necessary expenses of the United States Secret
5 Service for research and development, \$4,217,000, to re-
6 main available until September 30, 2025: *Provided*, That
7 the amounts made available under this heading are des-
8 ignated by the Congress as being for an emergency re-
9 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
10 anced Budget and Emergency Deficit Control Act of 1985.

11 ADMINISTRATIVE PROVISIONS

12 SEC. 201. Section 201 of the Department of Home-
13 land Security Appropriations Act, 2018 (division F of
14 Public Law 115–141), related to overtime compensation
15 limitations, shall apply with respect to funds made avail-
16 able in this Act in the same manner as such section ap-
17 plied to funds made available in that Act, except that “fis-
18 cal year 2024” shall be substituted for “fiscal year 2018”.

19 SEC. 202. Funding made available under the head-
20 ings “U.S. Customs and Border Protection—Operations
21 and Support” and “U.S. Customs and Border Protec-
22 tion—Procurement, Construction, and Improvements”
23 shall be available for customs expenses when necessary to
24 maintain operations and prevent adverse personnel actions
25 in Puerto Rico and the U.S. Virgin Islands, in addition

1 to funding provided by sections 740 and 1406i of title 48,
2 United States Code.

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

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

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

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

12 (1) a controlled substance, as defined in section
13 102 of the Controlled Substances Act (21 U.S.C.
14 802); or

15 (2) a biological product, as defined in section
16 351 of the Public Health Service Act (42 U.S.C.
17 262).

18 SEC. 206. (a) Notwithstanding any other provision
19 of law, none of the funds provided in this or any other
20 Act shall be used to approve a waiver of the navigation
21 and vessel-inspection laws pursuant to section 501(b) of
22 title 46, United States Code, for the transportation of
23 crude oil distributed from and to the Strategic Petroleum
24 Reserve until the Secretary of Homeland Security, after
25 consultation with the Secretaries of the Departments of

1 Energy and Transportation and representatives from the
2 United States flag maritime industry, takes adequate
3 measures to ensure the use of United States flag vessels.

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

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

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

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

22 (b) In this section, the term “border crossing fee”
23 means a fee that every pedestrian, cyclist, and driver and
24 passenger of a private motor vehicle is required to pay

1 for the privilege of crossing the Southern border or the
2 Northern border at a land port of entry.

3 SEC. 208. (a) Not later than 90 days after the date
4 of enactment of this Act, the Commissioner of U.S. Cus-
5 toms and Border Protection shall submit an expenditure
6 plan for any amounts made available for “U.S. Customs
7 and Border Protection—Procurement, Construction, and
8 Improvements” in this Act and prior Acts to the Commit-
9 tees on Appropriations of the Senate and the House of
10 Representatives.

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

13 SEC. 209. Section 211 of the Department of Home-
14 land Security Appropriations Act, 2021 (division F of
15 Public Law 116–260), prohibiting the use of funds for the
16 construction of fencing in certain areas, shall apply with
17 respect to funds made available in this Act in the same
18 manner as such section applied to funds made available
19 in that Act.

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

23 (b) None of the funds provided by this Act, provided
24 by previous appropriations Acts that remain available for
25 obligation or expenditure in fiscal year 2024, or provided

1 from any accounts in the Treasury of the United States
2 derived by the collection of fees available to the compo-
3 nents funded by this Act, may be used to reduce antici-
4 pated or planned vetting operations at existing locations
5 unless specifically authorized by a statute enacted after
6 the date of enactment of this Act.

7 SEC. 211. Of the total amount made available under
8 “U.S. Customs and Border Protection—Procurement,
9 Construction, and Improvements”, \$1,152,529,000 shall
10 be available only as follows:

11 (1) \$263,300,000 for the acquisition and de-
12 ployment of border security technologies;

13 (2) \$644,296,000 for trade and travel assets
14 and infrastructure;

15 (3) \$69,654,000 for facility construction and
16 improvements including \$66,000,000 for a Border
17 Patrol station in Houlton, Maine;

18 (4) \$134,100,000 for integrated operations as-
19 sets and infrastructure; and

20 (5) \$41,179,000 for mission support and infra-
21 structure.

22 SEC. 212. None of the funds provided under the
23 heading “U.S. Immigration and Customs Enforcement—
24 Operations and Support” may be used to continue a dele-
25 gation of law enforcement authority authorized under sec-

1 tion 287(g) of the Immigration and Nationality Act (8
2 U.S.C. 1357(g)) if the Department of Homeland Security
3 Inspector General determines that the terms of the agree-
4 ment governing the delegation of authority have been ma-
5 terially violated.

6 SEC. 213. (a) None of the funds provided under the
7 heading “U.S. Immigration and Customs Enforcement—
8 Operations and Support” may be used to continue any
9 contract for the provision of detention services if the two
10 most recent overall performance evaluations received by
11 the contracted facility are less than “adequate” or the
12 equivalent median score in any subsequent performance
13 evaluation system.

14 (b) The performance evaluations referenced in sub-
15 section (a) shall be conducted by the U.S. Immigration
16 and Customs Enforcement Office of Professional Respon-
17 sibility.

18 SEC. 214. The reports required to be submitted under
19 section 216 of the Department of Homeland Security Ap-
20 propriations Act, 2021 (division F of Public Law 116–
21 260) shall continue to be submitted semimonthly and each
22 matter required to be included in such reports by such
23 section 216 shall apply in the same manner and to the
24 same extent during the period described in such section
25 216.

1 SEC. 215. The terms and conditions of sections 216
2 and 217 of the Department of Homeland Security Appro-
3 priations Act, 2020 (division D of Public Law 116–93)
4 shall apply to this Act.

5 SEC. 216. (a) None of the funds provided under the
6 heading “U.S. Immigration and Customs Enforcement—
7 Operations and Support” may be available for perform-
8 ance awards for members of the Senior Executive Service
9 that occupy the positions as described in subsection (b)
10 prior to the submission of the plan described in subsection
11 (c).

12 (b) Deputy Director and Senior Official Performing
13 the Duties of the Director; Deputy Senior Official Per-
14 forming the Duties of the Deputy Director; Executive As-
15 sociate Director, Enforcement and Removal Operations;
16 Executive Associate Director, Homeland Security Inves-
17 tigation; Executive Associate Director Management and
18 Administration; Associate Director, Office of Professional
19 Responsibility; Principal Legal Advisor; Chief Financial
20 Officer; Assistant Director, Office of Congressional Af-
21 fairs; and Chief of Staff.

22 (c) Not later than 90 days after the date of enact-
23 ment of this Act, ICE shall submit a plan to realign the
24 position of the Chief Financial Officer by the end of Fiscal
25 Year 2024 so the position reports to the Director or Dep-

1 uty Director and the position is elevated to the equivalent
2 of an Executive Associate Director.

3 SEC. 217. (a) Not later than 30 days after the date
4 of enactment of this Act, and monthly thereafter, the Di-
5 rector of U.S. Immigration and Customs Enforcement
6 shall provide the Committees on Appropriations of the
7 Senate and the House of Representatives a report de-
8 scribed in the section “Monthly Reporting Require-
9 ments.—” under the heading “U.S. Immigration and Cus-
10 toms Enforcement—Operations and Support” in the re-
11 port accompanying this Act.

12 (b) Such report shall be submitted by the tenth day
13 of each month.

14 (c) In the event that such report required under sub-
15 sections (a) and (b) is not provided, the amount made
16 available for “Executive Leadership and Oversight” shall
17 be reduced by \$100,000 per day for each day of non-
18 compliance with subsections (a) and (b), and the amount
19 made available under such heading and specified for such
20 office in the detailed funding table in the report accom-
21 panying this act shall be correspondingly reduced by an
22 equivalent amount.

23 SEC. 218. Members of the United States House of
24 Representatives and the United States Senate, including
25 the leadership; the heads of Federal agencies and commis-

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

10 SEC. 219. Notwithstanding section 44923 of title 49,
11 United States Code, for fiscal year 2024, any funds in
12 the Aviation Security Capital Fund established by section
13 44923(h) of title 49, United States Code, may be used
14 for the procurement and installation of explosives detec-
15 tion systems or for the issuance of other transaction agree-
16 ments for the purpose of funding projects described in sec-
17 tion 44923(a) of such title.

18 SEC. 220. Not later than 45 days after the submis-
19 sion of the President's budget proposal, the Administrator
20 of the Transportation Security Administration shall sub-
21 mit to the Committees on Appropriations and Commerce,
22 Science, and Transportation of the Senate and the Com-
23 mittees on Appropriations and Homeland Security in the
24 House of Representatives a single report that fulfills the
25 following requirements:

1 (1) a Capital Investment Plan, both constrained
2 and unconstrained, that includes a plan for contin-
3 uous and sustained capital investment in new, and
4 the replacement of aged, transportation security
5 equipment;

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

11 (3) the Advanced Integrated Passenger Screen-
12 ing Technologies report as required by the Senate
13 Report accompanying the Department of Homeland
14 Security Appropriations Act, 2019 (Senate Report
15 115–283).

16 SEC. 221. (a) None of the funds made available by
17 this Act under the heading “Coast Guard—Operations
18 and Support” shall be for expenses incurred for rec-
19 reational vessels under section 12114 of title 46, United
20 States Code, except to the extent fees are collected from
21 owners of yachts and credited to the appropriation made
22 available by this Act under the heading “Coast Guard—
23 Operations and Support”.

24 (b) To the extent such fees are insufficient to pay
25 expenses of recreational vessel documentation under such

1 section 12114, and there is a backlog of recreational vessel
2 applications, personnel performing non-recreational vessel
3 documentation functions under subchapter II of chapter
4 121 of title 46, United States Code, may perform docu-
5 mentation under section 12114.

6 SEC. 222. Without regard to the limitation as to time
7 and condition of section 503(d) of this Act, after June
8 30, in accordance with the notification requirement de-
9 scribed in subsection (b) of such section, up to the fol-
10 lowing amounts may be reprogrammed within “Coast
11 Guard—Operations and Support”—

12 (1) \$10,000,000 to or from the “Military Per-
13 sonnel” funding category; and

14 (2) \$10,000,000 between the “Field Oper-
15 ations” funding subcategories.

16 SEC. 223. Notwithstanding any other provision of
17 law, the Commandant of the Coast Guard shall submit
18 to the Committees on Appropriations of the Senate and
19 the House of Representatives a future-years capital invest-
20 ment plan as described in the second proviso under the
21 heading “Coast Guard—Acquisition, Construction, and
22 Improvements” in the Department of Homeland Security
23 Appropriations Act, 2015 (Public Law 114–4), which shall
24 be subject to the requirements in the third and fourth pro-
25 visos under such heading.

1 SEC. 224. None of the funds in this Act shall be used
2 to reduce the Coast Guard’s legacy Operations Systems
3 Center mission or its government-employed or contract
4 staff levels.

5 SEC. 225. None of the funds appropriated by this Act
6 may be used to conduct, or to implement the results of,
7 a competition under Office of Management and Budget
8 Circular A–76 for activities performed with respect to the
9 Coast Guard National Vessel Documentation Center.

10 SEC. 226. Funds made available in this Act may be
11 used to alter operations within the Civil Engineering Pro-
12 gram of the Coast Guard nationwide, including civil engi-
13 neering units, facilities design and construction centers,
14 maintenance and logistics commands, and the Coast
15 Guard Academy, except that none of the funds provided
16 in this Act may be used to reduce operations within any
17 civil engineering unit unless specifically authorized by a
18 statute enacted after the date of enactment of this Act.

19 SEC. 227. Amounts deposited into the Coast Guard
20 Housing Fund in fiscal year 2024 shall be available until
21 expended to carry out the purposes of section 2946 of title
22 14, United States Code, and shall be in addition to funds
23 otherwise available for such purposes.

24 SEC. 228. (a) Notwithstanding section 2110 of title
25 46, United States Code, none of the funds made available

1 in this Act shall be used to charge a fee for an inspection
2 of a towing vessel, as defined in 46 CFR 136.110, that
3 utilizes the Towing Safety Management System option for
4 a Certificate of Inspection issued under subchapter M of
5 title 46, Code of Federal Regulations.

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

12 SEC. 229. The United States Secret Service is au-
13 thorized to obligate funds in anticipation of reimburse-
14 ments from executive agencies, as defined in section 105
15 of title 5, United States Code, for personnel receiving
16 training sponsored by the James J. Rowley Training Cen-
17 ter, except that total obligations at the end of the fiscal
18 year shall not exceed total budgetary resources available
19 under the heading “United States Secret Service—Oper-
20 ations and Support” at the end of the fiscal year.

21 SEC. 230. (a) None of the funds made available to
22 the United States Secret Service by this Act or by previous
23 appropriations Acts may be made available for the protec-
24 tion of the head of a Federal agency other than the Sec-
25 retary of Homeland Security.

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

4 SEC. 231. For purposes of section 503(a)(3) of this
5 Act, up to \$15,000,000 may be reprogrammed within
6 “United States Secret Service—Operations and Support”.

7 SEC. 232. Funding made available in this Act for
8 “United States Secret Service—Operations and Support”
9 is available for travel of United States Secret Service em-
10 ployees on protective missions without regard to the limi-
11 tations on such expenditures in this or any other Act if
12 the Director of the United States Secret Service or a des-
13 ignee notifies the Committees on Appropriations of the
14 Senate and the House of Representatives 10 or more days
15 in advance, or as early as practicable, prior to such ex-
16 penditures.

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

7 For necessary expenses of the Cybersecurity and In-
8 frastructure Security Agency for operations and support,
9 \$2,401,752,000, of which \$24,424,000 shall remain avail-
10 able until September 30, 2025: *Provided*, That not to ex-
11 ceed \$5,500 shall be for official reception and representa-
12 tion expenses.

13 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS
14 For necessary expenses of the Cybersecurity and In-
15 frastructure Security Agency for procurement, construc-
16 tion, and improvements, \$605,334,000, to remain avail-
17 able until September 30, 2026.

18 FEDERAL EMERGENCY MANAGEMENT AGENCY
19 OPERATIONS AND SUPPORT
20 For necessary expenses of the Federal Emergency
21 Management Agency for operations and support,
22 \$1,434,306,000: *Provided*, That not to exceed \$2,250 shall
23 be for official reception and representation expenses.

1 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

2 For necessary expenses of the Federal Emergency
3 Management Agency for procurement, construction, and
4 improvements, \$100,420,000, of which \$44,920,000 shall
5 remain available until September 30, 2026, and of which
6 \$55,500,000 shall remain available until September 30,
7 2028: *Provided*, That of the amounts made available under
8 this heading for activities under the “revised nonsecurity
9 category”, as defined in section 250(c)(4)(E) of the Bal-
10 anced Budget and Emergency Deficit Control Act of 1985
11 (Public Law 99–177), as amended, \$33,020,000 is des-
12 ignated by the Congress as being for an emergency re-
13 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
14 anced Budget and Emergency Deficit Control Act of 1985.

15 FEDERAL ASSISTANCE

16 (INCLUDING TRANSFER OF FUNDS)

17 For activities of the Federal Emergency Management
18 Agency for Federal assistance through grants, contracts,
19 cooperative agreements, and other activities,
20 \$3,467,115,000, which shall be allocated as follows:

21 (1) \$488,800,000 for the State Homeland Secu-
22 rity Grant Program under section 2004 of the
23 Homeland Security Act of 2002 (6 U.S.C. 605), of
24 which \$84,600,000 shall be for Operation
25 Stonegarden and \$14,100,000 shall be for Tribal

1 Homeland Security Grants under section 2005 of
2 the Homeland Security Act of 2002 (6 U.S.C. 606):
3 *Provided*, That notwithstanding subsection (c)(4) of
4 such section 2004, for fiscal year 2024, the Com-
5 monwealth of Puerto Rico shall make available to
6 local and tribal governments amounts provided to
7 the Commonwealth of Puerto Rico under this para-
8 graph in accordance with subsection (c)(1) of such
9 section 2004.

10 (2) \$578,100,000 for the Urban Area Security
11 Initiative under section 2003 of the Homeland Secu-
12 rity Act of 2002 (6 U.S.C. 604).

13 (3) \$286,700,000 for the Nonprofit Security
14 Grant Program under sections 2003 and 2004 of the
15 Homeland Security Act of 2002 (6 U.S.C. 604 and
16 605), of which \$143,350,000 is for eligible recipients
17 located in high-risk urban areas that receive funding
18 under section 2003 of such Act and \$143,350,000 is
19 for eligible recipients that are located outside such
20 areas: *Provided*, That eligible recipients are those
21 described in section 2009(b) of such Act (6 U.S.C.
22 609a(b)) or are an otherwise eligible recipient at risk
23 of a terrorist or other extremist attack.

24 (4) \$98,700,000 for Public Transportation Se-
25 curity Assistance, Railroad Security Assistance, and

1 Over-the-Road Bus Security Assistance under sec-
2 tions 1406, 1513, and 1532 of the Implementing
3 Recommendations of the 9/11 Commission Act of
4 2007 (6 U.S.C. 1135, 1163, and 1182), of which
5 \$9,400,000 shall be for Amtrak Security and
6 \$1,880,000 shall be for Over-the-Road Bus Security:
7 *Provided*, That such public transportation security
8 assistance shall be provided directly to public trans-
9 portation agencies.

10 (5) \$94,000,000 for Port Security Grants in ac-
11 cordance with section 70107 of title 46, United
12 States Code.

13 (6) \$676,800,000, to remain available until
14 September 30, 2025, of which \$338,400,000 shall be
15 for Assistance to Firefighter Grants and
16 \$338,400,000 shall be for Staffing for Adequate
17 Fire and Emergency Response Grants under sec-
18 tions 33 and 34 respectively of the Federal Fire Pre-
19 vention and Control Act of 1974 (15 U.S.C. 2229
20 and 2229a).

21 (7) \$333,700,000 for emergency management
22 performance grants under the National Flood Insur-
23 ance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-
24 ert T. Stafford Disaster Relief and Emergency As-
25 sistance Act (42 U.S.C. 5121), the Earthquake Haz-

1 ards Reduction Act of 1977 (42 U.S.C. 7701), sec-
2 tion 762 of title 6, United States Code, and Reorga-
3 nization Plan No. 3 of 1978 (5 U.S.C. App.).

4 (8) \$293,985,000 for necessary expenses for
5 Flood Hazard Mapping and Risk Analysis, in addi-
6 tion to and to supplement any other sums appro-
7 priated under the National Flood Insurance Fund,
8 and such additional sums as may be provided by
9 States or other political subdivisions for cost-shared
10 mapping activities under section 1360(f)(2) of the
11 National Flood Insurance Act of 1968 (42 U.S.C.
12 4101(f)(2)), to remain available until expended.

13 (9) \$11,280,000 for Regional Catastrophic Pre-
14 paredness Grants.

15 (10) \$122,200,000 for the emergency food and
16 shelter program under title III of the McKinney-
17 Vento Homeless Assistance Act (42 U.S.C. 11331),
18 to remain available until September 30, 2025: *Pro-*
19 *vided*, That not to exceed 3.5 percent shall be for
20 total administrative costs.

21 (11) \$52,640,000 for the Next Generation
22 Warning System.

23 (12) \$120,000,000 for Congressionally Directed
24 Spending grants, which shall be for the purposes,
25 and the amounts, specified in the table entitled

1 “Congressionally Directed Spending Items” in the
2 report accompanying this Act, of which—

3 (A) \$42,836,000, in addition to amounts
4 otherwise made available for such purpose, is
5 for emergency operations center grants under
6 section 614 of the Robert T. Stafford Disaster
7 Relief and Emergency Assistance Act (42
8 U.S.C. 5196c); and

9 (B) \$77,164,000, in addition to amounts
10 otherwise made available for such purpose, is
11 for pre-disaster mitigation grants under section
12 203 of the Robert T. Stafford Disaster Relief
13 and Emergency Assistance Act (42 U.S.C.
14 5133(e), notwithstanding subsections (f), (g),
15 and (l) of that section (42 U.S.C. 5133(f), (g),
16 (l)).

17 (13) \$310,210,000 for the sustainment of cur-
18 rent operations for training, exercises, technical as-
19 sistance, and other programs.

20 DISASTER RELIEF FUND

21 For necessary expenses in carrying out the Robert
22 T. Stafford Disaster Relief and Emergency Assistance Act
23 (42 U.S.C. 5121 et seq.), \$20,261,000,000, to remain
24 available until expended: *Provided*, That such amount
25 shall be for major disasters declared pursuant to the Rob-

1 ert T. Stafford Disaster Relief and Emergency Assistance
2 Act (42 U.S.C. 5121 et seq.) and is designated by the
3 Congress as being for disaster relief pursuant to section
4 251(b)(2)(D) of the Balanced Budget and Emergency
5 Deficit Control Act of 1985.

6 NATIONAL FLOOD INSURANCE FUND

7 For activities under the National Flood Insurance
8 Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster
9 Protection Act of 1973 (42 U.S.C. 4001 et seq.), the
10 Biggert-Waters Flood Insurance Reform Act of 2012
11 (Public Law 112–141, 126 Stat. 916), and the Home-
12 owner Flood Insurance Affordability Act of 2014 (Public
13 Law 113–89; 128 Stat. 1020), \$239,983,000, to remain
14 available until September 30, 2025, which shall be derived
15 from offsetting amounts collected under section 1308(d)
16 of the National Flood Insurance Act of 1968 (42 U.S.C.
17 4015(d)); of which \$18,917,000 shall be available for mis-
18 sion support associated with flood management; and of
19 which \$221,066,000 shall be available for flood plain man-
20 agement and flood mapping: *Provided*, That any addi-
21 tional fees collected pursuant to section 1308(d) of the
22 National Flood Insurance Act of 1968 (42 U.S.C.
23 4015(d)) shall be credited as offsetting collections to this
24 account, to be available for flood plain management and
25 flood mapping: *Provided further*, That in fiscal year 2024,

1 no funds shall be available from the National Flood Insur-
2 ance Fund under section 1310 of the National Flood In-
3 surance Act of 1968 (42 U.S.C. 4017) in excess of—

4 (1) \$230,504,000 for operating expenses and
5 salaries and expenses associated with flood insurance
6 operations;

7 (2) \$1,300,000,000 for commissions and taxes
8 of agents;

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

11 (4) \$175,000,000, which shall remain available
12 until expended, for flood mitigation actions and for
13 flood mitigation assistance under section 1366 of the
14 National Flood Insurance Act of 1968 (42 U.S.C.
15 4104e), notwithstanding sections 1366(e) and
16 1310(a)(7) of such Act (42 U.S.C. 4104e(e), 4017):

17 *Provided further*, That the amounts collected under section
18 102 of the Flood Disaster Protection Act of 1973 (42
19 U.S.C. 4012a) and section 1366(e) of the National Flood
20 Insurance Act of 1968 (42 U.S.C. 4104e(e)), shall be de-
21 posited in the National Flood Insurance Fund to supple-
22 ment other amounts specified as available for section 1366
23 of the National Flood Insurance Act of 1968, notwith-
24 standing section 102(f)(8), section 1366(e) of the National
25 Flood Insurance Act of 1968, and paragraphs (1) through

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

7 ADMINISTRATIVE PROVISIONS

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 301. Funds made available under the heading
10 “Cybersecurity and Infrastructure Security Agency—Op-
11 erations and Support” may be made available for the nec-
12 essary expenses of procuring or providing access to cyber-
13 security threat feeds for branches, agencies, independent
14 agencies, corporations, establishments, and instrumental-
15 ities of the Federal Government of the United States,
16 state, local, tribal, and territorial entities, fusion centers
17 as described in section 210A of the Homeland Security
18 Act (6 U.S.C. 124h), and Information and Analysis Orga-
19 nizations.

20 SEC. 302. (a) The Director of the Cybersecurity and
21 Infrastructure Security Agency (or the Director’s des-
22 ignee) shall provide the briefings to the Committees on
23 Appropriations of the Senate and the House of Represent-
24 atives described under the heading “Quarterly Budget and
25 Staffing Briefings” in the report accompanying this bill—

1 (1) with respect to the first quarter of fiscal
2 year 2024, not later than the later of 30 days after
3 the date of enactment of this Act or January 30,
4 2024; and

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

8 (b) In the event that any such briefing required dur-
9 ing this fiscal year under subsection (a) is not provided,
10 the amount made available in title III to the Cybersecurity
11 and Infrastructure Security Agency under the heading
12 “Operations and Support” shall be reduced by \$50,000
13 for each day of noncompliance with subsection (a), and
14 the amount made available under such heading and speci-
15 fied in the detailed funding table in the report accom-
16 panying this Act for Mission Support management and
17 business activities shall be correspondingly reduced by an
18 equivalent amount.

19 SEC. 303. (a) Notwithstanding section 2008(a)(12)
20 of the Homeland Security Act of 2002 (6 U.S.C.
21 609(a)(12)) or any other provision of law, not more than
22 5 percent of the amount of a grant made available in para-
23 graphs (1) through (5) under “Federal Emergency Man-
24 agement Agency—Federal Assistance”, may be used by

1 the recipient for expenses directly related to administra-
2 tion of the grant.

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

6 SEC. 304. Notwithstanding section 2004(e)(1) of the
7 Homeland Security Act of 2002 (6 U.S.C. 605(e)(1)), the
8 meaning of “total funds appropriated for grants under
9 this section and section 2003” in each place that it ap-
10 pears shall not include any funds provided for the Non-
11 profit Security Grant Program in paragraph (3) under the
12 heading “Federal Emergency Management Agency—Fed-
13 eral Assistance” in this Act.

14 SEC. 305. Applications for grants under the heading
15 “Federal Emergency Management Agency—Federal As-
16 sistance”, for paragraphs (1) through (5), shall be made
17 available to eligible applicants not later than 60 days after
18 the date of enactment of this Act, eligible applicants shall
19 submit applications not later than 80 days after the grant
20 announcement, and the Administrator of the Federal
21 Emergency Management Agency shall act within 65 days
22 after the receipt of an application.

23 SEC. 306. (a) Under the heading “Federal Emer-
24 gency Management Agency—Federal Assistance”, for
25 grants under paragraphs (1) through (5) and (9), the Ad-

1 administrator of the Federal Emergency Management Agen-
2 cy shall brief the Committees on Appropriations of the
3 Senate and the House of Representatives 5 full business
4 days in advance of announcing publicly the intention of
5 making an award.

6 (b) If any such public announcement is made before
7 5 full business days have elapsed following such briefing,
8 \$1,000,000 of amounts appropriated by this Act for “Fed-
9 eral Emergency Management Agency—Operations and
10 Support” shall be rescinded.

11 SEC. 307. Under the heading “Federal Emergency
12 Management Agency—Federal Assistance”, for grants
13 under paragraphs (1) and (2), the installation of commu-
14 nications towers is not considered construction of a build-
15 ing or other physical facility.

16 SEC. 308. The reporting requirements in paragraphs
17 (1) and (2) under the heading “Federal Emergency Man-
18 agement Agency—Disaster Relief Fund” in the Depart-
19 ment of Homeland Security Appropriations Act, 2015
20 (Public Law 114–4), related to reporting on the Disaster
21 Relief Fund, shall be applied in fiscal year 2024 with re-
22 spect to budget year 2025 and current fiscal year 2024,
23 respectively—

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

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

3 SEC. 309. In making grants under the heading “Fed-
4 eral Emergency Management Agency—Federal Assist-
5 ance”, for Staffing for Adequate Fire and Emergency Re-
6 sponse grants, the Administrator of the Federal Emer-
7 gency Management Agency may grant waivers from the
8 requirements in subsections (a)(1)(A), (a)(1)(B),
9 (a)(1)(E), (c)(1), (c)(2), and (c)(4) of section 34 of the
10 Federal Fire Prevention and Control Act of 1974 (15
11 U.S.C. 2229a).

12 SEC. 310. (a) The aggregate charges assessed during
13 fiscal year 2024, as authorized in title III of the Depart-
14 ments of Veterans Affairs and Housing and Urban Devel-
15 opment, and Independent Agencies Appropriations Act,
16 1999 (42 U.S.C. 5196e), shall not be less than 100 per-
17 cent of the amounts anticipated by the Department of
18 Homeland Security to be necessary for its Radiological
19 Emergency Preparedness Program for the next fiscal year.

20 (b) The methodology for assessment and collection of
21 fees shall be fair and equitable and shall reflect costs of
22 providing such services, including administrative costs of
23 collecting such fees.

24 (c) Such fees shall be deposited in a Radiological
25 Emergency Preparedness Program account as offsetting

1 collections and will become available for authorized pur-
2 poses on October 1, 2024, and remain available until ex-
3 pended.

4 SEC. 311. In making grants under the heading “Fed-
5 eral Emergency Management Agency—Federal Assist-
6 ance”, for Assistance to Firefighter Grants, the Adminis-
7 trator of the Federal Emergency Management Agency
8 may waive subsection (k) of section 33 of the Federal Fire
9 Prevention and Control Act of 1974 (15 U.S.C. 2229).

10 SEC. 312. Any unobligated balances of funds appro-
11 priated in any prior Act for activities funded by the Na-
12 tional Pre-disaster Mitigation Fund under section 203 of
13 the Robert T. Stafford Disaster Relief and Emergency As-
14 sistance Act (42 U.S.C. 5133), as in effect on the day
15 before the date of enactment of section 1234 of division
16 D of Public Law 115–254, may be transferred to and
17 merged with funds set aside pursuant to subsection (i)(1)
18 of section 203 of the Robert T. Stafford Disaster Relief
19 and Emergency Assistance Act (42 U.S.C. 5133), as in
20 effect on the date of the enactment of this section.

21 SEC. 313. Any unobligated balances of funds appro-
22 priated under the heading “Federal Emergency Manage-
23 ment Agency—Flood Hazard Mapping and Risk Analysis
24 Program” in any prior Act may be transferred to and
25 merged with funds appropriated under the heading “Fed-

1 eral Emergency Management Agency—Federal Assist-
 2 ance” for necessary expenses for Flood Hazard Mapping
 3 and Risk Analysis: *Provided*, That funds transferred pur-
 4 suant to this section shall be in addition to and supple-
 5 ment any other sums appropriated for such purposes
 6 under the National Flood Insurance Fund and such addi-
 7 tional sums as may be provided by States or other political
 8 subdivisions for cost-shared mapping activities under sec-
 9 tion 1360(f)(2) of the National Flood Insurance Act of
 10 1968 (42 U.S.C. 4101(f)(2)), to remain available until ex-
 11 pended.

12 TITLE IV

13 RESEARCH, DEVELOPMENT, TRAINING, AND

14 SERVICES

15 U.S. CITIZENSHIP AND IMMIGRATION SERVICES

16 OPERATIONS AND SUPPORT

17 For necessary expenses of U.S. Citizenship and Im-
 18 migration Services for operations and support, including
 19 for the E-Verify Program and for the Refugee and Inter-
 20 national Operations Programs, \$432,161,000: *Provided*,
 21 That such amounts shall be in addition to any other
 22 amounts made available for such purposes, and shall not
 23 be construed to require any reduction of any fee described
 24 in section 286(m) of the Immigration and Nationality Act
 25 (8 U.S.C. 1356(m)): *Provided further*, That not to exceed

1 \$5,000 shall be for official reception and representation
2 expenses: *Provided further*, That of the amounts made
3 available under this heading, \$183,000,000 is designated
4 by the Congress as being for an emergency requirement
5 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
6 et and Emergency Deficit Control Act of 1985.

7
8 FEDERAL ASSISTANCE

9 For necessary expenses of U.S. Citizenship and Im-
10 migration Services for Federal assistance for the Citizen-
11 ship and Integration Grant Program, \$23,500,000, to re-
main available until September 30, 2025.

12 FEDERAL LAW ENFORCEMENT TRAINING CENTERS
13 OPERATIONS AND SUPPORT

14 For necessary expenses of the Federal Law Enforce-
15 ment Training Centers for operations and support, includ-
16 ing the purchase of not to exceed 117 vehicles for police-
17 type use and hire of passenger motor vehicles, and services
18 as authorized by section 3109 of title 5, United States
19 Code, \$352,611,000, of which \$66,665,000 shall remain
20 available until September 30, 2025: *Provided*, That not
21 to exceed \$7,180 shall be for official reception and rep-
22 resentation expenses.

23 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

24 For necessary expenses of the Federal Law Enforce-
25 ment Training Centers for procurement, construction, and

1 improvements, \$8,000,000, to remain available until Sep-
2 tember 30, 2028, for acquisition of necessary additional
3 real property and facilities, construction and ongoing
4 maintenance, facility improvements and related expenses
5 of the Federal Law Enforcement Training Centers: *Pro-*
6 *vided*, That the amounts made available under this head-
7 ing are designated by the Congress as being for an emer-
8 gency requirement pursuant to section 251(b)(2)(A)(i) of
9 the Balanced Budget and Emergency Deficit Control Act
10 of 1985.

11 SCIENCE AND TECHNOLOGY DIRECTORATE

12 OPERATIONS AND SUPPORT

13 For necessary expenses of the Science and Tech-
14 nology Directorate for operations and support, including
15 the purchase or lease of not to exceed 5 vehicles,
16 \$367,183,000, of which \$205,558,000 shall remain avail-
17 able until September 30, 2025: *Provided*, That not to ex-
18 ceed \$10,000 shall be for official reception and representa-
19 tion expenses.

20 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

21 For necessary expenses of the Science and Tech-
22 nology Directorate for procurement, construction, and im-
23 provements, \$43,579,000, to remain available until Sep-
24 tember 30, 2028.

1 RESEARCH AND DEVELOPMENT

2 For necessary expenses of the Science and Tech-
3 nology Directorate for research and development,
4 \$352,496,000, to remain available until September 30,
5 2026.

6 COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

7 OPERATIONS AND SUPPORT

8 For necessary expenses of the Countering Weapons
9 of Mass Destruction Office for operations and support,
10 \$156,946,000, of which \$50,446,000 shall remain avail-
11 able until September 30, 2025: *Provided*, That not to ex-
12 ceed \$2,250 shall be for official reception and representa-
13 tion expenses.

14 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

15 For necessary expenses of the Countering Weapons
16 of Mass Destruction Office for procurement, construction,
17 and improvements, \$15,360,000, to remain available until
18 September 30, 2026.

19 RESEARCH AND DEVELOPMENT

20 For necessary expenses of the Countering Weapons
21 of Mass Destruction Office for research and development,
22 \$48,751,000, to remain available until September 30,
23 2026.

1 FEDERAL ASSISTANCE

2 For necessary expenses of the Countering Weapons
3 of Mass Destruction Office for Federal assistance through
4 grants, contracts, cooperative agreements, and other ac-
5 tivities, \$132,764,000, to remain available until Sep-
6 tember 30, 2026: *Provided*, That of the amounts made
7 available under this heading, \$2,000,000 is designated by
8 the Congress as being for an emergency requirement pur-
9 suant to section 251(b)(2)(A)(i) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985.

11 ADMINISTRATIVE PROVISIONS

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

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

22 SEC. 402. None of the funds appropriated by this Act
23 may be used to process or approve a competition under
24 Office of Management and Budget Circular A-76 for serv-
25 ices provided by employees (including employees serving

1 on a temporary or term basis) of U.S. Citizenship and Im-
2 migration Services of the Department of Homeland Secu-
3 rity who are known as Immigration Information Officers,
4 Immigration Service Analysts, Contact Representatives,
5 Investigative Assistants, or Immigration Services Officers.

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

13 SEC. 404. The Director of the Federal Law Enforce-
14 ment Training Centers is authorized to distribute funds
15 to Federal law enforcement agencies for expenses incurred
16 participating in training accreditation.

17 SEC. 405. The Federal Law Enforcement Training
18 Accreditation Board, including representatives from the
19 Federal law enforcement community and non-Federal ac-
20 creditation experts involved in law enforcement training,
21 shall lead the Federal law enforcement training accredita-
22 tion process to continue the implementation of measuring
23 and assessing the quality and effectiveness of Federal law
24 enforcement training programs, facilities, and instructors.

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

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

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

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS OF FUNDS)

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

4 SEC. 502. Subject to the requirements of section 503
5 of this Act, the unexpended balances of prior appropria-
6 tions provided for activities in this Act may be transferred
7 to appropriation accounts for such activities established
8 pursuant to this Act, may be merged with funds in the
9 applicable established accounts, and thereafter may be ac-
10 counted for as one fund for the same time period as origi-
11 nally enacted.

12 SEC. 503. (a) None of the funds provided by this Act,
13 provided by previous appropriations Acts to the compo-
14 nents in or transferred to the Department of Homeland
15 Security that remain available for obligation or expendi-
16 ture in fiscal year 2024, or provided from any accounts
17 in the Treasury of the United States derived by the collec-
18 tion of fees available to the components funded by this
19 Act, shall be available for obligation or expenditure
20 through a reprogramming of funds that—

21 (1) creates or eliminates a program, project, or
22 activity, or increases funds for any program, project,
23

1 or activity for which funds have been denied or re-
2 stricted by the Congress;

3 (2) contracts out any function or activity pres-
4 ently performed by Federal employees or any new
5 function or activity proposed to be performed by
6 Federal employees in the President's budget pro-
7 posal for fiscal year 2024 for the Department of
8 Homeland Security;

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

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

15 (5) results from any general savings from a re-
16 duction in personnel that would result in a change
17 in funding levels for programs, projects, or activities
18 as approved by the Congress.

19 (b) Subsection (a) shall not apply if the Committees
20 on Appropriations of the Senate and the House of Rep-
21 resentatives are notified at least 30 days in advance of
22 such reprogramming.

23 (c) Up to 5 percent of any appropriation made avail-
24 able for the current fiscal year for the Department of
25 Homeland Security by this Act or provided by previous

1 appropriations Acts may be transferred between such ap-
2 propriations if the Committees on Appropriations of the
3 Senate and the House of Representatives are notified at
4 least 30 days in advance of such transfer, but no such
5 appropriation, except as otherwise specifically provided,
6 shall be increased by more than 10 percent by such trans-
7 fer.

8 (d) Notwithstanding subsections (a), (b), and (c), no
9 funds shall be reprogrammed within or transferred be-
10 tween appropriations based upon an initial notification
11 provided after June 15, except in extraordinary cir-
12 cumstances that imminently threaten the safety of human
13 life or the protection of property.

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

20 (f) Notwithstanding subsection (c), the Secretary of
21 Homeland Security may transfer to the fund established
22 by 8 U.S.C. 1101 note, up to \$20,000,000 from appro-
23 priations available to the Department of Homeland Secu-
24 rity: Provided, That the Secretary shall notify the Com-
25 mittees on Appropriations of the Senate and the House

1 of Representatives at least 5 days in advance of such
2 transfer.

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

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

13 SEC. 505. (a) Except as otherwise specifically pro-
14 vided by law, not to exceed 50 percent of unobligated bal-
15 ances remaining available at the end of fiscal year 2024,
16 as recorded in the financial records at the time of a re-
17 programming notification, but not later than June 30,
18 2025, from appropriations for “Operations and Support”
19 for fiscal year 2024 in this Act shall remain available
20 through September 30, 2025, in the account and for the
21 purposes for which the appropriations were provided.

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

1 SEC. 506. (a) Funds made available by this Act for
2 intelligence activities are deemed to be specifically author-
3 ized by the Congress for purposes of section 504 of the
4 National Security Act of 1947 (50 U.S.C. 414) during fis-
5 cal year 2024 until the enactment of an Act authorizing
6 intelligence activities for fiscal year 2024.

7 (b) Amounts described in subsection (a) made avail-
8 able for “Intelligence, Analysis, and Situational Aware-
9 ness—Operations and Support” that exceed the amounts
10 in such authorization for such account shall be transferred
11 to and merged with amounts made available under the
12 heading “Management Directorate—Operations and Sup-
13 port”.

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

19 SEC. 507. (a) The Secretary of Homeland Security,
20 or the designee of the Secretary, shall notify the Commit-
21 tees on Appropriations of the Senate and the House of
22 Representatives at least 3 full business days in advance
23 of—

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

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

6 (3) awarding a task or delivery order requiring
7 an obligation of funds in an amount greater than
8 \$10,000,000 from multi-year Department of Home-
9 land Security funds;

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

11 (5) announcing publicly the intention to make
12 or award items under paragraph (1), (2), (3), or (4),
13 including a contract covered by the Federal Acquisi-
14 tion Regulation.

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

22 (c) A notification under this section—

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

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

5 SEC. 508. Notwithstanding any other provision of
6 law, no agency shall purchase, construct, or lease any ad-
7 ditional facilities, except within or contiguous to existing
8 locations, to be used for the purpose of conducting Federal
9 law enforcement training without advance notification to
10 the Committees on Appropriations of the Senate and the
11 House of Representatives, except that the Federal Law
12 Enforcement Training Centers is authorized to obtain the
13 temporary use of additional facilities by lease, contract,
14 or other agreement for training that cannot be accommo-
15 dated in existing Centers' facilities.

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

24 SEC. 510. Sections 522 and 530 of the Department
25 of Homeland Security Appropriations Act, 2008 (division

1 E of Public Law 110–161; 121 Stat. 2073 and 2074) shall
2 apply with respect to funds made available in this Act in
3 the same manner as such sections applied to funds made
4 available in that Act.

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

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

11 SEC. 512. None of the funds made available in this
12 Act may be used to amend the oath of allegiance required
13 by section 337 of the Immigration and Nationality Act
14 (8 U.S.C. 1448).

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

19 SEC. 514. None of the funds made available in this
20 Act may be used for planning, testing, piloting, or devel-
21 oping a national identification card.

22 SEC. 515. Any official that is required by this Act
23 to report or to certify to the Committees on Appropria-
24 tions of the Senate and the House of Representatives may

1 not delegate such authority to perform that act unless spe-
2 cifically authorized herein.

3 SEC. 516. None of the funds made available in this
4 Act may be used for first-class travel by the employees
5 of agencies funded by this Act in contravention of sections
6 301–10.122 through 301–10.124 of title 41, Code of Fed-
7 eral Regulations.

8 SEC. 517. None of the funds made available in this
9 Act may be used to employ workers described in section
10 274A(h)(3) of the Immigration and Nationality Act (8
11 U.S.C. 1324a(h)(3)).

12 SEC. 518. Notwithstanding any other provision of
13 this Act, none of the funds appropriated or otherwise
14 made available by this Act may be used to pay award or
15 incentive fees for contractor performance that has been
16 judged to be below satisfactory performance or perform-
17 ance that does not meet the basic requirements of a con-
18 tract.

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

23 (b) Nothing in subsection (a) shall limit the use of
24 funds necessary for any Federal, State, tribal, territorial,
25 or local law enforcement agency or any other entity car-

1 rying out criminal investigations, prosecution, or adjudica-
2 tion activities.

3 SEC. 520. None of the funds made available in this
4 Act may be used by a Federal law enforcement officer to
5 facilitate the transfer of an operable firearm to an indi-
6 vidual if the Federal law enforcement officer knows or sus-
7 pects that the individual is an agent of a drug cartel unless
8 law enforcement personnel of the United States continu-
9 ously monitor or control the firearm at all times.

10 SEC. 521. (a) None of the funds made available in
11 this Act may be used to pay for the travel to or attendance
12 of more than 50 employees of a single component of the
13 Department of Homeland Security, who are stationed in
14 the United States, at a single international conference un-
15 less the Secretary of Homeland Security, or a designee,
16 determines that such attendance is in the national interest
17 and notifies the Committees on Appropriations of the Sen-
18 ate and the House of Representatives within at least 10
19 days of that determination and the basis for that deter-
20 mination.

21 (b) For purposes of this section the term “inter-
22 national conference” shall mean a conference occurring
23 outside of the United States attended by representatives
24 of the United States Government and of foreign govern-

1 ments, international organizations, or nongovernmental
2 organizations.

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

5 (d) Employees who attend a conference virtually
6 without travel away from their permanent duty station
7 within the United States shall not be counted for purposes
8 of this section, and the prohibition contained in this sec-
9 tion shall not apply to payments for the costs of attend-
10 ance for such employees.

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

15 SEC. 523. (a) None of the funds made available to
16 the Department of Homeland Security by this or any other
17 Act may be obligated for the implementation of any struc-
18 tural pay reform or the introduction of any new position
19 classification that will affect more than 100 full-time posi-
20 tions or costs more than \$5,000,000 in a single year be-
21 fore the end of the 30-day period beginning on the date
22 on which the Secretary of Homeland Security submits to
23 Congress a notification that includes—

24 (1) the number of full-time positions affected by
25 such change;

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

4 (3) justification for such change; and

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

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

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

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

13 SEC. 524. (a) Any agency receiving funds made avail-
14 able in this Act shall, subject to subsections (b) and (c),
15 post on the public website of that agency any report re-
16 quired to be submitted by the Committees on Appropria-
17 tions of the Senate and the House of Representatives in
18 this Act, upon the determination by the head of the agency
19 that it shall serve the national interest.

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

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

23 (2) the report contains proprietary information.

24 (c) The head of the agency posting such report shall
25 do so only after such report has been made available to

1 the Committees on Appropriations of the Senate and the
2 House of Representatives for not less than 45 days except
3 as otherwise specified in law.

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

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

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

15 SEC. 527. (a) None of the funds appropriated or oth-
16 erwise made available to the Department of Homeland Se-
17 curity by this Act may be used to prevent any of the fol-
18 lowing persons from entering, for the purpose of con-
19 ducting oversight, any facility operated by or for the De-
20 partment of Homeland Security used to detain or other-
21 wise house aliens, or to make any temporary modification
22 at any such facility that in any way alters what is observed
23 by a visiting Member of Congress or such designated em-
24 ployee, compared to what would be observed in the absence
25 of such modification:

1 (1) A Member of Congress.

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

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

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

14 SEC. 528. (a) Except as provided in subsection (b),
15 none of the funds made available in this Act may be used
16 to place restraints on a woman in the custody of the De-
17 partment of Homeland Security (including during trans-
18 port, in a detention facility, or at an outside medical facil-
19 ity) who is pregnant or in post-delivery recuperation.

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

22 (1) an appropriate official of the Department of
23 Homeland Security makes an individualized deter-
24 mination that the woman—

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

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

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

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

21 SEC. 529. (a) None of the funds made available by
22 this Act may be used to destroy any document, recording,
23 or other record pertaining to any—

24 (1) death of,

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

3 (3) allegation of abuse, criminal activity, or dis-
4 ruption committed by
5 an individual held in the custody of the Department of
6 Homeland Security.

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

14 SEC. 530. Section 519 of division F of Public Law
15 114–113, regarding a prohibition on funding for any posi-
16 tion designated as a Principal Federal Official, shall apply
17 with respect to any Federal funds in the same manner
18 as such section applied to funds made available in that
19 Act.

20 SEC. 531. (a) Not later than 10 days after the date
21 on which the budget of the President for a fiscal year is
22 submitted to Congress pursuant to section 1105(a) of title
23 31, United States Code, the Under Secretary for Manage-
24 ment of Homeland Security shall submit to the Commit-
25 tees on Appropriations of the Senate and the House of

1 Representatives a report on the unfunded priorities, for
2 the Department of Homeland Security and separately for
3 each departmental component, for which discretionary
4 funding would be classified as budget function 050.

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

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

10 (2) the description, including the objectives to
11 be achieved if such priority is funded (whether in
12 whole or in part);

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

15 (A) appropriation account; and

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

17 and

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

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

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

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

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

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

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

10 (C) the requirement is necessary to sustain
11 prior-year investments.

12 SEC. 532. (a) Not later than 10 days after a deter-
13 mination is made by the President to evaluate and initiate
14 protection under any authority for a former or retired
15 Government official or employee, or for an individual who,
16 during the duration of the directed protection, will become
17 a former or retired Government official or employee (re-
18 ferred to in this section as a “covered individual”), the
19 Secretary of Homeland Security shall submit a notifica-
20 tion to congressional leadership and the Committees on
21 Appropriations of the Senate and the House of Represent-
22 atives, the Committees on the Judiciary of the Senate and
23 the House of Representatives, the Committee on Home-
24 land Security and Governmental Affairs of the Senate, the
25 Committee on Homeland Security of the House of Rep-

1 representatives, and the Committee on Oversight and Reform
2 of the House of Representatives (referred to in this section
3 as the “appropriate congressional committees”).

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

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

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

23 SEC. 533. (a) None of the funds provided to the De-
24 partment of Homeland Security in this or any prior Act
25 may be used by an agency to submit an initial project pro-

1 posal to the Technology Modernization Fund (as author-
2 ized by section 1078 of subtitle G of title X of the National
3 Defense Authorization Act for Fiscal Year 2018 (Public
4 Law 115–91)) unless, concurrent with the submission of
5 an initial project proposal to the Technology Moderniza-
6 tion Board, the head of the agency—

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

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

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

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

22 (c) The report described in subsection (b) shall in-
23 clude—

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

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

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

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

14 (5) other information as determined by the Sec-
15 retary.

16 SEC. 534. Within 60 days of any budget submission
17 for the Department of Homeland Security for fiscal year
18 2025 that assumes revenues or proposes a reduction from
19 the previous year based on user fees proposals that have
20 not been enacted into law prior to the submission of the
21 budget, the Secretary of Homeland Security shall provide
22 the Committees on Appropriations of the Senate and the
23 House of Representatives specific reductions in proposed
24 discretionary budget authority commensurate with the

1 revenues assumed in such proposals in the event that they
2 are not enacted prior to October 1, 2024.

3 SEC. 535. None of the funds made available by this
4 Act may be obligated or expended to implement the Arms
5 Trade Treaty until the Senate approves a resolution of
6 ratification for the Treaty.

7 SEC. 536. No Federal funds made available to the
8 Department of Homeland Security may be used to enter
9 into a procurement contract, memorandum of under-
10 standing, or cooperative agreement with, or make a grant
11 to, or provide a loan or guarantee to, any entity identified
12 under section 1260H of the William M. (Mac) Thornberry
13 National Defense Authorization Act for Fiscal Year 2021
14 (Public Law 116–283) or any subsidiary of such entity.

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

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

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

1 SEC. 538. (a) The Secretary of Homeland Security
2 (in this section referred to as the “Secretary”) shall, on
3 a bimonthly basis beginning immediately after the date of
4 enactment of this Act, develop estimates of the number
5 of noncitizens anticipated to arrive at the southwest bor-
6 der of the United States.

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

9 (1) cover the current fiscal year and the fol-
10 lowing fiscal year;

11 (2) include a breakout by demographics, to in-
12 clude single adults, family units, and unaccompanied
13 children;

14 (3) undergo an independent validation and
15 verification review;

16 (4) are used to inform policy planning and
17 budgeting processes within the Department of
18 Homeland Security; and

19 (5) are included in the budget materials sub-
20 mitted to Congress for each fiscal year beginning
21 after the date of enactment of this Act and in sup-
22 port of—

23 (A) the President’s annual budget request
24 pursuant to section 1105 of title 31, United
25 States Code;

1 (B) any supplemental funding request sub-
2 mitted to Congress;

3 (C) any reprogramming and transfer noti-
4 fication pursuant to section 503 of this Act;
5 and

6 (D) such budget materials shall include—

7 (i) the most recent bimonthly esti-
8 mates developed pursuant to subsection
9 (a);

10 (ii) a description and quantification of
11 the estimates used to justify funding re-
12 quests for Department programs related to
13 border security, immigration enforcement,
14 and immigration services;

15 (iii) a description and quantification
16 of the anticipated workload and require-
17 ments resulting from such estimates; and

18 (iv) a confirmation as to whether the
19 budget requests for impacted agencies were
20 developed using the same estimates.

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

1 SEC. 539. Section 210G(i) of the Homeland Security
2 Act of 2002 (6 U.S.C. 124n(i)) shall be applied by sub-
3 stituting “September 30, 2024” for “the date that is 4
4 years after the date of enactment of this section”.

5 SEC. 540. Each amount designated in this Act by the
6 Congress as an emergency requirement pursuant to sec-
7 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
8 gency Deficit Control Act of 1985 shall be available (or
9 rescinded, if applicable) only if the President subsequently
10 so designates all such amounts and transmits such des-
11 ignations to the Congress.

12 SEC. 541. Section 401(b) of the Illegal Immigration
13 Reform and Immigrant Responsibility Act of 1996 (8
14 U.S.C. 1324a note) shall be applied by substituting “Sep-
15 tember 30, 2024” for “September 30, 2015”.

16 SEC. 542. Subclauses (II) and (III) of section
17 101(a)(27)(C)(ii) of the Immigration and Nationality Act
18 (8 U.S.C. 1101(a)(27)(C)(ii)) shall be applied by sub-
19 stituting “September 30, 2024” for “September 30,
20 2015”.

21 SEC. 543. Notwithstanding the numerical limitation
22 set forth in section 214(g)(1)(B) of the Immigration and
23 Nationality Act (8 U.S.C. 1184(g)(1)(B)), the Secretary
24 of Homeland Security, after consultation with the Sec-
25 retary of Labor, and upon determining that the needs of

1 American businesses cannot be satisfied during fiscal year
2 2024 with United States workers who are willing, quali-
3 fied, and able to perform temporary nonagricultural labor,
4 may increase the total number of aliens who may receive
5 a visa under section 101(a)(15)(H)(ii)(b) of such Act (8
6 U.S.C. 1101(a)(15)(H)(ii)(b)) in such fiscal year above
7 such limitation by not more than the highest number of
8 H-2B nonimmigrants who participated in the H-2B re-
9 turning worker program in any fiscal year in which return-
10 ing workers were exempt from such numerical limitation.

11 SEC. 544. Section 220(c) of the Immigration and Na-
12 tionality Technical Corrections Act of 1994 (8 U.S.C.
13 1182 note) shall be applied by substituting “September
14 30, 2024” for “September 30, 2015”.

15 (RESCISSIONS OF FUNDS)

16 SEC. 545. Of the funds appropriated to the Depart-
17 ment of Homeland Security, the following funds are here-
18 by rescinded from the following accounts and programs
19 in the specified amounts: *Provided*, That no amounts may
20 be rescinded from amounts that were designated by the
21 Congress as an emergency requirement pursuant to a con-
22 current resolution on the budget or the Balanced Budget
23 and Emergency Deficit Control Act of 1985:

24 (1) \$1,473,000 from the unobligated balances
25 available in the “U.S. Customs and Border Protec-

1 tion—Procurement, Construction, and Improve-
2 ments” account (70 X 0532).

3 (2) \$1,842,000 from the unobligated balances
4 available in the “U.S. Customs and Border Protec-
5 tion—Border Security Fencing, Infrastructure, and
6 Technology” account (70 X 0533).

7 (3) \$452,000 from the unobligated balances
8 available in the “U.S. Customs and Border Protec-
9 tion—Air and Marine Interdiction, Operations,
10 Maintenance, and Procurement” account (70 X
11 0544).

12 (4) \$1,000,000 from the unobligated balances
13 available in the “U.S. Immigration and Customs En-
14 forcement—Operations and Support” account (70
15 23/24 0540).

16 (5) \$2,092,841 from the unobligated balances
17 available in the “U.S. Immigration and Customs En-
18 forcement—Operations and Support” account (70 X
19 0540).

20 (6) \$10,439 from the unobligated balances
21 available in the “U.S. Immigration and Customs En-
22 forcement—Automation Modernization” account (70
23 X 0543).

24 (7) \$63,591,000 from the unobligated balances
25 available in the “Transportation Security Adminis-

1 tration—Operations and Support” account (70 X
2 0550).

3 (8) \$22,600,000 from the unobligated balances
4 available in the “Coast Guard—Acquisition, Con-
5 struction, and Improvements” account (70 X 0613).

6 (9) \$2,400,000 from the unobligated balances
7 available in the “United States Secret Service—Op-
8 erations and Support” account (70 X 0400).

9 (10) \$4,000,000 from the unobligated balances
10 available in the “United States Secret Service—Pro-
11 curement, Construction, and Improvements” account
12 (70 23/25 0401).

13 (11) \$3,500,000 from the unobligated balances
14 available in the “Cybersecurity and Infrastructure
15 Security Agency—Procurement, Construction, and
16 Improvements” account (70 23/27 0412).

17 (12) \$800,000 from the unobligated balances
18 available in the “Federal Law Enforcement Training
19 Centers—Procurement, Construction, and Improve-
20 ments” account (70 20/24 0510).

21 (13) \$900,000 from the unobligated balances
22 available in the “Science and Technology Direc-
23 torate—Operations and Support” account (70 X
24 0800).

1 (14) \$388,522 from the unobligated balances
2 available in the “Countering Weapons of Mass De-
3 struction Office—Research and Development” ac-
4 count (70 22/24 0860).

5 (15) \$11,478 from the unobligated balances
6 available in the “Countering Weapons of Mass De-
7 struction Office—Research and Development” ac-
8 count (70 X 0860).

9 This Act may be cited as the “Department of Home-
10 land Security Appropriations Act, 2024”.

Calendar No. 188

118TH CONGRESS
1ST Session

S. 2625

[Report No. 118-85]

A BILL

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

JULY 27, 2023

Read twice and placed on the calendar