

Homeland Security Subcommittee, FY24
Full Committee Manager's Package
July 27, 2023

BILL AMENDMENTS

Senator Murkowski

On Page 19, line 9, strike "\$1,118,322,000" and insert "\$1,143,322,000".

On page 19, line 13, strike "That the amounts made available under this heading" and insert "That of the amounts made available under this heading, \$1,118,322,000".

On Page 84, line 24, strike "\$38,591,000" and insert "\$63,591,000".

REPORT AMENDMENTS

Senator Coons

On page 96 of the report, after the paragraph entitled "Nonprofit Security Grant Program [NSGP]", insert the following new paragraph: "*Presidential Residence Protection Assistance Grant.*—The Committee commends FEMA for providing funding to state and local law enforcement agencies for extraordinary costs incurred while protecting any non-governmental residence of the President. Within 90 days of the date of enactment of this act, FEMA shall provide to the Committee the funding available for the Presidential Residence Protection Assistance Grant for fiscal year 2024. The Committee urges FEMA to continue supporting eligible state and local law enforcement agencies."

Senator Manchin

On page 12 of the report, after the paragraph entitled "Recalcitrant Countries", insert the following new paragraph, "*Report on Public Health Authorities in Title 8.*—Within 180 days of the date of enactment of this act, the Department shall examine whether Title 8 should be amended to include a provision addressing immigration processing during a public health emergency since Title 42 is an authority for the Department of Health and Human Services."

Senator Manchin

On page 10 of the report, after the paragraph entitled "*Department's Mission in Rural Areas*", insert the following new paragraph, "*Efficacy of Foreign Terrorist Organization Designation.*—Within 180 days of the date of enactment of this act, the Department shall produce a report that identifies all additional authority the Department would acquire if drug cartels were formally designated as Foreign Terrorist Organizations by the Secretary of State."

Senator Merkley

On page 41 of the report, after the sentence "The Committee strongly urges CBP to combat forced labor through additional enforcement, personnel, technology, training, strategy, and

outreach” insert after “.” the following new sentence: “*Forced Labor.*—Within 60 days of the date of enactment of this act, CBP shall provide a briefing to the Committee on implementation of the UFLPA, including an update on addressing the challenge of transshipment of Xinjiang Uyghur Autonomous Region-related goods, the tools and technology CBP deploys to enhance enforcement of the law, steps to coordinate international engagement to prevent bifurcated supply chains or dumping grounds for the products of forced labor, and the obstacles to enforcing UFLPA in cases of rail, road, and air transportation.”

Senator Merkley

On page 33 of the report, after the sentence “As part of the report, the Department shall solicit and include feedback and suggestions from non-governmental, non-profit organizations with a focus on immigration and civil rights to improve stakeholder monitoring and access policy at CBP facilities” insert after “.” the following new sentence: “The Committee reminds CBP that per 8 USC 1232 it is prohibited from holding unaccompanied or accompanied noncitizen children in custody for more than 72 hours.”

Senators Merkley and Kennedy

On page 66 of the report, after the paragraph entitled “Registered Traveler [RT] Program”, insert the following new paragraph: “*Facial Recognition Technology.*—The Committee directs TSA to ensure passengers are informed of their option to forgo the use of facial recognition or facial matching technology in airports, via spoken announcements and other methods, where Credential Authentication Technology [CAT] is deployed at individual security checkpoints or kiosks for identity verification. The Committee is disappointed with TSA’s communications plan to the general public for the roll-out of this new technology, as optional participation is not always immediately apparent via existing signage and its placement. TSA shall consult with the Committee on the format and presentation of the signage, including signage accessible to individuals with visual disabilities. Within 90 days of the enactment of this act, TSA shall report to Congress detailing how the use of facial recognition technology by TSA does not infringe on constitutional and statutory protections for due process, nondiscrimination, privacy, and freedom of speech and association.”

Senator Murkowski

On page 75 of the report, replace the paragraph entitled “Major Acquisition Systems Infrastructure [MASI]” with the following paragraph: “*Major Acquisition Systems Infrastructure [MASI].*—The Committee recommends \$130,000,000 above the request for the top MASI priority on the Unfunded Priorities List [UPL] to prepare for PSC homeporting, \$25,000,000 for FRC Homeport Seward, and \$64,000,000 below the request level for other MASI projects.”

Senator Murphy

On page 50 of the report, after the heading entitled “Legal Access for Noncitizens.” Insert a new paragraph: “*Name, Image, and Likeness [NIL].*—Within 180 days of the enactment of this act, the Department of Homeland Security shall issue a report that examines whether guidance and rulemaking process clarifying the ability of current college athletes on student F-1 visas to engage in activities related to the use of their name, image, and likeness [NIL] would be permissible absent a statutory change. The report shall examine students on all types of visas.”

Senator Peters

On page 11 of the report, after the heading entitled “Limited English Proficient Communities,” insert a new paragraph: “*Norther Border Coordination Center.*—Within 90 days after the date of the enactment of this act, the Secretary of Homeland Security shall submit to the subcommittee a report on how a northern border coordination center would impact the implementation of the Northern Border Strategy.”

Senator Peters

On page 10 of the report, before the heading entitled, “Countering-Unmanned Aerial Systems [UAS],” insert a new paragraph: “*Colocation of Department Components.*—Within 90 days after the date of the enactment of this act, the Secretary of Homeland Security shall submit to the subcommittee a report on department efforts to colocate Department components and activities into regional operating locations or campuses, including to enhance operations and access to secure facilities.”

Senator Rubio

On page 72 of the report, after the paragraph entitled “Minor Shore Infrastructure”, insert the following new paragraph: “*Obstruction of Safe Navigation in U.S. Territorial Waters.*—The Committee is concerned that proposals to protect the North Atlantic Right Whale and Rice’s Whale which restrict navigation for recreational and commercial vessels and could have severe detrimental impacts to the ability of commercial vessels to approach major harbors on the Atlantic Seaboard and in the Gulf of Mexico and recreational vessels to safely navigate. Further, the Committee directs the Commandant of the Coast Guard to follow the requirements of the Administrative Procedure Act (P.L. 79-404), as amended, regarding all public comments filed for such proposals, as appropriate.”

Senator Rubio

On page 72 of the report, before the paragraph entitled “Merchant Mariner Credential Processing”, insert the following new paragraph: “*International Port Security Enforcement.*—No funds provided by this act shall be used to assess the effectiveness of the antiterrorism measures maintained at any port controlled by a foreign government that is a state sponsor of terrorism or a foreign terrorist organization. Any such port described above shall be deemed by the Secretary of Homeland Security as not having effective antiterrorism measures for the purposes of 46 U.S.C. 70108 and 70109, and the Secretary shall immediately take the actions described in 46 U.S.C. 70110(a). Within 90 days of the date of enactment of this act, the Commandant shall provide a briefing to the Committee on any such actions taken to date and shall provide updates to the Committee within 30 days of any such future actions.”

Senator Rubio

On page 23 of the report, after the paragraph entitled “Annual Budget Justification Materials”, insert the following new paragraph: “*Caribbean Threat Assessment.*—The Committee is concerned about increased criminal activity and investment by foreign adversaries in the Caribbean and appreciates the Department’s prior work on the issue. However, the Committee notes that past assessments have not been solely dedicated to this region and have not contained sufficient specificity to assist lawmakers to the fullest extent. The Committee recognizes the need for an in-depth threat assessment by the Department pertaining to threats emerging from

criminal activity and investment by foreign adversaries in the Caribbean. Thus, within 90 days of the date of enactment of this act, the Department is directed to conduct an in-depth threat assessment as it relates to threats posed to the United States homeland by increased criminal activity, including drug, weapons, and human trafficking, and investment by countries identified by the United States as foreign adversaries in the Caribbean. The assessment may also contain resource allocation and policy recommendations for combatting such threats.”

Senator Rubio

On page 54 of the report, after the paragraph entitled “Full Title 21 Authority for HSI”, insert the following new paragraph: “*Forced Child Labor and Human Trafficking.*—The Committee is concerned with recent reports of forced child labor and human trafficking, particularly with respect to unaccompanied noncitizens. The Committee applauds HSI’s efforts to investigate and combat these crimes and understands that continued efforts in this area necessitate coordination with other Department and agencies across the federal government. Within 90 days of enactment of this Act, DHS, in coordination with the Department of Labor, shall brief the Committee on how they are working together to combat forced child labor and provide recommendations for improved coordination. Additionally, within 90 days of enactment of this act and quarterly thereafter, DHS shall submit a report on the number of referrals from the Health and Human Services related to possible instances of forced child labor and human trafficking.”

Senator Shaheen

On page 96 of the report, after the paragraph entitled “Nonprofit Security Grant Program [NSGP]”, insert the following new paragraph: “*Operation Stonegarden.*—The Committee believes that the State Homeland Security Grant Program [SHSGP] provides funding for a range of crucial activities and equipment for states. The Committee is also well aware of how vital SHSGP’s Operation Stonegarden grant funds are for states in partnering with U.S. Border Patrol to secure U.S. borders. The Committee is aware that apprehensions and activity is increasing along the U.S.-Canada border, which is the world’s largest land border. Many areas of this border are remote and properly securing the border is a national security priority. Within 180 days of the date of enactment of this act, the Committee directs the Secretary to submit data from the last three fiscal years detailing Operation Stonegarden awards by state and recipient, and the process used to determine such awards and recipients. Moreover, for fiscal year 2024, the Secretary is directed to brief the Committee and provide the data and justifications for Operation Stonegarden awards 15 days before such awards are publicly announced.”

Senator Tester

On page 66 of the report, after the heading entitled “Aviation Screening Operations”, insert a new paragraph: “*Aviation Worker Screening.*—The Committee recognizes TSA’s authority to deter and detect threats to airport security. The Committee is concerned that the recently issued National Amendment on Aviation Worker Screening (TSA-NA-23-02) that requires airports to significantly increase airport-performed physical screening of employees may be implemented in a manner that imposes undue burdens on airport operators. Further, the Committee is concerned that the National Amendment will be implemented prior to a thorough cost benefit analysis or risk assessment to justify the change. Furthermore, the National Amendment may place requirements on non-TSA security screeners that exceed their legal authority. The Committee urges TSA to delay the implementation of the National Amendment for no less than one year and

to reassess the amendment's implementation, including through soliciting a formal round of notice and comment to examine the benefits to aviation security and the full financial and operational impacts of this proposal on airports.”

Senator Van Hollen

On page 70 of the report, after the paragraph entitled “Child Care Subsidy”, insert the following new paragraph: “*Coast Guard Yard.*—The Committee recognizes the unique importance of the Coast Guard Yard in Curtis Bay, Maryland to the readiness of our country’s naval assets and urges the Administration to include a request for funding for Coast Guard Yard Shoreside Infrastructure and Facilities and Coast Guard Resilient Infrastructure and Construction in its fiscal year 2025 budget justification as authorized in sections 11105(a)(2), 11106 and 11204 in the 2023 James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117-263).”

Senator Van Hollen

On page 95 of the report, after the paragraph entitled “Emergency Response Training”, insert the following new paragraph: “*Fire Department Needs Report.*—The Committee directs FEMA through the U.S. Fire Administration in collaboration with relevant partner organizations and stakeholders, to provide the Committee with a report within 180 days of the date of enactment of this act, on the reconstruction and renovation needs of career fire departments, combination fire departments, and volunteer fire departments across the country and an estimated cost for such needs.”

Senator Hagerty

On page 14 of the report, after the paragraph entitled “Women in Law Enforcement.—”, insert the following three paragraphs:

*“Terrorism Watch List.—*The Department shall notify Congress within 7 days if an individual on the Federal Bureau of Investigation’s Terrorist Screening Data Set is encountered by the Department at or between a port of entry.

*Parole Report.—*The Department is reminded of the instruction in Public Law 117–103 to produce a report on its use of parole authority, including the number of parole requests received and granted, and for those granted, the rationale for each grant and its duration. The report shall now be required on a monthly basis and shall be released at the same time as CBP releases its monthly operation statistics update.

Countering Domestic Terrorism.—The Committee is concerned about the Department’s consultation and coordination with non-governmental organizations to identify what constitutes “extremism” and “extremist organizations”. Therefore, within 90 days of enactment of this Act, the Secretary shall brief the Committees and make publicly available a report regarding the ways in which the Department consults with and utilizes non-government organizations and non-profit entities to track allegedly “extremist” groups operating in the United States.”