

FY 2024 Homeland Security Appropriations Bill Is Strongest in Years, But Has Room for Improvement

THE ISSUE

In May 2023, House Republicans passed a historic border security and immigration enforcement bill, the [Secure the Border Act](#) (H.R. 2). Regardless of its low chances of passing in the Senate, it is critical that Congress pass resource provisions related to H.R. 2 in the relevant appropriations bills that fund the multiple federal agencies implementing the Biden Administration’s open border agenda. Victories on this front *are* possible to obtain and essential to ending the Administration’s open border operations.

Republicans on the House Appropriations Committee took a bold first step before the July 4 recess, passing a [Department of Homeland Security](#) (DHS) funding bill for fiscal year (FY) 2024 that not only ramps up actual border security and interior enforcement, but cuts taxpayer dollars being used to line the pockets of leftwing nongovernmental organizations (NGOs).

The bill also has conservative priorities outside the immigration arena, including the prohibition of funding to label Americans’ constitutionally protected speech as “misinformation,” as well as defunding diversity, equity, and inclusion (DEI) initiatives that are not part of the DHS mission.

All eyes are now on the entire House Republican Conference—and it is time to make the homeland security appropriations bill even stronger and to get it across the finish line. The House Republican Conference must also explore

new avenues in related agency funding bills to address a deeply fragmented immigration system that the Biden Administration exploits to more easily fund its open border agenda.

TOPLINE

While the House is purporting to reduce spending to a topline of \$1.471 trillion, the actual spending is closer to \$1.59 trillion. At the time of this writing, the House’s appropriations package seeks to rescind \$115 billion in spending that can then be used to further increase the topline spending levels across all appropriations bills. This represents an unprecedented expansion of rescissions as a budgetary tool to add spending within appropriations caps.

The Homeland Security appropriations bill includes \$91.515 billion in total discretionary appropriations for the DHS, including \$62.793 billion in specifically designated funds, \$5.837 billion in discretionary appropriations offset by fee collections, and \$20.261 billion as an allocation adjustment for major disaster response and recovery activities. The total amounts to \$2.090 billion above the FY 2023 level.

Specifically, the bill provides U.S. Customs and Border Protection (CBP) with \$19.934 billion, an increase of \$3.257 billion above FY 2023 and \$3.103 billion above the Biden Administration’s lowball request. It also provides U.S. Immigration and Customs Enforcement (ICE) with \$9.809 billion, which is \$1.390 billion above FY 2023 and \$1.477 billion above the request. Lastly, it rejects the

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Biden Administration's \$865 million request for fee-funded U.S. Citizenship and Immigration Services (USCIS) to process ballooning asylum claims, and only provides \$111.9 million for the agency's administration of E-Verify.

While these increased funding streams are desperately needed, the Biden Administration remains committed to defying congressional intent and spending taxpayer dollars improperly or not all. That is why it is essential for lawmakers to be aggressive with fine-print policy riders, targeted spending cuts, and rescissions of improperly allocated funds. Fortunately, that is exactly what House Republican appropriators did with Heritage Foundation guidance, but there are still more changes to be made as the House approaches floor consideration and the eventual actions of a Democrat-controlled upper chamber that is seeking to provide the DHS with \$6 billion less.

HOMELAND SECURITY APPROPRIATIONS BILL HIGHLIGHTS

The appropriations bill seeks to secure the Southern border by:

- Providing \$2.104 billion for construction of a physical wall along the Southern border;
- Providing \$496 million for 22,000 Border Patrol agents, the highest level ever funded;
- Requiring Secretary Alejandro Mayorkas to obligate funding for the border wall within 120 days of enactment;
- Prohibiting the dismantling or removal of existing border security barriers; and
- Ensuring that not a single dollar is used for the [CBP One mobile application](#) to facilitate the entry of aliens into the country.

The appropriations bill seeks to ramp up interior enforcement by:

- Providing \$3.550 billion for custody operations, the highest total ever appropriated, to fund an average daily ICE detainee population of 41,500. This funding is critical to deter skyrocketing levels of illegal immigration and to support additional interior enforcement actions for all removable aliens.
- Providing \$655 million to fund transportation and removal operations for illegal aliens, a critical ICE function that has dramatically decreased under the Biden Administration.
- Prohibiting funds for implementing Homeland Security Secretary [Alejandro Mayorkas's](#) and ICE principal legal advisor [Kerry Doyle's](#) immigration enforcement memos, which encourage use of prosecutorial discretion—the decision to not prosecute—rather than pursuing removal proceedings for removable aliens.
- Prohibiting illegal aliens—including those paroled or otherwise inadmissible—from being transferred to the interior of the country.
- Ensuring that illegal aliens are properly [monitored with GPS tracking](#) from the first encounter through the end of immigration proceedings if immigration detention is not available.
- Prohibiting funding or facilitating abortions for ICE detainees, with limited exceptions.
- Prohibiting administering hormone therapy medication or performing or facilitating any surgery for purposes of so-called gender-affirming care for ICE detainees.

The appropriations bill cuts wasteful spending and rescinds improperly allocated funds by:

- Rejecting funding requested by the Biden Administration for the following projects that would have encouraged more illegal immigration:
 - A third Joint Processing Center for migrants, saving \$165 million from the requested amount;
 - The Federal Emergency Management Agency’s (FEMA’s) Emergency Food and Shelter Program (EFSP) for illegal aliens, resulting in \$800 million less than last year’s enacted level; and
 - A Case Management Pilot Program (CMPP) for illegal aliens, saving \$20 million from last year’s enacted level.
- Eliminating the Office of the Immigration Detention Ombudsman (OIDO);
- Defunding the Young Adult Case Management Program (YACMP) and moving those funds to pay for an increase in detention beds;
- Rescinding \$312 million for climate change activities from the Inflation Reduction Act of 2022 and repurposing those funds for more important border security operations; and
- Excluding the Biden Administration’s \$4.700 billion Southern border contingency slush fund that would have provided funds to process and release even more illegal aliens into the country.
- **Strike** both sections that increase and expand the H-2A (temporary agriculture work) and H-2B (temporary, seasonal non-agricultural work) visas. Such substantive changes to legal immigration programs should be debated and voted on in the authorizing committees, not snuck into an appropriations bill.
- **Transfer** the joint processing centers currently used to process illegal, paroled, and inadmissible aliens into the U.S. to ICE for detention and removal. Congress should also provide a portion of the space for immigration judges to conduct “port court.”
- **Require** the USCIS to charge a fee for asylum and refugee applications. They are currently free, which encourages fraud. H.R. 2 authorized a fee, and the appropriations bill should complete that change.
- **Suspend** Section 235 of the Trafficking Victims Protection Reauthorization Act (TVPRA) for FY 2024 to prevent unaccompanied alien children from arriving at the border, to prevent child trafficking, and to send unaccompanied alien children—regardless of nationality—to their home country or a safe third country.
- **Refuse** to allow funds to be used for “family reunification” parole. Immigration law provides extensive family-based visas, but applicants often must wait abroad until their visa becomes available due to over-subscription. Parole is to be rarely used and only for urgent humanitarian reasons or a significant public benefit, namely when an alien does not have time to apply for a visa. The Biden Administration is further violating the parole statute with yet another unconstitutional pathway for Colombians, Guatemalans, Hondurans, and Salvadorans who already applied for a family visa but will be permitted to “wait” inside the U.S. instead of abroad.

ROOM FOR IMPROVEMENT—THE HOMELAND SECURITY APPROPRIATIONS BILL

While the Homeland Security bill that passed the House Appropriations Committee is a solid foundation, there are several additional changes that Congress can and should make. Congress should: