

Union Calendar No. 313

108TH CONGRESS
2^D SESSION

H. R. 4567

[Report No. 108-541]

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2004

Mr. ROGERS of Kentucky, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, 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, 2005, and for other purposes, namely:

1 TITLE I—DEPARTMENTAL MANAGEMENT AND
2 OPERATIONS

3 OFFICE OF THE SECRETARY AND EXECUTIVE
4 MANAGEMENT

5 For necessary expenses of the Office of the Sec-
6 retary of Homeland Security, as authorized by section
7 102 of the Homeland Security Act of 2002 (6 U.S.C.
8 112), and executive management of the Department of
9 Homeland Security, as authorized by law, \$80,227,000:
10 *Provided*, That not to exceed \$45,000 shall be for official
11 reception and representation expenses.

12 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

13 For necessary expenses of the Office of the Under
14 Secretary for Management, as authorized by sections
15 701–705 of the Homeland Security Act of 2002 (6
16 U.S.C. 341–345), \$179,806,000: *Provided*, That not to
17 exceed \$5,000 shall be for official reception and represen-
18 tation expenses: *Provided further*, That of the total
19 amount provided, \$65,081,000 shall remain available
20 until expended for costs necessary to consolidate head-
21 quarters operations at the Nebraska Avenue Complex, in-
22 cluding tenant improvements and relocation costs.

1 OFFICE OF THE CHIEF FINANCIAL OFFICER

2 For necessary expenses of the Office of the Chief Fi-
3 nancial Officer, as authorized by section 103 of the Home-
4 land Security Act of 2002 (6 U.S.C. 113), \$13,000,000.

5 OFFICE OF THE CHIEF PROCUREMENT OFFICER

6 For necessary expenses of the Office of the Chief Pro-
7 curement Officer, \$7,734,000.

8 OFFICE OF THE CHIEF INFORMATION OFFICER

9 For necessary expenses of the Office of the Chief In-
10 formation Officer, as authorized by section 103 of the
11 Homeland Security Act of 2002 (6 U.S.C. 113),
12 \$60,139,000.

13 DEPARTMENT-WIDE TECHNOLOGY INVESTMENTS

14 For development and acquisition of information
15 technology equipment, software, services, and related ac-
16 tivities for the Department of Homeland Security, and
17 for the costs of conversion to narrowband communica-
18 tions, including the cost for operation of the land mobile
19 radio legacy systems, \$211,000,000, to remain available
20 until expended: *Provided*, That none of the funds appro-
21 priated shall be used to support or supplement the appro-
22 priations provided for the United States Visitor and Im-
23 migrant Status Indicator Technology project or the Auto-
24 mated Commercial Environment.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General in carrying out the provisions of the Inspector
4 General Act of 1978 (5 U.S.C. App.), \$82,317,000, of
5 which not to exceed \$100,000 may be used for certain
6 confidential operational expenses, including the payment
7 of informants, to be expended at the direction of the In-
8 spector General.

9 TITLE II—SECURITY, ENFORCEMENT, AND
10 INVESTIGATIONS

11 OFFICE OF THE UNDER SECRETARY FOR BORDER AND
12 TRANSPORTATION SECURITY

13 SALARIES AND EXPENSES

14 For necessary expenses of the Office of the Under
15 Secretary for Border and Transportation Security, as au-
16 thorized by subtitle A of title IV of the Homeland Secu-
17 rity Act of 2002 (6 U.S.C. 201 et seq.), \$10,371,000.

18 UNITED STATES VISITOR AND IMMIGRANT STATUS
19 INDICATOR TECHNOLOGY

20 For necessary expenses for the development of the
21 United States Visitor and Immigrant Status Indicator
22 Technology project, as authorized by section 110 of the
23 Illegal Immigration Reform and Immigration Responsi-
24 bility Act of 1996 (8 U.S.C. 1221 note), \$340,000,000,
25 to remain available until expended: *Provided*, That of the
26 funds appropriated under this heading, \$254,000,000

1 may not be obligated for the United States Visitor and
2 Immigrant Status Indicator Technology project until the
3 Committees on Appropriations of the Senate and the
4 House of Representatives receive and approve a plan for
5 expenditure prepared by the Secretary of Homeland Se-
6 curity that: (1) meets the capital planning and invest-
7 ment control review requirements established by the Of-
8 fice of Management and Budget, including Circular A-
9 11, part 3; (2) complies with the Department of Home-
10 land Security enterprise information systems architec-
11 ture; (3) complies with the acquisition rules, require-
12 ments, guidelines, and systems acquisition management
13 practices of the Federal Government; (4) is reviewed and
14 approved by the Department of Homeland Security and
15 the Office of Management and Budget; and (5) is re-
16 viewed by the General Accounting Office.

17 CUSTOMS AND BORDER PROTECTION

18 SALARIES AND EXPENSES

19 For necessary expenses for enforcement of laws re-
20 lating to border security, immigration, customs, and agri-
21 cultural inspections and regulatory activities related to
22 plant and animal imports; acquisition, lease, maintenance
23 and operation of aircraft; purchase and lease of up to
24 4,500 (3,935 for replacement only) police-type vehicles;
25 and contracting with individuals for personal services

1 abroad; \$4,611,911,000, of which \$3,000,000 shall be de-
2 rived from the Harbor Maintenance Trust Fund for ad-
3 ministrative expenses related to the collection of the Har-
4 bor Maintenance Fee pursuant to Public Law 103–182
5 and notwithstanding section 1511(e)(1) of Public Law
6 107–296; of which not to exceed \$40,000 shall be for of-
7 ficial reception and representation expenses; of which not
8 to exceed \$176,162,000 shall remain available until Sep-
9 tember 30, 2006, for inspection and surveillance tech-
10 nology, unmanned aerial vehicles, and equipment for the
11 Container Security Initiative; of which such sums as be-
12 come available in the Customs User Fee Account, except
13 sums subject to section 13031(f)(3) of the Consolidated
14 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.
15 58c(f)(3)), shall be derived from that account; of which
16 not to exceed \$150,000 shall be available for payment for
17 rental space in connection with preclearance operations;
18 of which not to exceed \$1,000,000 shall be for awards of
19 compensation to informants, to be accounted for solely
20 under the certificate of the Under Secretary for Border
21 and Transportation Security; and of which not to exceed
22 \$5,000,000 shall be available for payments or advances
23 arising out of contractual or reimbursable agreements
24 with State and local law enforcement agencies while en-
25 gaged in cooperative activities related to immigration:

1 *Provided*, That for fiscal year 2005, the aggregate over-
2 time limitation prescribed in section 5(c)(1) of the Act of
3 February 13, 1911 (19 U.S.C. 267(c)(1)) shall be
4 \$35,000; and notwithstanding any other provision of law,
5 none of the funds appropriated in this Act may be avail-
6 able to compensate any employee of U.S. Customs and
7 Border Protection for aggregate overtime and premium
8 pay, from whatever source, in an amount that exceeds
9 such limitation, except in individual cases determined by
10 the Under Secretary for Border and Transportation Se-
11 curity, or a designee, to be necessary for national security
12 purposes, to prevent excessive costs, or in cases of immi-
13 gration emergencies: *Provided further*, That none of the
14 funds appropriated in this Act may be obligated to con-
15 struct permanent Border Patrol checkpoints in the U.S.
16 Customs and Border Protection's Tucson sector: *Pro-*
17 *vided further*, That the Commissioner, U.S. Customs and
18 Border Protection, is directed to submit to the Commit-
19 tees on Appropriations of the Senate and the House of
20 Representatives a plan for expenditure that includes loca-
21 tion, design, costs, and benefits of each proposed Tucson
22 sector permanent checkpoint: *Provided further*, That U.S.
23 Customs and Border Protection shall relocate its tactical
24 checkpoints in the Tucson sector at least an average of
25 once every 14 days in a manner designed to prevent per-

1 sons subject to inspection from predicting the location of
2 any such checkpoint.

3 AUTOMATION MODERNIZATION

4 For expenses for customs and border protection
5 automated systems, \$449,909,000, to remain available
6 until expended, of which not less than \$321,690,000 shall
7 be for the development of the Automated Commercial
8 Environment: *Provided*, That none of the funds appro-
9 priated under this heading may be obligated for the
10 Automated Commercial Environment until the Commit-
11 tees on Appropriations of the Senate and the House of
12 Representatives receive and approve a plan for expendi-
13 ture prepared by the Under Secretary for Border and
14 Transportation Security that: (1) meets the capital plan-
15 ning and investment control review requirements estab-
16 lished by the Office of Management and Budget, includ-
17 ing Circular A-11, part 3; (2) complies with U.S. Cus-
18 toms and Border Protection's enterprise information sys-
19 tems architecture; (3) complies with the acquisition rules,
20 requirements, guidelines, and systems acquisition man-
21 agement practices of the Federal Government; (4) is re-
22 viewed and approved by the U.S. Customs and Border
23 Protection Investment Review Board, the Department of
24 Homeland Security, and the Office of Management and
25 Budget; and (5) is reviewed by the General Accounting
26 Office.

1 CONSTRUCTION

2 For necessary expenses to plan, construct, renovate,
3 equip, and maintain buildings and facilities necessary for
4 the administration and enforcement of laws relating to
5 customs and immigration, \$91,718,000, to remain avail-
6 able until expended.

7 IMMIGRATION AND CUSTOMS ENFORCEMENT

8 SALARIES AND EXPENSES

9 For necessary expenses for enforcement of immigra-
10 tion and customs laws, detention and removals, and in-
11 vestigations; and purchase and lease of up to 2,300
12 (2,000 for replacement only) police-type vehicles;
13 \$2,377,006,000, of which not to exceed \$5,000,000 shall
14 be available until expended for conducting special oper-
15 ations pursuant to section 3131 of the Customs Enforce-
16 ment Act of 1986 (19 U.S.C. 2081); of which not to ex-
17 ceed \$15,000 shall be for official reception and represen-
18 tation expenses; of which not to exceed \$1,000,000 shall
19 be for awards of compensation to informants, to be ac-
20 counted for solely under the certificate of the Under Sec-
21 retary for Border and Transportation Security; of which
22 not less than \$100,000 shall be for promotion of public
23 awareness of the child pornography tipline; of which not
24 less than \$200,000 shall be for Project Alert; and of
25 which not to exceed \$16,216,000 shall be available to

1 fund or reimburse other Federal agencies for the costs
2 associated with the care, maintenance, and repatriation
3 of smuggled illegal aliens: *Provided*, That none of the
4 funds appropriated shall be available to compensate any
5 employee for overtime in an annual amount in excess of
6 \$35,000, except that the Under Secretary for Border and
7 Transportation Security may waive that amount as nec-
8 essary for national security purposes and in cases of im-
9 migration emergencies: *Provided further*, That of the total
10 amount provided, \$3,000,000 shall be for activities to en-
11 force laws against forced child labor in fiscal year 2005,
12 of which not to exceed \$2,000,000 shall remain available
13 until expended.

14 FEDERAL AIR MARSHALS

15 For necessary expenses of the Federal air marshals,
16 \$662,900,000, to remain available until expended.

17 FEDERAL PROTECTIVE SERVICE

18 The revenues and collections of security fees credited
19 to this account, not to exceed \$478,000,000, shall be
20 available until expended for necessary expenses related to
21 the protection of federally-owned and leased buildings
22 and for the operations of the Federal Protective Service.

23 AUTOMATION MODERNIZATION

24 For expenses of immigration and customs enforce-
25 ment automated systems, \$39,605,000, to remain avail-
26 able until expended: *Provided*, That none of the funds ap-

1 appropriated under this heading may be obligated for
2 ATLAS until the Committees on Appropriations of the
3 Senate and the House of Representatives receive and ap-
4 prove a plan for expenditure prepared by the Under Sec-
5 retary for Border and Transportation Security that: (1)
6 meets the capital planning and investment control review
7 requirements established by the Office of Management
8 and Budget, including Circular A-11, part 3; (2) com-
9 plies with U.S. Immigration and Customs Enforcement's
10 enterprise information systems architecture; (3) complies
11 with the acquisition rules, requirements, guidelines, and
12 systems acquisition management practices of the Federal
13 Government; (4) is reviewed and approved by the U.S.
14 Immigration and Customs Enforcement's Investment Re-
15 view Board, the Department of Homeland Security, and
16 the Office of Management and Budget; and (5) is re-
17 viewed by the General Accounting Office.

18 CONSTRUCTION

19 For necessary expenses to plan, construct, renovate,
20 equip, and maintain buildings and facilities necessary for
21 the administration and enforcement of the laws relating
22 to customs and immigration, \$26,179,000, to remain
23 available until expended.

1 AIR AND MARINE INTERDICTION, OPERATIONS,
2 MAINTENANCE, AND PROCUREMENT

3 For necessary expenses for the operations, mainte-
4 nance, and procurement of marine vessels, aircraft, and
5 other related equipment of the air and marine program,
6 including operational training and mission-related travel,
7 and rental payments for facilities occupied by the air or
8 marine interdiction and demand reduction programs, the
9 operations of which include the following: the interdiction
10 of narcotics and other goods; the provision of support to
11 Federal, State, and local agencies in the enforcement or
12 administration of laws enforced by U.S. Customs and
13 Border Protection or U.S. Immigration and Customs En-
14 forcement; and at the discretion of the Under Secretary
15 for Border and Transportation Security, the provision of
16 assistance to Federal, State, and local agencies in other
17 law enforcement and emergency humanitarian efforts,
18 \$257,535,000, to remain available until expended: *Pro-*
19 *vided*, That no aircraft or other related equipment, with
20 the exception of aircraft that are one of a kind and have
21 been identified as excess to U.S. Immigration and Cus-
22 toms Enforcement requirements and aircraft that have
23 been damaged beyond repair, shall be transferred to any
24 other Federal agency, department, or office outside of the
25 Department of Homeland Security during fiscal year

1 2005 without the prior approval of the Committees on
2 Appropriations of the Senate and the House of Rep-
3 resentatives.

4 TRANSPORTATION SECURITY ADMINISTRATION
5 AVIATION SECURITY

6 For necessary expenses of the Transportation Secu-
7 rity Administration related to providing civil aviation se-
8 curity services pursuant to the Aviation and Transpor-
9 tation Security Act (Public Law 107-71),
10 \$4,270,564,000, to remain available until expended, of
11 which not to exceed \$3,000 shall be for official reception
12 and representation expenses: *Provided*, That of the total
13 amount provided under this heading, not to exceed
14 \$2,016,814,000 shall be for passenger screening activi-
15 ties; not to exceed \$1,406,460,000 shall be for baggage
16 screening activities; and not to exceed \$847,290,000 shall
17 be for airport security direction and enforcement: *Pro-*
18 *vided further*, That security service fees authorized under
19 section 44940 of title 49, United States Code, shall be
20 credited to this appropriation as offsetting collections:
21 *Provided further*, That the sum herein appropriated from
22 the General Fund shall be reduced on a dollar-for-dollar
23 basis as such offsetting collections are received during
24 fiscal year 2005, so as to result in a final fiscal year ap-
25 propriation from the General Fund estimated at not more

1 than \$2,447,564,000: *Provided further*, That any security
2 service fees collected pursuant to section 118 of Public
3 Law 107–71 in excess of the amount appropriated under
4 this heading shall be treated as offsetting collections in
5 fiscal year 2006: *Provided further*, That none of the
6 funds in this Act shall be used to recruit or hire per-
7 sonnel into the Transportation Security Administration
8 which would cause the agency to exceed a staffing level
9 of 45,000 full-time equivalent screeners: *Provided further*,
10 That notwithstanding section 44923 of title 49 United
11 States Code, the Federal Government’s share of the cost
12 of a project under any letter of intent shall be 75 percent
13 for any medium or large hub airport and 90 percent for
14 any other airport, and all funding provided by subsection
15 (h) of such section, or from appropriations authorized by
16 subsection (i)(1) of such section, may be distributed in
17 any manner deemed necessary to ensure aviation security
18 and to fulfill the Federal Government’s planned cost
19 share under existing letters of intent.

20 MARITIME AND LAND SECURITY

21 For necessary expenses of the Transportation Secu-
22 rity Administration related to maritime and land trans-
23 portation security grants and services pursuant to the
24 Aviation and Transportation Security Act (Public Law
25 107–71), \$65,000,000, to remain available until Sep-
26 tember 30, 2006.

1 In addition, from fees authorized by section 520 of
2 Public Law 108–90, up to \$67,000,000 is available until
3 expended: *Provided*, That in fiscal year 2005, other funds
4 under this heading may be used for initial administrative
5 costs of such credentialing activities.

6 INTELLIGENCE

7 For necessary expenses for intelligence activities
8 pursuant to the Aviation and Transportation Security
9 Act (Public Law 107–71), \$14,000,000.

10 RESEARCH AND DEVELOPMENT

11 For necessary expenses for research and develop-
12 ment related to transportation security, \$174,000,000, to
13 remain available until expended.

14 ADMINISTRATION

15 For necessary expenses for administrative activities
16 of the Transportation Security Administration to carry
17 out the Aviation and Transportation Security Act (Public
18 Law 107–71), \$524,852,000, to remain available until
19 September 30, 2006.

20 UNITED STATES COAST GUARD

21 OPERATING EXPENSES

22 For necessary expenses for the operation and main-
23 tenance of the Coast Guard not otherwise provided for;
24 purchase or lease of not to exceed 25 passenger motor ve-
25 hicles for replacement only; payments pursuant to section
26 156 of Public Law 97–377 (42 U.S.C. 402 note) and sec-

1 tion 229(b) of the Social Security Act (42 U.S.C.
2 429(b)); and recreation and welfare; \$5,171,220,000, of
3 which \$1,204,000,000 shall be for defense-related activi-
4 ties; of which \$24,500,000 shall be derived from the Oil
5 Spill Liability Trust Fund to carry out the purposes of
6 section 1012(a)(5) of the Oil Pollution Act of 1990; and
7 of which not to exceed \$3,000 shall be for official recep-
8 tion and representation expenses: *Provided*, That none of
9 the funds appropriated by this or any other Act shall be
10 available for administrative expenses in connection with
11 shipping commissioners in the United States: *Provided*
12 *further*, That none of the funds provided by this Act shall
13 be available for expenses incurred for yacht documenta-
14 tion under section 12109 of title 46, United States Code,
15 except to the extent fees are collected from yacht owners
16 and credited to this appropriation: *Provided further*, That
17 notwithstanding section 1116(c) of title 10, United
18 States Code, amounts made available under this heading
19 may be used to make payments into the Department of
20 Defense Medicare-Eligible Retiree Health Care Fund for
21 fiscal year 2005 under section 1116(a) of such title.

22 ENVIRONMENTAL COMPLIANCE AND RESTORATION

23 For necessary expenses to carry out the Coast
24 Guard's environmental compliance and restoration func-
25 tions under chapter 19 of title 14, United States Code,
26 \$17,000,000, to remain available until expended.

1 RESERVE TRAINING

2 For necessary expenses of the Coast Guard Reserve,
3 as authorized by law; operations and maintenance of the
4 reserve program; personnel and training costs; and equip-
5 ment and services; \$113,000,000.

6 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

7 (INCLUDING RESCISSION OF FUNDS)

8 For necessary expenses of acquisition, construction,
9 renovation, and improvement of aids to navigation, shore
10 facilities, vessels, and aircraft, including equipment re-
11 lated thereto; and maintenance, rehabilitation, lease and
12 operation of facilities and equipment, as authorized by
13 law, \$936,550,000, of which \$20,000,000 shall be derived
14 from the Oil Spill Liability Trust Fund to carry out the
15 purposes of section 1012(a)(5) of the Oil Pollution Act
16 of 1990; of which \$19,750,000 shall be available until
17 September 30, 2009, to acquire, repair, renovate, or im-
18 prove vessels, small boats, and related equipment; of
19 which \$1,800,000 shall be available until September 30,
20 2009, to increase aviation capability; of which
21 \$138,000,000 shall be available until September 30,
22 2007, for other equipment; of which \$5,000,000 shall be
23 available until September 30, 2007, for shore facilities
24 and aids to navigation of which \$73,000,000 shall be
25 available until September 30, 2006, for personnel com-
26 pensation and benefits and related costs; and of which

1 \$679,000,000 shall be available until September 30,
2 2009, for the Integrated Deepwater Systems program:
3 *Provided*, That the Secretary of Homeland Security shall
4 submit to the Congress, in conjunction with the Presi-
5 dent's fiscal year 2006 budget, a new Deepwater baseline
6 that identifies revised acquisition timelines for each asset
7 contained in the Deepwater program; a timeline and de-
8 tailed justification for each new asset that is determined
9 to be necessary to fulfill homeland and national security
10 functions or multi-agency procurements as identified by
11 the Joint Requirements Council; a detailed description of
12 the revised mission requirements and their corresponding
13 impact on the Deepwater program's acquisition timeline;
14 and funding levels for each asset, whether new or con-
15 tinuing: *Provided further*, That the Secretary shall annu-
16 ally submit to the Congress, at the time that the Presi-
17 dent's budget is submitted under section 1105(a) of title
18 31, a future-years capital investment plan for the Coast
19 Guard that identifies for each capital budget line item—
20 (1) the proposed appropriation included in that
21 budget;
22 (2) the total estimated cost of completion;
23 (3) projected funding levels for each fiscal year
24 for the next five fiscal years or until project comple-
25 tion, whichever is earlier;

1 Family Protection and Survivor Benefits Plans, payment
2 for career status bonuses under the National Defense Au-
3 thorization Act, and payments for medical care of retired
4 personnel and their dependents under chapter 55 of title
5 10, United States Code, \$1,085,460,000.

6 UNITED STATES SECRET SERVICE

7 SALARIES AND EXPENSES

8 For necessary expenses of the United States Secret
9 Service, including purchase of not to exceed 610 vehicles
10 for police-type use, which shall be for replacement only,
11 and hire of passenger motor vehicles; purchase of Amer-
12 ican-made motorcycles; hire of aircraft; services of expert
13 witnesses at such rates as may be determined by the Di-
14 rector; rental of buildings in the District of Columbia,
15 and fencing, lighting, guard booths, and other facilities
16 on private or other property not in Government owner-
17 ship or control, as may be necessary to perform protec-
18 tive functions; payment of per diem or subsistence allow-
19 ances to employees where a protective assignment during
20 the actual day or days of the visit of a protectee requires
21 an employee to work 16 hours per day or to remain over-
22 night at his or her post of duty; conduct of and participa-
23 tion in firearms matches; presentation of awards; travel
24 of Secret Service employees on protective missions with-
25 out regard to the limitations on such expenditures in this

1 or any other Act if approval is obtained in advance from
2 the Committees on Appropriations of the Senate and the
3 House of Representatives; research and development;
4 grants to conduct behavioral research in support of pro-
5 tective research and operations; and payment in advance
6 for commercial accommodations as may be necessary to
7 perform protective functions; \$1,179,125,000, of which
8 not to exceed \$30,000 shall be for official reception and
9 representation expenses; of which not to exceed \$100,000
10 shall be to provide technical assistance and equipment to
11 foreign law enforcement organizations in counterfeit in-
12 vestigations; of which \$2,100,000 shall be for forensic
13 and related support of investigations of missing and ex-
14 ploited children; and of which \$5,000,000 shall be a
15 grant for activities related to the investigations of ex-
16 ploited children and shall remain available until ex-
17 pended: *Provided*, That up to \$18,000,000 provided for
18 protective travel shall remain available until September
19 30, 2006: *Provided further*, That not less than
20 \$10,000,000 for the costs of planning, preparing for, and
21 conducting security operations for National Special Secu-
22 rity Events shall be available until September 30, 2006:
23 *Provided further*, That the United States Secret Service
24 is authorized to obligate funds in anticipation of reim-
25 bursements from agencies and entities, as defined in sec-

1 tion 105 of title 5, United States Code, receiving training
 2 sponsored by the James J. Rowley Training Center, ex-
 3 cept that total obligations at the end of the fiscal year
 4 shall not exceed total budgetary resources available under
 5 this heading at the end of the fiscal year.

6 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
 7 RELATED EXPENSES

8 For necessary expenses for acquisition, construction,
 9 repair, alteration, and improvement of facilities,
 10 \$3,633,000, to remain available until expended.

11 TITLE III—PREPAREDNESS AND RECOVERY

12 OFFICE FOR STATE AND LOCAL GOVERNMENT

13 COORDINATION AND PREPAREDNESS

14 SALARIES AND EXPENSES

15 For necessary expenses for the Office for State and
 16 Local Government Coordination and Preparedness, as au-
 17 thorized by sections 430 and 801 of the Homeland Secu-
 18 rity Act of 2002 (6 U.S.C. 238 and 361), \$41,432,000:
 19 *Provided*, That not to exceed \$3,000 shall be for official
 20 reception and representation expenses.

21 STATE AND LOCAL PROGRAMS

22 For grants, contracts, cooperative agreements, and
 23 other activities, including grants to State and local govern-
 24 ments for terrorism prevention activities, notwithstanding
 25 any other provision of law, \$3,423,900,000, which shall
 26 be allocated as follows:

1 (1) \$1,250,000,000 for formula-based grants
2 and \$500,000,000 for law enforcement terrorism
3 prevention grants pursuant to section 1014 of the
4 USA PATRIOT Act of 2001 (42 U.S.C. 3714): *Pro-*
5 *vided*, That the application for grants shall be made
6 available to States within 45 days after enactment
7 of this Act; that States shall submit applications
8 within 30 days after the grant announcement; and
9 that the Office for State and Local Government Co-
10 ordination and Preparedness shall act within 15
11 days after receipt of an application: *Provided further*,
12 That each State shall obligate not less than 80 per-
13 cent of the total amount of the grant to local govern-
14 ments within 60 days after the grant award;

15 (2) \$1,000,000,000 for discretionary grants for
16 use in high-threat, high-density urban areas and for
17 rail and transit security, as determined by the Sec-
18 retary of Homeland Security: *Provided*, That not
19 less than 80 percent of any grant to a State shall
20 be made available by the State to local governments
21 within 60 days after their receipt of the funds: *Pro-*
22 *vided further*, That section 1014(c)(3) of the USA
23 PATRIOT Act of 2001 (42 U.S.C. 3714(c)(3)) shall
24 not apply to these grants: *Provided further*, That of

1 the funds provided, not less than \$100,000,000 shall
2 be used for rail and transit security grants;

3 (3) \$170,000,000 for emergency management
4 performance grants pursuant to section 1014 of the
5 USA PATRIOT Act of 2001 (42 U.S.C. 3714), as
6 authorized by the National Flood Insurance Act of
7 1968 and the Flood Disaster Protection Act of 1973
8 (42 U.S.C. 4001 et seq.), the Robert T. Stafford
9 Disaster Relief and Emergency Assistance Act (42
10 U.S.C. 5121 et seq.), the Earthquake Hazards Re-
11 ductions Act of 1977 (42 U.S.C. 7701 et seq.), and
12 Reorganization Plan No. 3 of 1978 (5 U.S.C. App):
13 *Provided*, That total administrative costs shall not
14 exceed 3 percent of the total appropriation; and

15 (4) \$125,000,000 for port security grants,
16 which shall be distributed under the same terms and
17 conditions as provided for under Public Law 107–
18 117: *Provided*, That section 1014(c)(3) of the USA
19 PATRIOT Act of 2001 (42 U.S.C. 3714(c)(3)) shall
20 not apply to these grants:

21 *Provided*, That except for port security grants under para-
22 graph (4) of this heading, none of the funds appropriated
23 under this heading shall be used for construction or ren-
24 ovation of facilities: *Provided further*, That funds appro-
25 priated for law enforcement terrorism prevention grants

1 under paragraph (1) and discretionary grants under para-
2 graph (2) of this heading shall be available for operational
3 costs, to include personnel overtime and overtime associ-
4 ated with Office for State and Local Government Coordi-
5 nation and Preparedness certified training, as needed:
6 *Provided further*, That grantees shall provide reports on
7 their use of funds, as deemed necessary by the Secretary
8 of Homeland Security: *Provided further*, That the Office
9 for State and Local Government Coordination and Pre-
10 paredness shall complete the development of mission es-
11 sential tasks by July 31, 2004; the fiscal year 2005 State
12 grant guidance shall include instructions for the comple-
13 tion of State baseline assessments; a Federal response ca-
14 pabilities inventory shall be completed by March 15, 2005;
15 and the Office for State and Local Government Coordina-
16 tion and Preparedness shall provide quarterly reports to
17 the Committees on Appropriations of the Senate and the
18 House of Representatives on the implementation of Home-
19 land Security Presidential Directive-8, beginning October
20 1, 2004.

21 FIREFIGHTER ASSISTANCE GRANTS

22 For necessary expenses for programs authorized by
23 section 33 of the Federal Fire Prevention and Control Act
24 of 1974 (15 U.S.C. 2229), \$600,000,000, to remain avail-
25 able until September 30, 2006: *Provided*, That not to ex-

1 ceed 5 percent of this amount shall be available for pro-
2 gram administration.

3 COUNTERTERRORISM FUND

4 For necessary expenses, as determined by the Sec-
5 retary of Homeland Security, to reimburse any Federal
6 agency for the costs of providing support to counter, in-
7 vestigate, or respond to unexpected threats or acts of ter-
8 rorism, including payment of rewards in connection with
9 these activities, \$10,000,000, to remain available until
10 expended: *Provided*, That the Secretary shall notify the
11 Committees on Appropriations of the Senate and the
12 House of Representatives 15 days prior to the obligation
13 of any amount of these funds in accordance with section
14 503 of this Act.

15 EMERGENCY PREPAREDNESS AND RESPONSE

16 OFFICE OF THE UNDER SECRETARY FOR EMERGENCY

17 PREPAREDNESS AND RESPONSE

18 For necessary expenses for the Office of the Under
19 Secretary for Emergency Preparedness and Response, as
20 authorized by section 502 of the Homeland Security Act
21 of 2002 (6 U.S.C. 312), \$4,211,000.

22 PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

23 For necessary expenses for preparedness, mitigation,
24 response, and recovery activities of the Emergency Pre-
25 paredness and Response Directorate, \$210,499,000, in-
26 cluding activities authorized by the National Flood Insur-

1 ance Act of 1968 (42 U.S.C. 4011 et seq.), the Flood
2 Disaster Protection Act of 1973 (42 U.S.C. 4001 et
3 seq.), the Robert T. Stafford Disaster Relief and Emer-
4 gency Assistance Act (42 U.S.C. 5121 et seq.), the
5 Earthquake Hazards Reduction Act of 1977 (42 U.S.C.
6 7701 et seq.), the Federal Fire Prevention and Control
7 Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Pro-
8 duction Act of 1950 (50 U.S.C. App. 2061 et seq.), sec-
9 tions 107 and 303 of the National Security Act of 1947
10 (50 U.S.C. 404, 405, 411), Reorganization Plan No. 3 of
11 1978 (5 U.S.C. App.), and the Homeland Security Act of
12 2002 (6 U.S.C. 101 et seq.).

13 ADMINISTRATIVE AND REGIONAL OPERATIONS

14 For necessary expenses for administrative and re-
15 gional operations of the Emergency Preparedness and
16 Response Directorate, \$203,939,000, including activities
17 authorized by the National Flood Insurance Act of 1968
18 (42 U.S.C. 4011 et seq.), the Flood Disaster Protection
19 Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T.
20 Stafford Disaster Relief and Emergency Assistance Act
21 (42 U.S.C. 5121 et seq.), the Earthquake Hazards Re-
22 duction Act of 1977 (42 U.S.C. 7701 et seq.), the Fed-
23 eral Fire Prevention and Control Act of 1974 (15 U.S.C.
24 2201 et seq.), the Defense Production Act of 1950 (50
25 U.S.C. App. 2061 et seq.), sections 107 and 303 of the
26 National Security Act of 1947 (50 U.S.C. 404, 405,

1 411), Reorganization Plan No. 3 of 1978 (5 U.S.C.
2 App.), and the Homeland Security Act of 2002 (6 U.S.C.
3 101 et seq.): *Provided*, That not to exceed \$4,000 shall
4 be for official reception and representation expenses.

5 PUBLIC HEALTH PROGRAMS

6 For necessary expenses for countering potential bio-
7 logical, disease, and chemical threats to civilian popu-
8 lations, \$34,000,000.

9 DISASTER RELIEF

10 For necessary expenses in carrying out the Robert
11 T. Stafford Disaster Relief and Emergency Assistance
12 Act (42 U.S.C. 5121 et seq.), \$2,042,380,000, to remain
13 available until expended.

14 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

15 For administrative expenses to carry out the direct
16 loan program, as authorized by section 319 of the Robert
17 T. Stafford Disaster Relief and Emergency Assistance
18 Act (42 U.S.C. 5162), \$567,000: *Provided*, That gross
19 obligations for the principal amount of direct loans shall
20 not exceed \$25,000,000: *Provided further*, That the cost
21 of modifying such loans shall be as defined in section 502
22 of the Congressional Budget Act of 1974 (2 U.S.C.
23 661a).

24 FLOOD MAP MODERNIZATION FUND

25 For necessary expenses pursuant to section 1360 of
26 the National Flood Insurance Act of 1968 (42 U.S.C.

1 4101), \$150,000,000, and such additional sums as may
2 be provided by State and local governments or other po-
3 litical subdivisions for cost-shared mapping activities
4 under section 1360(f)(2) of such Act, to remain available
5 until expended: *Provided*, That total administrative costs
6 shall not exceed 3 percent of the total appropriation.

7 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

8 The aggregate charges assessed during fiscal year
9 2005, as authorized by the Energy and Water Develop-
10 ment Appropriations Act, 2001 (as enacted into law by
11 Public Law 106–377), shall not be less than 100 percent
12 of the amounts anticipated by the Department of Home-
13 land Security necessary for its radiological emergency
14 preparedness program for the next fiscal year: *Provided*,
15 That the methodology for assessment and collection of
16 fees shall be fair and equitable and shall reflect costs of
17 providing such services, including administrative costs of
18 collecting such fees: *Provided further*, That fees received
19 under this heading shall be deposited in this account as
20 offsetting collections and will become available for au-
21 thorized purposes on October 1, 2005, and remain avail-
22 able until expended.

23 NATIONAL FLOOD INSURANCE FUND

24 (INCLUDING TRANSFER OF FUNDS)

25 For activities under the National Flood Insurance
26 Act of 1968 (42 U.S.C. 4011 et seq.), and the Flood Dis-

1 aster Protection Act of 1973 (42 U.S.C. 4001 et seq.),
2 not to exceed \$33,336,000 for salaries and expenses asso-
3 ciated with flood mitigation and flood insurance oper-
4 ations; and not to exceed \$79,257,000 for flood hazard
5 mitigation, to remain available until September 30, 2006,
6 including up to \$20,000,000 for expenses under section
7 1366 of the National Flood Insurance Act of 1968 (42
8 U.S.C. 4104c), which amount shall be available for trans-
9 fer to the National Flood Mitigation Fund until Sep-
10 tember 30, 2006, and which amount shall be derived
11 from offsetting collections assessed and collected pursu-
12 ant to section 1307 of that Act (42 U.S.C. 4014), and
13 shall be retained and used for necessary expenses under
14 this heading: *Provided*, That in fiscal year 2005, no
15 funds in excess of: (1) \$55,000,000 for operating ex-
16 penses; (2) \$562,881,000 for agents' commissions and
17 taxes; and (3) \$30,000,000 for interest on Treasury bor-
18 rowings shall be available from the National Flood Insur-
19 ance Fund.

20 NATIONAL FLOOD MITIGATION FUND

21 (INCLUDING TRANSFER OF FUNDS)

22 Notwithstanding subparagraphs (B) and (C) of sub-
23 section (b)(3), and subsection (f), of section 1366 of the
24 National Flood Insurance Act of 1968 (42 U.S.C.
25 4104c), \$20,000,000, to remain available until September
26 30, 2006, for activities designed to reduce the risk of

1 flood damage to structures pursuant to such Act, of
2 which \$20,000,000 shall be derived from the National
3 Flood Insurance Fund.

4 NATIONAL PRE-DISASTER MITIGATION FUND

5 For a pre-disaster mitigation grant program pursu-
6 ant to title II of the Robert T. Stafford Disaster Relief
7 and Emergency Assistance Act (42 U.S.C. 5131 et seq.),
8 \$100,000,000, to remain available until expended: *Pro-*
9 *vided*, That grants made for pre-disaster mitigation shall
10 be awarded on a competitive basis subject to the criteria
11 in section 203(g) of such Act (42 U.S.C. 5133(g)): *Pro-*
12 *vided further*, That, notwithstanding section 203(f) of
13 such Act (42 U.S.C. 5133(f)), grant awards shall be
14 made without reference to State allocations, quotas, or
15 other formula-based allocation of funds: *Provided further*,
16 That total administrative costs shall not exceed 3 percent
17 of the total appropriation.

18 EMERGENCY FOOD AND SHELTER

19 To carry out an emergency food and shelter program
20 pursuant to title III of the Stewart B. McKinney Home-
21 less Assistance Act (42 U.S.C. 11331 et seq.),
22 \$153,000,000, to remain available until expended: *Pro-*
23 *vided*, That total administrative costs shall not exceed 3.5
24 percent of the total appropriation.

1 TITLE IV—RESEARCH AND DEVELOPMENT,
2 TRAINING, ASSESSMENTS, AND SERVICES
3 CITIZENSHIP AND IMMIGRATION SERVICES

4 For necessary expenses for citizenship and immigra-
5 tion services, \$160,000,000.

6 FEDERAL LAW ENFORCEMENT TRAINING CENTER
7 SALARIES AND EXPENSES

8 For necessary expenses of the Federal Law Enforce-
9 ment Training Center, including materials and support
10 costs of Federal law enforcement basic training; purchase
11 of not to exceed 117 vehicles for police-type use and hire
12 of passenger motor vehicles; expenses for student athletic
13 and related activities; the conduct of and participation in
14 firearms matches and presentation of awards; public
15 awareness and enhancement of community support of law
16 enforcement training; room and board for student in-
17 terns; a flat monthly reimbursement to employees author-
18 ized to use personal cell phones for official duties; and
19 services as authorized by section 3109 of title 5, United
20 States Code, \$183,440,000, of which up to \$36,174,000
21 for materials and support costs of Federal law enforce-
22 ment basic training shall remain available until Sep-
23 tember 30, 2006; and of which not to exceed \$12,000
24 shall be for official reception and representation expenses:
25 *Provided*, That the Center is authorized to obligate funds

1 in anticipation of reimbursements from agencies receiving
2 training sponsored by the Center, except that total obli-
3 gations at the end of the fiscal year shall not exceed total
4 budgetary resources available at the end of the fiscal
5 year.

6 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
7 RELATED EXPENSES

8 For acquisition of necessary additional real property
9 and facilities, construction, and ongoing maintenance, fa-
10 cility improvements, and related expenses of the Federal
11 Law Enforcement Training Center, \$37,917,000, to re-
12 main available until expended: *Provided*, That the Center
13 is authorized to accept reimbursement to this appropria-
14 tion from government agencies requesting the construc-
15 tion of special use facilities.

16 INFORMATION ANALYSIS AND INFRASTRUCTURE
17 PROTECTION

18 MANAGEMENT AND ADMINISTRATION

19 For salaries and expenses of the immediate Office of
20 the Under Secretary for Information Analysis and Infra-
21 structure Protection and for management and adminis-
22 tration of programs and activities, as authorized by title
23 II of the Homeland Security Act of 2002 (6 U.S.C. 121
24 et seq.), \$132,064,000: *Provided*, That not to exceed
25 \$5,000 shall be for official reception and representation
26 expenses.

1 ASSESSMENTS AND EVALUATIONS

2 For necessary expenses for information analysis and
3 infrastructure protection, as authorized by title II of the
4 Homeland Security Act of 2002 (6 U.S.C. 121 et seq.),
5 \$722,512,000, to remain available until September 30,
6 2006.

7 SCIENCE AND TECHNOLOGY

8 MANAGEMENT AND ADMINISTRATION

9 For salaries and expenses of the immediate Office of
10 the Under Secretary for Science and Technology and for
11 management and administration of programs and activi-
12 ties, as authorized by title III of the Homeland Security
13 Act of 2002 (6 U.S.C. 181 et seq.), \$68,586,000: *Pro-*
14 *vided*, That not to exceed \$3,000 shall be for official re-
15 ception and representation expenses.

16 RESEARCH, DEVELOPMENT, ACQUISITION AND

17 OPERATIONS

18 For necessary expenses for science and technology
19 research, including advanced research projects; develop-
20 ment; test and evaluation; acquisition; and operations; as
21 authorized by title III of the Homeland Security Act of
22 2002 (6 U.S.C. 181 et seq.), \$1,063,713,000, to remain
23 available until expended.

1 TITLE V—GENERAL PROVISIONS

2 (INCLUDING TRANSFERS OF FUNDS)

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

6 SEC. 502. Subject to the requirements of section
7 503 of this Act, the unexpended balances of prior appro-
8 priations provided for activities in this Act may be trans-
9 ferred to appropriation accounts for such activities estab-
10 lished pursuant to this Act: *Provided*, That balances so
11 transferred may be merged with funds in the applicable
12 established accounts and thereafter may be accounted for
13 as one fund for the same time period as originally en-
14 acted.

15 SEC. 503 (a) None of the funds provided by this
16 Act, provided by previous appropriation Acts to the agen-
17 cies in or transferred to the Department of Homeland
18 Security that remain available for obligation or expendi-
19 ture in fiscal year 2005, or provided from any accounts
20 in the Treasury of the United States derived by the col-
21 lection of fees available to the agencies funded by this
22 Act, shall be available for obligation or expenditure
23 through a reprogramming of funds that: (1) creates a
24 new program; (2) eliminates a program, project, or activ-
25 ity; (3) increases funds for any program, project, or ac-

1 tivity for which funds have been denied or restricted by
2 the Congress; or (4) proposes to use funds directed for
3 a specific activity by either the House or Senate Commit-
4 tees on Appropriations for a different purpose; unless
5 both Committees on Appropriations of the Senate and
6 the House of Representatives are notified 15 days in ad-
7 vance of such reprogramming of funds.

8 (b) None of the funds provided by this Act, provided
9 by previous appropriation Acts to the agencies in or
10 transferred to the Department of Homeland Security that
11 remain available for obligation or expenditure in fiscal
12 year 2005, or provided from any accounts in the Treas-
13 ury of the United States derived by the collection of fees
14 available to the agencies funded by this Act, shall be
15 available for obligation or expenditure for programs,
16 projects, or activities through a reprogramming of funds
17 in excess of \$5,000,000 or 10 percent, whichever is less,
18 that: (1) augments existing programs, projects, or activi-
19 ties; (2) reduces by 10 percent funding for any existing
20 program, project, or activity, or numbers of personnel by
21 10 percent as approved by the Congress; or (3) results
22 from any general savings from a reduction in personnel
23 that would result in a change in existing programs,
24 projects, or activities as approved by the Congress; unless
25 the Committees on Appropriations of the Senate and the

1 House of Representatives are notified 15 days in advance
2 of such reprogramming of funds.

3 (c) Not to exceed 5 percent of any appropriation
4 made available for the current fiscal year for the Depart-
5 ment of Homeland Security by this Act or provided by
6 previous appropriation Acts may be transferred between
7 such appropriations, but no such appropriation, except as
8 otherwise specifically provided, shall be increased by more
9 than 10 percent by such transfers: *Provided*, That any
10 transfer under this subsection shall be treated as a re-
11 programming of funds under subsection (b) and shall not
12 be available for obligation unless the Committees on Ap-
13 propriations of the Senate and the House of Representa-
14 tives are notified 15 days in advance of such transfer.

15 SEC. 504. Except as otherwise specifically provided
16 by law, not to exceed 50 percent of unobligated balances
17 remaining available at the end of fiscal year 2005 from
18 appropriations for salaries and expenses for fiscal year
19 2005 in this Act shall remain available through Sep-
20 tember 30, 2006, in the account and for the purposes for
21 which the appropriations were provided: *Provided*, That
22 prior to the obligation of such funds, a request shall be
23 submitted to the Committees on Appropriations of the
24 Senate and the House of Representatives for approval in
25 accordance with section 503 of this Act.

1 SEC. 505. Funds made available by this Act for in-
2 telligence 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
5 fiscal year 2005 until the enactment of an Act author-
6 izing intelligence activities for fiscal year 2005.

7 SEC. 506. The Federal Law Enforcement Training
8 Center shall establish an accrediting body, to include rep-
9 resentatives from the Federal law enforcement commu-
10 nity and non-Federal accreditation experts involved in
11 law enforcement training, to establish standards for
12 measuring and assessing the quality and effectiveness of
13 Federal law enforcement training programs, facilities,
14 and instructors.

15 SEC. 507. None of the funds in this Act may be
16 used to make a grant unless the Secretary of Homeland
17 Security notifies the Committees on Appropriations of the
18 Senate and the House of Representatives not less than
19 3 full business days before any grant allocation, discre-
20 tionary grant award, or letter of intent totaling
21 \$1,000,000 or more is announced by the Department or
22 its directorates from: (1) any discretionary or formula-
23 based grant program of the Office for State and Local
24 Government Coordination and Preparedness; (2) any let-
25 ter of intent from the Transportation Security Adminis-

1 tration; (3) any port security grant; or (4) awards for
2 Homeland Security Centers of Excellence: *Provided*, That
3 no notification shall involve funds that are not available
4 for obligation.

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 Fed-
9 eral law enforcement training without the advance ap-
10 proval of the Committees on Appropriations of the Senate
11 and the House of Representatives, except that the Fed-
12 eral Law Enforcement Training Center is authorized to
13 obtain the temporary use of additional facilities by lease,
14 contract, or other agreement for training which cannot be
15 accommodated in existing Center facilities.

16 SEC. 509. The Director of the Federal Law Enforce-
17 ment Training Center shall ensure that all training facili-
18 ties under the control of the Center are operated at opti-
19 mal capacity throughout the fiscal year.

20 SEC. 510. None of the funds appropriated or other-
21 wise made available by this Act may be used for expenses
22 of any construction, repair, alteration, and acquisition
23 project for which a prospectus, if required by the Public
24 Buildings Act of 1959, has not been approved, except
25 that necessary funds may be expended for each project

1 for required expenses for the development of a proposed
2 prospectus.

3 SEC. 511. None of the funds appropriated or other-
4 wise made available by this Act shall be used to pursue
5 or adopt guidelines or regulations requiring airport spon-
6 sors to provide to the Transportation Security Adminis-
7 tration without cost building construction, maintenance,
8 utilities and expenses, or space in airport sponsor-owned
9 buildings for services relating to aviation security: *Pro-*
10 *vided*, That the prohibition of funds in this section does
11 not apply to—

12 (1) negotiations between the agency and airport
13 sponsors to achieve agreement on “below-market”
14 rates for these items; or

15 (2) space for necessary security checkpoints.

16 SEC. 512. (a) None of the funds in this Act may be
17 used in contravention of the applicable provisions of the
18 Buy American Act (41 U.S.C. 10a et seq.).

19 (b) None of the funds in this Act may be used to
20 procure articles, materials, or supplies for public use, or
21 to enter into a contract for the construction, alteration,
22 or repair of a public building or public work, pursuant to
23 an exception set forth in section 2 of section 3 of the Buy
24 American Act (41 U.S.C. 10a et seq.) until—

1 (1) a notification of the intent to apply such ex-
2 ception is submitted to the Committees on Appro-
3 priations of the Senate and the House of Represent-
4 atives; and

5 (2) a period of 15 days has expired after the
6 date on which such notification is so submitted.

7 (c) The Inspector General of the Department of
8 Homeland Security shall conduct audits of contracts en-
9 tered into by the Department of Homeland Security dur-
10 ing a fiscal year for purposes of determining compliance
11 with the Buy American Act (41 U.S.C. 10a et seq.). The
12 Inspector General shall submit to the Committees on Ap-
13 propriations of the Senate and the House of Representa-
14 tives an annual report on the results of the audit. The
15 report shall be submitted at the same time the President
16 submits to Congress the budget for a fiscal year and shall
17 cover the same fiscal year. The first report under this sub-
18 section shall be submitted with for fiscal year 2006.

19 SEC. 513. The Secretary of Homeland Security is di-
20 rected to research, develop, and procure certified systems
21 to inspect and screen air cargo on passenger aircraft at
22 the earliest date possible: *Provided*, That until such tech-
23 nology is procured and installed, the Secretary shall take
24 all possible actions to enhance the known shipper pro-
25 gram to prohibit high-risk cargo from being transported

1 on passenger aircraft: *Provided further*, That the Sec-
2 retary shall amend Security Directives and programs in
3 effect on the date of enactment of this Act to, at a min-
4 imum, double the percentage of cargo inspected on pas-
5 senger aircraft.

6 SEC. 514. Notwithstanding sections 524, 571, and
7 572 of title 40, United States Code, the Secretary of
8 Homeland Security may sell the Bolingbrook family hous-
9 ing area in Bolingbrook, Illinois, the Prairie View family
10 housing area in Prairie View, Illinois, the Chapel Hill
11 Rear Range Light in Leonardo, New Jersey, and the
12 Richmond Heights housing complex in Miami, Florida:
13 *Provided*, That to the extent the sale proceeds exceed the
14 10 year statistical average of proceeds from Coast Guard
15 property sales as determined by the Office of Manage-
16 ment and Budget, the sale proceeds in excess of that av-
17 erage shall be credited to an account of the Coast Guard
18 and be available for the Coast Guard.

19 SEC. 515. (a) ESTABLISHMENT OF CHIEF PROCURE-
20 MENT OFFICER.—The Homeland Security Act of 2002 is
21 amended as follows:

22 (1) In section 103(d) (6 U.S.C. 113(d)), by re-
23 designating paragraph (5) as paragraph (6) and in-
24 serting after paragraph (4) the following:

25 “(5) A Chief Procurement Officer.”.

1 (2) By redesignating sections 705 through 706
2 (6 U.S.C. 345–346) in order as sections 706
3 through 707, and by inserting after section 704 the
4 following:

5 **“SEC. 705. CHIEF PROCUREMENT OFFICER.**

6 “The Chief Procurement Officer appointed under sec-
7 tion 103(d)(5) shall report to the Secretary.”.

8 (3) In the table of contents in section 1(b), by
9 striking the items relating to sections 705 through
10 706 and inserting the following:

“Sec. 705. Chief Procurement Officer.

“Sec. 706. Establishment of Officer for Civil Rights and Civil Liberties.

“Sec. 707. Consolidation and co-location of offices.”.

11 (b) **REPORTING BY CHIEF FINANCIAL OFFICER AND**
12 **CHIEF INFORMATION OFFICER.**—Sections 702 and 703 of
13 the Homeland Security Act of 2002 (6 U.S.C. 342, 343)
14 are amended by striking “, or to another official of the
15 Department, as the Secretary may direct” each place it
16 appears.

17 **SEC. 516.** The Commandant of the Coast Guard shall
18 provide to the Congress each year, at the time that the
19 President’s budget is submitted under section 1105(a) of
20 title 31, United States Code, a list of approved but un-
21 funded Coast Guard priorities and the funds needed for
22 each such priority in the same manner and with the same
23 contents as the unfunded priorities lists submitted by the
24 chiefs of other Armed Services.

1 SEC. 517. (a) IN GENERAL.—Chapter 449 of title 49,
2 United States Code, is amended by inserting after section
3 44944 the following new section:

4 **“§ 44945. Disposition of unclaimed money**

5 “Notwithstanding section 3302 of title 31, unclaimed
6 money recovered at any airport security checkpoint shall
7 be retained by the Transportation Security Administration
8 and shall remain available until expended for the purpose
9 of providing civil aviation security as required in this chap-
10 ter.”.

11 (b) ANNUAL REPORT.—Not later than 180 days after
12 the date of enactment of this Act and annually thereafter,
13 the Administrator of the Transportation Security Admin-
14 istration shall transmit to the Committee on Transpor-
15 tation and Infrastructure of the House of Representatives,
16 the Committee on Appropriations of the House of Rep-
17 resentatives, the Committee on Commerce, Science and
18 Transportation of the Senate and the Committee on Ap-
19 propriations of the Senate, a report that contains a de-
20 tailed description of the amount of unclaimed money re-
21 covered in total and at each individual airport, and specifi-
22 cally how the unclaimed money is being used to provide
23 civil aviation security.

24 (c) CLERICAL AMENDMENT.—The analysis for chap-
25 ter 449 of title 49, United States Code, is amended by

1 adding the following new item after the item relating to
2 section 44944:

“44945. Disposition of unclaimed money.”.

3 SEC. 518. Notwithstanding section 3302 of title 31,
4 United States Code, the Administrator of the Transpor-
5 tation Security Administration may impose a reasonable
6 charge for the lease of real and personal property to
7 Transportation Security Administration employees and for
8 the lease of real and personal property for use by Trans-
9 portation Security Administration employees and may
10 credit amounts received to the appropriation or fund ini-
11 tially charged for operating and maintaining the property,
12 which amounts shall be available, without fiscal year limi-
13 tation, for expenditure for property management, oper-
14 ation, protection, construction, repair, alteration, and re-
15 lated activities.

16 SEC. 519. The acquisition management system of the
17 Transportation Security Administration shall apply to the
18 acquisition of services, as well as equipment, supplies, and
19 materials.

20 SEC. 520. Notwithstanding any other provision of
21 law, the authority of the Office of Personnel Management
22 to conduct personnel security and suitability background
23 investigations, update investigations, and periodic reinves-
24 tigation of applicants for, or appointees in, competitive
25 service positions within the Department of Homeland Se-

1 curity is transferred to the Department of Homeland Se-
2 curity: *Provided*, That on request of the Department of
3 Homeland Security, the Office of Personnel Management
4 shall cooperate with and assist the Department in any in-
5 vestigation or reinvestigation under this section.

6 SEC. 521. Section 312(g) of the Homeland Security
7 Act of 2002 (6 U.S.C. 192(g)) is amended to read as fol-
8 lows:

9 “(g) TERMINATION.—The Homeland Security Insti-
10 tute shall terminate 5 years after its establishment.”.

11 SEC. 522. Section 311(c)(2) of the Homeland Secu-
12 rity Act of 2002 (6 U.S.C. 191(c)(2)) is amended to read
13 as follows:

14 “(2) ORIGINAL APPOINTMENTS.—The original
15 members of the Advisory Committee shall be ap-
16 pointed to three classes. One class of six shall have
17 a term of 1 year, one class of seven a term of 2
18 years, and one class of seven a term of 3 years.”.

19 SEC. 523. Notwithstanding any other provision of
20 law, funds appropriated under paragraphs (1) and (2) of
21 the State and Local Programs heading under title III of
22 this Act are exempt from section 6503(a) of title 31,
23 United States Code.

24 SEC. 524. None of the funds in this or previous Ap-
25 propriations Acts may be obligated for deployment or im-

1 plementation, on other than a test basis, of the Computer
2 Assisted Passenger Prescreening System (CAPPS II)
3 until the Secretary of Homeland Security has certified
4 that the requirements of paragraphs (1) through (8) of
5 subsection (a), and the requirements of subsection (b), of
6 section 519 of Public Law 108–90 have been met and the
7 General Accounting Office has reviewed such certification:
8 *Provided*, That the Secretarial certification and General
9 Accounting Office review shall explicitly include the effi-
10 cacy and accuracy of any algorithms contained within
11 CAPPS II to predict the likelihood of a passenger’s asso-
12 ciation with terrorists: *Provided further*, That the Secre-
13 tarial certification is not delegable.

14 SEC. 525. None of the funds appropriated in this or
15 any other Act may be used by the Undersecretary for
16 Management, the Chief Financial Officer, or the Office of
17 Management and Budget for the purpose of reviewing or
18 altering any report directed to be submitted to the Com-
19 mittees on Appropriations in this Act and its accom-
20 panying report. This section shall only apply to those re-
21 ports related to the operations, programs, and activities
22 of the Department of Homeland Security.

23 SEC. 526. (a) CLARIFICATION OF PROHIBITION ON
24 CONTRACTING WITH FOREIGN INCORPORATED ENTI-

1 TIES.—Section 835 of the Homeland Security Act of 2002
2 (Public Law 107–296; 6 U.S.C. 395) is amended—

3 (1) in subsection (a), by inserting before the pe-
4 riod “, or any subsidiary of such an entity”;

5 (2) in subsection (b)(1), by inserting “before,
6 on, or” after the “completes”;

7 (3) in subsection (c)(1)(B), by striking “which
8 is after the date of enactment of this Act and”;

9 (4) in subsection (d), by striking “homeland”
10 and inserting “national”.

11 (b) PROHIBITION ON ORDERS UNDER TASK AND DE-
12 LIVERY ORDER CONTRACTS.—Section 835 of the Home-
13 land Security Act of 2002 (Public Law 107–296; 6 U.S.C.
14 395) is further amended by adding at the end the fol-
15 lowing new subsection:

16 “(e) TASK AND DELIVERY ORDERS.—After the date
17 of the enactment of this subsection, no order may be
18 issued under a task and delivery order contract entered
19 into by the Department of Homeland Security before, on,
20 or after the date of the enactment of this Act if the con-
21 tractor for such contract is treated as an inverted domestic
22 corporation under subsection (b).”.

23 This Act may be cited as the “Department of Home-
24 land Security Appropriations Act, 2005”.

Union Calendar No. 313

108TH CONGRESS
2^D SESSION

H. R. 4567

[Report No. 108-541]

A BILL

Making appropriations for the Department of
Homeland Security for the fiscal year ending
September 30, 2005, and for other purposes.

JUNE 15, 2004

Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed