

Union Calendar No. 38

109TH CONGRESS
1ST SESSION

H. R. 2360

[Report No. 109-79]

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2005

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, 2006, 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, 2006, 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, \$133,239,000:
10 *Provided*, That not to exceed \$40,000 shall be for official
11 reception and representation expenses: *Provided further*,
12 That of the amounts appropriated under this heading,
13 \$20,000,000 shall not be available for obligation until the
14 Secretary of Homeland Security submits to the Com-
15 mittee on Appropriations of the House of Representatives
16 an immigration enforcement strategy to reduce the num-
17 ber of undocumented aliens, based upon the latest United
18 States Census Bureau data, by 10 percent per year: *Pro-*
19 *vided further*, That of the amounts appropriated under
20 this heading, \$10,000,000 shall not be available for obli-
21 gation until section 525 of this Act is implemented: *Pro-*
22 *vided further*, That the Secretary shall submit all reports
23 requested by the Committee on Appropriations of the
24 House of Representatives for all agencies and compo-
25 nents of the Department of Homeland Security, as iden-

1 tified in this Act and the House report accompanying this
2 Act, by the dates specified: *Provided further*, That the
3 content of all reports shall be in compliance with the di-
4 rection and instructions included in this Act and the
5 House report accompanying this Act by the dates speci-
6 fied: *Provided further*, That, of the amounts appropriated
7 under this heading, \$20,000,000 may not be obligated
8 until the Committee on Appropriations of the House of
9 Representatives has received all final reports in compli-
10 ance with such direction and instructions.

11 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

12 For necessary expenses of the Office of the Under
13 Secretary for Management, as authorized by sections
14 701–705 of the Homeland Security Act of 2002 (6
15 U.S.C. 341–345), \$146,084,000: *Provided*, That not to
16 exceed \$3,000 shall be for official reception and represen-
17 tation expenses: *Provided further*, That of the total
18 amount provided, \$26,070,000 shall remain available
19 until expended solely for the alteration and improvement
20 of facilities, tenant improvements, and relocation costs to
21 consolidate Department headquarters operations.

22 OFFICE OF THE CHIEF FINANCIAL OFFICER

23 For necessary expenses of the Office of the Chief Fi-
24 nancial Officer, as authorized by section 103 of the

1 Homeland Security Act of 2002 (6 U.S.C. 113),
2 \$18,505,000.

3 OFFICE OF THE CHIEF INFORMATION OFFICER

4 For necessary expenses of the Office of the Chief In-
5 formation Officer, as authorized by section 103 of the
6 Homeland Security Act of 2002 (6 U.S.C. 113), and De-
7 partment-wide technology investments, \$303,700,000; of
8 which \$75,756,000 shall be available for salaries and ex-
9 penses; and of which \$227,944,000 shall be available for
10 development and acquisition of information technology
11 equipment, software, services, and related activities for
12 the Department of Homeland Security, and for the costs
13 of conversion to narrowband communications, including
14 the cost for operation of the land mobile radio legacy sys-
15 tems, to remain available until expended: *Provided*, That
16 none of the funds appropriated shall be used to support
17 or supplement the appropriations provided for the United
18 States Visitor and Immigrant Status Indicator Tech-
19 nology project or the Automated Commercial Environ-
20 ment: *Provided further*, That the Department shall report
21 within 180 days of enactment of this Act on its enter-
22 prise architecture and other strategic planning activities
23 in accordance with the terms and conditions specified in
24 the House report accompanying this Act.

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.), \$83,017,000, 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 BORDER AND TRANSPORTATION SECURITY

12 OFFICE OF THE UNDER SECRETARY FOR BORDER AND

13 TRANSPORTATION SECURITY

14 SALARIES AND EXPENSES

15 For necessary expenses of the Office of the Under
16 Secretary for Border and Transportation Security, as au-
17 thorized by subtitle A of title IV of the Homeland Secu-
18 rity Act of 2002 (6 U.S.C. 201 et seq.), \$10,617,000:
19 *Provided*, That not to exceed \$3,000 shall be for official
20 reception and representation expenses.

21 AUTOMATION MODERNIZATION

22 For necessary expenses of the United State Visitor
23 and Immigrant Status Indicator Technology project, as
24 authorized by section 110 of the Illegal Immigration Re-
25 form and Immigration Responsibility Act of 1996 (8
26 U.S.C. 1221 note) and for the development, deployment,

1 and use of Free and Secure Trade (FAST), NEXUS, and
2 Secure Electronic Network for Traveler's Rapid Inspec-
3 tion (SENTRI), \$411,232,000, to remain available until
4 expended, which shall be allocated as follows:

5 (1) \$7,000,000 for FAST.

6 (2) \$14,000,000 for NEXUS/SENTRI.

7 (3) \$390,232,000 for the United States Visitor
8 and Immigrant Status Indicator Technology project:
9 *Provided*, That of the funds provided for this
10 project, \$254,000,000 may not be obligated until the
11 Committees on Appropriations of the Senate and the
12 House of Representatives receive and approve a plan
13 for expenditure prepared by the Secretary of Home-
14 land Security that—

15 (A) meets the capital planning and invest-
16 ment control review requirements established by
17 the Office of Management and Budget, includ-
18 ing Circular A-11, part 7;

19 (B) complies with the Department of
20 Homeland Security enterprise information sys-
21 tems architecture;

22 (C) complies with the acquisition rules, re-
23 quirements, guidelines, and systems acquisition
24 management practices of the Federal Govern-
25 ment;

1 (D) is reviewed and approved by the De-
2 partment of Homeland Security Investment Re-
3 view Board, the Secretary of Homeland Secu-
4 rity, and the Office of Management and Budg-
5 et; and

6 (E) is reviewed by the Government Ac-
7 countability Office.

8 CUSTOMS AND BORDER PROTECTION

9 SALARIES AND EXPENSES

10 For necessary expenses for enforcement of laws re-
11 lating to border security, immigration, customs, and agri-
12 cultural inspections and regulatory activities related to
13 plant and animal imports; acquisition, lease, maintenance
14 and operation of aircraft; purchase and lease of up to
15 4,500 (3,935 for replacement only) police-type vehicles;
16 and contracting with individuals for personal services
17 abroad; \$4,885,544,000; of which \$3,000,000 shall be de-
18 rived from the Harbor Maintenance Trust Fund for ad-
19 ministrative expenses related to the collection of the Har-
20 bor Maintenance Fee pursuant to section 9505(e)(3) of
21 the Internal Revenue Code of 1986 and notwithstanding
22 section 1511(e)(1) of the Homeland Security Act of 2002
23 (6 U.S.C. 551(e)(1)); of which not to exceed \$35,000
24 shall be for official reception and representation expenses;
25 of which not less than \$141,060,000 shall be for Air and

1 Marine Operations; of which not to exceed \$174,800,000
2 shall remain available until September 30, 2007, for in-
3 spection and surveillance technology, unmanned aerial ve-
4 hicles, and replacement aircraft; of which such sums as
5 become available in the Customs User Fee Account, ex-
6 cept sums subject to section 13031(f)(3) of the Consoli-
7 dated Omnibus Budget Reconciliation Act of 1985 (19
8 U.S.C. 58c(f)(3)), shall be derived from that account; of
9 which not to exceed \$150,000 shall be available for pay-
10 ment for rental space in connection with preclearance op-
11 erations; of which not to exceed \$1,000,000 shall be for
12 awards of compensation to informants, to be accounted
13 for solely under the certificate of the Under Secretary for
14 Border and Transportation Security; and of which not to
15 exceed \$5,000,000 shall be available for payments or ad-
16 vances arising out of contractual or reimbursable agree-
17 ments with State and local law enforcement agencies
18 while engaged in cooperative activities related to immi-
19 gration: *Provided*, That for fiscal year 2006, the overtime
20 limitation prescribed in section 5(c)(1) of the Act of Feb-
21 ruary 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000;
22 and notwithstanding any other provision of law, none of
23 the funds appropriated in this Act may be available to
24 compensate any employee of the Bureau of Customs and
25 Border Protection for overtime, from whatever source, in

1 an amount that exceeds such limitation, except in indi-
2 vidual cases determined by the Under Secretary for Bor-
3 der and Transportation Security, or a designee, to be
4 necessary for national security purposes, to prevent ex-
5 cessive costs, or in cases of immigration emergencies:
6 *Provided further*, That of the total amount provided,
7 \$10,000,000 may not be obligated until the Secretary
8 submits to the Committee on Appropriations of the
9 House of Representatives all required reports related to
10 air and marine operations: *Provided further*, That of the
11 total amount provided, \$2,000,000 may not be obligated
12 until the Secretary submits to the Committee on Appro-
13 priations of the House of Representatives a report on the
14 performance of the Immigration Advisory Program as di-
15 rected in House Report 108–541: *Provided further*, That
16 of the total amount provided, \$70,000,000 may not be
17 obligated until the Secretary submits to the Committee
18 on Appropriations of the House of Representatives part
19 two of the report on the performance of the Container
20 Security Initiative program, as directed in House Report
21 180–541: *Provided further*, That no funds shall be avail-
22 able for the site acquisition, design, or construction of
23 any Border Patrol checkpoint in the Tucson sector: *Pro-*
24 *vided further*, That the Border Patrol shall relocate its
25 checkpoints in the Tucson sector at least once every

1 seven days in a manner designed to prevent persons sub-
2 ject to inspection from predicting the location of any such
3 checkpoint.

4 AUTOMATION MODERNIZATION

5 For expenses for customs and border protection
6 automated systems, \$458,009,000, to remain available
7 until expended, of which not less than \$321,690,000 shall
8 be for the development of the Automated Commercial
9 Environment: *Provided*, That none of the funds appro-
10 priated under this heading may be obligated for the
11 Automated Commercial Environment until the Commit-
12 tees on Appropriations of the Senate and the House of
13 Representatives receive and approve a plan for expendi-
14 ture prepared by the Under Secretary for Border and
15 Transportation Security that—

16 (1) meets the capital planning and investment
17 control review requirements established by the Office
18 of Management and Budget, including Circular A-
19 11, part 7;

20 (2) complies with the Department of Homeland
21 Security's enterprise information systems architec-
22 ture;

23 (3) complies with the acquisition rules, require-
24 ments, guidelines, and systems acquisition manage-
25 ment practices of the Federal Government;

1 (4) is reviewed and approved by the Depart-
2 ment of Homeland Security Investment Review
3 Board, the Secretary of Homeland Security, and the
4 Office of Management and Budget; and

5 (5) is reviewed by the Government Account-
6 ability Office.

7 AIR AND MARINE INTERDICTION, OPERATIONS,
8 MAINTENANCE, AND PROCUREMENT

9 For necessary expenses for the operations, mainte-
10 nance, and procurement of marine vessels, aircraft, and
11 other related equipment of the air and marine program,
12 including operational training and mission-related travel,
13 and rental payments for facilities occupied by the air or
14 marine interdiction and demand reduction programs, the
15 operations of which include the following: the interdiction
16 of narcotics and other goods; the provision of support to
17 Federal, State, and local agencies in the enforcement or
18 administration of laws enforced by the Department of
19 Homeland Security; and at the discretion of the Under
20 Secretary for Border and Transportation Security, the
21 provision of assistance to Federal, State, and local agen-
22 cies in other law enforcement and emergency humani-
23 tarian efforts, \$347,780,000, to remain available until ex-
24 pended: *Provided*, That no aircraft or other related equip-
25 ment, with the exception of aircraft that are one of a
26 kind and have been identified as excess to Bureau of

1 Customs and Border Protection requirements and air-
2 craft that have been damaged beyond repair, shall be
3 transferred to any other Federal agency, department, or
4 office outside of the Department of Homeland Security
5 during fiscal year 2006 without the prior approval of the
6 Committees on Appropriations of the Senate and the
7 House of Representatives.

8 CONSTRUCTION

9 For necessary expenses to plan, construct, renovate,
10 equip, and maintain buildings and facilities necessary for
11 the administration and enforcement of the laws relating
12 to customs and immigration, \$93,418,000, to remain
13 available until expended.

14 IMMIGRATION AND CUSTOMS ENFORCEMENT

15 SALARIES AND EXPENSES

16 For necessary expenses for enforcement of immigra-
17 tion and customs laws, detention and removals, and in-
18 vestigations; and purchase and lease of up to 2,300
19 (2,000 for replacement only) police-type vehicles,
20 \$3,064,081,000, of which not to exceed \$10,000,000
21 shall be available until expended for conducting special
22 operations pursuant to section 3131 of the Customs En-
23 forcement Act of 1986 (19 U.S.C. 2081); of which not
24 to exceed \$15,000 shall be for official reception and rep-
25 resentation expenses; of which not to exceed \$1,000,000
26 shall be for awards of compensation to informants, to be

1 accounted for solely under the certificate of the Under
2 Secretary for Border and Transportation Security; of
3 which not less than \$102,000 shall be for promotion of
4 public awareness of the child pornography tipline; of
5 which not less than \$203,000 shall be for Project Alert;
6 of which not less than \$5,000,000 shall be for costs to
7 implement section 287(g) of the Immigration and Nation-
8 ality Act, as amended; and of which not to exceed
9 \$11,216,000 shall be available to fund or reimburse other
10 Federal agencies for the costs associated with the care,
11 maintenance, and repatriation of smuggled illegal aliens:
12 *Provided*, That none of the funds appropriated shall be
13 available to compensate any employee for overtime in an
14 annual amount in excess of \$35,000, except that the
15 Under Secretary for Border and Transportation Security
16 may waive that amount as necessary for national security
17 purposes and in cases of immigration emergencies: *Pro-*
18 *vided further*, That of the total amount provided,
19 \$3,045,000 shall be for activities to enforce laws against
20 forced child labor in fiscal year 2006, of which not to ex-
21 ceed \$2,000,000 shall remain available until expended:
22 *Provided further*, That of the amounts appropriated,
23 \$50,000,000 shall not be available for obligation until the
24 Assistant Secretary of Immigration and Customs En-
25 forcement submits to the Committee on Appropriations of

1 the House of Representatives a national detention man-
2 agement plan including the use of regional detention con-
3 tracts and alternatives to detention: *Provided further*,
4 That the Assistant Secretary of Immigration and Cus-
5 toms Enforcement, with concurrence of the Secretary of
6 Homeland Security, shall submit, by December 1, 2005,
7 to the Committee on Appropriations of the House of Rep-
8 resentatives a plan for the expanded use of Immigration
9 Enforcement Agents to enforce administrative violations
10 of United States immigration laws.

11 FEDERAL AIR MARSHALS

12 For necessary expenses of the Federal Air Marshals,
13 \$698,860,000, of which not to exceed \$5,000,000 shall
14 remain available until expended.

15 FEDERAL PROTECTIVE SERVICE

16 The revenues and collections of security fees credited
17 to this account, not to exceed \$487,000,000, shall be
18 available until expended for necessary expenses related to
19 the protection of federally-owned and leased buildings
20 and for the operations of the Federal Protective Service.

21 AUTOMATION MODERNIZATION

22 For expenses of immigration and customs enforce-
23 ment automated systems, \$40,150,000, to remain avail-
24 able until expended: *Provided*, That none of the funds ap-
25 propriated under this heading may be obligated until the
26 Committees on Appropriations of the Senate and the

1 TRANSPORTATION SECURITY ADMINISTRATION
2 AVIATION SECURITY

3 For necessary expenses of the Transportation Secu-
4 rity Administration related to providing aviation security,
5 \$4,591,612,000, to remain available until September 30,
6 2007, of which not to exceed \$3,000 shall be available for
7 official reception and representation expenses: *Provided*,
8 That of the total amount provided under this heading, not
9 to exceed \$3,608,599,000 shall be for screening oper-
10 ations, of which \$170,000,000 shall be available only for
11 procurement of checked baggage explosive detection sys-
12 tems and \$75,000,000 shall be available only for installa-
13 tion of checked baggage explosive detection systems; and
14 not to exceed \$983,013,000 shall be for aviation security
15 direction and enforcement presence: *Provided further*,
16 That security service fees authorized under section 44940
17 of title 49, United States Code, shall be credited to this
18 appropriation as offsetting collections: *Provided further*,
19 That the sum herein appropriated from the General Fund
20 shall be reduced on a dollar-for-dollar basis as such offset-
21 ting collections are received during fiscal year 2006, so
22 as to result in a final fiscal year appropriation from the
23 General Fund estimated at not more than
24 \$2,601,612,000: *Provided further*, That any security serv-
25 ice fees collected in excess of the amount appropriated

1 under this heading shall become available during fiscal
2 year 2007: *Provided further*, That notwithstanding section
3 44923 of title 49, United States Code, the Government's
4 share of the cost of a project under any letter of intent
5 shall be 75 percent for any medium or large hub airport
6 and 90 percent for any other airport, and all funding pro-
7 vided by subsection (h) of such section, or from appropria-
8 tions authorized by subsection (i)(1) of such section, may
9 be distributed in any manner deemed necessary to ensure
10 aviation security and to fulfill the Government's planned
11 cost share under existing letters of intent: *Provided fur-*
12 *ther*, That none of the funds in this Act shall be used to
13 recruit or hire personnel into the Transportation Security
14 Administration which would cause the agency to exceed
15 a staffing level of 45,000 full-time equivalent screeners.

16 SURFACE TRANSPORTATION SECURITY

17 For necessary expenses of the Transportation Secu-
18 rity Administration related to providing surface transpor-
19 tation security activities, \$36,000,000, to remain avail-
20 able until September 30, 2007.

21 TRANSPORTATION VETTING AND CREDENTIALING

22 For necessary expenses for the development and im-
23 plementation of screening programs by the Office of
24 Transportation Vetting and Credentialing, \$84,294,000.

1 TRANSPORTATION SECURITY SUPPORT

2 For necessary expenses of the Transportation Secu-
3 rity Administration related to providing transportation
4 security support and intelligence activities, \$541,008,000,
5 to remain available until September 30, 2007: *Provided*,
6 That of the funds appropriated under this heading,
7 \$50,000,000 may not be obligated until the Secretary
8 submits to the Committee on Appropriations of the
9 House of Representatives (1) a plan for optimally deploy-
10 ing explosive detection equipment, either in-line or to re-
11 place explosive trace detection machines, at the Nation's
12 airports on a priority basis to enhance security, reduce
13 Transportation Security Administration staffing require-
14 ments, and long-term costs; and (2) a detailed spend plan
15 for explosive detection systems procurement and installa-
16 tions on an airport-by-airport basis for fiscal year 2006:
17 *Provided further*, That these plans shall be submitted no
18 later than 60 days after enactment of this Act.

19 UNITED STATES COAST GUARD

20 OPERATING EXPENSES

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

1 recreation and welfare, \$5,500,000,000, of which
2 \$1,200,000,000 shall be for defense-related activities; of
3 which \$24,500,000 shall be derived from the Oil Spill Li-
4 ability Trust Fund to carry out the purposes of section
5 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.
6 2712(a)(5)); and of which not to exceed \$3,000 shall be
7 for official reception and representation expenses: *Pro-*
8 *vided*, That none of the funds appropriated by this or any
9 other Act shall be available for administrative expenses in
10 connection with shipping commissioners in the United
11 States: *Provided further*, That none of the funds provided
12 by this Act shall be available for expenses incurred for
13 yacht documentation under section 12109 of title 46,
14 United States Code, except to the extent fees are col-
15 lected from yacht owners and credited to this appropria-
16 tion.

17 ENVIRONMENTAL COMPLIANCE AND RESTORATION

18 For necessary expenses to carry out the Coast
19 Guard's environmental compliance and restoration func-
20 tions under chapter 19 of title 14, United States Code,
21 \$12,000,000, to remain available until expended.

22 RESERVE TRAINING

23 For necessary expenses of the Coast Guard Reserve,
24 as authorized by law; operations and maintenance of the
25 reserve program; personnel and training costs; and equip-
26 ment and services; \$119,000,000.

1 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

2 For necessary expenses of acquisition, construction,
3 renovation, and improvement of aids to navigation, shore
4 facilities, vessels, and aircraft, including equipment re-
5 lated thereto; and maintenance, rehabilitation, lease and
6 operation of facilities and equipment, as authorized by
7 law, \$798,152,000, of which \$20,000,000 shall be derived
8 from the Oil Spill Liability Trust Fund to carry out the
9 purposes of section 1012(a)(5) of the Oil Pollution Act
10 of 1990 (33 U.S.C. 2712(a)(5)); of which \$22,000,000
11 shall be available until September 30, 2010, to acquire,
12 repair, renovate, or improve vessels, small boats, and re-
13 lated equipment; of which \$29,902,000 shall be available
14 until September 30, 2010, to increase aviation capability;
15 of which \$130,100,000 shall be available until September
16 30, 2008, for other equipment; of which \$39,700,000
17 shall be available until September 30, 2008, for shore fa-
18 cilities and aids to navigation facilities; of which
19 \$76,450,000 shall be available for personnel compensa-
20 tion and benefits and related costs; and of which
21 \$500,000,000 shall be available until September 30,
22 2010, for the Integrated Deepwater Systems program:
23 *Provided*, That the Commandant of the Coast Guard is
24 authorized to dispose of surplus real property, by sale or
25 lease, and the proceeds shall be credited to this appro-

1 priation as offsetting collections and shall be available
2 until September 30, 2008, only for Rescue 21: *Provided*
3 *further*, That of the funds appropriated under this head-
4 ing for the Integrated Deepwater System, \$50,000,000
5 may not be obligated until the Committee on Appropria-
6 tions of the House of Representatives receives from the
7 Secretary of Homeland Security a new Deepwater pro-
8 gram baseline that reflects revised, post September 11th
9 operational priorities that includes—

10 (1) a detailed justification for each new Deep-
11 water asset that is determined to be necessary to
12 fulfill homeland and national security functions or
13 multi-agency procurements as identified by the Joint
14 Requirements Council;

15 (2) a comprehensive timeline for the entire
16 Deepwater program, including an asset-by-asset
17 breakdown, aligned with the comprehensive acquisi-
18 tion timeline and revised mission needs statement,
19 that also details the phase-out of legacy assets and
20 the phase-in of new, replacement assets on an an-
21 nual basis;

22 (3) a comparison of the revised acquisition
23 timeline against the original Deepwater timeline;

1 (4) an aggregate total cost of the program that
2 aligns with the revised mission needs statement, ac-
3 quisition timeline and asset-by-asset breakdown;

4 (5) a detailed projection of the remaining oper-
5 ational lifespan of every type of legacy cutter and
6 aircraft; and

7 (6) a detailed progress report on command,
8 control, communications, computers, intelligence,
9 surveillance, and reconnaissance equipment upgrades
10 that includes what has been installed currently on
11 operational assets and when such equipment will be
12 installed on all remaining Deepwater legacy assets:

13 *Provided further*, That the Secretary shall annually
14 submit to the Committee on Appropriations of the
15 House of Representatives, at the time that the
16 President's budget is submitted under section
17 1105(a) of title 31, a future-years capital investment
18 plan for the Coast Guard that identifies for each
19 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 5 fiscal years or until project comple-
25 tion, whichever is earlier;

1 (4) an estimated completion date at the pro-
2 jected funding levels; and

3 (5) changes, if any, in the total estimated cost
4 of completion or estimated completion date from
5 previous future-years capital investment plans sub-
6 mitted to the Committee on Appropriations of the
7 House of Representatives:

8 *Provided further*, That the Secretary shall ensure that
9 amounts specified in the future-years capital investment
10 plan are consistent to the maximum extent practicable
11 with proposed appropriations necessary to support the
12 programs, projects, and activities of the Coast Guard in
13 the President's budget as submitted under section 1105(a)
14 of title 31 for that fiscal year: *Provided further*, That any
15 inconsistencies between the capital investment plan and
16 proposed appropriations shall be identified and justified.

17 ALTERATION OF BRIDGES

18 For necessary expenses for alteration or removal of
19 obstructive bridges, \$15,000,000, to remain available
20 until expended.

21 RETIRED PAY

22 For retired pay, including the payment of obliga-
23 tions otherwise chargeable to lapsed appropriations for
24 this purpose, payments under the Retired Serviceman's
25 Family Protection and Survivor Benefits Plans, payment
26 for career status bonuses, concurrent receipts and com-

1 bat-related special compensation under the National De-
2 fense Authorization Act, and payments for medical care
3 of retired personnel and their dependents under chapter
4 55 of title 10, United States Code, \$1,014,080,000.

5 UNITED STATES SECRET SERVICE

6 SALARIES AND EXPENSES

7 For necessary expenses of the United States Secret
8 Service, including purchase of not to exceed 614 vehicles
9 for police-type use, which shall be for replacement only,
10 and hire of passenger motor vehicles; purchase of Amer-
11 ican-made motorcycles; hire of aircraft; services of expert
12 witnesses at such rates as may be determined by the Di-
13 rector; rental of buildings in the District of Columbia,
14 and fencing, lighting, guard booths, and other facilities
15 on private or other property not in Government owner-
16 ship or control, as may be necessary to perform protec-
17 tive functions; payment of per diem or subsistence allow-
18 ances to employees where a protective assignment during
19 the actual day or days of the visit of a protectee requires
20 an employee to work 16 hours per day or to remain over-
21 night at his or her post of duty; conduct of and participa-
22 tion in firearms matches; presentation of awards; travel
23 of Secret Service employees on protective missions with-
24 out regard to the limitations on such expenditures in this
25 or any other Act if approval is obtained in advance from

1 the Committees on Appropriations of the Senate and the
2 House of Representatives; research and development;
3 grants to conduct behavioral research in support of pro-
4 tective research and operations; and payment in advance
5 for commercial accommodations as may be necessary to
6 perform protective functions; \$1,228,981,000, of which
7 not to exceed \$25,000 shall be for official reception and
8 representation expenses; of which not to exceed \$100,000
9 shall be to provide technical assistance and equipment to
10 foreign law enforcement organizations in counterfeit in-
11 vestigations; of which \$2,678,000 shall be for forensic
12 and related support of investigations of missing and ex-
13 ploited children; and of which \$5,000,000 shall be a
14 grant for activities related to the investigations of ex-
15 ploited children and shall remain available until ex-
16 pended: *Provided*, That up to \$18,000,000 provided for
17 protective travel shall remain available until September
18 30, 2007: *Provided further*, That of the total amount ap-
19 propriated, not less than \$10,000,000 shall be available
20 solely for the unanticipated costs related to security oper-
21 ations for National Special Security Events, to remain
22 available until September 30, 2007: *Provided further*,
23 That the United States Secret Service is authorized to
24 obligate funds in anticipation of reimbursements from
25 agencies and entities, as defined in section 105 of title

1 5, United States Code, receiving training sponsored by
 2 the James J. Rowley Training Center, except that total
 3 obligations at the end of the fiscal year shall not exceed
 4 total budgetary resources available under this heading at
 5 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 \$3,699,000, to remain available until expended.

11 TITLE III—PREPAREDNESS AND RECOVERY

12 OFFICE OF STATE AND LOCAL GOVERNMENT

13 COORDINATION AND PREPAREDNESS

14 MANAGEMENT AND ADMINISTRATION

15 For necessary expenses for the Office of State and
 16 Local Government Coordination and Preparedness,
 17 \$3,546,000: *Provided*, That not to exceed \$2,000 shall be
 18 for official reception and representation expenses.

19 STATE AND LOCAL PROGRAMS

20 For grants, contracts, cooperative agreements, and
 21 other activities, including grants to State and local gov-
 22 ernments for terrorism prevention activities, notwith-
 23 standing any other provision of law, \$2,781,300,000,
 24 which shall be allocated as follows:

- 25 (1) \$750,000,000 for formula-based grants and
 26 \$400,000,000 for law enforcement terrorism preven-

1 tion grants pursuant to section 1014 of the USA
2 PATRIOT ACT (42 U.S.C. 3714): *Provided*, That
3 the application for grants shall be made available to
4 States within 45 days after enactment of this Act;
5 that States shall submit applications within 90 days
6 after the grant announcement; and that the Office
7 of State and Local Government Coordination and
8 Preparedness shall act within 90 days after receipt
9 of an application: *Provided further*, That no less
10 than 80 percent of any grant under this paragraph
11 to a State shall be made available by the State to
12 local governments within 60 days after the receipt of
13 the funds.

14 (2) \$1,215,000,000 for discretionary grants, as
15 determined by the Secretary of Homeland Security,
16 of which—

17 (A) \$850,000,000 shall be for use in high-
18 threat, high-density urban areas;

19 (B) \$150,000,000 shall be for port security
20 grants, which shall be distributed based on
21 risks and vulnerabilities: *Provided*, That the Of-
22 fice of State and Local Government Coordina-
23 tion and Preparedness shall work with the In-
24 formation Analysis and Infrastructure Protec-
25 tion Directorate to assess the risk associated

1 with each port and with the Coast Guard to
2 evaluate the vulnerability of each port: *Provided*
3 *further*, That funding may only be made avail-
4 able to those projects recommended by the
5 Coast Guard Captain of the Port;

6 (C) \$5,000,000 shall be for trucking indus-
7 try security grants;

8 (D) \$10,000,000 shall be for intercity bus
9 security grants;

10 (E) \$150,000,000 shall be for intercity
11 passenger rail transportation (as defined in sec-
12 tion 24102 of title 49, United States Code),
13 freight rail, and transit security grants; and

14 (F) \$50,000,000 shall be for buffer zone
15 protection grants:

16 *Provided*, That for grants under subparagraph (A), the
17 application for grants shall be made available to States
18 within 45 days after enactment of this Act; that States
19 shall submit applications within 90 days after the grant
20 announcement; and that the Office of State and Local
21 Government Coordination and Preparedness shall act
22 within 90 days after receipt of an application: *Provided*
23 *further*, That no less than 80 percent of any grant under
24 this paragraph to a State shall be made available by the

1 State to local governments within 60 days after the receipt
2 of the funds.

3 (3) \$50,000,000 shall be available for the Com-
4 mercial Equipment Direct Assistance Program.

5 (4) \$366,300,000 for training, exercises, tech-
6 nical assistance, and other programs:

7 *Provided*, That none of the grants provided under this
8 heading shall be used for the construction or renovation
9 of facilities; for minor perimeter security projects, not to
10 exceed \$1,000,000, as determined necessary by the Sec-
11 retary of Homeland Security: *Provided further*, That the
12 proceeding proviso shall not apply to grants under sub-
13 paragraphs (B) and (E) of paragraph (2) of this heading:
14 *Provided further*, That grantees shall provide additional
15 reports on their use of funds, as determined necessary by
16 the Secretary of Homeland Security: *Provided further*,
17 That funds appropriated for law enforcement terrorism
18 prevention grants under paragraph (1) and discretionary
19 grants under paragraph (2)(A) of this heading shall be
20 available for operational costs, to include personnel over-
21 time and overtime associated with Office of State and
22 Local Government Coordination and Preparedness cer-
23 tified training, as needed: *Provided further*, That in ac-
24 cordance with the Department's implementation plan for
25 Homeland Security Presidential Directive 8, the Office of

1 State and Local Government Coordination and Prepared-
2 ness shall issue the final National Preparedness Goal no
3 later than October 1, 2005; and no funds provided under
4 paragraphs (1) and (2)(A) shall be awarded to States that
5 have not submitted to the Office of State and Local Gov-
6 ernment Coordination and Preparedness an updated State
7 homeland strategy based on the interim National Pre-
8 paredness Goal, dated March 31, 2005.

9 FIREFIGHTER ASSISTANCE GRANTS

10 For necessary expenses for programs authorized by
11 the Federal Fire Prevention and Control Act of 1974 (15
12 U.S.C. 2201 et seq.), \$600,000,000, of which
13 \$550,000,000 shall be available to carry out section 33
14 (15 U.S.C. 2229) and \$50,000,000 shall be available to
15 carry out section 34 (15 U.S.C. 2229a) of the Act, to re-
16 main available until September 30, 2007: *Provided*, That
17 not to exceed 5 percent of this amount shall be available
18 for program administration.

19 EMERGENCY MANAGEMENT PERFORMANCE GRANTS

20 For necessary expenses for emergency management
21 performance grants, as authorized by the National Flood
22 Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the
23 Robert T. Stafford Disaster Relief and Emergency As-
24 sistance Act (42 U.S.C. 5121 et seq.), the Earthquake
25 Hazards Reductions Act of 1977 (42 U.S.C. 7701 et
26 seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C.

1 App.), \$180,000,000: *Provided*, That total administrative
2 costs shall not exceed 3 percent of the total appropria-
3 tion.

4 COUNTERTERRORISM FUND

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

16 EMERGENCY PREPAREDNESS AND RESPONSE

17 OFFICE OF THE UNDER SECRETARY FOR EMERGENCY

18 PREPAREDNESS AND RESPONSE

19 For necessary expenses for the Office of the Under
20 Secretary for Emergency Preparedness and Response, as
21 authorized by section 502 of the Homeland Security Act
22 of 2002 (6 U.S.C. 312), \$2,306,000.

23 PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

24 For necessary expenses for preparedness, mitigation,
25 response, and recovery activities of the Directorate of
26 Emergency Preparedness and Response, \$249,499,000,

1 including activities authorized by the National Flood In-
2 surance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert
3 T. Stafford Disaster Relief and Emergency Assistance
4 Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards
5 Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the
6 Federal Fire Prevention and Control Act of 1974 (15
7 U.S.C. 2201 et seq.), the Defense Production Act of
8 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and
9 303 of the National Security Act of 1947 (50 U.S.C.
10 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C.
11 App.), and the Homeland Security Act of 2002 (6 U.S.C.
12 101 et seq.).

13 ADMINISTRATIVE AND REGIONAL OPERATIONS

14 For necessary expenses for administrative and re-
15 gional operations of the Directorate of Emergency Pre-
16 paredness and Response, \$225,441,000, including activi-
17 ties authorized by the National Flood Insurance Act of
18 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford
19 Disaster Relief and Emergency Assistance Act (42
20 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction
21 Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire
22 Prevention and Control Act of 1974 (15 U.S.C. 2201 et
23 seq.), the Defense Production Act of 1950 (50 U.S.C.
24 App. 2061 et seq.), sections 107 and 303 of the National
25 Security Act of 1947 (50 U.S.C. 404, 405), Reorganiza-
26 tion Plan No. 3 of 1978 (5 U.S.C. App.), and the Home-

1 land Security Act of 2002 (6 U.S.C. 101 et seq.): *Pro-*
2 *vided*, That not to exceed \$3,000 shall be for official re-
3 ception and representation expenses.

4 PUBLIC HEALTH PROGRAMS

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

8 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

9 The aggregate charges assessed during fiscal year
10 2006, as authorized in title III of the Departments of
11 Veterans Affairs and Housing and Urban Development,
12 and Independent Agencies Appropriations Act, 1999 (42
13 U.S.C. 5196e), shall not be less than 100 percent of the
14 amounts anticipated by the Department of Homeland Se-
15 curity necessary for its radiological emergency prepared-
16 ness program for the next fiscal year: *Provided*, That the
17 methodology for assessment and collection of fees shall be
18 fair and equitable and shall reflect costs of providing
19 such services, including administrative costs of collecting
20 such fees: *Provided further*, That fees received under this
21 heading shall be deposited in this account as offsetting
22 collections and will become available for authorized pur-
23 poses on October 1, 2006, and remain available until ex-
24 pended.

1 DISASTER RELIEF

2 For necessary expenses in carrying out the Robert
3 T. Stafford Disaster Relief and Emergency Assistance
4 Act (42 U.S.C. 5121 et seq.), \$2,023,900,000, to remain
5 available until expended.

6 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

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

16 FLOOD MAP MODERNIZATION FUND

17 For necessary expenses pursuant to section 1360 of
18 the National Flood Insurance Act of 1968 (42 U.S.C.
19 4101), \$200,000,000, and such additional sums as may
20 be provided by State and local governments or other po-
21 litical subdivisions for cost-shared mapping activities
22 under section 1360(f)(2) of such Act, to remain available
23 until expended: *Provided*, That total administrative costs
24 shall not exceed 3 percent of the total appropriation.

1 NATIONAL FLOOD INSURANCE FUND
2 (INCLUDING TRANSFER OF FUNDS)

3 For activities under the National Flood Insurance
4 Act of 1968 (42 U.S.C. 4001 et seq.), not to exceed
5 \$36,496,000 for salaries and expenses associated with
6 flood mitigation and flood insurance operations; not to
7 exceed \$40,000,000 for financial assistance under section
8 1361A of such Act to States and communities for taking
9 actions under such section with respect to severe repet-
10 itive loss properties, to remain available until expended;
11 not to exceed \$10,000,000 for mitigation actions under
12 section 1323 of such Act; and not to exceed \$99,358,000
13 for flood hazard mitigation, to remain available until Sep-
14 tember 30, 2007, including up to \$40,000,000 for ex-
15 penses under section 1366 of the National Flood Insur-
16 ance Act of 1968 (42 U.S.C. 4104c), which amount shall
17 be available for transfer to the National Flood Mitigation
18 Fund until September 30, 2007, and which amount shall
19 be derived from offsetting collections assessed and col-
20 lected pursuant to section 1307 of that Act (42 U.S.C.
21 4014), and shall be retained and used for necessary ex-
22 penses under this heading: *Provided*, That in fiscal year
23 2006, no funds in excess of (1) \$55,000,000 for oper-
24 ating expenses; (2) \$660,148,000 for agents' commis-
25 sions and taxes; and (3) \$30,000,000 for interest on

1 Treasury borrowings shall be available from the National
2 Flood Insurance Fund.

3 NATIONAL FLOOD MITIGATION FUND

4 Notwithstanding subparagraphs (B) and (C) of sub-
5 section (b)(3), and subsection (f), of section 1366 of the
6 National Flood Insurance Act of 1968 (42 U.S.C.
7 4104c), \$40,000,000, to remain available until September
8 30, 2007, for activities designed to reduce the risk of
9 flood damage to structures pursuant to such Act, of
10 which \$40,000,000 shall be derived from the National
11 Flood Insurance Fund.

12 NATIONAL PRE-DISASTER MITIGATION FUND

13 For a pre-disaster mitigation grant program pursu-
14 ant to title II of the Robert T. Stafford Disaster Relief
15 and Emergency Assistance Act (42 U.S.C. 5131 et seq.),
16 \$150,000,000, to remain available until expended: *Pro-*
17 *vided*, That grants made for pre-disaster mitigation shall
18 be awarded on a competitive basis subject to the criteria
19 in section 203(g) of such Act (42 U.S.C. 5133(g)), and
20 notwithstanding section 203(f) of such Act, shall be made
21 without reference to State allocations, quotas, or other
22 formula-based allocation of funds: *Provided further*, That
23 total administrative costs shall not exceed 3 percent of
24 the total appropriation.

1 EMERGENCY FOOD AND SHELTER

2 To carry out an emergency food and shelter program
3 pursuant to title III of the Stewart B. McKinney Home-
4 less Assistance Act (42 U.S.C. 11331 et seq.),
5 \$153,000,000, to remain available until expended: *Pro-*
6 *vided*, That total administrative costs shall not exceed 3.5
7 percent of the total appropriation.

8 TITLE IV—RESEARCH AND DEVELOPMENT,
9 TRAINING, ASSESSMENTS, AND SERVICES

10 CITIZENSHIP AND IMMIGRATION SERVICES

11 For necessary expenses for citizenship and immigra-
12 tion services, \$120,000,000: *Provided*, That the Director
13 of United States Citizenship and Immigration Services
14 shall submit to the Committee on Appropriations of the
15 House of Representatives a report on its information
16 technology transformation efforts and how these efforts
17 align with the enterprise architecture standards of the
18 Department of Homeland Security within 90 days of en-
19 actment of this Act.

20 FEDERAL LAW ENFORCEMENT TRAINING CENTER

21 SALARIES AND EXPENSES

22 For necessary expenses of the Federal Law Enforce-
23 ment Training Center, including materials and support
24 costs of Federal law enforcement basic training; purchase
25 of not to exceed 117 vehicles for police-type use and hire

1 of passenger motor vehicles; expenses for student athletic
2 and related activities; the conduct of and participation in
3 firearms matches and presentation of awards; public
4 awareness and enhancement of community support of law
5 enforcement training; room and board for student in-
6 terns; a flat monthly reimbursement to employees author-
7 ized to use personal mobile phones for official duties; and
8 services as authorized by section 3109 of title 5, United
9 States Code; \$194,000,000, of which up to \$36,174,000
10 for materials and support costs of Federal law enforce-
11 ment basic training shall remain available until Sep-
12 tember 30, 2007; and of which not to exceed \$12,000
13 shall be for official reception and representation expenses:
14 *Provided*, That the Center is authorized to obligate funds
15 in anticipation of reimbursements from agencies receiving
16 training sponsored by the Center, except that total obli-
17 gations at the end of the fiscal year shall not exceed total
18 budgetary resources available at the end of the fiscal
19 year: *Provided further*, That in fiscal year 2006 and
20 thereafter, the Center is authorized to assess pecuniary
21 liability against Center employees and students for losses
22 or destruction of government property due to gross neg-
23 ligence or willful misconduct and to set off any resulting
24 debts due the United States by Center employees and

1 students, without their consent, against current payments
2 due the employees and students for their services.

3 ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND
4 RELATED EXPENSES

5 For acquisition of necessary additional real property
6 and facilities, construction, and ongoing maintenance, fa-
7 cility improvements, and related expenses of the Federal
8 Law Enforcement Training Center, \$64,743,000, to re-
9 main available until expended: *Provided*, That the Center
10 is authorized to accept reimbursement to this appropria-
11 tion from government agencies requesting the construc-
12 tion of special use facilities.

13 INFORMATION ANALYSIS AND INFRASTRUCTURE
14 PROTECTION
15 MANAGEMENT AND ADMINISTRATION

16 For salaries and expenses of the immediate Office of
17 the Under Secretary for Information Analysis and Infra-
18 structure Protection and for management and adminis-
19 tration of programs and activities, as authorized by title
20 II of the Homeland Security Act of 2002 (6 U.S.C. 121
21 et seq.), \$198,200,000: *Provided*, That not to exceed
22 \$5,000 shall be for official reception and representation
23 expenses.

24 ASSESSMENTS AND EVALUATIONS

25 For necessary expenses for information analysis and
26 infrastructure protection as authorized by title II of the

1 Homeland Security Act of 2002 (6 U.S.C. 121 et seq.),
2 \$663,240,000, to remain available until September 30,
3 2007.

4 SCIENCE AND TECHNOLOGY

5 MANAGEMENT AND ADMINISTRATION

6 For salaries and expenses of the immediate Office of
7 the Under Secretary for Science and Technology and for
8 management and administration of programs and activi-
9 ties, as authorized by title III of the Homeland Security
10 Act of 2002 (6 U.S.C. 181 et seq.), \$81,399,000: *Pro-*
11 *vided*, That not to exceed \$3,000 shall be for official re-
12 ception and representation expenses.

13 RESEARCH, DEVELOPMENT, ACQUISITION AND

14 OPERATIONS

15 For necessary expenses for science and technology
16 research, including advanced research projects; develop-
17 ment; test and evaluation; acquisition; and operations; as
18 authorized by title III of the Homeland Security Act of
19 2002 (6 U.S.C. 181 et seq.), \$1,258,597,000, to remain
20 available until expended: *Provided*, That of the total
21 amount provided under this heading, \$23,000,000 is
22 available to find an alternative site for the National Bio
23 and Agrodefense Laboratory and other pre-construction
24 activities to establish research labs to protect animal and
25 public health from high consequence animal and zoonotic
26 diseases, in support of the requirements of Homeland Se-

1 curity Presidential Directives 9 and 10: *Provided further*,
2 That of the total amount provided under this heading,
3 \$10,000,000 shall be used to enhance activities toward
4 implementation of section 313 of the Homeland Security
5 Act of 2002 (6 U.S.C. 193).

6 TITLE V—GENERAL PROVISIONS

7 (INCLUDING RESCISSION OF FUNDS)

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

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

20 SEC. 503. (a) None of the funds provided by this
21 Act, provided by previous appropriations Acts to the
22 agencies in or transferred to the Department of Home-
23 land Security that remain available for obligation or ex-
24 penditure in fiscal year 2006, or provided from any ac-
25 counts in the Treasury of the United States derived by

1 the collection of fees available to the agencies funded by
2 this Act, shall be available for obligation or expenditure
3 through a reprogramming of funds that: (1) creates a
4 new program; (2) eliminates a program, project, or activ-
5 ity; (3) increases funds for any program, project, or ac-
6 tivity for which funds have been denied or restricted by
7 the Congress; (4) proposes to use funds directed for a
8 specific activity by either the House or Senate Commit-
9 tees on Appropriations for a different purpose; or (5)
10 contracts out any functions or activities for which funds
11 have been appropriated for Federal full-time equivalent
12 positions; unless the Committees on Appropriations of the
13 Senate and the House of Representatives are notified 15
14 days in advance of such reprogramming of funds.

15 (b) None of the funds provided by this Act, provided
16 by previous appropriation Acts to the agencies in or
17 transferred to the Department of Homeland Security that
18 remain available for obligation or expenditure in fiscal
19 year 2006, or provided from any accounts in the Treas-
20 ury of the United States derived by the collection of fees
21 available to the agencies funded by this Act, shall be
22 available for obligation or expenditure for programs,
23 projects, or activities through a reprogramming of funds
24 in excess of \$5,000,000 or 10 percent, whichever is less,
25 that: (1) augments existing programs, projects, or activi-

1 ties; (2) reduces by 10 percent funding for any existing
2 program, project, or activity, or numbers of personnel by
3 10 percent as approved by the Congress; or (3) results
4 from any general savings from a reduction in personnel
5 that would result in a change in existing programs,
6 projects, or activities as approved by the Congress; unless
7 the Committees on Appropriations of the Senate and the
8 House of Representatives are notified 15 days in advance
9 of such reprogramming of funds.

10 (c) Not to exceed 5 percent of any appropriation
11 made available for the current fiscal year for the Depart-
12 ment of Homeland Security by this Act or provided by
13 previous appropriations Acts may be transferred between
14 such appropriations, but no such appropriations, except
15 as otherwise specifically provided, shall be increased by
16 more than 10 percent by such transfers: *Provided*, That
17 any transfer under this subsection shall be treated as a
18 reprogramming of funds under subsection (b) of this sec-
19 tion and shall not be available for obligation unless the
20 Committees on Appropriations of the Senate and the
21 House of Representatives are notified 15 days in advance
22 of such transfer.

23 (d) The Department shall submit all notifications
24 pursuant to subsections (a), (b), and (c) of this section
25 no later than June 30, except in extraordinary cir-

1 cumstances which imminently threaten the safety of
2 human life or the protection of property.

3 SEC. 504. Except as otherwise specifically provided
4 by law, not to exceed 50 percent of unobligated balances
5 remaining available at the end of fiscal year 2006 from
6 appropriations for salaries and expenses for fiscal year
7 2006 in this Act shall remain available through Sep-
8 tember 30, 2007, in the account and for the purposes for
9 which the appropriations were provided: *Provided*, That
10 prior to the obligation of such funds, a request shall be
11 submitted to the Committees on Appropriations of the
12 Senate and the House of Representatives for approval in
13 accordance with section 503 of this Act.

14 SEC. 505. Funds made available by this Act for in-
15 telligence activities are deemed to be specifically author-
16 ized by the Congress for purposes of section 504 of the
17 National Security Act of 1947 (50 U.S.C. 414) during
18 fiscal year 2006 until the enactment of an Act author-
19 izing intelligence activities for fiscal year 2006.

20 SEC. 506. The Federal Law Enforcement Training
21 Center shall establish an accrediting body, to include rep-
22 resentatives from the Federal law enforcement commu-
23 nity and non-Federal accreditation experts involved in
24 law enforcement training, to establish standards for
25 measuring and assessing the quality and effectiveness of

1 Federal law enforcement training programs, facilities,
2 and instructors.

3 SEC. 507. None of the funds in this Act may be
4 used to make a grant allocation, discretionary grant
5 award, discretionary contract award, or to issue a letter
6 of intent totaling in excess of \$1,000,000 unless the Sec-
7 retary of Homeland Security notifies the Committees on
8 Appropriations of the Senate and House of Representa-
9 tives at least 3 full business days in advance: *Provided*,
10 That no notification shall involve funds that are not
11 available for obligation.

12 SEC. 508. Notwithstanding any other provision of
13 law, no agency shall purchase, construct, or lease any ad-
14 ditional facilities, except within or contiguous to existing
15 locations, to be used for the purpose of conducting Fed-
16 eral law enforcement training without the advance ap-
17 proval of the Committees on Appropriations of the Senate
18 and the House of Representatives, except that the Fed-
19 eral Law Enforcement Training Center is authorized to
20 obtain the temporary use of additional facilities by lease,
21 contract, or other agreement for training which cannot be
22 accommodated in existing Center facilities.

23 SEC. 509. The Director of the Federal Law Enforce-
24 ment Training Center (FLETC) shall schedule basic and/
25 or advanced law enforcement training at all four training

1 facilities under FLETC's control to ensure that these
2 training centers are operated at the highest capacity
3 throughout the fiscal year.

4 SEC. 510. None of the funds appropriated or other-
5 wise made available by this Act may be used for expenses
6 of any construction, repair, alteration, or acquisition
7 project for which a prospectus, if required by the Public
8 Buildings Act of 1959, has not been approved, except
9 that necessary funds may be expended for each project
10 for required expenses for the development of a proposed
11 prospectus.

12 SEC. 511. None of the funds in this Act may be
13 used in contravention of the applicable provisions of the
14 Buy American Act (41 U.S.C. 10a et seq.).

15 SEC. 512. Funding for the Transportation Security
16 Administration's Office of Transportation Security Sup-
17 port, Office of the Administrator, shall be reduced by
18 \$100,000 per day for each day after enactment of this
19 Act that the second proviso of section 513 of Public Law
20 108-334 has not been implemented.

21 SEC. 513. The Commandant of the Coast Guard
22 shall provide to the Committee on Appropriations of the
23 House of Representatives each year, at the time that the
24 President's budget is submitted under section 1105(a) of
25 title 31, United States Code, a list of approved but un-

1 funded Coast Guard priorities and the funds needed for
2 each such priority in the same manner and with the same
3 contents as the unfunded priorities lists submitted by the
4 chiefs of other Armed Services.

5 SEC. 514. Notwithstanding section 3302 of title 31,
6 United States Code, beginning in fiscal year 2006 and
7 thereafter, the Administrator of the Transportation Secu-
8 rity Administration may impose a reasonable charge for
9 the lease of real and personal property to Transportation
10 Security Administration employees and for use by Trans-
11 portation Security Administration employees and may
12 credit amounts received to the appropriation or fund ini-
13 tially charged for operating and maintaining the prop-
14 erty, which amounts shall be available, without fiscal year
15 limitation, for expenditure for property management, op-
16 eration, protection, construction, repair, alteration, and
17 related activities.

18 SEC. 515. Beginning in fiscal year 2006 and there-
19 after, the acquisition management system of the Trans-
20 portation Security Administration shall apply to the ac-
21 quisition of services, as well as equipment, supplies, and
22 materials.

23 SEC. 516. Notwithstanding any other provision of
24 law, the authority of the Office of Personnel Management
25 to conduct personnel security and suitability background

1 investigations, update investigations, and periodic re-
2 investigations of applicants for, or appointees in, posi-
3 tions in the Office of the Secretary and Executive Man-
4 agement, the Office of the Under Secretary for Manage-
5 ment, the Bureau of Immigration and Customs Enforce-
6 ment, the Directorate of Science and Technology, and the
7 Directorate of Information Analysis and Infrastructure
8 Protection of the Department of Homeland Security is
9 transferred to the Department of Homeland Security:
10 *Provided*, That on request of the Department of Home-
11 land Security, the Office of Personnel Management shall
12 cooperate with and assist the Department in any inves-
13 tigation or reinvestigation under this section.

14 SEC. 517. Notwithstanding any other provision of
15 law, funds appropriated under paragraphs (1) and (2) of
16 the State and Local Programs heading under title III of
17 this Act are exempt from section 6503(a) of title 31,
18 United States Code.

19 SEC. 518. (a) None of the funds provided by this or
20 previous appropriations Acts may be obligated for deploy-
21 ment or implementation, on other than a test basis, of the
22 Secure Flight program or any other follow on or successor
23 passenger prescreening programs, until the Secretary of
24 Homeland Security certifies, and the Government Ac-
25 countability Office (GAO) reports, to the Committees on

1 Appropriations of the Senate and the House of Represent-
2 atives, that all ten of the elements contained in paragraphs
3 (1) through (10) of section 522(a) of Public Law 108–
4 334 have been successfully met.

5 (b) The report required by subsection (a) shall be
6 submitted within 90 days after the certification required
7 by such subsection is provided, and periodically thereafter,
8 if necessary, until the Government Accountability Office
9 confirms that all ten elements have been successfully met.

10 (c) During the testing phase permitted by subsection
11 (a), no information gathered from passengers, foreign or
12 domestic air carriers, or reservation systems may be used
13 to screen aviation passengers, or delay or deny boarding
14 to such passengers, except in instances where passenger
15 names are matched to a government watch list.

16 (d) None of the funds provided in this or any previous
17 appropriations Act may be utilized to develop or test algo-
18 rithms assigning risk to passengers whose names are not
19 on government watch lists.

20 (e) None of the funds provided in this appropriations
21 Act may be utilized for a database that is obtained from
22 or remains under the control of a non-Federal entity.

23 SEC. 519. None of the funds made available in this
24 Act may be used to amend the oath of allegiance required

1 by section 337 of the Immigration and Nationality Act
2 (8 U.S.C. 1448).

3 SEC. 520. None of the funds appropriated by this
4 Act may be used to process or approve a competition
5 under Office of Management and Budget Circular A-76
6 for services provided as of June 1, 2004, by employees
7 (including employees serving on a temporary or term
8 basis) of Citizenship and Immigration Services of the De-
9 partment of Homeland Security who are known as of
10 that date as Immigration Information Officers, Contact
11 Representatives, or Investigative Assistants.

12 SEC. 521. None of the funds available in this Act or
13 provided hereafter shall be available to maintain the
14 United States Secret Service as anything but a distinct
15 entity within the Department of Homeland Security and
16 shall not be used to merge the United States Secret Serv-
17 ice with any other department function, cause any per-
18 sonnel and operational elements of the United States Se-
19 cret Service to report to an individual other than the Di-
20 rector of the United States Secret Service, or cause the
21 Director to report directly to any individual other than
22 the Secretary of Homeland Security.

23 SEC. 522. The Secretary of Homeland Security shall
24 develop screening standards and protocols to more thor-
25 oughly screen all types of air cargo on passenger and cargo

1 aircraft by March 1, 2006: *Provided*, That these screening
2 standards and protocols shall be developed in consultation
3 with the industry stakeholders: *Provided further*, That
4 these screening standards and protocols shall be developed
5 in conjunction with the research and development of tech-
6 nologies that will permit screening of all high-risk air
7 cargo: *Provided further*, That of the amounts appropriated
8 in this Act for the “Office of the Secretary and Executive
9 Management”, \$10,000,000 shall not be available for obli-
10 gation until new air cargo screening standards and proto-
11 cols are implemented.

12 SEC. 523. The Transportation Security Administra-
13 tion (TSA) shall utilize existing checked baggage explosive
14 detection equipment and screeners to screen cargo carried
15 on passenger aircraft to the greatest extent practicable at
16 each airport: *Provided*, That beginning with November
17 2005, TSA shall provide a monthly report to the Com-
18 mittee on Appropriations of the House of Representatives
19 detailing, by airport, the amount of cargo carried on pas-
20 senger aircraft that was screened by TSA in August 2005
21 and each month thereafter.

22 SEC. 524. The Secretary of Homeland Security shall
23 implement a security plan to permit general aviation air-
24 craft to land and take off at Ronald Reagan Washington
25 National Airport 90 days after enactment of this Act.

1 SEC. 525. None of the funds available for obligation
2 for the transportation worker identification credential pro-
3 gram shall be used to develop a personalization system
4 that is decentralized or a card production capability that
5 does not utilize an existing government card production
6 facility: *Provided*, That no funding can be obligated for
7 the next phase of production until the Committee on Ap-
8 propriations of the House of Representatives has been
9 fully briefed on the results of the prototype phase and
10 agrees that the program should move forward.

11 SEC. 526. (a) From the unexpended balances of the
12 United States Coast Guard “Acquisition, Construction
13 and Improvements” account specifically identified in state-
14 ment of managers language for Integrated Deepwater Sys-
15 tem patrol boats 110- to 123-foot conversion in fiscal
16 years 2004 and 2005, \$83,999,942 are rescinded.

17 (b) For the necessary expenses of the United States
18 Coast Guard for “Acquisition, Construction and Improve-
19 ments”, \$83,999,942 is made available to procure new
20 110-foot patrol boats or for major maintenance availability
21 for the current 110-foot patrol boat fleet: *Provided*, That
22 such funds shall remain available until expended.

23 SEC. 527. The Secretary of Homeland Security shall
24 utilize the Transportation Security Clearinghouse as the
25 central identity management system for the deployment

1 and operation of the registered traveler program, the
2 transportation worker identification credential program,
3 and other applicable programs for the purposes of col-
4 lecting and aggregating biometric data necessary for back-
5 ground vetting; providing all associated record-keeping,
6 customer service, and related functions; ensuring inter-
7 operability between different airports and vendors; and
8 acting as a central activation, revocation, and transaction
9 hub for participating airports, ports, and other points of
10 presence.

11 SEC. 528. None of the funds made available in this
12 Act may be used by any person other than the privacy
13 officer appointed pursuant to section 222 of the Homeland
14 Security Act of 2002 (6 U.S.C. 142) to alter, direct that
15 changes be made to, delay or prohibit the transmission
16 to Congress of, any report prepared pursuant to para-
17 graph (5) of such section.

18 SEC. 529. No funding provided in this or previous
19 appropriations Acts shall be available to pay the salary
20 of any employee serving as a contracting officer's technical
21 representative (COTR) who has not received COTR train-
22 ing.

23 SEC. 530. Except as provided in section 44945 of title
24 49, United States Code, funds appropriated or transferred
25 to the Transportation Security Administration in fiscal

1 years 2002 and 2003, and to the Transportation Security
2 Administration, “Aviation Security” and “Administra-
3 tion” in fiscal years 2004 and 2005, that are recovered
4 or deobligated shall be available only for procurement and
5 installation of explosive detection systems.

6 SEC. 531. From the unobligated balances available
7 in the “Department of Homeland Security Working Cap-
8 ital Fund” established by section 506 of Public Law 108–
9 90, \$7,000,000 are hereby rescinded.

10 SEC. 532. Notwithstanding any other provision of
11 law, the Committee withholds from obligation
12 \$25,000,000 from the Directorate of Emergency Pre-
13 paredness and Response, Administrative and Regional Op-
14 erations, until the direction in the statement of managers
15 accompanying Public Law 108–324 and House Report
16 108–541 is completed.

17 SEC. 533. None of the funds appropriated under this
18 Act or any other Act shall be available for processing peti-
19 tions under section 214(c) of the Immigration and Nation-
20 ality Act relating to nonimmigrant status under section
21 101(a)(15)(H)(i)(b) of such Act until the authority pro-
22 vided in section 214(g)(5)(C) of such Act is being imple-
23 mented such that, in any fiscal year in which the total
24 number of aliens who are issued visas or otherwise pro-
25 vided nonimmigrant status subject to the numerical limi-

1 tation under section 101(a)(15)(H)(i)(b) of such Act
2 reaches the numerical limitation contained in section
3 214(g)(1)(A) of such Act,, up to 20,000 additional aliens
4 who have earned a master’s or higher degree from an in-
5 stitution of higher education (as defined in section 101(a)
6 of the Higher Education Act of 1965 (20 U.S.C. 1001(a)))
7 may be issued visas or otherwise provided nonimmigrant
8 status under section 101(a)(15)(H)(i)(b) of the Immigra-
9 tion and Nationality Act.

10 SEC. 534. None of the funds provided in this Act
11 shall be used to pay the salaries of more than sixty Trans-
12 portation Security Administration employees who have the
13 authority to designate documents as Sensitive Security In-
14 formation (SSI). In addition, \$10,000,000 is not available
15 for the Department-wide Office of Security until the Sec-
16 retary submits to the Committee on Appropriations of the
17 House of Representatives: (1) the titles of all documents
18 currently designated as SSI; (2) Department-wide policies
19 on SSI designation; (3) Department-wide SSI designation
20 auditing policies and procedures; and (4) the total number
21 of staff and offices authorized to designate SSI documents
22 within the Department.

23 SEC. 535. None of the funds appropriated by this Act
24 may be used to change the name of the Coast Guard Sta-
25 tion “Group St. Petersburg”.

1 This Act may be cited as the “Department of Home-
2 land Security Appropriations Act, 2006”.

Union Calendar No. 38

109TH CONGRESS
1ST Session

H. R. 2360

[Report No. 109-79]

A BILL

Making appropriations for the Department of
Homeland Security for the fiscal year ending
September 30, 2006, and for other purposes.

MAY 13, 2005

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