

Calendar No. 192

108TH CONGRESS
1ST SESSION**H.R. 2555****[Report No. 108–86]**

IN THE SENATE OF THE UNITED STATES

JUNE 25, 2003

Received; read twice and referred to the Committee on Appropriations

JULY 10, 2003

Reported by Mr. COCHRAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, 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 the Homeland Security for the fiscal year
6 ending September 30, 2004, and for other purposes,
7 namely:

~~SALARIES AND EXPENSES~~

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1 for official reception and representation expenses as the
 2 Secretary may determine.

3 COUNTERTERRORISM FUND

4 For necessary expenses, as determined by the Sec-
 5 retary of Homeland Security, \$20,000,000, to remain
 6 available until expended, to reimburse any Federal agency
 7 for the costs of providing support to counter, investigate,
 8 or prosecute unexpected threats or acts of terrorism, in-
 9 cluding payment of rewards in connection with these ac-
 10 tivities: *Provided*, That the Secretary shall notify the Com-
 11 mittees on Appropriations 15 days prior to the obligation
 12 of any amount of these funds in accordance with section
 13 503 of this Act.

14 DEPARTMENT-WIDE TECHNOLOGY INVESTMENTS

15 For development and acquisition of information tech-
 16 nology equipment, software, services, and related activities
 17 for the Department of Homeland Security, and for the
 18 costs of conversion to narrowband communications, in-
 19 cluding the cost for operation of the Land Mobile Radio
 20 legacy systems, \$206,000,000, to remain available until
 21 expended: *Provided*, That none of the funds appropriated
 22 shall be used to support or supplement the appropriations
 23 provided for the United States Visitor and Immigrant Sta-
 24 tus Indicator Technology system and the Automated Com-
 25 mercial Environment.

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$58,118,000; of which not to exceed \$1,000,000 may be used for unforeseen emergencies of a confidential nature; to be allocated under the direction of the Inspector General of the Department of Homeland Security: *Provided*, That in addition, \$22,000,000 shall be derived by transfer from the Emergency Preparedness and Response Disaster Relief Fund.

TITLE H—BORDER AND TRANSPORTATION

SECURITY

CUSTOMS AND BORDER PROTECTION

BUREAU OF CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Bureau of Customs and Border Protection for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports, including planning, construction, and necessary related activities of buildings and facilities, \$4,584,600,000; of which not to exceed \$25,000 shall be

1 for official reception and representation expenses; of which
2 not to exceed \$129,000,000 to remain available until Sep-
3 tember 30, 2005, shall be for inspection technology; of
4 which such sums as become available in the Customs User
5 Fee Account, except sums subject to section 13021(f)(3)
6 of the Consolidated Omnibus Budget Reconciliation Act
7 of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that
8 account; and of which not to exceed \$5,000,000 shall be
9 for payments or advances arising out of contractual or re-
10 imburseable agreements with State and local law enforce-
11 ment agencies while engaged in cooperative activities re-
12 lated to immigration: *Provided*, That none of the funds
13 available to the Directorate of Border and Transportation
14 Security may be used to pay any employee overtime pay
15 in an amount in excess of \$30,000 during the calendar
16 year beginning January 1, 2004, except that the Commis-
17 sioner of Customs and Border Protection may exceed such
18 limitation as necessary for national security purposes and
19 in cases of immigration emergencies: *Provided further*,
20 That uniforms may be purchased without regard to the
21 general purchase price limitation for the current fiscal
22 year: *Provided further*, That no funds shall be available
23 for the site acquisition, design, or construction of any Bor-
24 der Patrol checkpoint in the Tucson sector: *Provided fur-*
25 *ther*, That the Border Patrol shall relocate its checkpoints

1 in the Tucson sector at least once every 7 days in a man-
 2 ner designed to prevent persons subject to inspection from
 3 predicting the location of any such checkpoint.

4 In addition, for administrative expenses related to the
 5 collection of the Harbor Maintenance Fee, pursuant to
 6 Public Law ~~103-182~~, and notwithstanding section
 7 ~~1511(c)(1)~~ of Public Law ~~107-296~~, \$3,000,000 to be de-
 8 rived from the Harbor Maintenance Trust Fund and to
 9 be transferred to and merged with this account.

10 AUTOMATION MODERNIZATION

11 For expenses not otherwise provided for Bureau of
 12 Customs and Border Protection automated systems,
 13 \$493,727,000, to remain available until expended, of
 14 which not less than \$318,690,000 shall be for the develop-
 15 ment of the Automated Commercial Environment: *Pro-*
 16 *vided*, That none of the funds appropriated under this
 17 heading may be obligated for the Automated Commercial
 18 Environment until the Bureau of Customs and Border
 19 Protection prepares and submits to the Committees on
 20 Appropriations a plan for expenditure that: (1) meets the
 21 capital planning and investment control review require-
 22 ments established by the Office of Management and Budg-
 23 et, including OMB Circular A-11, part 3; (2) complies
 24 with the Bureau of Customs and Border Protection's En-
 25 terprise Information Systems Architecture; (3) complies

1 with the acquisition rules, requirements, guidelines, and
 2 systems acquisition management practices of the Federal
 3 Government; (4) is reviewed and approved by the Bureau
 4 of Customs and Border Protection Investment Review
 5 Board, the Department of Homeland Security, and the Of-
 6 fice of Management and Budget; and (5) is reviewed by
 7 the General Accounting Office: *Provided further*, That
 8 none of the funds appropriated under this heading may
 9 be obligated for the Automated Commercial Environment
 10 until such expenditure plan has been approved by the
 11 Committees on Appropriations.

12 IMMIGRATION AND CUSTOMS ENFORCEMENT
 13 BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT
 14 SALARIES AND EXPENSES

15 For necessary expenses of the Bureau of Immigration
 16 and Customs Enforcement for enforcement of immigration
 17 and customs laws, detention and removals, investigations,
 18 including planning, construction, and necessary related ac-
 19 tivities of buildings and facilities, \$2,030,000,000; of
 20 which not to exceed \$5,000,000, to remain available until
 21 expended, shall be for conducting special operations pursu-
 22 ant to Public Law 99-570 (19 U.S.C. 2081); of which
 23 not to exceed \$15,000 shall be for official reception and
 24 representation expenses; of which not less than \$100,000
 25 shall be for promotion of public awareness of the child por-

1 nography tipline; and of which not less than \$200,000
 2 shall be for Project Alert: *Provided*, That none of the
 3 funds available to the Bureau of Immigration and Cus-
 4 toms Enforcement may be used to pay any employee over-
 5 time pay in an amount in excess of \$30,000 during the
 6 calendar year beginning January 1, 2004, except that the
 7 Assistant Secretary of the Bureau of Immigration and
 8 Customs Enforcement may exceed such limitation as nec-
 9 essary for national security purposes and in cases of immi-
 10 gration emergencies: *Provided further*, That of the total
 11 amount of funds made available for activities to enforce
 12 laws against forced child labor in fiscal year 2004, not
 13 to exceed \$5,000,000 shall remain available until expended
 14 for support of such activities: *Provided further*, That uni-
 15 forms may be purchased without regard to the general
 16 purchase price limitation for the current fiscal year.

17 FEDERAL PROTECTIVE SERVICE

18 (INCLUDING TRANSFER OF FUNDS)

19 For expenses, not otherwise provided for, necessary
 20 for the operations of the Federal Protective Service,
 21 \$424,211,000 shall be transferred from the revenues and
 22 collections in the General Services Administration, Federal
 23 Buildings Fund.

1 AUTOMATION AND INFRASTRUCTURE MODERNIZATION

2 For expenses not otherwise provided for Bureau of
3 Immigration and Customs Enforcement automated sys-
4 tems, \$367,605,000, to remain available until expended,
5 of which not less than \$350,000,000 shall be for the devel-
6 opment of the United States Visitor and Immigrant Sta-
7 tus Indicator Technology system (US VISIT): *Provided,*
8 That none of the funds appropriated under this heading
9 may be obligated for US VISIT until the Bureau of Immi-
10 gration and Customs Enforcement prepares and submits
11 to the Committees on Appropriations a plan for expendi-
12 ture that: (1) meets the capital planning and investment
13 control review requirements established by the Office of
14 Management and Budget, including OMB Circular A-11,
15 part 3; (2) complies with the Bureau of Immigration and
16 Customs Enforcement Enterprise Information Systems
17 Architecture; (3) complies with the acquisition rules, re-
18 quirements, guidelines, and systems acquisition manage-
19 ment practices of the Federal Government; (4) is reviewed
20 and approved by the Bureau of Immigration and Customs
21 Enforcement Investment Review Board, the Department
22 of Homeland Security, and the Office of Management and
23 Budget; and (5) is reviewed by the General Accounting
24 Office: *Provided further,* That none of the funds appro-
25 priated under this heading may be obligated for US VISIT

1 until such expenditure plan has been approved by the
2 Committees on Appropriations.

3 ~~AIR AND MARINE INTERDICTION~~

4 For expenses, not otherwise provided for, necessary
5 for the operation, maintenance and procurement of marine
6 vessels, aircraft, and other related equipment of the Office
7 of Air and Marine Interdiction of the Bureau of Immigra-
8 tion and Customs Enforcement, including operational
9 training and mission-related travel, and rental payments
10 for facilities occupied by the air or marine interdiction and
11 demand reduction programs, the operations of which in-
12 clude the following: conducting homeland security oper-
13 ations; interdiction of narcotics and other illegal sub-
14 stances or items; the provision of support to Department
15 of Homeland Security and other Federal, State, and local
16 agencies in the enforcement or administration of laws en-
17 forced by the Bureau of Immigration and Customs En-
18 forcement; and, at the discretion of the Under Secretary
19 for Border and Transportation Security, the provision of
20 assistance to Federal, State, and local agencies in other
21 law enforcement and emergency humanitarian efforts;
22 \$175,000,000, which shall remain available until ex-
23 pended: *Provided*, That no aircraft or other related equip-
24 ment, with the exception of aircraft that are one of a kind
25 and have been identified as excess to Bureau of Immigra-

tion and Customs Enforcement requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security, during fiscal year 2004 without the prior approval of the Committees on Appropriations.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to Public Law 107-71, \$3,679,200,000 (reduced by \$20,000,000), to remain available until expended, of which not to exceed \$3,000 shall be for official reception and representation expenses: *Provided*, That of such total amount, not to exceed \$1,672,700,000 shall be for passenger screening activities; not to exceed \$1,284,800,000 shall be for baggage screening activities; and not to exceed \$721,700,000 shall be for airport support and enforcement presence: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and used for providing civil aviation security services authorized by that section: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced on a dol-

1 lar-for-dollar basis as such offsetting collections are re-
 2 ceived during fiscal year 2004, so as to result in a final
 3 fiscal year appropriation from the General Fund estimated
 4 at not more than \$1,609,200,000: *Provided further,* That
 5 any security service fees collected in excess of the amount
 6 appropriated under this heading shall be treated as offset-
 7 ting collections in fiscal year 2005: *Provided further,* That
 8 none of the funds in this Act shall be used to recruit or
 9 hire personnel into the Transportation Security Adminis-
 10 tration which would cause the agency to exceed a staffing
 11 level of 45,000 full-time equivalent screeners: *Provided*
 12 *further,* That of the total amount provided herein,
 13 \$235,000,000 shall be available only for physical modifica-
 14 tion of commercial service airports for the purpose of in-
 15 stalling checked baggage explosive detection systems and
 16 \$100,000,000 shall be available only for procurement of
 17 checked baggage explosive detection systems.

18 FEDERAL AIR MARSHALS

19 For necessary expenses of the Federal air marshals,
 20 \$634,600,000, to remain available until expended.

21 MARITIME AND LAND SECURITY

22 For necessary expenses of the Transportation Secu-
 23 rity Administration related to maritime and land transpor-
 24 tation security grants and services pursuant to Public Law
 25 107-71, \$231,700,000, to remain available until ex-

1 pending: *Provided*, That of such amount, \$100,000,000
 2 shall be available only to make port security grants, which
 3 shall be distributed under the same terms and conditions
 4 as provided for under Public Law 107-117.

5 INTELLIGENCE

6 For necessary expenses of the Transportation Secu-
 7 rity Administration related to transportation security in-
 8 telligence activities, \$13,700,000, to remain available until
 9 expended.

10 RESEARCH AND DEVELOPMENT

11 For necessary expenses of the Transportation Secu-
 12 rity Administration for research and development related
 13 to transportation security, \$125,700,000, to remain avail-
 14 able until expended.

15 ADMINISTRATION

16 For necessary expenses of the Transportation Secu-
 17 rity Administration for administrative activities, including
 18 headquarters and field support, training, and information
 19 technology, \$487,100,000, to remain available until Sep-
 20 tember 30, 2005.

21 FEDERAL LAW ENFORCEMENT TRAINING

22 CENTER

23 SALARIES AND EXPENSES

24 For the necessary expenses of the Federal Law En-
 25 forcement Training Center, \$136,629,000, of which

1 \$26,635,000 shall be for material and support costs of
2 Federal law enforcement basic training and shall remain
3 available until September 30, 2006, and of which not to
4 exceed \$12,000 shall be for official reception and represen-
5 tation expenses: *Provided*, That notwithstanding any other
6 provision of law, the Center is authorized to expend appro-
7 priations for the purchase of police-type pursuit vehicles
8 without regard to the general purchase price limitation;
9 student athletic and related recreational activities; con-
10 ducting and participating in firearms matches and the
11 presentation of awards for such matches; public awareness
12 and enhancing community support of law enforcement
13 training, including the advertisement and marketing of
14 available law enforcement training programs; room and
15 board for student interns; short-term medical services for
16 students undergoing training at Center training facilities;
17 travel expenses of non-Federal personnel attending course
18 development meetings; services authorized by section 3109
19 of title 5, United States Code; support of Federal law en-
20 forcement accreditation; and a flat monthly reimburse-
21 ment to employees authorized to use personal cell phones
22 for official duties: *Provided further*, That: (1) funds appro-
23 priated to this account may be used at the discretion of
24 the Center's Director to train United States Postal Service
25 law enforcement personnel; State and local law enforce-

1 ment personnel, foreign law enforcement personnel, and
2 private security personnel; (2) with the exception of pri-
3 vate security personnel, the Center's Director is author-
4 ized to fully fund the cost of this training, including the
5 cost of non-Federal travel, or to seek full or partial reim-
6 bursement for this training; and (3) such reimbursements
7 shall be deposited in this appropriation: *Provided further,*
8 That the Center is authorized to obligate funds in antici-
9 pation of reimbursements from agencies receiving training
10 at the Center, except that total obligations at the end of
11 the fiscal year shall not exceed total budgetary resources
12 available at the end of the fiscal year: *Provided further,*
13 That the Center is authorized to accept and use gifts of
14 property, real and personnel, and to accept services, for
15 authorized purposes: *Provided further,* That the Center is
16 authorized to harvest timber and use the proceeds from
17 timber sales to supplement the Center's forest manage-
18 ment and environmental programs: *Provided further,* That
19 notwithstanding any other provision of law, students at-
20 tending training at any Center site shall reside in on-cen-
21 ter or center-provided housing, to the extent available and
22 in accordance with Center policy.

1 ~~ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND~~
2 ~~RELATED EXPENSES~~

3 ~~For expansion of the Federal Law Enforcement~~
4 ~~Training Center, for acquisition of necessary additional~~
5 ~~real property and facilities, and for ongoing maintenance,~~
6 ~~facility improvements, and related expenses, \$32,323,000,~~
7 ~~to remain available until expended: *Provided*, That the~~
8 ~~Federal Law Enforcement Training Center is authorized~~
9 ~~to accept reimbursement to this appropriation from gov-~~
10 ~~ernment agencies requesting the construction of special~~
11 ~~use facilities on training centers operated by the Federal~~
12 ~~Law Enforcement Training Center: *Provided further*, That~~
13 ~~notwithstanding any other provision of law, all facilities~~
14 ~~shall remain under the control of the Federal Law En-~~
15 ~~forcement Training Center, which shall be responsible for~~
16 ~~scheduling, use, maintenance, and support.~~

17 ~~OFFICE FOR DOMESTIC PREPAREDNESS~~

18 ~~DOMESTIC PREPAREDNESS~~

19 ~~For grants, contracts, cooperative agreements, and~~
20 ~~other activities of the Office for Domestic Preparedness,~~
21 ~~as authorized by the Homeland Security Act of 2002~~
22 ~~(Public Law 107-296) and the USA PATRIOT Act of~~
23 ~~2001 (Public Law 107-56), \$3,503,000,000 (increased by~~
24 ~~\$10,000,000), to remain available until expended: *Pro-*~~
25 ~~vided, That of the amount provided under this heading—~~

1 (1) \$1,900,000,000 shall be for basic formula
2 grants;

3 (2) \$500,000,000 (increased by \$10,000,000)
4 shall be for grants to State and local law enforce-
5 ment for terrorism prevention activities;

6 (3) \$200,000,000 shall be for critical infra-
7 structure grants;

8 (4) \$500,000,000 shall be for discretionary
9 grants for use in high-density urban areas and high-
10 threat areas; and

11 (5) \$35,000,000 shall be for grants for Centers
12 for Emergency Preparedness:

13 *Provided further,* That the application for grants appro-
14 priated in subsections (1), (2), and (3) under this heading
15 shall be made available to States within 30 days of enact-
16 ment of this Act; States shall submit applications within
17 30 days of the grant announcement; and the Office for
18 Domestic Preparedness shall act on each application with-
19 in 15 days of receipt: *Provided further,* That 80 percent
20 of the funds appropriated in subsections (1), (2), (3), and
21 (4) under this heading to any State shall be allocated by
22 the State to units of local governments and shall be dis-
23 tributed by the State within 60 days of the receipt of
24 funds: *Provided further,* That section 1014(c)(3) of Public
25 Law 107-56 shall not apply to funds appropriated in sub-

1 sections (4) and (5) under this heading: *Provided further*,
 2 That none of the funds appropriated under this heading
 3 shall be used for construction or renovation of facilities:
 4 *Provided further*, That funds appropriated in subsections
 5 (3) and (4) under this heading shall be available for oper-
 6 ational costs, including personnel overtime as needed.

7 TITLE III—EMERGENCY PREPAREDNESS AND 8 RESPONSE

9 ADMINISTRATIVE AND REGIONAL OPERATIONS

10 For necessary expenses for administrative and re-
 11 gional operations of the Emergency Preparedness and Re-
 12 sponse Directorate, \$168,589,000, including activities au-
 13 thorized by the National Flood Insurance Act of 1968 (42
 14 U.S.C. 4001 et seq.), the Flood Disaster Protection Act
 15 of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford
 16 Disaster Relief and Emergency Assistance Act (42 U.S.C.
 17 5121 et seq.), the Earthquake Hazards Reduction Act of
 18 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Preven-
 19 tion and Control Act of 1974 (15 U.S.C. 2201 et seq.),
 20 the Defense Production Act of 1950 (50 U.S.C. App. 2061
 21 et seq.), sections 107 and 303 of the National Security
 22 Act of 1947 (50 U.S.C. 404–405), Reorganization Plan
 23 No. 3 of 1978, and the Homeland Security Act of 2002;
 24 of which not to exceed \$3,000 shall be for official reception
 25 and representation expenses.

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1 reflect costs of providing such services, including adminis-
2 trative costs of collecting such fees: *Provided further*, That
3 fees received pursuant to this section shall be deposited
4 in this account as offsetting collections, shall become avail-
5 able for authorized purposes on October 1, 2004, and shall
6 remain available until expended.

7 PUBLIC HEALTH PROGRAMS

8 For necessary expenses for countering potential bio-
9 logical, disease, and chemical threats to civilian popu-
10 lations, \$484,000,000, including \$400,000,000, to remain
11 available until expended, for the Strategic National Stock-
12 pile.

13 BIODEFENSE COUNTERMEASURES

14 For necessary expenses for securing medical counter-
15 measures against biological terror attacks,
16 \$5,593,000,000, to remain available until September 30,
17 2013: *Provided*, That not to exceed \$3,418,000,000 may
18 be obligated during fiscal years 2004 through 2008, of
19 which not to exceed \$890,000,000 may be obligated dur-
20 ing fiscal year 2004.

21 GRANT PROGRAMS

22 For activities designed to reduce the risk of flood
23 damage to structures pursuant to the National Flood In-
24 surance Act of 1968 (42 U.S.C. 4001 et seq.), notwith-
25 standing sections 1366(b)(3)(B)–(C) and 1366(f) of such

1 Act, and for a pre-disaster mitigation grant program pur-
 2 suant to title II of the Robert T. Stafford Disaster Relief
 3 and Emergency Assistance Act (42 U.S.C. 5131 et seq.);
 4 \$200,000,000, to remain available until expended, of
 5 which \$20,000,000 shall be derived from the National
 6 Flood Insurance Fund, and shall remain available until
 7 September 30, 2005: *Provided*, That grants made for pre-
 8 disaster mitigation shall be awarded on a competitive basis
 9 subject to the criteria in section 203(g) of such title II
 10 (42 U.S.C. 5133(g)): *Provided further*, That notwith-
 11 standing section 203(f) of such title II (42 U.S.C.
 12 5133(f)), grant awards shall be made without reference
 13 to State allocations, quotas, or other formula-based alloca-
 14 tion of funds.

15 EMERGENCY FOOD AND SHELTER

16 To carry out an emergency food and shelter program
 17 pursuant to title III of Public Law 100-77 (42 U.S.C.
 18 11331 et seq.); \$153,000,000, to remain available until
 19 expended: *Provided*, That total administrative costs shall
 20 not exceed 3½ percent of the total appropriation.

21 FIREFIGHTER ASSISTANCE GRANTS

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses, not otherwise provided for,
 24 for programs as authorized by section 33 of the Federal
 25 Fire Prevention and Control Act of 1974 (15 U.S.C. 2201

1 et seq.), \$750,000,000 (increased by \$10,000,000) to re-
 2 main available through September 30, 2005: *Provided,*
 3 That up to 5 percent of this amount shall be transferred
 4 to “Preparedness, Mitigation, Response, and Recovery”
 5 for program administration.

6 DISASTER RELIEF

7 (INCLUDING TRANSFER OF FUNDS)

8 For necessary expenses in carrying out the Robert
 9 T. Stafford Disaster Relief and Emergency Assistance Act
 10 (42 U.S.C. 5121 et seq.), \$1,800,000,000 and, notwith-
 11 standing 42 U.S.C. 5203, to remain available until ex-
 12 pended, of which not to exceed \$22,000,000 may be trans-
 13 ferred to the Office of Inspector General for audits and
 14 investigations.

15 FLOOD MAP MODERNIZATION FUND

16 For necessary expenses pursuant to section 1360 of
 17 the National Flood Insurance Act of 1968, \$200,000,000,
 18 and such additional sums as may be provided by State
 19 and local governments or other political subdivisions for
 20 cost-shared mapping activities under section 1360(f)(2) of
 21 such Act, to remain available until expended.

22 NATIONAL FLOOD INSURANCE FUND

23 (INCLUDING TRANSFER OF FUNDS)

24 For activities under the National Flood Insurance
 25 Act of 1968, and the Flood Disaster Protection Act of

1 1973, not to exceed \$32,761,000 for salaries and expenses
 2 associated with flood mitigation and flood insurance oper-
 3 ations, and not to exceed \$77,809,000 for flood mitigation,
 4 to remain available until September 30, 2005, including
 5 up to \$20,000,000 for expenses under section 1366 of
 6 such Act of 1968, which amount shall be available for
 7 transfer to Grant Programs until September 30, 2005,
 8 and which amounts shall be derived from offsetting collec-
 9 tions assessed and collected pursuant to 42 U.S.C. 4014,
 10 and shall be retained and used for necessary expenses
 11 under this heading: *Provided*, That no funds, in excess of
 12 \$55,000,000 for operating expenses; \$565,897,000 for
 13 agents' commissions and taxes; and \$40,000,000 for inter-
 14 est on Treasury borrowings, shall be available from the
 15 National Flood Insurance Fund without prior notice to the
 16 Committees on Appropriations.

17 DISASTER ASSISTANCE DIRECT LOAN PROGRAM

18 ACCOUNT

19 For direct loans, as authorized by section 319 of the
 20 Robert T. Stafford Disaster Relief and Emergency Assist-
 21 ance Act: *Provided*, That these funds are available to sub-
 22 sidize gross obligations for the principal amount of direct
 23 loans not to exceed \$25,000,000: *Provided further*, That
 24 the cost of modifying such loans shall be as defined in
 25 section 502 of the Congressional Budget Act of 1974. In

1 addition, for administrative expenses to carry out the di-
 2 rect loan program, \$558,000.

3 ~~TITLE IV—OTHER DEPARTMENTAL ACTIVITIES~~
 4 ~~CITIZENSHIP AND IMMIGRATION SERVICES~~

5 ~~OPERATING EXPENSES~~

6 For necessary expenses for citizenship and immigra-
 7 tion services, including international services,
 8 \$248,500,000.

9 ~~UNITED STATES COAST GUARD~~

10 ~~OPERATING EXPENSES~~

11 For necessary expenses for the operation and mainte-
 12 nance of the Coast Guard, not otherwise provided for; pay-
 13 ments pursuant to section 156 of Public Law 97-377 (42
 14 U.S.C. 402 note); and recreation and welfare;
 15 \$4,703,530,000, of which \$1,300,000,000 shall be for de-
 16 fense-related activities; of which \$25,000,000 shall be de-
 17 rived from the Oil Spill Liability Trust Fund; and of which
 18 not to exceed \$3,000 shall be for official reception and
 19 representation expenses: *Provided*, That none of the funds
 20 appropriated in this or any other Act shall be available
 21 for pay of administrative expenses in connection with ship-
 22 ping commissioners in the United States: *Provided further*,
 23 That none of the funds provided in this Act shall be avail-
 24 able for expenses incurred for yacht documentation under
 25 section 12109 of title 46, United States Code, except to

1 the extent fees are collected from yacht owners and cred-
2 ited to this appropriation.

3 ENVIRONMENTAL COMPLIANCE AND RESTORATION

4 For necessary expenses to carry out the Coast
5 Guard's environmental compliance and restoration func-
6 tions under chapter 19 of title 14, United States Code,
7 \$17,000,000, to remain available until expended.

8 RESERVE TRAINING

9 For all necessary expenses of the Coast Guard Re-
10 serve, as authorized by law; maintenance and operation
11 of facilities; and supplies, equipment, and services;
12 \$94,051,000.

13 ACQUISITIONS, CONSTRUCTION, AND IMPROVEMENTS

14 For necessary expenses of acquisition, construction,
15 renovation, and improvement of aids to navigation, shore
16 facilities, vessels, and aircraft, including equipment related
17 thereto, \$805,000,000, of which \$23,500,000 shall be de-
18 rived from the Oil Spill Liability Trust Fund; of which
19 \$66,500,000 shall be available until September 30, 2008
20 to acquire, repair, renovate, or improve vessels, small
21 boats, and related equipment; \$138,500,000 shall be avail-
22 able until September 30, 2006 for other equipment;
23 \$70,000,000 shall be available until September 30, 2005
24 for personnel compensation and benefits and related costs;
25 and \$530,000,000 shall be available until September 30,

1 2008 for the Integrated Deepwater Systems program: *Pro-*
2 *vided*, That the Commandant of the Coast Guard is au-
3 thorized to dispose of surplus real property, by sale or
4 lease, and the proceeds shall be credited to this appropria-
5 tion as offsetting collections and shall be available until
6 September 30, 2006 only for Rescue 21 (the National Dis-
7 tress and Response System Modernization program): *Pro-*
8 *vided further*, That upon initial submission to the Con-
9 gress of the fiscal year 2005 President's budget, the Sec-
10 retary of Homeland Security shall transmit to the Con-
11 gress a comprehensive capital investment plan for the
12 United States Coast Guard that includes funding for each
13 budget line item for fiscal years 2005 through 2009, with
14 total funding for each year of the plan constrained to the
15 funding targets for those years as estimated and approved
16 by the Office of Management and Budget.

17 ALTERATION OF BRIDGES

18 For necessary expenses for alteration or removal of
19 obstructive bridges, \$19,500,000, to remain available until
20 expended.

21 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

22 For necessary expenses, not otherwise provided for,
23 for applied scientific research, development, test, and eval-
24 uation; and maintenance, rehabilitation, lease and oper-
25 ation of facilities and equipment, as authorized by law;

1 \$22,000,000, to remain available until expended, of which
 2 \$3,500,000 shall be derived from the Oil Spill Liability
 3 Trust Fund: *Provided*, That there may be credited to and
 4 used for the purposes of this appropriation funds received
 5 from State and local governments, other public authori-
 6 ties, private sources, and foreign countries, for expenses
 7 incurred for research, development, testing, and evalua-
 8 tion.

9 RETIRED PAY

10 For retired pay, including the payment of obligations
 11 therefor otherwise chargeable to lapsed appropriations for
 12 this purpose, payments under the Retired Serviceman's
 13 Family Protection and Survivor Benefits Plans, payment
 14 for career status bonuses under the National Defense Au-
 15 thorization Act, and for payments for medical care of re-
 16 tired personnel and their dependents under the Depend-
 17 ents Medical Care Act (10 U.S.C. ch. 55),
 18 \$1,020,000,000.

19 INFORMATION ANALYSIS AND 20 INFRASTRUCTURE PROTECTION

21 OPERATING EXPENSES

22 For necessary expenses of the Directorate of Infor-
 23 mation Analysis and Infrastructure Protection of the De-
 24 partment of Homeland Security as authorized by law,

1 ~~\$776,000,000, to remain available until September 30,~~
2 ~~2005.~~

3 **SCIENCE AND TECHNOLOGY**

4 **RESEARCH, DEVELOPMENT, ACQUISITION, AND**
5 **OPERATIONS**

6 For necessary expenses of activities of the Depart-
7 ment of Homeland Security in carrying out the purposes
8 of title III of the Homeland Security Act of 2002 (Public
9 Law 107–296), for basic and applied research, develop-
10 ment, test and evaluation, construction, procurement, pro-
11 duction, modification and modernization of systems, sub-
12 systems, spare parts, accessories, training devices, oper-
13 ation of the Science and Technology Directorate and its
14 organizations and activities, including the Homeland Se-
15 curity Advanced Research Projects Agency, for coopera-
16 tive programs with States and local governments to enable
17 the detection, destruction, disposal, or mitigation of the
18 effects of weapons of mass destruction and other terrorist
19 weapons, and for the construction, maintenance, rehabili-
20 tation, lease, and operation of buildings and other facili-
21 ties, and equipment, necessary for the activities of the Di-
22 rectorate, ~~\$900,360,000, to remain available until Sep-~~
23 ~~tember 30, 2006.~~

1 UNITED STATES SECRET SERVICE

2 SALARIES AND EXPENSES

3 For necessary expenses of the United States Secret
4 Service, \$1,148,700,000, including purchase of American-
5 made side-car compatible motorcycles; hire of aircraft;
6 services of expert witnesses at such rates as may be deter-
7 mined by the Director; rental of buildings in the District
8 of Columbia, and fencing, lighting, guard booths, and
9 other facilities on private or other property not in Govern-
10 ment ownership or control, as may be necessary to per-
11 form protective functions; for payment of per diem and
12 subsistence allowances to employees where a protective as-
13 signment during the actual day or days of the visit of a
14 protectee require an employee to work 16 hours per day
15 or to remain overnight at his or her post of duty; the con-
16 ducting of and participating in firearms matches; presen-
17 tation of awards; for travel of Secret Service employees
18 on protective missions without regard to the limitation on
19 such expenditures in this or any other Act; for research
20 and development; for making grants to conduct behavioral
21 research in support of protective research and operations;
22 not to exceed \$25,000 for official reception and represen-
23 tation expenses; not to exceed \$100,000 to provide tech-
24 nical assistance and equipment to foreign law enforcement
25 organizations in counterfeit investigations; for payment in

1 advance for commercial accommodations as may be nec-
2 essary to perform protective functions; and for uniforms
3 without regard to the general purchase limitation for the
4 current fiscal year: *Provided*, That \$1,633,000 shall be
5 available for forensic and related support of investigations
6 of missing and exploited children: *Provided further*, That
7 \$4,783,000 shall be available as a grant for activities re-
8 lated to the investigations of exploited children and shall
9 remain available until expended: *Provided further*, That up
10 to \$18,000,000 for protective travel shall remain available
11 until September 30, 2005: *Provided further*, That subject
12 to the reimbursement of actual costs to this account, funds
13 appropriated in this account shall be available, at the dis-
14 cretion of the Director, for the following: training United
15 States Postal Service law enforcement personnel and Post-
16 al police officers; training Federal law enforcement offi-
17 cers; training State and local government law enforcement
18 officers on a space-available basis; and training private
19 sector security officials on a space-available basis: *Pro-*
20 *vided further*, That the United States Secret Service is au-
21 thorized to obligate funds in anticipation of reimburse-
22 ments from agencies and entities; as defined in section
23 105 of title 5, United States Code; receiving training spon-
24 sored by the James J. Rowley Training Center; except
25 that total obligations at the end of the fiscal year shall

1 not exceed total budgetary resources available under this
 2 heading at the end of the fiscal year: *Provided further*,
 3 That the James J. Rowley Training Center is authorized
 4 to provide short-term medical services for students under-
 5 going training at the Center.

6 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
 7 RELATED EXPENSES

8 For necessary expenses of construction, repair, alter-
 9 ation, and improvement of facilities, \$3,579,000, to re-
 10 main available until expended.

11 TITLE V—GENERAL PROVISIONS

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

15 (TRANSFERS OF UNEXPENDED BALANCES)

16 SEC. 502. Subject to the requirements of section 503
 17 of this Act, the unexpended balances of prior appropria-
 18 tions provided for activities in this Act may be transferred
 19 to appropriation accounts for such activities established
 20 pursuant to this Act. Balances so transferred may be
 21 merged with funds in the applicable established accounts
 22 and thereafter may be accounted for as one fund for the
 23 same time period as originally enacted.

24 (INCLUDING TRANSFER OF FUNDS)

25 SEC. 503. (a) None of the funds provided by this Act,
 26 provided by previous appropriation Acts to the agencies

1 in or transferred to the Department of Homeland Security
2 that remain available for obligation or expenditure in fiscal
3 year 2004, or provided from any accounts in the Treasury
4 of the United States derived by the collection of fees avail-
5 able to the agencies funded by this Act, shall be available
6 for obligation or expenditure through a reprogramming of
7 funds that: (1) creates a new program; (2) eliminates a
8 program, project, or activity; (3) increases funds for any
9 program, project, or activity for which funds have been
10 denied or restricted by the Congress; or (4) proposes to
11 use funds directed for a specific activity by either the
12 House or Senate Committees on Appropriations for a dif-
13 ferent purpose, unless both Committees on Appropriations
14 are notified 15 days in advance of such reprogramming
15 of funds.

16 (b) None of the funds provided by this Act, provided
17 by previous appropriation Acts to the agencies in or trans-
18 ferred to the Department of Homeland Security that re-
19 main available for obligation or expenditure in fiscal year
20 2004, or provided from any accounts in the Treasury of
21 the United States derived by the collection of fees available
22 to the agencies funded by this Act, shall be available for
23 obligation or expenditure for programs, projects, or activi-
24 ties through a reprogramming of funds in excess of
25 \$5,000,000 or 10 percent, whichever is less, that: (1) aug-

1 ments existing programs, projects, or activities; (2) re-
2 duces by 10 percent funding for any existing program,
3 project, or activity; or numbers of personnel by 10 percent
4 as approved by the Congress; or (3) results from any gen-
5 eral savings from a reduction in personnel that would re-
6 sult in a change in existing programs, projects, or activi-
7 ties, as approved by the Congress; unless the Committees
8 on Appropriations are notified 15 days in advance of such
9 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 in this Act or provided in pre-
13 vious appropriation Acts may be transferred between such
14 appropriations, but no such appropriation, except as oth-
15 erwise specifically provided, shall be increased by more
16 than 10 percent by such transfers: *Provided*, That any
17 transfer pursuant to this section shall be treated as a re-
18 programming of funds and shall not be available for obli-
19 gation unless the Committees on Appropriations are noti-
20 fied 15 days in advance of such transfer.

21 SEC. 504. Except as otherwise specifically provided
22 by law, not to exceed 50 percent of unobligated balances
23 remaining available at the end of fiscal year 2004 from
24 appropriations made available for salaries and expenses
25 for fiscal year 2004 in this Act, shall remain available

1 through September 30, 2005, for each such account for
2 the purposes authorized: *Provided*, That a request shall
3 be submitted to the Committees on Appropriations for ap-
4 proval prior to the expenditure of such funds: *Provided*
5 *further*, That these requests shall be made in compliance
6 with reprogramming guidelines.

7 SEC. 505. Except as otherwise provided in this Act,
8 funds may be used for hire and purchase of motor vehicles
9 as authorized by section 1343 of title 31, United States
10 Code: *Provided*, That purchase for police-type use of pas-
11 senger vehicles may be made without regard to the general
12 purchase price limitation for the current fiscal year.

13 SEC. 506. The Federal Emergency Management
14 Agency “Working Capital Fund” shall be available to the
15 Department of Homeland Security, as authorized by sec-
16 tions 503 and 1517 of the Homeland Security Act of
17 2002, for expenses and equipment necessary for mainte-
18 nance and operations of such administrative services as
19 the Secretary of Homeland Security determines may be
20 performed more advantageously as central services. Such
21 fund shall hereafter be known as the “Department of
22 Homeland Security Working Capital Fund”.

23 SEC. 507. The Federal Emergency Management
24 Agency “Bequests and Gifts” account shall be available
25 to the Department of Homeland Security, as authorized

1 by sections ~~503~~ and ~~1517~~ of the Homeland Security Act
2 of 2002, for the Secretary of Homeland Security to accept,
3 hold, administer, and utilize gifts and bequests, including
4 property, to facilitate the work of the Department of
5 Homeland Security: *Provided*, That such fund shall here-
6 after be known as “Department of Homeland Security,
7 Gifts and Donations”: *Provided further*, That any gift or
8 bequest shall be used in accordance with the terms of that
9 gift or bequest to the greatest extent practicable.

10 ~~SEC. 508. Funds made available by this Act for intel-~~
11 ~~ligence activities are deemed to be specifically authorized~~
12 ~~by the Congress for purposes of section 504 of the Na-~~
13 ~~tional Security Act of 1947 (50 U.S.C. 414) during fiscal~~
14 ~~year 2004 until the enactment of the Intelligence Author-~~
15 ~~ization Act for fiscal year 2004.~~

16 ~~SEC. 509. The Federal Law Enforcement Training~~
17 ~~Center is directed to establish an accrediting body that~~
18 ~~will include representatives from the Federal law enforce-~~
19 ~~ment community, as well as non-Federal accreditation ex-~~
20 ~~perts involved in law enforcement training. The purpose~~
21 ~~of this body will be to establish standards for measuring~~
22 ~~and assessing the quality and effectiveness of Federal law~~
23 ~~enforcement training programs, facilities, and instructors.~~

24 ~~SEC. 510. None of the funds in this Act shall be avail-~~
25 ~~able to plan, finalize, or implement regulations that would~~

1 establish a vessel traffic safety fairway less than 5 miles
2 wide between the Santa Barbara Traffic Separation
3 Scheme and the San Francisco Traffic Separation
4 Scheme.

5 ~~SEC. 511.~~ None of the funds in this Act may be used
6 to make a grant unless the Secretary of Homeland Secu-
7 rity notifies the Committees on Appropriations not less
8 than 3 full business days before any grant allocation, dis-
9 cretionary grant award, or letter of intent totaling
10 \$1,000,000 or more is announced by the department or
11 its directorates from: (1) any discretionary or formula-
12 based grant program of the Office of Domestic Prepared-
13 ness; (2) any letter of intent from the Transportation Se-
14 curity Administration; or (3) any port security grant: *Pro-*
15 *vided,* That no notification shall involve funds that are not
16 available for obligation.

17 ~~SEC. 512.~~ Notwithstanding any other provision of
18 law, no agency shall purchase, construct, and/or lease any
19 additional facilities, except within or contiguous to existing
20 locations, to be used for the purpose of conducting Federal
21 law enforcement training without the advance approval of
22 the Committees on Appropriations, except that the Fed-
23 eral Law Enforcement Training Center is authorized to
24 obtain the temporary use of additional facilities by lease,

1 contract, or other agreement for training which cannot be
2 accommodated in existing Center facilities.

3 ~~SEC. 513.~~ The Federal Law Enforcement Training
4 Center is directed to ensure that all of the training centers
5 under its control are operated at their highest potential
6 capacity efficiency throughout the fiscal year. In order to
7 facilitate this direction, the Director is authorized to
8 schedule basic and advanced law enforcement training at
9 any site the Federal Law Enforcement Training Center
10 determines is warranted in the interests of the Govern-
11 ment to ensure the best utilization of the Center's total
12 capacity for training, notwithstanding legislative prohibi-
13 tions.

14 ~~SEC. 514.~~ None of the funds made available by this
15 Act may be used for the production of customs declara-
16 tions that do not inquire whether the passenger has been
17 in the proximity of livestock.

18 ~~SEC. 515.~~ None of the funds made available by this
19 Act shall be available for any activity or for paying the
20 salary of any Government employee where funding an ac-
21 tivity or paying a salary to a Government employee would
22 result in a determination, regulation, or policy that would
23 prohibit the enforcement of section 307 of the Tariff Act
24 of 1930.

1 SEC. 516. None of the funds made available in this
2 Act may be used to allow—

3 (1) the importation into the United States of
4 any good, ware, article, or merchandise mined, pro-
5 duced, or manufactured by forced or indentured
6 child labor, as determined pursuant to section 307
7 of the Tariff Act of 1930 (19 U.S.C. 1307); or

8 (2) the release into the United States of any
9 good, ware, article, or merchandise on which there is
10 in effect a detention order, pursuant to such section
11 307, on the basis that the good, ware, article, or
12 merchandise may have been mined, produced, or
13 manufactured by forced or indentured child labor.

14 SEC. 517. Appropriations to the Department of
15 Homeland Security in this Act shall be available for pur-
16 chase of insurance for official motor vehicles operated in
17 foreign countries; purchase of motor vehicles without re-
18 gard to the general purchase price limitations for vehicles
19 purchased and used overseas for the current fiscal year;
20 entering into contracts with the Department of State for
21 the furnishing of health and medical services to employees
22 and their dependents serving in foreign countries; and
23 services authorized by section 3109 of title 5, United
24 States Code.

1 SEC. 518. None of the funds appropriated in this Act
2 may be used for expenses of any construction, repair, al-
3 teration, and acquisition project for which a prospectus,
4 if required by the Public Buildings Act of 1959, has not
5 been approved, except that necessary funds may be ex-
6 pended for each project for required expenses for the de-
7 velopment of a proposed prospectus.

8 SEC. 519. None of the funds in this Act shall be used
9 to pursue or adopt guidelines or regulations requiring air-
10 port sponsors to provide to the Transportation Security
11 Administration without cost building construction, mainte-
12 nance, utilities and expenses, or space in airport sponsor-
13 owned buildings for services relating to aviation security:
14 *Provided*, That the prohibition of funds in this section does
15 not apply to—

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

19 (2) space for necessary security checkpoints.

20 SEC. 520. None of the funds made available in this
21 Act may be used in contravention of the applicable provi-
22 sions of the Buy American Act (41 U.S.C. 10a–10c).

23 SEC. 521. None of the funds made available in this
24 Act may be used to approve, renew, or implement any

1 aviation cargo security plan that permits the transporting
 2 of unscreened or uninspected cargo on passenger planes.

3 ~~This Act may be cited as the “Department of Home-~~
 4 ~~land Security Appropriations Act, 2004”.~~

5 *That the following sums are appropriated, out of any*
 6 *money in the Treasury not otherwise appropriated, for the*
 7 *Department of the Homeland Security for the fiscal year*
 8 *ending September 30, 2004, and for other purposes, namely:*

9 *DEPARTMENT OF HOMELAND SECURITY*

10 *TITLE I—DEPARTMENTAL OPERATIONS,*

11 *MANAGEMENT, AND OVERSIGHT*

12 *OFFICE OF THE SECRETARY AND EXECUTIVE*

13 *MANAGEMENT*

14 *For necessary expenses of the Office of the Secretary*
 15 *of Homeland Security as authorized by section 102 of the*
 16 *Homeland Security Act of 2002 (6 U.S.C. 112) and execu-*
 17 *tive management of the Department of Homeland Security,*
 18 *as authorized by law, \$83,653,000.*

19 *OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT*

20 *For necessary expenses of the Office of the Under Sec-*
 21 *retary for Management and Administration, as authorized*
 22 *by sections 701–704 of the Homeland Security Act of 2002*
 23 *(6 U.S.C. 341–344), \$167,521,000: Provided, That of the*
 24 *total amount provided, \$30,000,000 shall remain available*
 25 *until expended solely for the alteration and improvement*

1 *of facilities and for relocation costs necessary for the in-*
 2 *terim housing of the Department's headquarters' operations*
 3 *and organizations collocated therewith.*

4 *DEPARTMENT-WIDE TECHNOLOGY INVESTMENTS*

5 *For development and acquisition of information tech-*
 6 *nology equipment, software, services, and related activities*
 7 *for the Department of Homeland Security, and for the costs*
 8 *of conversion to narrowband communications, including the*
 9 *cost for operation of the land mobile radio legacy systems,*
 10 *\$185,000,000, to remain available until expended.*

11 *OFFICE OF THE INSPECTOR GENERAL*

12 *For necessary expenses of the Office of the Inspector*
 13 *General in carrying out the provisions of the Inspector Gen-*
 14 *eral Act of 1978 (5 U.S.C. App.), \$58,118,000; of which not*
 15 *to exceed \$100,000 may be used for certain confidential*
 16 *operational expenses, including the payment of informants,*
 17 *to be expended at the direction of the Inspector General.*

18 *TITLE II—SERVICES*

19 *CITIZENSHIP AND IMMIGRATION SERVICES*

20 *For necessary expenses for citizenship and immigra-*
 21 *tion services, including international services, as trans-*
 22 *ferred by and authorized by the Homeland Security Act of*
 23 *2002 (6 U.S.C. 271, 272), \$229,377,000.*

1 *TITLE III—SECURITY, ENFORCEMENT, AND*
2 *INVESTIGATIONS*
3 *OFFICE OF THE UNDER SECRETARY FOR BORDER AND*
4 *TRANSPORTATION SECURITY*
5 *SALARIES AND EXPENSES*

6 *For necessary expenses of the Office of the Under Sec-*
7 *retary for Border and Transportation Security, as author-*
8 *ized by Subtitle A, Title IV, of the Homeland Security Act*
9 *of 2002 (6 U.S.C. 201–203), \$8,842,000.*

10 *UNITED STATES VISITOR AND IMMIGRANT STATUS*
11 *INDICATOR TECHNOLOGY*

12 *For necessary expenses for the development of the*
13 *United States Visitor and Immigrant Status Indicator*
14 *Technology project, as authorized by section 110 of the Ille-*
15 *gal Immigration Reform and Immigration Responsibility*
16 *Act of 1996 (8 U.S.C. 1221 note), \$380,000,000, to remain*
17 *available until expended: Provided, That none of the funds*
18 *appropriated in this Act for the United States Visitor and*
19 *Immigrant Status Indicator Technology project may be ob-*
20 *ligated until the Department of Homeland Security submits*
21 *a plan for expenditure that has been approved by the Com-*
22 *mittees on Appropriations of the Senate and the House of*
23 *Representatives.*

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports, acquisition, lease, maintenance and operation of aircraft; purchase and lease of up to 4,500 (3,935 for replacement only) police-type vehicles; contracting with individuals for personal services abroad; including not to exceed \$1,000,000 to meet unforeseen emergencies of a confidential nature, to be expended under the direction of, and to be accounted for solely under the certificate of, the Under Secretary for Border and Transportation Security; as authorized by any Act enforced by the Bureau of Customs and Border Protection, \$4,366,000,000, of which not to exceed \$96,000,000 shall remain available until September 30, 2005, for inspection technology; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed \$5,000,000 shall be available for payments or advances arising out of contractual or reimbursable agreements with State and

1 *local law enforcement agencies while engaged in cooperative*
 2 *activities related to immigration: Provided, That none of*
 3 *the funds appropriated shall be available to compensate any*
 4 *employee for overtime in an annual amount in excess of*
 5 *\$30,000, except that the Under Secretary for Border and*
 6 *Transportation Security may exceed that amount as nec-*
 7 *essary for national security purposes and in cases of immi-*
 8 *gration emergencies: Provided further, That of the total*
 9 *amount provided for activities to enforce laws against*
 10 *forced child labor in fiscal year 2004, not to exceed*
 11 *\$4,000,000 shall remain available until expended.*

12 *In addition, for administrative expenses related to the*
 13 *collection of the Harbor Maintenance Fee, pursuant to Pub-*
 14 *lic Law 103–182, and notwithstanding section 1511 (e)(1)*
 15 *of Public Law 107–296, \$3,000,000 to be derived from the*
 16 *Harbor Maintenance Trust Fund and to be transferred to*
 17 *and merged with the appropriation for “Salaries and Ex-*
 18 *penses” under this heading.*

19 *AUTOMATION MODERNIZATION*

20 *For expenses for Customs and Border Protection auto-*
 21 *mated systems, \$441,122,000, to remain available until ex-*
 22 *pended, of which not less than \$318,690,000 shall be for*
 23 *the development of the Automated Commercial Environ-*
 24 *ment: Provided, That none of the funds appropriated in this*
 25 *Act for the Automated Commercial Environment may be*
 26 *obligated until the Department of Homeland Security sub-*

1 *mits a plan for expenditure that has been approved by the*
2 *Committees on Appropriations of the Senate and the House*
3 *of Representatives.*

4 *CONSTRUCTION*

5 *For necessary expenses to plan, construct, renovate,*
6 *equip, and maintain buildings and facilities necessary for*
7 *the administration and enforcement of the laws relating to*
8 *customs and immigration, \$90,363,000, to remain available*
9 *until expended.*

10 *IMMIGRATION AND CUSTOMS ENFORCEMENT*

11 *SALARIES AND EXPENSES*

12 *(INCLUDING TRANSFER OF FUNDS)*

13 *For necessary expenses for enforcement of immigration*
14 *and customs laws, detention and removals, investigations;*
15 *purchase and lease of up to 1,600 (1,450 for replacement*
16 *only) police-type vehicles; including not to exceed*
17 *\$1,000,000 to meet unforeseen emergencies of a confidential*
18 *nature, to be expended under the direction of, and to be*
19 *accounted for solely under the certificate of, the Under Sec-*
20 *retary for Border and Transportation Security; as author-*
21 *ized by any Act enforced by the Bureau of Immigration*
22 *and Customs Enforcement, \$2,180,000,000, of which not to*
23 *exceed \$5,000,000 shall be available until expended for con-*
24 *ducting special operations pursuant to section 3131 of the*
25 *Customs Enforcement Act of 1986 (19 U.S.C. 2081), of*
26 *which not less than \$40,000,000 shall be available until ex-*

1 *pended for information technology infrastructure, and of*
 2 *which not to exceed \$5,000,000 shall be available to fund*
 3 *or reimburse other Federal agencies for the costs associated*
 4 *with the care, maintenance, and repatriation of smuggled*
 5 *illegal aliens: Provided, That in addition, \$424,211,000*
 6 *shall be transferred from the revenues and collections in the*
 7 *General Services Administration, Federal Buildings Fund*
 8 *for the Federal Protective Service: Provided further, That*
 9 *none of the funds appropriated shall be available to com-*
 10 *pensate any employee for overtime in an annual amount*
 11 *in excess of \$30,000, except that the Under Secretary for*
 12 *Border and Transportation Security may waive that*
 13 *amount as necessary for national security purposes and in*
 14 *cases of immigration emergencies: Provided further, That*
 15 *of the total amount provided for activities to enforce laws*
 16 *against forced child labor in fiscal year 2004, not to exceed*
 17 *\$1,000,000 shall remain available until expended.*

18 *AIR AND MARINE INTERDICTION, OPERATIONS,*

19 *MAINTENANCE AND PROCUREMENT*

20 *For necessary expenses for the operation and mainte-*
 21 *nance of marine vessels, aircraft, and other related equip-*
 22 *ment of the Air and Marine Programs, including oper-*
 23 *ational training and mission-related travel, and rental*
 24 *payments for facilities occupied by the air or marine inter-*
 25 *diction and demand reduction programs, the operations of*
 26 *which include the following: the interdiction of narcotics*

1 *and other goods; the provision of support to Federal, State,*
 2 *and local agencies in the enforcement or administration of*
 3 *laws enforced by the Bureau of Immigration and Customs*
 4 *Enforcement; and at the discretion of the Director of the*
 5 *Bureau of Immigration and Customs Enforcement, the pro-*
 6 *vision of assistance to Federal, State, and local agencies in*
 7 *other law enforcement and emergency humanitarian efforts,*
 8 *\$257,291,000, to remain available until expended.*

9 *CONSTRUCTION*

10 *For necessary expenses to plan, construct, renovate,*
 11 *equip, and maintain buildings and facilities necessary for*
 12 *the administration and enforcement of the laws relating to*
 13 *customs and immigration, \$26,775,000, to remain available*
 14 *until expended.*

15 *TRANSPORTATION SECURITY ADMINISTRATION*

16 *AVIATION SECURITY*

17 *For necessary expenses of the Transportation Security*
 18 *Administration related to providing civil aviation security*
 19 *services pursuant to the Aviation and Transportation Secu-*
 20 *rity Act (49 U.S.C. 40101 note), \$4,523,900,000, to remain*
 21 *available until September 30, 2005, of which*
 22 *\$3,185,000,000 shall be available for screening activities*
 23 *and of which \$1,338,900,000 shall be available for airport*
 24 *support and enforcement presence: Provided, That security*
 25 *service fees authorized under section 44940 of title 49,*
 26 *United States Code, shall be credited to this appropriation*

1 *as offsetting collections and used for providing civil avia-*
 2 *tion security services authorized by that section: Provided*
 3 *further, That the sum under this heading appropriated*
 4 *from the general fund shall be reduced on a dollar-for-dollar*
 5 *basis as such offsetting collections are received during fiscal*
 6 *year 2004 in order to result in a final fiscal year appro-*
 7 *priation from the general fund estimated at not more than*
 8 *\$2,453,900,000: Provided further, That any security service*
 9 *fees collected in excess of the amount appropriated under*
 10 *this heading shall be treated as offsetting collections in fiscal*
 11 *year 2005: Provided further, That of the total amount pro-*
 12 *vided under this heading, \$309,000,000 shall be available*
 13 *for physical modification of commercial service airports for*
 14 *the purpose of installing checked baggage explosive detection*
 15 *systems, as authorized by section 367 of title III of Division*
 16 *I of the Consolidated Appropriations Resolution, 2003 (49*
 17 *U.S.C. 47110 note); and \$150,500,000 shall be available for*
 18 *procurement of checked baggage explosive detection systems,*
 19 *including explosive trace detection systems, as authorized*
 20 *by section 4490 of title 49, United States Code.*

MARITIME AND LAND SECURITY

22 *For necessary expenses of the Transportation Security*
 23 *Administration related to maritime and land transpor-*
 24 *tation security grants and services pursuant to the Aviation*
 25 *and Transportation Security Act (49 U.S.C. 40101 note),*
 26 *\$295,000,000, to remain available until September 30,*

1 2005: *Provided, That of the total amount provided under*
2 *this heading, \$150,000,000 shall be available for port secu-*
3 *rity grants, which shall be distributed under the same terms*
4 *and conditions as provided for under Public Law 107–117;*
5 *and \$30,000,000 shall be available to execute grants, con-*
6 *tracts, and interagency agreements for the purpose of de-*
7 *ploying Operation Safe Commerce.*

8 *INTELLIGENCE*

9 *For necessary expenses for intelligence activities pur-*
10 *suant to the Aviation and Transportation Security Act (49*
11 *U.S.C. 40101 note), \$13,600,000, to remain available until*
12 *September 30, 2004.*

13 *RESEARCH AND DEVELOPMENT*

14 *For necessary expenses for research and development*
15 *related to transportation security, \$130,200,000, to remain*
16 *available until expended: Provided, That of the total*
17 *amount provided under this heading, \$45,000,000 shall be*
18 *available for the research and development of explosive de-*
19 *tection devices.*

20 *ADMINISTRATION*

21 *For necessary administrative expenses of the Trans-*
22 *portation Security Administration to carry out the Avia-*
23 *tion and Transportation Security Act (49 U.S.C. 40101*
24 *note), \$433,200,000, to remain available until September*
25 *30, 2004.*

1 UNITED STATES COAST GUARD

2 OPERATING EXPENSES

3 (INCLUDING RESCISSION OF FUNDS)

4 *For necessary expenses for the operation and mainte-*
5 *nance of the Coast Guard not otherwise provided for; pur-*
6 *chase of not to exceed five passenger motor vehicles for re-*
7 *placement only; payments pursuant to section 156 of Public*
8 *Law 97-377 (42 U.S.C. 402 note); and section 229(b) of*
9 *the Social Security Act (42 U.S.C. 429(b)) and recreation*
10 *and welfare, \$4,719,000,000, of which \$340,000,000 shall*
11 *be available for defense-related activities; and of which*
12 *\$25,000,000 shall be derived from the Oil Spill Liability*
13 *Trust Fund: Provided, That none of the funds appropriated*
14 *by this or any other Act shall be available for administra-*
15 *tive expenses in connection with shipping commissioners in*
16 *the United States: Provided further, That none of the funds*
17 *provided by this Act shall be available for expenses incurred*
18 *for yacht documentation under section 12109 of title 46,*
19 *United States Code, except to the extent fees are collected*
20 *from yacht owners and credited to this appropriation: Pro-*
21 *vided further, That notwithstanding section 1116(c) of title*
22 *10, United States Code, amounts made available under this*
23 *heading may be used to make payments into the Depart-*
24 *ment of Defense Medicare-Eligible Retiree Health Care*
25 *Fund for fiscal year 2004 under section 1116(a) of such*
26 *title.*

1 *In addition, of the funds appropriated under this*
 2 *heading in chapter 6 of title I of Public Law 108–11 (117*
 3 *Stat. 583), \$71,000,000 are hereby rescinded.*

4 *ENVIRONMENTAL COMPLIANCE AND RESTORATION*

5 *For necessary expenses to carry out the Coast Guard’s*
 6 *environmental compliance and restoration functions under*
 7 *chapter 19 of title 14, United States Code, \$17,000,000, to*
 8 *remain available until expended.*

9 *RESERVE TRAINING*

10 *For all necessary expenses of the Coast Guard Reserve,*
 11 *as authorized by law; maintenance and operation of facili-*
 12 *ties; and supplies, equipment, and services, \$95,000,000.*

13 *ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS*

14 *For necessary expenses of acquisition, construction,*
 15 *renovation, and improvement of aids to navigation, shore*
 16 *facilities, vessels, and aircraft, including equipment related*
 17 *thereto; maintenance, rehabilitation, lease and operation of*
 18 *facilities and equipment, as authorized by law,*
 19 *\$1,035,000,000, of which \$23,500,000 shall be derived from*
 20 *the Oil Spill Liability Trust Fund; of which \$66,500,000*
 21 *shall be available to acquire, repair, renovate, or improve*
 22 *vessels, small boats, and related equipment, to remain avail-*
 23 *able until expended; of which \$178,500,000 shall be avail-*
 24 *able for other equipment, to remain available until ex-*
 25 *pended; of which \$70,000,000 shall be available for per-*
 26 *sonnel compensation and benefits and related costs; of which*

1 \$702,000,000 shall be available for the Integrated Deep-
2 water Systems program, to remain available until ex-
3 pended; and of which \$18,000,000 shall be available for al-
4 teration or removal of obstructive bridges, to remain avail-
5 able until expended: Provided, That the Commandant of the
6 Coast Guard is authorized to dispose of surplus real prop-
7 erty, by sale or lease, and the proceeds shall be credited to
8 this appropriation as offsetting collections and shall be
9 available only for Rescue 21 and shall remain available
10 until expended: Provided further, That funds for bridge al-
11 teration projects conducted pursuant to the Act of June 21,
12 1940 (33 U.S.C. 511 et seq.) shall be available for such
13 projects only to the extent that the steel, iron, and manufac-
14 tured products used in such projects are produced in the
15 United States, unless contrary to law or international
16 agreement, or unless the Commandant of the Coast Guard
17 determines such action to be inconsistent with the public
18 interest or the cost unreasonable.

19 *RETIRED PAY*

20 *For retired pay, including the payment of obligations*
21 *therefor otherwise chargeable to lapsed appropriations for*
22 *this purpose, payments under the Retired Serviceman's*
23 *Family Protection and Survivor Benefits Plans, payment*
24 *for career status bonuses under the National Defense Au-*
25 *thorization Act, and for payments for medical care of re-*

1 *tired personnel and their dependents under chapter 55 of*
2 *title 10, United States Code, \$1,020,000,000.*

3 *UNITED STATES SECRET SERVICE*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses of the United States Secret*
6 *Service, including purchase of not to exceed 730 vehicles*
7 *for police-type use, of which 610 shall be for replacement*
8 *only, and hire of passenger motor vehicles; purchase of*
9 *American-made sidecar compatible motorcycles; hire of air-*
10 *craft; services of expert witnesses at such rates as may be*
11 *determined by the Director; rental of buildings in the Dis-*
12 *trict of Columbia, and fencing, lighting, guard booths, and*
13 *other facilities on private or other property not in Govern-*
14 *ment ownership or control, as may be necessary to perform*
15 *protective functions; for payment of per diem or subsistence*
16 *allowances to employees where a protective assignment dur-*
17 *ing the actual day or days of the visit of a protectee require*
18 *an employee to work 16 hours per day or to remain over-*
19 *night at his or her post of duty; the conducting of and par-*
20 *ticipating in firearms matches; presentation of awards; for*
21 *travel of Secret Service employees on protective missions*
22 *without regard to the limitations on such expenditures in*
23 *this or any other Act if approval is obtained in advance*
24 *from the Committees on Appropriations of the Senate and*
25 *the House of Representatives; for research and development;*

1 *for making grants to conduct behavioral research in support*
 2 *of protective research and operations; not to exceed \$100,000*
 3 *to provide technical assistance and equipment to foreign*
 4 *law enforcement organizations in counterfeit investigations;*
 5 *for payment in advance for commercial accommodations as*
 6 *may be necessary to perform protective functions;*
 7 *\$1,114,737,000, of which \$1,633,000 shall be available for*
 8 *forensic and related support of investigations of missing*
 9 *and exploited children; and of which \$5,000,000 shall be*
 10 *available as a grant for activities related to the investiga-*
 11 *tions of exploited children and shall remain available until*
 12 *expended: Provided, That up to \$18,000,000 provided for*
 13 *protective travel shall remain available until September 30,*
 14 *2005: Provided further, That in fiscal year 2004 and there-*
 15 *after, the James J. Rowley Training Center is authorized*
 16 *to provide short-term medical services for students under-*
 17 *going training at the Center.*

18 *ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND*
 19 *RELATED EXPENSES*

20 *For necessary expenses of construction, repair, alter-*
 21 *ation, and improvement of facilities, \$3,579,000, to remain*
 22 *available until expended.*

1 *TITLE IV—ASSESSMENTS, PREPAREDNESS, AND*
2 *RECOVERY*

3 *COUNTERTERRORISM FUND*

4 *For necessary expenses, as determined by the Secretary*
5 *of Homeland Security, \$20,000,000, to remain available*
6 *until expended, to reimburse any Department of Homeland*
7 *Security organization for the costs of providing support to*
8 *counter, investigate, or prosecute unexpected threats or acts*
9 *of terrorism, including payment of rewards in connection*
10 *with these activities: Provided, That any funds provided*
11 *under this heading shall be available only after the Sec-*
12 *retary notifies the Committees on Appropriations of the*
13 *Senate and the House of Representatives in accordance with*
14 *section 605 of this Act.*

15 *FEDERAL LAW ENFORCEMENT TRAINING CENTER*

16 *SALARIES AND EXPENSES*

17 *For necessary expenses of the Federal Law Enforce-*
18 *ment Training Center, including materials and support*
19 *costs of Federal law enforcement basic training; purchase*
20 *of not to exceed 117 vehicles for police-type use and hire*
21 *of passenger motor vehicles; for expenses for student athletic*
22 *and related activities; the conducting of and participating*
23 *in firearms matches and presentation of awards; for public*
24 *awareness and enhancing community support of law en-*
25 *forcement training; room and board for student interns;*

1 *and services as authorized by section 3109 of title 5, United*
2 *States Code, \$172,736,000, of which up to \$44,413,000 for*
3 *materials and support costs of Federal law enforcement*
4 *basic training shall remain available until September 30,*
5 *2005: Provided, That in fiscal year 2004 and thereafter,*
6 *the Center is authorized to accept and use gifts of property,*
7 *both real and personal, and to accept services, for author-*
8 *ized purposes: Provided further, That in fiscal year 2004*
9 *and thereafter, the Center is authorized to accept detailees*
10 *from other Federal agencies, on a non-reimbursable basis,*
11 *to staff the accreditation function: Provided further, That*
12 *notwithstanding any other provision of law, in fiscal year*
13 *2004 and thereafter, students attending training at any*
14 *Center site shall reside in on-Center or Center-provided*
15 *housing, insofar as available and in accordance with Center*
16 *policy: Provided further, That in fiscal year 2004 and*
17 *thereafter, funds appropriated in this account shall be*
18 *available, at the discretion of the Director, for the following:*
19 *training United States Postal Service law enforcement per-*
20 *sonnel and Postal police officers; State and local govern-*
21 *ment law enforcement training on a space-available basis;*
22 *training of foreign law enforcement officials on a space-*
23 *available basis with reimbursement of actual costs to this*
24 *appropriation, except that reimbursement may be waived*
25 *by the Secretary for law enforcement training activities in*

1 *foreign countries undertaken under section 801 of the*
 2 *Antiterrorism and Effective Death Penalty Act of 1996*
 3 *(Public Law 104–32); training of private sector security of-*
 4 *ficials on a space-available basis with reimbursement of ac-*
 5 *tual costs to this appropriation; and travel expenses of non-*
 6 *Federal personnel to attend course development meetings*
 7 *and training sponsored by the Center: Provided further,*
 8 *That in fiscal year 2004 and thereafter, the Center is au-*
 9 *thorized to obligate funds in anticipation of reimbursements*
 10 *from agencies receiving training sponsored by the Center,*
 11 *except that total obligations at the end of the fiscal year*
 12 *shall not exceed total budgetary resources available at the*
 13 *end of the fiscal year: Provided further, That in fiscal year*
 14 *2004 and thereafter, the Center is authorized to provide*
 15 *short-term medical services for students undergoing train-*
 16 *ing at the Center.*

17 *ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND*
 18 *RELATED EXPENSES*

19 *For expansion of the Federal Law Enforcement Train-*
 20 *ing Center, for acquisition of necessary additional real*
 21 *property and facilities, and for ongoing maintenance, facil-*
 22 *ity improvements, and related expenses, \$28,708,000, to re-*
 23 *main available until expended.*

1 *OFFICE FOR DOMESTIC PREPAREDNESS*

2 *STATE AND LOCAL PROGRAMS*

3 *For grants, contracts, cooperative agreements, and*
4 *other activities, including grants to State and local govern-*
5 *ments for terrorism prevention activities, notwithstanding*
6 *any other provision of law, \$2,888,000,000, which shall be*
7 *allocated as follows:*

8 *(1) \$1,750,000,000 for grants pursuant to section*
9 *1014 of the USA PATRIOT Act of 2001 (42 U.S.C.*
10 *3711), of which \$500,000,000 shall be available for*
11 *State and local law enforcement terrorism prevention*
12 *grants: Provided, That no funds shall be made avail-*
13 *able to any State prior to the submission of an up-*
14 *dated state plan to the Office for Domestic Prepared-*
15 *ness: Provided further, That the application for*
16 *grants shall be made available to States within 15*
17 *days after enactment of this Act; and that States shall*
18 *submit applications within 30 days after the grant*
19 *announcement; and that the Office for Domestic Pre-*
20 *paredness shall act on each application within 15*
21 *days after receipt: Provided further, That each State*
22 *shall obligate not less than 80 percent of the total*
23 *amount of the grant to local governments within 45*
24 *days after the grant award;*

25 *(2) \$30,000,000 for technical assistance;*

1 (3) \$750,000,000 for discretionary grants for use
 2 in high-threat urban areas, as determined by the Sec-
 3 retary of Homeland Security: Provided, That no less
 4 than 80 percent of any grant to a State shall be made
 5 available by the State to local governments within 45
 6 days after the receipt of the funds: Provided further,
 7 That section 1014(c)(3) of the USA PATRIOT Act of
 8 2001 (42 U.S.C. 3711) shall not apply to these grants;
 9 and

10 (4) \$358,000,000 for national programs:
 11 Provided, That none of the funds appropriated under this
 12 heading shall be used for the construction or renovation of
 13 facilities: Provided further, That funds appropriated for
 14 State and local law enforcement terrorism prevention
 15 grants under paragraph (1) and discretionary grants under
 16 paragraph (3) of this heading shall be available for oper-
 17 ational costs, to include personnel overtime and overtime
 18 associated with Office for Domestic Preparedness certified
 19 training as needed: Provided further, That the Secretary
 20 of Homeland Security shall notify the Committees on Ap-
 21 propriations of the Senate and House of Representatives 15
 22 days prior to the obligation of any amount of the funds
 23 provided under paragraphs (1) and (3) of this heading.

24 FIREFIGHTER ASSISTANCE GRANTS

25 For necessary expenses for programs authorized by sec-
 26 tion 33 of the Federal Fire Prevention and Control Act of

1 1974 (15 U.S.C. 2201 et seq.), \$750,000,000, to remain
 2 available until September 30, 2005: Provided, That up to
 3 5 percent of this amount shall be available for program ad-
 4 ministration.

5 OFFICE OF THE UNDER SECRETARY FOR EMERGENCY
 6 PREPAREDNESS AND RESPONSE

7 For necessary expenses for the Office of the Under Sec-
 8 retary for Emergency Preparedness and Response as au-
 9 thorized by section 502 of the Homeland Security Act of
 10 2002 (6 U.S.C. 312), \$3,615,000.

11 EMERGENCY PREPAREDNESS AND RESPONSE

12 OPERATING EXPENSES

13 (INCLUDING RESCISSION OF FUNDS)

14 For necessary expenses of the Emergency Preparedness
 15 and Response Directorate, \$826,801,000, to remain avail-
 16 able until expended, including activities authorized by the
 17 National Flood Insurance Act of 1968 (42 U.S.C. 4011 et
 18 seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C.
 19 4001 et seq.), the Robert T. Stafford Disaster Relief and
 20 Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Fed-
 21 eral Fire Prevention and Control Act of 1974 (15 U.S.C.
 22 2201 et seq.), the Earthquake Hazards Reduction Act of
 23 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act
 24 of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and
 25 303 of the National Security Act of 1947 (50 U.S.C. 404,
 26 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. 903

1 *note), and the Homeland Security Act of 2002 (6 U.S.C.*
2 *101 et seq.): Provided, That of the amount provided under*
3 *this heading: \$163,000,000 shall be for activities relating*
4 *to Preparedness, Mitigation, Response and Recovery;*
5 *\$434,000,000 shall be for Public Health Programs, includ-*
6 *ing the Disaster Medical Assistance Teams and the Stra-*
7 *tegic National Stockpile; \$165,214,000 shall be for Adminis-*
8 *trative and Regional Operations; and \$64,587,000 shall be*
9 *for Urban Search and Rescue Teams.*

10 *In addition, of the funds appropriated under this*
11 *heading by Public Law 108–11 (117 Stat. 583), \$3,000,000*
12 *are hereby rescinded.*

13 *RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM*

14 *The aggregate charges assessed during fiscal year 2004,*
15 *as authorized by the Energy and Water Development Ap-*
16 *propriations Act, 2001 (Public Law 106–377; 114 Stat.*
17 *114A–46), shall not be less than 100 percent of the amounts*
18 *anticipated by the Department of Homeland Security nec-*
19 *essary for its radiological emergency preparedness program*
20 *for the next fiscal year. The methodology for assessment and*
21 *collection of fees shall be fair and equitable; and shall reflect*
22 *costs of providing such services, including administrative*
23 *costs of collecting such fees. Fees received under this heading*
24 *shall be deposited in this account as offsetting collections*
25 *and will become available for authorized purposes on Octo-*
26 *ber 1, 2004, and remain available until expended.*

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$1,956,000,000, notwithstanding the matter under the heading “Disaster Relief” under the heading “Federal Emergency Management Agency” of chapter II of title I of Public Law 102–229 (42 U.S.C. 5203), to remain available until expended; of which not to exceed \$22,000,000 shall be transferred to and merged with the appropriation for “Office of the Inspector General” for audits and investigations.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For direct loans, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162): Provided, That gross obligations for the principal amount of direct loans not to exceed \$25,000,000: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a). In addition, for administrative expenses to carry out the direct loan program, \$557,000.

NATIONAL PRE-DISASTER MITIGATION FUND

For a pre-disaster mitigation grant program pursuant to title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.),

1 \$150,000,000, to remain available until expended: Pro-
 2 vided, That grants made for pre-disaster mitigation shall
 3 be awarded on a competitive basis subject to the criteria
 4 in section 203 of the Robert T. Stafford Disaster Relief and
 5 Emergency Assistance Act (42 U.S.C. 5133(g)): Provided
 6 further, That, notwithstanding section 203(f) of that Act (42
 7 U.S.C. 5133(f)), grant awards shall be made without ref-
 8 erence to State allocations, quotas, or other formula-based
 9 allocation of funds: Provided further, That total adminis-
 10 trative costs shall not exceed 3 percent of the total appro-
 11 priation.

12 *FLOOD MAP MODERNIZATION FUND*

13 *For necessary expenses pursuant to section 1360 of the*
 14 *National Flood Insurance Act of 1968 (42 U.S.C. 4101),*
 15 *\$200,000,000, and such additional sums as may be pro-*
 16 *vided by State and local governments or other political sub-*
 17 *divisions for cost-shared mapping activities under section*
 18 *1360(f)(2) of such Act, to remain available until expended:*
 19 *Provided, That total administrative costs shall not exceed*
 20 *3 percent of the total appropriation.*

21 *NATIONAL FLOOD INSURANCE FUND*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For activities under the National Flood Insurance Act*
 24 *of 1968 (42 U.S.C. 4011 et seq.) and the Flood Disaster*
 25 *Protection Act of 1973 (42 U.S.C. 4001 et seq.), not to ex-*
 26 *ceed \$32,663,000 for salaries and expenses associated with*

1 *flood mitigation and flood insurance operations; and not*
 2 *to exceed \$77,809,000 for flood hazard mitigation, to re-*
 3 *main available until September 30, 2005, including up to*
 4 *\$20,000,000 for expenses under section 1366 of the National*
 5 *Flood Insurance Act of 1968 (42 U.S.C. 4104c), which*
 6 *amount shall be available for transfer to the National Flood*
 7 *Mitigation Fund until September 30, 2005, and which*
 8 *amounts shall be derived from offsetting collections assessed*
 9 *and collected pursuant to section 1307 of that Act (42*
 10 *U.S.C. 4014), and shall be retained and used for necessary*
 11 *expenses under this heading: Provided, That in fiscal year*
 12 *2004, no funds in excess of: (1) \$55,000,000 for operating*
 13 *expenses; (2) \$565,897,000 for agents' commissions and*
 14 *taxes; and (3) \$40,000,000 for interest on Treasury bor-*
 15 *rowings shall be available from the National Flood Insur-*
 16 *ance Fund.*

17 *NATIONAL FLOOD MITIGATION FUND*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *Notwithstanding subparagraphs (B) and (C) of sub-*
 20 *section (b)(3), and subsection (f) of section 1366 of the Na-*
 21 *tional Flood Insurance Act of 1968 (42 U.S.C. 4104c),*
 22 *\$20,000,000, to remain available until September 30, 2005,*
 23 *for activities designed to reduce the risk of flood damage*
 24 *to structures pursuant to such Act, of which \$20,000,000*
 25 *shall be derived from the National Flood Insurance Fund.*

1 *EMERGENCY MANAGEMENT PERFORMANCE GRANTS*

2 *For necessary expenses for emergency management*
 3 *performance grants, as authorized by the National Flood*
 4 *Insurance Act of 1968 and the Flood Disaster Protection*
 5 *Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford*
 6 *Disaster Relief and Emergency Assistance Act (42 U.S.C.*
 7 *5121 et seq.), the Earthquake Hazards Reductions Act of*
 8 *1977 (42 U.S.C. 7701 et seq.), and the Reorganization Plan*
 9 *No. 3 of 1978 (5 U.S.C. 903 note), \$165,000,000.*

10 *EMERGENCY FOOD AND SHELTER*

11 *To carry out an emergency food and shelter program*
 12 *pursuant to title III of Public Law 100–77 (42 U.S.C.*
 13 *11331 et seq.), \$153,000,000, to remain available until ex-*
 14 *pended: Provided, That total administrative costs shall not*
 15 *exceed 3.5 percent of the total appropriation.*

16 *CERRO GRANDE FIRE CLAIMS*

17 *For payment of claims under the Cerro Grande Fire*
 18 *Assistance Act (Public Law 106–246; 114 Stat. 583),*
 19 *\$38,062,000, to remain available until expended: Provided,*
 20 *That up to 5 percent of this amount may be made available*
 21 *for administrative costs.*

22 *OFFICE OF THE UNDER SECRETARY FOR INFORMATION*

23 *ANALYSIS AND INFRASTRUCTURE PROTECTION*

24 *For necessary expenses of the Office of the Under Sec-*
 25 *retary for Information Analysis and Infrastructure Protec-*
 26 *tion as authorized by section 201 of the Homeland Security*

1 *Act of 2002 (6 U.S.C. 121), \$10,460,000; of which*
 2 *\$5,442,000 shall be for operations of the Department of*
 3 *Homeland Security Command Center.*

4 *INFORMATION ANALYSIS AND INFRASTRUCTURE*

5 *PROTECTION, OPERATING EXPENSES*

6 *For necessary expenses for information analysis and*
 7 *infrastructure protection as authorized by section 201 of the*
 8 *Homeland Security Act of 2002 (6 U.S.C. 121),*
 9 *\$823,700,000, to remain available until September 30,*
 10 *2005.*

11 *TITLE V—RESEARCH AND DEVELOPMENT*

12 *OFFICE OF THE UNDER SECRETARY FOR SCIENCE AND*

13 *TECHNOLOGY*

14 *For necessary expenses of the Office of the Under Sec-*
 15 *retary for Science and Technology as authorized by section*
 16 *302 of the Homeland Security Act of 2002 (6 U.S.C. 182),*
 17 *\$5,400,000.*

18 *SCIENCE AND TECHNOLOGY, RESEARCH, DEVELOPMENT,*

19 *ACQUISITION AND OPERATIONS*

20 *For necessary expenses for science and technology re-*
 21 *search, development, acquisition, and operations, as author-*
 22 *ized by sections 302, 307, and 308 of the Homeland Secu-*
 23 *rity Act of 2002 (6 U.S.C. 182, 187, 188), \$866,000,000,*
 24 *to remain available until expended; of which \$55,000,000*
 25 *is for university-based centers for homeland security as au-*

1 *thorized by section 308(b)(2) of the Homeland Security Act*
 2 *of 2002 (6 U.S.C. 188(b)(2)); and of which \$70,000,000 is*
 3 *provided for the centralized Federal technology clearing-*
 4 *house as authorized by section 313 of the Homeland Secu-*
 5 *rity Act of 2002 (6 U.S.C. 193): Provided, That of the total*
 6 *amount appropriated, \$20,000,000 shall be available for the*
 7 *construction of the National Biodefense Analysis and Coun-*
 8 *termeasures Center.*

9 TITLE VI—GENERAL PROVISIONS

10 (INCLUDING TRANSFERS OF FUNDS)

11 *SEC. 601. No part of any appropriation contained in*
 12 *this Act shall remain available for obligation beyond the*
 13 *current fiscal year unless expressly so provided herein.*

14 *SEC. 602. The Federal Emergency Management Agen-*
 15 *cy “Working Capital Fund” shall be available to the De-*
 16 *partment of Homeland Security, as authorized by sections*
 17 *503 and 1517 of the Homeland Security Act of 2002 (6*
 18 *U.S.C. 313 and 557), for expenses and equipment necessary*
 19 *for maintenance and operations of such administrative*
 20 *services as the Secretary determines may be performed more*
 21 *advantageously as central services: Provided, That such*
 22 *fund shall hereafter be known as the “Department of Home-*
 23 *land Security Working Capital Fund”.*

24 *SEC. 603. The Federal Emergency Management Agen-*
 25 *cy “Bequests and Gifts” account shall be available to the*

1 *Department of Homeland Security, as authorized by sec-*
2 *tions 503 and 1517 of the Homeland Security Act of 2002*
3 *(6 U.S.C. 313 and 557), for the Secretary of Homeland Se-*
4 *curity to accept, hold, administer and utilize gifts and be-*
5 *quests, including property, to facilitate the work of the De-*
6 *partment of Homeland Security: Provided, That such fund*
7 *shall hereafter be known as “Department of Homeland Se-*
8 *curity, Gifts and Donations”: Provided further, That any*
9 *gift or bequest is to be used in accordance with the terms*
10 *of that gift or bequest to the greatest extent practicable.*

11 *SEC. 604. No employee of the Department of Homeland*
12 *Security may be detailed or assigned from an agency, bu-*
13 *reau, or office funded by this Act to any other agency, bu-*
14 *reau, or office of the Department for more than 30 days*
15 *unless the individual’s employing agency or office is fully*
16 *reimbursed by the receiving agency or office for the salary*
17 *and expenses of the employee for the period of assignment*
18 *unless expressly so provided herein.*

19 *SEC. 605. (a) None of the funds provided by this Act,*
20 *or provided by previous appropriations Acts to the agencies*
21 *in or transferred to the Department of Homeland Security*
22 *that remain available for obligation or expenditure in fiscal*
23 *year 2004, or provided from any accounts in the Treasury*
24 *of the United States derived by the collection of fees avail-*
25 *able to the agencies funded by this Act shall be available*

1 *for obligation or expenditure through a reprogramming of*
2 *funds which: (1) creates a new program; (2) eliminates a*
3 *program, project, or activity; (3) increases funds for any*
4 *program, project, or activity for which funds have been de-*
5 *nied or restricted by Congress; or (4) proposes to use funds*
6 *directed for a specific activity by either the House or Senate*
7 *Committees on Appropriations for a different purpose, un-*
8 *less the Committees on Appropriations of the Senate and*
9 *the House of Representatives are notified 15 days in ad-*
10 *vance of such reprogramming of funds.*

11 *(b) None of the funds provided by this Act, or provided*
12 *by previous appropriations Acts to the agencies in or trans-*
13 *ferred to the Department of Homeland Security that remain*
14 *available for obligation or expenditure in fiscal year 2004,*
15 *or provided from any accounts in the Treasury of the*
16 *United States derived by the collection of fees available to*
17 *the agencies funded by this Act, shall be available for obliga-*
18 *tion or expenditure for programs, projects, or activities*
19 *through a reprogramming of funds in excess of \$5,000,000*
20 *or 10 percent, whichever is less, that: (1) augments existing*
21 *programs, projects, or activities; (2) reduces by 10 percent*
22 *funding for any existing program, project, or activity, or*
23 *numbers of personnel by 10 percent as approved by Con-*
24 *gress; or (3) results from any general savings from a reduc-*
25 *tion in personnel which would result in a change in existing*

1 *programs, projects or activities, as approved by Congress;*
2 *unless the Committees on Appropriations of the Senate and*
3 *the House of Representatives are notified 15 days in ad-*
4 *vance of such reprogramming of funds.*

5 *(c) Not to exceed 5 percent of any appropriation made*
6 *available for the current fiscal year to the Department of*
7 *Homeland Security by this Act or provided by previous ap-*
8 *propriations Acts may be transferred between such appro-*
9 *priations, but no such appropriation, except otherwise spe-*
10 *cifically provided, shall be increased by more than 10 per-*
11 *cent by any such transfers: Provided, That any transfer*
12 *under this section shall be treated as a reprogramming of*
13 *funds under subsection (b) of this section and shall not be*
14 *available for obligation unless the Committees on Appro-*
15 *priations of the Senate and the House of Representatives*
16 *are notified 15 days in advance of such transfer.*

17 *SEC. 606. Of the funds appropriated by this Act or*
18 *otherwise made available, not to exceed \$100,000 may be*
19 *used for official reception and representation expenses when*
20 *specifically approved by the Secretary.*

21 *SEC. 607. Funds made available by this Act for intel-*
22 *ligence activities are deemed to be specifically authorized*
23 *by the Congress for purposes of section 504 of the National*
24 *Security Act of 1947 (50 U.S.C. 414) during fiscal year*

1 2004 until the date of enactment of an Act authorizing in-
2 telligence activities for fiscal year 2004.

3 *SEC. 608. The Federal Law Enforcement Training*
4 *Center is directed to establish an accrediting body that will*
5 *include representatives from the Federal law enforcement*
6 *community, as well as non-Federal accreditation experts*
7 *involved in law enforcement training. The purpose of this*
8 *body will be to establish standards for measuring and as-*
9 *sessing the quality and effectiveness of Federal law enforce-*
10 *ment training programs, facilities, and instructors.*

11 *SEC. 609. For fiscal year 2004 and thereafter, none*
12 *of the funds made available by this Act may be used for*
13 *the production of customs declarations that do not inquire*
14 *whether the passenger had been in the proximity of live-*
15 *stock.*

16 *SEC. 610. For fiscal year 2004 and thereafter, none*
17 *of the funds made available by this Act shall be available*
18 *for any activity or for paying the salary of any Government*
19 *employee where funding an activity or paying a salary to*
20 *a Government employee would result in a determination,*
21 *regulation, or policy that would prohibit the enforcement*
22 *of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).*

23 *SEC. 611. For fiscal year 2004 and thereafter, none*
24 *of the funds made available by this Act may be used to*
25 *allow—*

1 (1) *the importation into the United States of*
2 *any good, ware, article, or merchandise mined, pro-*
3 *duced, or manufactured by forced or indentured child*
4 *labor, as determined under section 307 of the Tariff*
5 *Act of 1930 (19 U.S.C. 1307); or*

6 (2) *the release into the United States of any*
7 *good, ware, article, or merchandise on which there is*
8 *in effect a detention order under such section 307 on*
9 *the basis that the good, ware, article, or merchandise*
10 *may have been mined, produced, or manufactured by*
11 *forced or indentured child labor.*

12 *SEC. 612. Unless otherwise provided, funds may be*
13 *used for purchase of insurance for official motor vehicles*
14 *operated in foreign countries, and for the hire and purchase*
15 *of motor vehicles as authorized by section 1343 of title 31,*
16 *United States Code: Provided, That purchase for police-type*
17 *use of passenger vehicles may be made without regard to*
18 *the general purchase price limitation for the current fiscal*
19 *year.*

20 *SEC. 613. Unless otherwise provided, funds may be*
21 *used for uniforms without regard to the general purchase*
22 *price limitation for the current fiscal year.*

23 *SEC. 614. None of the funds made available by this*
24 *Act shall be used to pay the salaries and expenses of per-*
25 *sonnel to adopt guidelines or regulations requiring airport*

1 *sponsors to provide to the Transportation Security Admin-*
2 *istration without cost building construction, maintenance,*
3 *utilities and expenses, or space in airport sponsor-owned*
4 *buildings for services relating to aviation security: Pro-*
5 *vided, That the prohibition of funds in this section does not*
6 *apply to negotiations between the agency and airport spon-*
7 *sors to achieve agreement on “below-market” rates for these*
8 *items or to grant assurances that require airport sponsors*
9 *to provide land without cost to the Transportation Security*
10 *Administration for necessary security checkpoints.*

11 *SEC. 615. (a) None of the funds provided by this or*
12 *previous appropriations Acts may be obligated for testing*
13 *(other than simulations), deployment, or implementation of*
14 *the Computer Assisted Passenger Prescreening System*
15 *(CAPPS II) that the Transportation Security Administra-*
16 *tion (TSA) plans to utilize to screen aviation passengers,*
17 *until the General Accounting Office has reported to the*
18 *Committees on Appropriations of the Senate and the House*
19 *of Representatives that—*

20 *(1) a system of due process exists whereby avia-*
21 *tion passengers determined to pose a threat and either*
22 *delayed or prohibited from boarding their scheduled*
23 *flights by the TSA may appeal such decision and cor-*
24 *rect erroneous information contained in CAPPS II;*

1 (2) *the underlying error rate of the government*
2 *and private data bases that will be used both to estab-*
3 *lish identity and assign a risk level to a passenger*
4 *will not produce a large number of false positives that*
5 *will result in a significant number of passengers*
6 *being treated mistakenly or security resources being*
7 *diverted;*

8 (3) *the TSA has stress-tested and demonstrated*
9 *the efficacy and accuracy of all search tools in*
10 *CAPPS II and has demonstrated that CAPPS II can*
11 *make an accurate predictive assessment of those pas-*
12 *sengers who may constitute a threat to aviation;*

13 (4) *the Secretary of Homeland Security has es-*
14 *tablished an internal oversight board to monitor the*
15 *manner in which CAPPS II is being developed and*
16 *prepared;*

17 (5) *the TSA has built in sufficient operational*
18 *safeguards to reduce the opportunities for abuse;*

19 (6) *substantial security measures are in place to*
20 *protect CAPPS II from unauthorized access by hack-*
21 *ers or other intruders;*

22 (7) *the TSA has adopted policies establishing ef-*
23 *fective oversight of the use and operation of the sys-*
24 *tem; and*

1 (8) *there are no specific privacy concerns with*
2 *the technological architecture of the system.*

3 (b) *The General Accounting Office shall submit the re-*
4 *port required under paragraph (a) of this section no later*
5 *than 60 days after the enactment of this Act.*

6 *This Act may be cited as the “Department of Home-*
7 *land Security Appropriations Act, 2004”.*

Calendar No. 192

108TH CONGRESS
1ST SESSION

H.R. 2555

[Report No. 108–86]

AN ACT

Making appropriations for the Department of
Homeland Security for the fiscal year ending
September 30, 2004, and for other purposes.

JUNE 25, 2003

Received; read twice and referred to the Committee on
Appropriations

JULY 10, 2003

Reported with an amendment