

In the Senate of the United States,

September 14, 2004.

Resolved, That the bill from the House of Representatives (H.R. 4567) entitled “An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

- 1 *That the following sums are appropriated, out of any*
- 2 *money in the Treasury not otherwise appropriated, for the*
- 3 *Department of Homeland Security for the fiscal year end-*
- 4 *ing September 30, 2005, and for other purposes, namely:*

1 *TITLE I—DEPARTMENTAL MANAGEMENT AND*
 2 *OPERATIONS*

3 *OFFICE OF THE SECRETARY AND EXECUTIVE*
 4 *MANAGEMENT*

5 *For necessary expenses of the Office of the Secretary*
 6 *of Homeland Security, as authorized by section 102 of the*
 7 *Homeland Security Act of 2002 (6 U.S.C. 112), and for*
 8 *executive management of the Department of Homeland Se-*
 9 *curity, as authorized by law, \$82,206,000: Provided, That*
 10 *not to exceed \$50,000 shall be available for allocation with-*
 11 *in the Department for official reception and representation*
 12 *expenses as the Secretary may determine.*

13 *OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT*

14 *For necessary expenses of the Office of the Under Sec-*
 15 *retary for Management, as authorized by sections 701–705*
 16 *of the Homeland Security Act of 2002 (6 U.S.C. 341–345),*
 17 *\$245,579,000: Provided, That of the total amount provided,*
 18 *\$65,081,000 shall remain available until expended solely for*
 19 *the alteration and improvement of facilities and for reloca-*
 20 *tion costs to consolidate the Department’s headquarters’ op-*
 21 *erations.*

22 *DEPARTMENT-WIDE TECHNOLOGY INVESTMENTS*

23 *For development and acquisition of information tech-*
 24 *nology equipment, software, services, and related activities*
 25 *for the Department of Homeland Security, and for the costs*

1 *of conversion to narrowband communications, including the*
 2 *cost for operation of the land mobile radio legacy systems,*
 3 *\$222,000,000, to remain available until expended.*

4 *OFFICE OF INSPECTOR GENERAL*

5 *OPERATING EXPENSES*

6 *For necessary expenses of the Office of Inspector Gen-*
 7 *eral in carrying out the provisions of the Inspector General*
 8 *Act of 1978 (5 U.S.C. App.), \$82,317,000, of which not to*
 9 *exceed \$100,000 may be used for certain confidential oper-*
 10 *ational expenses, including the payment of informants, to*
 11 *be expended at the direction of the Inspector General.*

12 *TITLE II—SECURITY, ENFORCEMENT, AND*

13 *INVESTIGATIONS*

14 *BORDER AND TRANSPORTATION SECURITY*

15 *OFFICE OF THE UNDER SECRETARY FOR BORDER AND*

16 *TRANSPORTATION SECURITY*

17 *SALARIES AND EXPENSES*

18 *For necessary expenses of the Office of the Under Sec-*
 19 *retary for Border and Transportation Security, as author-*
 20 *ized by subtitle A of title IV of the Homeland Security Act*
 21 *of 2002 (6 U.S.C. 201 et seq.), \$8,864,000.*

22 *UNITED STATES VISITOR AND IMMIGRANT STATUS*

23 *INDICATOR TECHNOLOGY*

24 *For necessary expenses for the development of the*
 25 *United States Visitor and Immigrant Status Indicator*
 26 *Technology project, as authorized by section 110 of the Ille-*

1 *gal Immigration Reform and Immigrant Responsibility Act*
 2 *of 1996 (8 U.S.C. 1221 note), \$340,000,000, to remain*
 3 *available until expended.*

4 *CUSTOMS AND BORDER PROTECTION*

5 *SALARIES AND EXPENSES*

6 *For necessary expenses for enforcement of laws relating*
 7 *to border security, immigration, customs, and agricultural*
 8 *inspections and regulatory activities related to plant and*
 9 *animal imports; acquisition, lease, maintenance and oper-*
 10 *ation of aircraft; purchase and lease of up to 4,500 (3,935*
 11 *for replacement only) police-type vehicles; and contracting*
 12 *with individuals for personal services abroad;*
 13 *\$4,466,960,000; of which \$3,000,000 shall be derived from*
 14 *the Harbor Maintenance Trust Fund for administrative ex-*
 15 *penses related to the collection of the Harbor Maintenance*
 16 *Fee pursuant to section 9505(c)(3) of the Internal Revenue*
 17 *Code of 1986 and notwithstanding section 1511(e)(1) of the*
 18 *Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of*
 19 *which not to exceed \$40,000 shall be for official reception*
 20 *and representation expenses; of which not to exceed*
 21 *\$126,162,000 shall remain available until September 30,*
 22 *2006, for inspection and surveillance technology, and equip-*
 23 *ment for the Container Security Initiative; of which such*
 24 *sums as become available in the Customs User Fee Account,*
 25 *except sums subject to section 13031(f)(3) of the Consoli-*
 26 *dated Omnibus Budget Reconciliation Act of 1985 (19*

1 *U.S.C. 58c(f)(3)), shall be derived from that account; of*
 2 *which not to exceed \$150,000 shall be available for payment*
 3 *for rental space in connection with preclearance operations;*
 4 *of which not to exceed \$1,000,000 shall be for awards of*
 5 *compensation to informants, to be accounted for solely*
 6 *under the certificate of the Under Secretary for Border and*
 7 *Transportation Security; and of which not to exceed*
 8 *\$5,000,000 shall be available for payments or advances*
 9 *arising out of contractual or reimbursable agreements with*
 10 *State and local law enforcement agencies while engaged in*
 11 *cooperative activities related to immigration: Provided,*
 12 *That none of the funds appropriated shall be available to*
 13 *compensate any employee for overtime in an annual*
 14 *amount in excess of \$30,000, except that the Under Sec-*
 15 *retary for Border and Transportation Security may exceed*
 16 *that amount as necessary for national security purposes*
 17 *and in cases of immigration emergencies: Provided further,*
 18 *That of the total amount provided, \$12,725,000 shall be for*
 19 *activities to enforce laws against forced child labor in fiscal*
 20 *year 2005, of which not to exceed \$4,000,000 shall remain*
 21 *available until expended: Provided further, That of the total*
 22 *amount provided, not less than \$4,750,000 may be for the*
 23 *enforcement of the textile transshipment provisions pro-*
 24 *vided for in chapter 5 of title III of the Customs Border*

1 *Security Act of 2002 (Public Law 107–210; 116 Stat. 988*
 2 *et seq.).*

3 *AUTOMATION MODERNIZATION*

4 *For expenses for customs and border protection auto-*
 5 *mated systems, \$449,909,000, to remain available until ex-*
 6 *pended, of which not less than \$321,690,000 shall be for*
 7 *the development of the Automated Commercial Environ-*
 8 *ment: Provided, That none of the funds appropriated under*
 9 *this heading may be obligated for the Automated Commer-*
 10 *cial Environment until the Committees on Appropriations*
 11 *of the Senate and the House of Representatives receive and*
 12 *approve a plan for expenditure prepared by the Under Sec-*
 13 *retary for Border and Transportation Security that:*

14 *(1) meets the capital planning and investment*
 15 *control review requirements established by the Office*
 16 *of Management and Budget, including Circular A–11,*
 17 *part 3;*

18 *(2) complies with the Bureau of Customs and*
 19 *Border Protection’s enterprise information systems*
 20 *architecture;*

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

24 *(4) is reviewed and approved by the Bureau of*
 25 *Customs and Border Protection Investment Review*

6 *For necessary expenses to plan, construct, renovate,*
7 *equip, and maintain buildings and facilities necessary for*
8 *the administration and enforcement of the laws relating to*
9 *customs and immigration, \$91,718,000, to remain available*
10 *until expended.*

SALARIES AND EXPENSES

13 *For necessary expenses for enforcement of immigration*
14 *and customs laws, detention and removals, and investiga-*
15 *tions; and purchase and lease of up to 2,300 (2,000 for re-*
16 *placement only) police-type vehicles, \$2,413,438,000, of*
17 *which not to exceed \$5,000,000 shall be available until ex-*
18 *pende*~~d~~*d for conducting special operations pursuant to sec-*
19 *tion 3131 of the Customs Enforcement Act of 1986 (19*
20 *U.S.C. 2081); of which not to exceed \$15,000 shall be for*
21 *official reception and representation expenses; of which not*
22 *to exceed \$1,000,000 shall be for awards of compensation*
23 *to informants, to be accounted for solely under the certifi-*
24 *cate of the Under Secretary for Border and Transportation*
25 *Security; of which not less than \$102,000 shall be for pro-*
26 *motion of public awareness of the child pornography*

1 *tipline; of which not less than \$203,000 shall be for Project*
 2 *Alert; of which \$5,000,000 shall be a grant for activities*
 3 *related to the investigations of exploited children and shall*
 4 *remain available until expended; and of which not to exceed*
 5 *\$11,216,000 shall be available to fund or reimburse other*
 6 *Federal agencies for the costs associated with the care,*
 7 *maintenance, and repatriation of smuggled illegal aliens:*
 8 *Provided, That none of the funds appropriated shall be*
 9 *available to compensate any employee for overtime in an*
 10 *annual amount in excess of \$30,000, except that the Under*
 11 *Secretary for Border and Transportation Security may*
 12 *waive that amount as necessary for national security pur-*
 13 *poses and in cases of immigration emergencies: Provided*
 14 *further, That of the total amount provided, \$3,045,000 shall*
 15 *be for activities to enforce laws against forced child labor*
 16 *in fiscal year 2005, of which not to exceed \$2,000,000 shall*
 17 *remain available until expended: Provided further, That of*
 18 *the total amount provided for, not less than \$4,750,000 shall*
 19 *be for the enforcement of the textile transshipment provi-*
 20 *sions provided for in chapter 5 of title III of the Customs*
 21 *Border Security Act of 2002 (Public Law 107–210; 116*
 22 *Stat. 988 et seq.).*

23 *FEDERAL AIR MARSHALS*

24 *For necessary expenses of the Federal Air Marshals,*
 25 *\$662,900,000.*

1 *FEDERAL PROTECTIVE SERVICE*

2 *The revenues and collections of security fees credited*
 3 *to this account, not to exceed \$478,000,000, shall be avail-*
 4 *able until expended for necessary expenses related to the*
 5 *protection of federally owned and leased buildings and for*
 6 *the operations of the Federal Protective Service.*

7 *AUTOMATION MODERNIZATION*

8 *For expenses of immigration and customs enforcement*
 9 *automated systems, \$39,605,000, to remain available until*
 10 *expended.*

11 *AIR AND MARINE INTERDICTION, OPERATIONS,*

12 *MAINTENANCE, AND PROCUREMENT*

13 *For necessary expenses for the operations, mainte-*
 14 *nance, and procurement of marine vessels, aircraft, and*
 15 *other related equipment of the air and marine program,*
 16 *including operational training and mission-related travel,*
 17 *and rental payments for facilities occupied by the air or*
 18 *marine interdiction and demand reduction programs, the*
 19 *operations of which include the following: the interdiction*
 20 *of narcotics and other goods; the provision of support to*
 21 *Federal, State, and local agencies in the enforcement or ad-*
 22 *ministration of laws enforced by the Bureau of Immigra-*
 23 *tion and Customs Enforcement; and at the discretion of the*
 24 *Under Secretary for Border and Transportation Security,*
 25 *the provision of assistance to Federal, State, and local agen-*
 26 *cies in other law enforcement and emergency humanitarian*

1 efforts, \$267,535,000, to remain available until expended:
 2 Provided, That no aircraft or other related equipment, with
 3 the exception of aircraft that are one of a kind and have
 4 been identified as excess to Bureau of Immigration and
 5 Customs Enforcement requirements and aircraft that have
 6 been damaged beyond repair, shall be transferred to any
 7 other Federal agency, department, or office outside of the
 8 Department of Homeland Security during fiscal year 2005
 9 without the prior approval of the Committees on Appro-
 10 priations of the Senate and the House of Representatives.

11 CONSTRUCTION

12 For necessary expenses to plan, construct, renovate,
 13 equip, and maintain buildings and facilities necessary for
 14 the administration and enforcement of the laws relating to
 15 customs and immigration, \$26,179,000, to remain available
 16 until expended.

17 TRANSPORTATION SECURITY ADMINISTRATION

18 AVIATION SECURITY

19 For necessary expenses of the Transportation Security
 20 Administration related to providing civil aviation security
 21 services pursuant to the Aviation and Transportation Secu-
 22 rity Act (Public Law 107-71; 115 Stat. 597),
 23 \$4,386,083,000, to remain available until expended, of
 24 which not to exceed \$3,000 shall be for official reception
 25 and representation expenses: Provided, That of the total
 26 amount provided under this heading, not to exceed

1 \$2,076,733,000 shall be for passenger screening activities;
2 not to exceed \$1,512,460,000 shall be for baggage screening
3 activities, of which \$210,000,000 shall be available only for
4 procurement of checked baggage explosive detection systems
5 and \$75,000,000 shall be available only for installation of
6 checked baggage explosive detection systems; and not to ex-
7 ceed \$796,890,000 shall be for airport security direction
8 and enforcement presence, of which \$217,890,000 shall be
9 available for airport information technology: Provided fur-
10 ther, That security service fees authorized under section
11 44940 of title 49, United States Code, shall be credited to
12 this appropriation as offsetting collections: Provided fur-
13 ther, That, except as provided in the following proviso, the
14 sum herein appropriated from the General Fund shall be
15 reduced on a dollar-for-dollar basis as such offsetting collec-
16 tions are received during fiscal year 2005, so as to result
17 in a final fiscal year appropriation from the General Fund
18 estimated at not more than \$2,563,083,000: Provided fur-
19 ther, That the Government Accountability Office shall re-
20 view, using a methodology deemed appropriate by the
21 Comptroller General, the calendar year 2000 cost informa-
22 tion for screening passengers and property pursuant to sec-
23 tion 44940(a)(2) of title 49, United States Code, of air car-
24 riers and foreign air carriers engaged in air transportation
25 and intrastate air transportation and report the informa-

1 *tion within six months of enactment of the Act but no ear-*
 2 *lier than March 31, 2005, to the Committees on Appropria-*
 3 *tions of the Senate and House of Representatives and Com-*
 4 *mittee on Commerce, Science, and Transportation: Pro-*
 5 *vided further, That the Comptroller General, or any of the*
 6 *Comptroller General's duly authorized representatives, shall*
 7 *have access, for the purpose of reviewing such cost informa-*
 8 *tion, to the personnel and to the books; accounts; documents;*
 9 *papers; records (including electronic records); and auto-*
 10 *mated data and files of such air carriers, airport authori-*
 11 *ties, and their contractors; that the Comptroller General*
 12 *deems relevant for purposes of reviewing the information*
 13 *sought pursuant to the provisions of the preceding proviso:*
 14 *Provided further, That the Comptroller General may obtain*
 15 *and duplicate any such records, documents, working pa-*
 16 *pers, automated data and files, or other information rel-*
 17 *evant to such reviews without cost to the Comptroller Gen-*
 18 *eral and the Comptroller General's right of access to such*
 19 *information shall be enforceable pursuant to section 716(c)*
 20 *of title 31, United States Code: Provided further, That the*
 21 *Comptroller General shall maintain the same level of con-*
 22 *fidentiality for information made available under the pre-*
 23 *ceding provisos as that required under section 716(e) of title*
 24 *31, United States Code: Provided further, That upon the*
 25 *request of the Comptroller General, the Secretary of the De-*

1 *partment of Homeland Security shall transfer to the Gov-*
2 *ernment Accountability Office from appropriations avail-*
3 *able for administration expenses of the Transportation Se-*
4 *curity Administration, the amount requested by the Comp-*
5 *troller General, not to exceed \$5,000,000, to cover the full*
6 *costs of any review and report of the calendar year 2000*
7 *cost information conducted by the Comptroller General,*
8 *with 15 days advance notice by the Transportation Secu-*
9 *rity Administration to the Committees on Appropriations*
10 *of the Senate and House of Representatives: Provided fur-*
11 *ther, That the Comptroller General shall credit funds trans-*
12 *ferred under the authority of the preceding proviso to the*
13 *account established for salaries and expenses of the Govern-*
14 *ment Accountability Office, and such amount shall be avail-*
15 *able upon receipt and without fiscal year limitation to*
16 *cover the full costs of the review and report: Provided fur-*
17 *ther, That any funds transferred and credited under the au-*
18 *thority of the preceding provisos that are not needed for*
19 *the Comptroller General's performance of such review and*
20 *report shall be returned to the Department of Homeland*
21 *Security and credited to the appropriation from which*
22 *transferred: Provided further, That beginning with amounts*
23 *due in calendar year 2005, if the result of this review is*
24 *that an air carrier or foreign air carrier has not paid the*
25 *appropriate fee to the Transportation Security Administra-*

tion pursuant to section 44940(a)(2) of title 49 United States Code, the Secretary of Homeland Security shall undertake all necessary actions to ensure that such amounts are collected: Provided further, That such collections received during fiscal year 2005 shall be credited to this appropriation as offsetting collections and shall be available only for security modifications at commercial airports: Provided further, That if the Secretary exercises his discretion to set the fee under 44940(a)(2) of title 49 United States Code, such determination shall not be subject to judicial review: Provided further, That any security service fees collected pursuant to section 44940 of title 49 note, United States Code, in excess of the amount appropriated under this heading shall be treated as offsetting collections in fiscal year 2006.

MARITIME AND LAND SECURITY

For necessary expenses of the Transportation Security Administration related to maritime and land transportation security grants and services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597), \$44,000,000: Provided, That not to exceed \$53,000,000 may be provided for transportation worker identification credentialing and \$2,000,000 for tracking trucks carrying hazardous material.

In addition, fees authorized by section 520 of Public Law 108–90 shall be credited to this appropriation and

1 *shall be available until expended: Provided, That in fiscal*
 2 *year 2005, fee collections shall be used for initial adminis-*
 3 *trative costs of credentialing activities.*

4 *INTELLIGENCE*

5 *For necessary expenses for intelligence activities pur-*
 6 *suant to the Aviation and Transportation Security Act*
 7 *(Public Law 107-71; 115 Stat. 597), \$14,000,000.*

8 *RESEARCH AND DEVELOPMENT*

9 *For necessary expenses for research and development*
 10 *related to transportation security, \$181,000,000, to remain*
 11 *available until expended: Provided, That of the total*
 12 *amount provided under this heading, \$57,000,000 shall be*
 13 *available for the research and development of explosive de-*
 14 *tection devices.*

15 *ADMINISTRATION*

16 *For necessary administrative expenses of the Trans-*
 17 *portation Security Administration to carry out the Avia-*
 18 *tion and Transportation Security Act (Public Law 107-*
 19 *71; 115 Stat. 597), \$534,852,000.*

20 *UNITED STATES COAST GUARD*

21 *OPERATING EXPENSES*

22 *For necessary expenses for the operation and mainte-*
 23 *nance of the Coast Guard not otherwise provided for, pur-*
 24 *chase or lease of not to exceed 25 passenger motor vehicles*
 25 *for replacement only; payments pursuant to section 156 of*
 26 *Public Law 97-377 (42 U.S.C. 402 note), section 229(b)*

1 *of the Social Security Act (42 U.S.C. 429(b)), and recre-*
 2 *ation and welfare, \$5,153,220,000, of which \$1,090,000,000*
 3 *shall be for defense-related activities; of which \$24,500,000*
 4 *shall be derived from the Oil Spill Liability Trust Fund;*
 5 *and of which not to exceed \$3,000 shall be for official recep-*
 6 *tion and representation expenses: Provided, That none of*
 7 *the funds appropriated by this or any other Act shall be*
 8 *available for administrative expenses in connection with*
 9 *shipping commissioners in the United States: Provided fur-*
 10 *ther, That none of the funds provided by this Act shall be*
 11 *available for expenses incurred for yacht documentation*
 12 *under section 12109 of title 46, United States Code, except*
 13 *to the extent fees are collected from yacht owners and cred-*
 14 *ited to this appropriation: Provided further, That notwith-*
 15 *standing section 1116(c) of title 10, United States Code,*
 16 *amounts made available under this heading may be used*
 17 *to make payments into the Department of Defense Medi-*
 18 *care-Eligible Retiree Health Care Fund for fiscal year 2005*
 19 *under section 1116(a) of such title: Provided further, That*
 20 *not later than 90 days after the date of the enactment of*
 21 *this Act, the Secretary of Homeland Security shall submit*
 22 *to the Committees on Appropriations of the Senate and the*
 23 *House of Representatives, the Committee on Commerce,*
 24 *Science, and Transportation of the Senate, the Committee*
 25 *on Energy and Commerce of the House of Representatives,*

1 *and the Committee on Transportation and Infrastructure*
 2 *of the House of Representatives, a report on opportunities*
 3 *for integrating the process by which the Coast Guard issues*
 4 *letters of recommendation for proposed liquefied natural gas*
 5 *marine terminals, including the elements of such process*
 6 *relating to vessel transit, facility security assessment and*
 7 *facility security plans under the Maritime Transportation*
 8 *Security Act, and the process by which the Federal Energy*
 9 *Regulatory Commission issues permits for such terminals*
 10 *under the National Environmental Policy Act: Provided*
 11 *further, That the report shall include an examination of*
 12 *the advisability of requiring that activities of the Coast*
 13 *Guard relating to vessel transit, facility security assessment*
 14 *and facility security plans under the Maritime Transpor-*
 15 *tation Security Act be completed for a proposed liquefied*
 16 *natural gas marine terminal before a final environmental*
 17 *impact statement for such terminal is published under the*
 18 *Federal Energy Regulatory Commission process.*

19 *ENVIRONMENTAL COMPLIANCE AND RESTORATION*

20 *For necessary expenses to carry out the Coast Guard's*
 21 *environmental compliance and restoration functions under*
 22 *chapter 19 of title 14, United States Code, \$17,000,000, to*
 23 *remain available until expended.*

24 *RESERVE TRAINING*

25 *For necessary expenses of the Coast Guard Reserve, as*
 26 *authorized by law; operations and maintenance of the re-*

1 *serve program, personnel and training costs, equipment,*
 2 *and services, \$117,000,000.*

3 *ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS*

4 *For necessary expenses of acquisition, construction,*
 5 *renovation, and improvement of aids to navigation, shore*
 6 *facilities, vessels, and aircraft, including equipment related*
 7 *thereto; and maintenance, rehabilitation, lease and oper-*
 8 *ation of facilities and equipment, as authorized by law,*
 9 *\$1,062,550,000, of which \$20,000,000 shall be derived from*
 10 *the Oil Spill Liability Trust Fund; of which \$19,750,000*
 11 *shall be available until September 30, 2009, to acquire, re-*
 12 *pair, renovate, or improve vessels, small boats, and related*
 13 *equipment; of which \$3,800,000 shall be available until*
 14 *September 30, 2009, to increase aviation capability; of*
 15 *which \$185,000,000 shall be available until September 30,*
 16 *2007, for other equipment; of which \$5,000,000 shall be*
 17 *available until September 30, 2007, for shore facilities and*
 18 *aids to navigation facilities; of which \$73,000,000 shall be*
 19 *available for personnel compensation and benefits and re-*
 20 *lated costs; of which \$776,000,000 shall be available until*
 21 *September 30, 2009, for the Integrated Deepwater Systems*
 22 *program: Provided, That the Commandant of the Coast*
 23 *Guard is authorized to dispose of surplus real property, by*
 24 *sale or lease, and the proceeds shall be credited to this ap-*
 25 *propriation as offsetting collections and shall be available*
 26 *until September 30, 2007, only for Rescue 21: Provided fur-*

1 *ther, That the budget for fiscal year 2006 that is submitted*
 2 *under section 1105(a) of title 31, United States Code, may*
 3 *include an amount for the Coast Guard that is sufficient*
 4 *to fund delivery of a long-term maritime patrol aircraft*
 5 *capability that is consistent with the original procurement*
 6 *plan for the CN-235 aircraft beyond the three aircraft al-*
 7 *ready funded in previous fiscal years.*

8 *ALTERATION OF BRIDGES*

9 *For necessary expenses for alteration or removal of ob-*
 10 *structive bridges, \$15,400,000, to remain available until ex-*
 11 *pended.*

12 *RESEARCH, DEVELOPMENT, TEST, AND EVALUATION*

13 *For necessary expenses for applied scientific research,*
 14 *development, test, and evaluation, and for maintenance, re-*
 15 *habilitation, lease and operation of facilities and equip-*
 16 *ment, as authorized by law, \$18,500,000, to remain avail-*
 17 *able until expended, of which \$2,000,000 shall be derived*
 18 *from the Oil Spill Liability Trust Fund: Provided, That*
 19 *there may be credited to and used for the purposes of this*
 20 *appropriation funds received from State and local govern-*
 21 *ments, other public authorities, private sources, and foreign*
 22 *countries, for expenses incurred for research, development,*
 23 *testing, and evaluation.*

24 *RETIRED PAY*

25 *For retired pay, including the payment of obligations*
 26 *otherwise chargeable to lapsed appropriations for this pur-*

1 *pose, payments under the Retired Serviceman's Family*
 2 *Protection and Survivor Benefits Plans, payment for career*
 3 *status bonuses under the National Defense Authorization*
 4 *Act, and payments for medical care of retired personnel and*
 5 *their dependents under chapter 55 of title 10, United States*
 6 *Code, \$1,085,460,000.*

7 *UNITED STATES SECRET SERVICE*

8 *SALARIES AND EXPENSES*

9 *For necessary expenses of the United States Secret*
 10 *Service, including purchase of not to exceed 610 vehicles*
 11 *for police-type use, which shall be for replacement only, and*
 12 *hire of passenger motor vehicles; purchase of American-*
 13 *made sidecar compatible motorcycles; hire of aircraft; serv-*
 14 *ices of expert witnesses at such rates as may be determined*
 15 *by the Director; rental of buildings in the District of Colum-*
 16 *bia, and fencing, lighting, guard booths, and other facilities*
 17 *on private or other property not in Government ownership*
 18 *or control, as may be necessary to perform protective func-*
 19 *tions; payment of per diem or subsistence allowances to em-*
 20 *ployees where a protective assignment during the actual day*
 21 *or days of the visit of a protectee require an employee to*
 22 *work 16 hours per day or to remain overnight at his or*
 23 *her post of duty; conduct of and participation in firearms*
 24 *matches; presentation of awards; travel of Secret Service*
 25 *employees on protective missions without regard to the limi-*

1 *tations on such expenditures in this or any other Act if*
2 *approval is obtained in advance from the Committees on*
3 *Appropriations of the Senate and the House of Representa-*
4 *tives; research and development; grants to conduct behav-*
5 *ioral research in support of protective research and oper-*
6 *ations; and payment in advance for commercial accom-*
7 *modations as may be necessary to perform protective func-*
8 *tions, \$1,159,125,000, of which not to exceed \$25,000 shall*
9 *be for official reception and representation expenses; of*
10 *which not to exceed \$100,000 shall be to provide technical*
11 *assistance and equipment to foreign law enforcement orga-*
12 *nizations in counterfeit investigations; of which \$2,100,000*
13 *shall be for forensic and related support of investigations*
14 *of missing and exploited children: Provided, That up to*
15 *\$18,000,000 provided for protective travel shall remain*
16 *available until September 30, 2006: Provided further, That*
17 *the United States Secret Service is authorized to obligate*
18 *funds in anticipation of reimbursements from agencies and*
19 *entities, as defined in section 105 of title 5, United States*
20 *Code, receiving training sponsored by the James J. Rowley*
21 *Training Center, except that total obligations at the end*
22 *of the fiscal year shall not exceed total budgetary resources*
23 *available under this heading at the end of the fiscal year.*

6 *TITLE III—PREPAREDNESS AND RECOVERY*

8 *COORDINATION AND PREPAREDNESS*

10 *For necessary expenses for the Office of State and*
11 *Local Government Coordination and Preparedness,*
12 *\$25,000,000.*

14 *For grants, contracts, cooperative agreements, and*
15 *other activities, including grants to State and local govern-*
16 *ments for terrorism prevention activities, notwithstanding*
17 *any other provision of law, \$2,845,081,000, which shall be*
18 *allocated as follows:*

(1) \$970,000,000 for formula-based grants and \$400,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714), of which \$50,000,000 shall be used for grants to identify, acquire, and transfer homeland security technology, equipment, and information to State and local law enforcement agencies: Provided, That the application for grants

1 *shall be made available to states within 45 days after*
 2 *enactment of this Act; that States shall submit appli-*
 3 *cations within 45 days after the grant announcement;*
 4 *and that the Office of State and Local Government*
 5 *Coordination and Preparedness shall act within 15*
 6 *days after receipt of an application: Provided further,*
 7 *That each State shall obligate not less than 80 percent*
 8 *of the total amount of the grant to local governments*
 9 *within 60 days after the grant award; and*

10 (2) *\$1,200,000,000 for discretionary grants for*
 11 *use in high-threat, high-density urban areas, as deter-*
 12 *mined by the Secretary of Homeland Security: Pro-*
 13 *vided, That \$150,000,000 shall be for port security*
 14 *grants; \$15,000,000 shall be for trucking industry se-*
 15 *curity grants; \$10,000,000 shall be for intercity bus*
 16 *security grants; and \$150,000,000 shall be for inter-*
 17 *city passenger rail transportation (as defined in sec-*
 18 *tion 24102(5) of title 49, United States Code), freight*
 19 *rail, and transit security grants: Provided further,*
 20 *That no less than 80 percent of any grant to a State*
 21 *shall be made available by the State to local govern-*
 22 *ments within 60 days after the receipt of the funds:*
 23 *Provided further, That section 1014(c)(3) of the USA*
 24 *PATRIOT ACT (42 U.S.C. 3714(c)(3)) shall not*
 25 *apply to these grants;*

1 (3) \$275,081,000 for training, exercises, technical
2 assistance, and other programs:
3 *Provided, That none of the grants provided under this head-*
4 *ing shall be used for the construction or renovation of facili-*
5 *ties: Provided further, That notwithstanding the previous*
6 *proviso, funds under this heading may be used for a minor*
7 *perimeter security project, the cost of which shall not exceed*
8 *\$1,000,000, as deemed necessary by the Secretary of Home-*
9 *land Security: Provided further, That funds under this*
10 *heading may be used to provide a reasonable stipend to*
11 *part-time and volunteer first responders who are not other-*
12 *wise compensated for travel to or participation in terrorism*
13 *response courses approved by the Office for Domestic Pre-*
14 *paredness, which stipend shall not be paid if such first re-*
15 *sponder is otherwise compensated by an employer for such*
16 *time and shall not be considered compensation for purposes*
17 *of rendering such first responder an employee under the*
18 *Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.):*
19 *Provided further, That grantees shall provide additional re-*
20 *ports on their use of funds, as deemed necessary by the Sec-*
21 *retary: Provided further, That not to exceed 10 percent of*
22 *funds appropriated for law enforcement terrorism preven-*
23 *tion grants under paragraph (1) and discretionary grants*
24 *under paragraph (2) of this heading shall be available for*
25 *operational costs, to include personnel overtime and over-*

1 *time associated with Office of State and Local Government*
 2 *Coordination and Preparedness certified training, as need-*
 3 *ed.*

4 *FIREFIGHTER ASSISTANCE GRANTS*

5 *For necessary expenses for programs authorized by sec-*
 6 *tion 33 of the Federal Fire Prevention and Control Act of*
 7 *1974 (15 U.S.C. 2229), \$700,000,000, to remain available*
 8 *until September 30, 2006: Provided, That not to exceed 5*
 9 *percent of this amount shall be available for program ad-*
 10 *ministration.*

11 *FIRE DEPARTMENT STAFFING ASSISTANCE GRANTS*

12 *For necessary expenses for programs authorized by sec-*
 13 *tion 34 of the Federal Fire Prevention and Control Act of*
 14 *1974 (15 U.S.C. 2229a), to remain available until Sep-*
 15 *tember 30, 2006, \$100,000,000: Provided, That not to exceed*
 16 *5 percent of this amount shall be available for program ad-*
 17 *ministration: Provided, further, That the amount appro-*
 18 *priated by title I under the heading “OFFICE OF THE*
 19 *UNDER SECRETARY FOR MANAGEMENT” is hereby reduced*
 20 *by \$70,000,000, the amount appropriated by title IV under*
 21 *the heading “INFORMATION ANALYSIS AND INFRASTRUC-*
 22 *TURE PROTECTION MANAGEMENT AND ADMINISTRATION” is*
 23 *hereby reduced by \$20,000,000, and the amount appro-*
 24 *priated by title IV under the heading “SCIENCE AND TECH-*
 25 *NOLOGY MANAGEMENT AND ADMINISTRATION” is hereby re-*
 26 *duced by \$10,000,000.*

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 (42 U.S.C. 4001 et seq.), the Robert*
 5 *T. Stafford Disaster Relief and Emergency Assistance Act*
 6 *(42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduc-*
 7 *tions Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganiza-*
 8 *tion Plan No. 3 of 1978 (5 U.S.C. App.), \$180,000,000: Pro-*
 9 *vided, That total administrative costs shall not exceed 3*
 10 *percent of the total appropriation.*

11 *COUNTERTERRORISM FUND*

12 *For necessary expenses, as determined by the Secretary*
 13 *of Homeland Security, to reimburse any Federal agency for*
 14 *the costs of providing support to counter, investigate, or re-*
 15 *spond to unexpected threats or acts of terrorism, including*
 16 *payment of rewards in connection with these activities,*
 17 *\$10,000,000, to remain available until expended: Provided,*
 18 *That the Secretary shall notify the Committees on Appro-*
 19 *priations of the Senate and the House of Representatives*
 20 *15 days prior to the obligation of any amount of these funds*
 21 *in accordance with section 502 of this Act.*

22 *EMERGENCY PREPAREDNESS AND RESPONSE*

23 *OFFICE OF THE UNDER SECRETARY FOR EMERGENCY*

24 *PREPAREDNESS AND RESPONSE*

25 *For necessary expenses for the Office of the Under Sec-*
 26 *retary for Emergency Preparedness and Response, as au-*

1 *thorized by section 502 of the Homeland Security Act of*
 2 *2002 (6 U.S.C. 312), \$4,211,000.*

3 *PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY*

4 *For necessary expenses for preparedness, mitigation,*
 5 *response, and recovery activities of the Directorate of Emer-*
 6 *gency Preparedness and Response, \$231,499,000, including*
 7 *activities authorized by the National Flood Insurance Act*
 8 *of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford*
 9 *Disaster Relief and Emergency Assistance Act (42 U.S.C.*
 10 *5121 et seq.), the Earthquake Hazards Reduction Act of*
 11 *1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention*
 12 *and Control Act of 1974 (15 U.S.C. 2201 et seq.), the De-*
 13 *fense Production Act of 1950 (50 U.S.C. App. 2061 et seq.),*
 14 *sections 107 and 303 of the National Security Act of 1947*
 15 *(50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978*
 16 *(5 U.S.C. App.), and the Homeland Security Act of 2002*
 17 *(6 U.S.C. 101 et seq.): Provided, That of the total amount*
 18 *appropriated, \$30,000,000 shall be for Urban Search and*
 19 *Rescue Teams, of which not to exceed 3 percent may be*
 20 *made available for administrative costs.*

21 *ADMINISTRATIVE AND REGIONAL OPERATIONS*

22 *For necessary expenses for administrative and regional*
 23 *operations of the Emergency Preparedness and Response*
 24 *Directorate, \$196,939,000, including activities authorized*
 25 *by the National Flood Insurance Act of 1968 (42 U.S.C.*
 26 *4001 et seq.), the Robert T. Stafford Disaster Relief and*

1 *Emergency Assistance Act (42 U.S.C. 5121 et seq.), the*
 2 *Earthquake Hazards Reduction Act of 1977 (42 U.S.C.*
 3 *7701 et seq.), the Federal Fire Prevention and Control Act*
 4 *of 1974 (15 U.S.C. 2201 et seq.), the Defense Production*
 5 *Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and*
 6 *303 of the National Security Act of 1947 (50 U.S.C. 404,*
 7 *405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.),*
 8 *and the Homeland Security Act of 2002 (6 U.S.C. 101 et*
 9 *seq.): Provided, That not to exceed \$3,000 shall be for offi-*
 10 *cial reception and representation expenses.*

11 *PUBLIC HEALTH PROGRAMS*

12 *For necessary expenses for countering potential bio-*
 13 *logical, disease, and chemical threats to civilian popu-*
 14 *lations, \$34,000,000.*

15 *RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM*

16 *The aggregate charges assessed during fiscal year 2005,*
 17 *as authorized in title III of the Departments of Veterans*
 18 *Affairs and Housing and Urban Development, and Inde-*
 19 *pendent Agencies Appropriations Act, 1999 (42 U.S.C.*
 20 *5196e), shall not be less than 100 percent of the amounts*
 21 *anticipated by the Department of Homeland Security nec-*
 22 *essary for its radiological emergency preparedness program*
 23 *for the next fiscal year: Provided, That the methodology for*
 24 *assessment and collection of fees shall be fair and equitable;*
 25 *and shall reflect costs of providing such services, including*
 26 *administrative costs of collecting such fees: Provided fur-*

1 *ther, That fees received under this heading shall be deposited*
 2 *in this account as offsetting collections and will become*
 3 *available for authorized purposes on October 1, 2005, and*
 4 *remain available until expended.*

5 *DISASTER RELIEF*

6 *For necessary expenses in carrying out the Robert T.*
 7 *Stafford Disaster Relief and Emergency Assistance Act (42*
 8 *U.S.C. 5121 et seq.), \$2,221,000,000 to remain available*
 9 *until expended, of which \$70,000,000 is designated by Con-*
 10 *gress as an emergency requirement under section 502(c) of*
 11 *H. Con. Res. 95 (108th Cong.) and shall be made available*
 12 *for a grant to the American Red Cross for disaster relief,*
 13 *recovery expenditures, and emergency services in response*
 14 *to Tropical Storm Bonnie, Hurricane Charley, and Hurri-*
 15 *cane Frances.*

16 *DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT*

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

1 *FLOOD MAP MODERNIZATION FUND*

2 *For necessary expenses pursuant to section 1360 of the*
 3 *National Flood Insurance Act of 1968 (42 U.S.C. 4101),*
 4 *\$200,000,000, and such additional sums as may be pro-*
 5 *vided by State and local governments or other political sub-*
 6 *divisions for cost-shared mapping activities under section*
 7 *1360(f)(2) of such Act, to remain available until expended:*
 8 *Provided, That total administrative costs shall not exceed*
 9 *3 percent of the total appropriation.*

10 *NATIONAL FLOOD INSURANCE FUND*

11 *(INCLUDING TRANSFER OF FUNDS)*

12 *For activities under the National Flood Insurance Act*
 13 *of 1968 (42 U.S.C. 4001 et seq.), not to exceed \$33,336,000*
 14 *for salaries and expenses associated with flood mitigation*
 15 *and flood insurance operations; and not to exceed*
 16 *\$79,257,000 for flood hazard mitigation, to remain avail-*
 17 *able until September 30, 2006, including up to \$20,000,000*
 18 *for expenses under section 1366 of the National Flood Insur-*
 19 *ance Act of 1968 (42 U.S.C. 4104c), which amount shall*
 20 *be available for transfer to the National Flood Mitigation*
 21 *Fund until September 30, 2006, and which amount shall*
 22 *be derived from offsetting collections assessed and collected*
 23 *pursuant to section 1307 of that Act (42 U.S.C. 4014), and*
 24 *shall be retained and used for necessary expenses under this*
 25 *heading: Provided, That in fiscal year 2005, no funds in*
 26 *excess of: (1) \$55,000,000 for operating expenses; (2)*

1 \$562,881,000 for agents' commissions and taxes; and (3)
 2 \$30,000,000 for interest on Treasury borrowings shall be
 3 available from the National Flood Insurance Fund.

4 MITIGATION GRANTS

5 *For activities designed to reduce the risk of flood dam-*
 6 *age to structures pursuant to the National Flood Insurance*
 7 *Act of 1968, notwithstanding subsections (b)(3) and (f) of*
 8 *section 1366, and for a pre-disaster mitigation grant pro-*
 9 *gram pursuant to title II of the Disaster Relief Act of 1974*
 10 *(42 U.S.C. 5131 et seq.), \$170,000,000, of which*
 11 *\$20,000,000 shall be derived from the National Flood Insur-*
 12 *ance Fund, to remain available until September 30, 2006,*
 13 *and \$150,000,000, to remain available until expended, for*
 14 *the Pre-Disaster Mitigation Fund: Provided, That grants*
 15 *made for pre-disaster mitigation shall be awarded on a*
 16 *competitive basis subject to the criteria in section 203(g)*
 17 *of the Disaster Relief Act of 1974 (42 U.S.C. 5133(g)), and*
 18 *notwithstanding section 203(f) of such Act, shall be made*
 19 *without reference to State allocations, quotas, or other for-*
 20 *mula-based allocation of funds: Provided further, That total*
 21 *administrative costs for pre-disaster mitigation shall not*
 22 *exceed 3 percent of the total appropriation.*

23 EMERGENCY FOOD AND SHELTER

24 *To carry out an emergency food and shelter program*
 25 *pursuant to subtitle B of title III of the Stewart B. McKin-*
 26 *ney Homeless Assistance Act (42 U.S.C. 11341 et seq.),*

1 \$153,000,000, to remain available until expended: Pro-
 2 vided, That total administrative costs shall not exceed 3.5
 3 percent of the total appropriation.

4 *TITLE IV—RESEARCH AND DEVELOPMENT,*
 5 *TRAINING, ASSESSMENTS, AND SERVICES*
 6 *CITIZENSHIP AND IMMIGRATION SERVICES*

7 *For necessary expenses for citizenship and immigra-*
 8 *tion services for backlog reduction activities, \$140,000,000.*

9 *FEDERAL LAW ENFORCEMENT TRAINING CENTER*
 10 *SALARIES AND EXPENSES*

11 *For necessary expenses of the Federal Law Enforce-*
 12 *ment Training Center, including materials and support*
 13 *costs of Federal law enforcement basic training; purchase*
 14 *of not to exceed 117 vehicles for police-type use and hire*
 15 *of passenger motor vehicles; expenses for student athletic*
 16 *and related activities; the conduct of and participation in*
 17 *firearms matches and presentation of awards; public aware-*
 18 *ness and enhancement of community support of law enforce-*
 19 *ment training; room and board for student interns; a flat*
 20 *monthly reimbursement to employees authorized to use per-*
 21 *sonal cell phones for official duties; and services as author-*
 22 *ized by section 3109 of title 5, United States Code;*
 23 *\$181,440,000, of which up to \$36,174,000 for materials and*
 24 *support costs of Federal law enforcement basic training*
 25 *shall remain available until September 30, 2006; and of*

1 *which not to exceed \$12,000 shall be for official reception*
 2 *and representation expenses: Provided, That the Center is*
 3 *authorized to obligate funds in anticipation of reimburse-*
 4 *ments from agencies receiving training sponsored by the*
 5 *Center, except that total obligations at the end of the fiscal*
 6 *year shall not exceed total budgetary resources available at*
 7 *the end of the fiscal year.*

8 *ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND*
 9 *RELATED EXPENSES*

10 *For acquisition of necessary additional real property*
 11 *and facilities, construction, and ongoing maintenance, fa-*
 12 *cility improvements, and related expenses of the Federal*
 13 *Law Enforcement Training Center, \$42,917,000, to remain*
 14 *available until expended: Provided, That the Center is au-*
 15 *thorized to accept reimbursement to this appropriation*
 16 *from government agencies requesting the construction of*
 17 *special use facilities.*

18 *INFORMATION ANALYSIS AND INFRASTRUCTURE*
 19 *PROTECTION*

20 *MANAGEMENT AND ADMINISTRATION*

21 *For necessary expenses of the Directorate of Informa-*
 22 *tion Analysis and Infrastructure Protection, including the*
 23 *immediate Office of the Under Secretary for Information*
 24 *Analysis and Infrastructure Protection, for management*
 25 *and administration of programs and activities, as author-*

1 ized by title II of the Homeland Security Act of 2002 (6
2 U.S.C. 121 et seq.), \$157,064,000.

3 ASSESSMENTS AND EVALUATIONS

4 For necessary expenses for information analysis and
5 infrastructure protection as authorized by title II of the
6 Homeland Security Act of 2002 (6 U.S.C. 121 et seq.),
7 \$718,512,000, to remain available until September 30,
8 2006, of which not to exceed \$20,000 may be used for official
9 reception and representation expenses: Provided, That none
10 of the funds available under this heading shall be available
11 for sole-source contractual agreements unless the Commit-
12 tees on Appropriations of the Senate and the House of Rep-
13 resentatives are notified 15 days in advance of such deci-
14 sion, or the Secretary of Homeland Security certifies to the
15 Committee that such agreement is necessary to respond to
16 a national emergency or prevent an impending terrorist at-
17 tack.

18 SCIENCE AND TECHNOLOGY

19 MANAGEMENT AND ADMINISTRATION

20 For salaries and expenses of the immediate Office of
21 the Under Secretary for Science and Technology and for
22 management and administration of programs and activi-
23 ties, as authorized by title III of the Homeland Security
24 Act of 2002 (6 U.S.C. 181 et seq.), \$52,550,000.

9 *TITLE V—GENERAL PROVISIONS*

SEC. 502. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate

1 *Committees on Appropriations for a different purpose; (5)*
2 *relocates an office or employees; or (6) contracts out or*
3 *privatizes any functions or activities presently performed*
4 *by Federal employees, unless the Committees on Appropria-*
5 *tions of the Senate and the House of Representatives are*
6 *notified 15 days in advance of such reprogramming of*
7 *funds.*

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

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

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

15 SEC. 503. Except as otherwise specifically provided by
 16 law, not to exceed 50 percent of unobligated balances re-
 17 maining available at the end of fiscal year 2005 from ap-
 18 propriations for salaries and expenses for fiscal year 2005
 19 in this Act shall remain available through September 30,
 20 2006, in the account and for the purposes for which the
 21 appropriations were provided: Provided, That prior to the
 22 obligation of such funds, a request shall be submitted to the
 23 Committees on Appropriations of the Senate and the House
 24 of Representatives for approval in accordance with section
 25 502 of this Act.

1 *SEC. 504. Funds made available by this Act for intel-*
2 *ligence activities are deemed to be specifically authorized*
3 *by the Congress for purposes of section 504 of the National*
4 *Security Act of 1947 (50 U.S.C. 414) during fiscal year*
5 *2005 until the enactment of an Act authorizing intelligence*
6 *activities for fiscal year 2005.*

7 *SEC. 505. The Federal Law Enforcement Training*
8 *Center shall establish an accrediting body, to include rep-*
9 *resentatives from the Federal law enforcement community*
10 *and non-Federal accreditation experts involved in law en-*
11 *forcement training, to establish standards for measuring*
12 *and assessing the quality and effectiveness of Federal law*
13 *enforcement training programs, facilities, and instructors.*

14 *SEC. 506. None of the funds in this Act may be used*
15 *to make a grant allocation, discretionary grant award, dis-*
16 *cretionary contract award, or to issue a letter of intent to-*
17 *taling in excess of \$1,000,000 unless the Secretary of Home-*
18 *land Security notifies the Committees on Appropriations*
19 *of the Senate and House of Representatives at least 3 full*
20 *business days in advance: Provided, That no notification*
21 *shall involve funds that are not available for obligation.*

22 *SEC. 507. Notwithstanding any other provision of law,*
23 *no agency shall purchase, construct, or lease any additional*
24 *facilities, except within or contiguous to existing locations,*
25 *to be used for the purpose of conducting Federal law enforce-*

1 ment training without the advance approval of the Commit-
2 tees on Appropriations of the Senate and the House of Rep-
3 resentatives, except that the Federal Law Enforcement
4 Training Center is authorized to obtain the temporary use
5 of additional facilities by lease, contract, or other agreement
6 for training which cannot be accommodated in existing
7 Center facilities.

8 *SEC. 508. The Director of the Federal Law Enforce-*
9 *ment Training Center (FLETC) shall schedule basic and*
10 *advanced law enforcement training at all four training fa-*
11 *cilities under FLETC's control to ensure that these training*
12 *centers are operated at the highest capacity throughout the*
13 *fiscal year.*

14 *SEC. 509. None of the funds appropriated or otherwise*
15 *made available by this Act may be used for expenses of any*
16 *construction, repair, alteration, and acquisition project for*
17 *which a prospectus, if required by the Public Buildings Act*
18 *of 1959, has not been approved, except that necessary funds*
19 *may be expended for each project for required expenses for*
20 *the development of a proposed prospectus.*

21 *SEC. 510. None of the funds appropriated or otherwise*
22 *made available by this Act shall be used to pursue or adopt*
23 *guidelines or regulations requiring airport sponsors to pro-*
24 *vide to the Transportation Security Administration with-*
25 *out cost building construction, maintenance, utilities and*

1 *expenses, or space in airport sponsor-owned buildings for*
 2 *services relating to aviation security: Provided, That the*
 3 *prohibition of funds in this section does not apply to—*

4 *(1) negotiations between the agency and airport*
 5 *sponsors to achieve agreement on “below-market”*
 6 *rates for these items, or*

7 *(2) space for necessary security checkpoints.*

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

11 *SEC. 512. The Secretary of Homeland Security is di-*
 12 *rected to research, develop, and procure certified systems to*
 13 *inspect and screen air cargo on passenger aircraft at the*
 14 *earliest date possible: Provided, That until such technology*
 15 *is procured and installed, the Secretary shall take all pos-*
 16 *sible actions to prohibit high-risk cargo from being trans-*
 17 *ported on passenger aircraft.*

18 *SEC. 513. None of the funds made available by this*
 19 *or previous appropriations Acts may be obligated for con-*
 20 *tracting out a full-time equivalent position of the Depart-*
 21 *ment of Homeland Security for which funds have been made*
 22 *available unless the Committees on Appropriations of the*
 23 *Senate and the House of Representatives are notified 15*
 24 *days in advance.*

1 *SEC. 514. (a)None of the funds provided by this or pre-*
2 *vious appropriations Acts may be obligated for deployment*
3 *or implementation, on other than a test basis, of the Com-*
4 *puter Assisted Passenger Prescreening System (CAPPS II)*
5 *or Secure Flight or other follow on/successor programs, that*
6 *the Transportation Security Administration (TSA) plans*
7 *to utilize to screen aviation passengers, until the Govern-*
8 *ment Accountability Office has reported to the Committees*
9 *on Appropriations of the Senate and the House of Rep-*
10 *resentatives that—*

11 *(1) a system of due process exists whereby aviation*
12 *passengers determined to pose a threat are either delayed*
13 *or prohibited from boarding their scheduled flights by the*
14 *TSA may appeal such decision and correct erroneous infor-*
15 *mation contained in CAPPS II or Secure Flight or other*
16 *follow on/successor programs;*

17 *(2) the underlying error rate of the government and*
18 *private data bases that will be used both to establish iden-*
19 *tity and assign a risk level to a passenger will not produce*
20 *a large number of false positives that will result in a sig-*
21 *nificant number of passengers being treated mistakenly or*
22 *security resources being diverted;*

23 *(3) the TSA has stress-tested and demonstrated*
24 *the efficacy and accuracy of all search tools in*
25 *CAPPS II or Secure Flight or other follow on/suc-*

1 cessor programs and has demonstrated that CAPPs
2 II or Secure Flight or other follow on/successor pro-
3 grams can make an accurate predictive assessment of
4 those passengers who may constitute a threat to avia-
5 tion;

6 (4) the Secretary of Homeland Security has es-
7 tablished an internal oversight board to monitor the
8 manner in which CAPPs II or Secure Flight or other
9 follow on/successor programs are being developed and
10 prepared;

11 (5) the TSA has built in sufficient operational
12 safeguards to reduce the opportunities for abuse;

13 (6) substantial security measures are in place to
14 protect CAPPs II or Secure Flight or other follow on/
15 successor programs from unauthorized access by hack-
16 ers or other intruders;

17 (7) the TSA has adopted policies establishing ef-
18 fective oversight of the use and operation of the sys-
19 tem;

20 (8) there are no specific privacy concerns with
21 the technological architecture of the system; and

22 (9) the TSA has, pursuant to the requirements of
23 section 44903 (i)(2)(A) of title 49, United States
24 Code, modified CAPPs II or Secure Flight or other
25 follow on/successor programs with respect to intra-

1 *state transportation to accommodate States with*
2 *unique air transportation needs and passengers who*
3 *might otherwise regularly trigger primary selectee*
4 *status.*

5 *(b) During the testing phase permitted by paragraph*
6 *(a) of this section, no information gathered from passengers,*
7 *foreign or domestic air carriers, or reservation systems may*
8 *be used to screen aviation passengers, or delay or deny*
9 *boarding to such passengers, except in instances where pas-*
10 *senger names are matched to a government watch list.*

11 *(c) The Government Accountability Office shall submit*
12 *the report required under paragraph (a) of this section no*
13 *later than February 15, 2005.*

14 *SEC. 515. None of the funds appropriated by this Act*
15 *may be used to make an award, pursuant to a competition*
16 *under Office of Management and Budget Circular A–76, to*
17 *a source for the performance of services that were provided*
18 *as of June 1, 2004, by employees (including employees serv-*
19 *ing on a temporary or term basis) of the Bureau of Citizen-*
20 *ship and Immigration Services of the Department of Home-*
21 *land Security known as of that date as Immigration Infor-*
22 *mation Officers, Contact Representatives, or Investigative*
23 *Assistants unless—*

1 (1) *the Secretary of Homeland Security submits*
2 *to Congress, not later than 60 days before making*
3 *such award, a report that describes—*

4 (A) *the performance requirements for the*
5 *services;*

6 (B) *the estimated savings to be derived from*
7 *the performance of such services by that source;*

8 (C) *the actions that are to be taken to effec-*
9 *tuate the transition to performance either by*
10 *Federal Government employees under the appli-*
11 *cable most efficient organization plan or by a*
12 *contractor, as the case may be; and*

13 (D) *the strategy for mitigating the adverse*
14 *effects of such award, if any, on Federal Govern-*
15 *ment employees; and*

16 (2) *the making of the award to that source will*
17 *not result in the closure of an immigration informa-*
18 *tion service center that was in operation on June 1,*
19 *2004.*

20 *SEC. 516. Notwithstanding any other provision of this*
21 *Act, none of the funds appropriated by this Act may be*
22 *used to process or approve a competition under Office of*
23 *Management and Budget Circular A-76 for services pro-*
24 *vided as of June 1, 2004, by employees (including employees*
25 *serving on a temporary or term basis) of the Bureau of Citi-*

1 *zenship and Immigration Services of the Department of*
 2 *Homeland Security who are known as of that date as Immi-*
 3 *gration Information Officers, Contact Representatives, or*
 4 *Investigative Assistants.*

5 *This section shall take effect one day after the date of*
 6 *the Act's enactment.*

7 *SEC. 517. None of the funds made available in this*
 8 *Act may be used to amend the oath of allegiance required*
 9 *by section 337 of the Immigration and Nationality Act (8*
 10 *U.S.C. 1448).*

11 *SEC. 518. INVESTIGATION OF SHOCKOE CREEK DRAIN*
 12 *FIELD, RICHMOND, VIRGINIA, as soon as practicable after*
 13 *the date of enactment of this Act, the Director of the Federal*
 14 *Emergency Management Agency shall conduct an investiga-*
 15 *tion of the Shockoe Creek drain field in Richmond, Vir-*
 16 *ginia, to determine means of preventing future damage in*
 17 *that area from floods and other natural disasters.*

18 *SEC. 519. (a) The total amount appropriated by title*
 19 *II for the Office of the Under Secretary for Border and*
 20 *Transportation Security under the heading "AIR AND MA-*
 21 *RINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PRO-*
 22 *CUREMENT" is hereby increased by \$200,000,000. Of such*
 23 *total amount, as so increased, \$200,000,000 shall be avail-*
 24 *able for the establishment and operation of air bases in the*

1 *States of Michigan, Montana, New York, North Dakota, and*
 2 *Washington.*

3 (b) *The total amount appropriated under the heading*
 4 *“IMMIGRATION AND CUSTOMS ENFORCEMENT, FEDERAL AIR*
 5 *MARSHALS” is hereby increased by \$50,000,000. Of such*
 6 *total amount, as so increased, \$50,000,000 is for the contin-*
 7 *ued operations of the Federal Air Marshals program.*

8 (c) *The total amount appropriated under the heading*
 9 *“OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION*
 10 *AND PREPAREDNESS, STATE AND LOCAL PROGRAMS” is*
 11 *hereby increased by \$50,000,000. Of such total amount, as*
 12 *so increased, \$50,000,000 is for discretionary assistance to*
 13 *non-profit organizations (as defined under section 501*
 14 *(c)(3) of the Internal Revenue Code of 1986) determined by*
 15 *the Secretary of Homeland Security to be at high-risk of*
 16 *international terrorist attacks.*

17 (d) *The total amount appropriated under the heading*
 18 *“OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION*
 19 *AND PREPAREDNESS, FIREFIGHTER ASSISTANCE GRANTS”*
 20 *is hereby increased by \$50,000,000. Of such total amount,*
 21 *as so increased, \$50,000,000 is for the program authorized*
 22 *by section 33 of the Federal Fire Prevention and Control*
 23 *Act of 1974 (15 U.S.C. 2229).*

24 (e) *The total amount appropriated under the heading*
 25 *“OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION*

1 *AND PREPAREDNESS, EMERGENCY MANAGEMENT PERFORM-*
 2 *ANCE GRANTS” is hereby increased by \$20,000,000. Of such*
 3 *total amount, as so increased, \$20,000,000 is for emergency*
 4 *management performance grants.*

5 *(f) Section 13031(j)(3) of the Consolidated Omnibus*
 6 *Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is*
 7 *amended by striking “March 1, 2005” and inserting “June*
 8 *1, 2005”.*

9 *SEC. 520. (a) The total amount appropriated under*
 10 *the heading “CUSTOMS AND BORDER PROTECTION, SALA-*
 11 *RIES AND EXPENSES” is hereby increased by \$150,000,000.*
 12 *Of such total amount, as so increased, \$50,000,000 is pro-*
 13 *vided for radiation detection devices, \$50,000,000 is pro-*
 14 *vided for additional border inspectors, and \$50,000,000 is*
 15 *provided for additional border patrol agents.*

16 *(b) The total amount appropriated under the heading*
 17 *“IMMIGRATION AND CUSTOMS ENFORCEMENT, SALARIES*
 18 *AND EXPENSES” is hereby increased by \$100,000,000. Of*
 19 *such total amount, as so increased, \$50,000,000 is provided*
 20 *for additional investigator personnel, and \$50,000,000 is*
 21 *provided for detention and removal bedspace and removal*
 22 *operations.*

23 *(c) The total amount appropriated under the heading*
 24 *“OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION*
 25 *AND PREPAREDNESS, STATE AND LOCAL PROGRAMS” is*

1 *hereby increased by \$128,000,000. The total amount pro-*
 2 *vided in the aforementioned heading for discretionary*
 3 *grants is increased by \$128,000,000. Of that total amount,*
 4 *as so increased, the amount for rail and transit security*
 5 *grants is increased by \$128,000,000.*

6 (d) *The total amount appropriated under heading*
 7 *“OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION*
 8 *AND PREPAREDNESS, EMERGENCY MANAGEMENT PERFORM-*
 9 *ANCE GRANTS” is hereby increased by \$36,000,000. Of such*
 10 *total amount, as so increased, \$36,000,000 is provided for*
 11 *emergency management performance grants.*

12 (e) *In Section 13031(j)(3) of the Consolidated Omnibus*
 13 *Budget Reconciliation Act of 1985 as amended by this Act,*
 14 *strike “June 1, 2005” and insert “September 30, 2005.”*

15 SEC. 521. *Of the amount appropriated by title II for*
 16 *the Office of the Under Secretary for Border and Transpor-*
 17 *tation Security under the heading “AIR AND MARINE INTER-*
 18 *DICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT”,*
 19 *\$5,000,000 may be used for a pilot project to test interoper-*
 20 *able communications between the first Northern Border Air*
 21 *Wing, Bellingham, Washington, and local law enforcement*
 22 *personnel.*

23 SEC. 522. (a) *The Secretary of Homeland Security, in*
 24 *consultation with the Secretary of Transportation, shall—*

1 (1) *develop and maintain an integrated strategic*
 2 *transportation security plan; and*

3 (2) *base future budget requests on the plan.*

4 (b) *The integrated strategic transportation security*
 5 *plan shall—*

6 (1) *identify and evaluate the United States*
 7 *transportation assets that need to be protected;*

8 (2) *set risk-based priorities for defending the as-*
 9 *sets identified;*

10 (3) *select the most practical and cost-effective*
 11 *ways of defending the assets identified; and*

12 (4) *assign transportation security roles and mis-*
 13 *sions to the relevant Federal, State, regional, and*
 14 *local authorities and to the private sector.*

15 (c) *The Secretary of Homeland Security shall submit*
 16 *the integrated strategic transportation security plan to*
 17 *Congress not later than February 1, 2005 and shall submit*
 18 *updated plans, including assessments of the progress made*
 19 *on implementation of the plan, on the first day of February*
 20 *each year thereafter. Any part of the plan that involves in-*
 21 *formation that is properly classified under criteria estab-*
 22 *lished by Executive order shall be submitted to Congress sep-*
 23 *arately in classified form.*

24 SEC. 523. (a) *Not later than 180 days after the end*
 25 *of fiscal year 2005, the Secretary of Homeland Security*

1 *shall submit a report to Congress that describes the articles,*
 2 *materials, and supplies acquired by the Department of*
 3 *Homeland Security during fiscal year 2005 that were man-*
 4 *ufactured outside of the United States.*

5 *(b) The report submitted under subsection (a) shall*
 6 *separately indicate—*

7 *(1) the dollar value of each of the articles, mate-*
 8 *rials, and supplies acquired by the Department of*
 9 *Homeland Security that were manufactured outside*
 10 *of the United States;*

11 *(2) an itemized list of all waivers granted with*
 12 *respect to such articles, materials, or supplies under*
 13 *the Buy American Act (41 U.S.C. 10a et seq.); and*

14 *(3) a summary of the total funds spent by the*
 15 *Department of Homeland Security on goods manufac-*
 16 *tured within the United States compared with funds*
 17 *spent by the Department of Homeland Security on*
 18 *goods manufactured outside of the United States.*

19 *(c) The Secretary of Homeland Security shall make*
 20 *the report submitted under this section publicly available*
 21 *to the maximum extent practicable.*

22 *SEC. 524. Section 835 of the Homeland Security Act*
 23 *of 2002 (Public Law 107-296; 6 U.S.C. 395) is amended—*

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

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

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

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

7 *SEC. 525. During fiscal year 2005, the Secretary of*
8 *Homeland Security and the Secretary of Defense shall per-*
9 *mit the New Mexico Army National Guard to continue per-*
10 *forming vehicle and cargo inspection activities in support*
11 *of the Bureau of Customs and Border Protection and the*
12 *Bureau of Immigration and Customs Enforcement under*
13 *the authority of the Secretary of Defense to support*
14 *counterdrug activities of law enforcement agencies.*

15 *SEC. 526. (a) Not later than 3 months after the date*
16 *of enactment of this Act, the Secretary of Homeland Secu-*
17 *rity shall submit a report to the Committees on Appropria-*
18 *tions of the Senate and the House of Representatives and*
19 *to the Committee on Governmental Affairs and the Com-*
20 *mittee on Environment and Public Works of the Senate and*
21 *the Committee on Homeland Security of the House of Rep-*
22 *resentatives on the implementation of Homeland Security*
23 *Presidential Directive Seven.*

24 *(b) The report under this section shall include—*

1 (1) the Department’s plan and associated
2 timeline for the mapping of the United States critical
3 infrastructure;

4 (2) an assessment of the resource requirements of
5 relevant States, counties, and local governments so
6 that full participation by those entities may be inte-
7 grated into the plan;

8 (3) the Department’s plan for oversight of all
9 geospatial information systems management, procure-
10 ment, and interoperability; and

11 (4) the timeline for creating the Department-
12 wide Geospatial Information System capability under
13 the direction of the Chief Information Officer.

14 SEC. 527. Notwithstanding any other provision of law,
15 the fiscal year 2004 aggregate overtime limitation pre-
16 scribed in subsection 5(c)(1) of the Act of February 13, 1911
17 (19 U.S.C. 261 and 267) shall be \$30,000 and the total
18 amount appropriated by title II under the heading “CUS-
19 TOMS AND BORDER PROTECTION SALARIES AND EX-
20 PENSES” is hereby reduced by \$1,000,000.

21 SEC. 528. Not later than 90 days after the date of en-
22 actment of this Act, and every 90 days thereafter, the Sec-
23 retary of Homeland Security shall provide to the Committee
24 on Commerce, Science, and Transportation and the Sub-
25 committee on Homeland Security of the Committee on Ap-

1 *propriations of the Senate, a classified report on the num-*
2 *ber of individuals serving as Federal Air Marshals. Such*
3 *report shall include the number of Federal Air Marshals*
4 *who are women, minorities, or employees of departments*
5 *or agencies of the United States Government other than the*
6 *Department of Homeland Security, the percentage of do-*
7 *mestic and international flights that have a Federal Air*
8 *Marshal aboard, and the rate at which individuals are leav-*
9 *ing service as Federal Air Marshals.*

10 *SEC. 529. (a) Congress finds that (1) there is a dis-*
11 *proportionate number of complaints against the Transpor-*
12 *tation Security Administration for alleged violations of*
13 *equal employment opportunity and veterans preference laws*
14 *as those laws apply to employment of personnel in airport*
15 *screener positions in the Transportation Security Adminis-*
16 *tration, and (2) there is a significant backlog of those com-*
17 *plaints remaining unresolved.*

18 *(b)(1) Not later than 180 days after the date of the*
19 *enactment of this Act, the Comptroller General shall submit*
20 *to Congress a report on the personnel policies of the Depart-*
21 *ment of Homeland Security that apply to the employment*
22 *of airport screeners in the Transportation Security Admin-*
23 *istration, particularly with regard to compliance with*
24 *equal employment opportunity and veterans preference*
25 *laws.*

1 (2) *The report under this subsection shall include an*
2 *assessment of the extent of compliance of the Transportation*
3 *Security Administration with equal employment oppor-*
4 *tunity and veterans' preference laws as those laws apply*
5 *to employment of personnel in airport screener positions*
6 *in the Transportation Security Administration, a discus-*
7 *sion of any systemic problems that could have caused the*
8 *circumstances giving rise to the disproportionate number*
9 *of complaints described in subsection (a), and the efforts*
10 *of the Secretary of Homeland Security and the Under Sec-*
11 *retary for Border and Transportation Security to eliminate*
12 *the backlog of unresolved complaints and to correct any sys-*
13 *temic problems identified in the report.*

14 (3) *In conducting the review necessary for preparing*
15 *the report, the Comptroller General shall examine the expe-*
16 *rience regarding the airport screener positions at particular*
17 *airports in various regions, including the Louis Armstrong*
18 *New Orleans International Airport.*

19 SEC. 530. *No funds appropriated or otherwise made*
20 *available by this Act shall be used to pursue, implement,*
21 *or enforce any law, procedure, guideline, rule, regulation,*
22 *or other policy that exposes the identity of an air marshal*
23 *to any party not designated by the Secretary of the Depart-*
24 *ment of Homeland Security.*

1 *SEC. 531. (a) The Secretary of Homeland Security, in*
2 *coordination with the head of the Transportation Security*
3 *Administration and the Under Secretary for Science and*
4 *Technology, shall prepare a report on protecting commer-*
5 *cial aircraft from the threat of man-portable air defense sys-*
6 *tems (referred to in this section as “MANPADS”).*

7 *(b) The report required by subsection (a) shall include*
8 *the following:*

9 *(1) An estimate of the number of organizations,*
10 *including terrorist organizations, that have access to*
11 *MANPADS and a description of the risk posed by*
12 *each organization.*

13 *(2) A description of the programs carried out by*
14 *the Secretary of Homeland Security to protect com-*
15 *mercial aircraft from the threat posed by MANPADS.*

16 *(3) An assessment of the effectiveness and feasi-*
17 *bility of the systems to protect commercial aircraft*
18 *under consideration by the Under Secretary for*
19 *Science and Technology for use in phase II of the*
20 *counter-MANPADS development and demonstration*
21 *program.*

22 *(4) A justification for the schedule of the imple-*
23 *mentation of phase II of the counter-MANPADS de-*
24 *velopment and demonstration program.*

1 (5) *An assessment of the effectiveness of other*
 2 *technology that could be employed on commercial air-*
 3 *craft to address the threat posed by MANPADS, in-*
 4 *cluding such technology that is—*

5 (A) *either active or passive;*

6 (B) *employed by the Armed Forces; or*

7 (C) *being assessed or employed by other*
 8 *countries.*

9 (6) *An assessment of alternate technological ap-*
 10 *proaches to address such threat, including ground-*
 11 *based systems.*

12 (7) *A discussion of issues related to any con-*
 13 *tractor liability associated with the installation or use*
 14 *of technology or systems on commercial aircraft to ad-*
 15 *dress such threat.*

16 (8) *A description of the strategies that the Sec-*
 17 *retary may employ to acquire any technology or sys-*
 18 *tems selected for use on commercial aircraft at the*
 19 *conclusion of phase II of the counter-MANPADS de-*
 20 *velopment and demonstration program, including—*

21 (A) *a schedule for purchasing and installing*
 22 *such technology or systems on commercial air-*
 23 *craft; and*

24 (B) *a description of—*

1 (i) the priority in which commercial
2 aircraft will be equipped with such tech-
3 nology or systems;

4 (ii) any efforts to coordinate the sched-
5 ules for installing such technology or system
6 with private airlines;

7 (iii) any efforts to ensure that aircraft
8 manufacturers integrate such technology or
9 systems into new aircraft; and

10 (iv) the cost to operate and support
11 such technology or systems on a commercial
12 aircraft.

13 (9) A description of the plan to expedite the use
14 of technology or systems on commercial aircraft to ad-
15 dress the threat posed by MANPADS if intelligence or
16 events indicate that the schedule for the use of such
17 technology or systems, including the schedule for car-
18 rying out development and demonstration programs
19 by the Secretary, should be expedited.

20 (10) A description of the efforts of the Secretary
21 to survey and identify the areas at domestic and for-
22 eign airports where commercial aircraft are most vul-
23 nerable to attack by MANPADS.

24 (11) A description of the cooperation between the
25 Secretary and the Administrator of the Federal Avia-

1 *tion Administration to certify the airworthiness and*
 2 *safety of technology and systems to protect commer-*
 3 *cial aircraft from the risk posed by MANPADS in an*
 4 *expeditious manner.*

5 *(c) The report required by subsection (a) shall be trans-*
 6 *mitted to Congress along with the budget for fiscal year*
 7 *2006 submitted by the President pursuant to section*
 8 *1105(a) of title 31, United States Code.*

9 *SEC. 532. None of the funds available in this Act shall*
 10 *be available to maintain the United States Secret Service*
 11 *as anything but a distinct entity within the Department*
 12 *of Homeland Security and shall not be used to merge the*
 13 *United States Secret Service with any other department*
 14 *function, cause any personnel and operational elements of*
 15 *the United States Secret Service to report to an individual*
 16 *other than the Director of the United States Secret Service,*
 17 *or cause the Director to report directly to any individual*
 18 *other than the Secretary of Homeland Security.*

19 *SEC. 533. DATA-MINING REPORT. (a) DEFINITIONS.—*
 20 *In this section:*

21 *(1) DATA-MINING.—The term “data-mining”*
 22 *means a query or search or other analysis of 1 or*
 23 *more electronic databases, where—*

24 *(A) at least 1 of the databases was obtained*
 25 *from or remains under the control of a non-Fed-*

1 *eral entity, or the information was acquired ini-*
 2 *tially by another department or agency of the*
 3 *Federal Government;*

4 *(B) the search does not use a specific indi-*
 5 *vidual's personal identifiers to acquire informa-*
 6 *tion concerning that individual; and*

7 *(C) a department or agency of the Federal*
 8 *Government or a non-Federal entity acting on*
 9 *behalf of the Federal Government is conducting*
 10 *the query or search or other analysis to find a*
 11 *pattern indicating terrorist, criminal, or other*
 12 *law enforcement related activity.*

13 *(2) DATABASE.—The term “database” does not*
 14 *include telephone directories, information publicly*
 15 *available via the Internet or available by any other*
 16 *means to any member of the public without payment*
 17 *of a fee, or databases of judicial and administrative*
 18 *opinions.*

19 *(b) REPORTS ON DATA-MINING ACTIVITIES.—*

20 *(1) REQUIREMENT FOR REPORT.—The head of*
 21 *each agency in the Department of Homeland Security*
 22 *or the privacy officer, if applicable, that is engaged*
 23 *in any activity to use or develop data-mining tech-*
 24 *nology shall each submit a public report to Congress*

1 *on all such activities of the agency under the jurisdic-*
2 *tion of that official.*

3 (2) *CONTENT OF REPORT.*—*A report submitted*
4 *under paragraph (1) shall include, for each activity*
5 *to use or develop data-mining technology that is re-*
6 *quired to be covered by the report, the following infor-*
7 *mation:*

8 (A) *A thorough description of the data-min-*
9 *ing technology, the plans for the use of such tech-*
10 *nology, the data that will be used, and the target*
11 *dates for the deployment of the data-mining tech-*
12 *nology.*

13 (B) *An assessment of the likely impact of*
14 *the implementation of the data-mining tech-*
15 *nology on privacy and civil liberties.*

16 (C) *A thorough discussion of the policies,*
17 *procedures, and guidelines that are to be devel-*
18 *oped and applied in the use of such technology*
19 *for data-mining in order to—*

20 (i) *protect the privacy and due process*
21 *rights of individuals; and*

22 (ii) *ensure that only accurate informa-*
23 *tion is collected and used.*

24 (D) *Any necessary classified information in*
25 *an annex that shall be available to the Com-*

1 *mittee on Governmental Affairs, the Committee*
 2 *on the Judiciary, and the Committee on Appro-*
 3 *priations of the Senate and the Committee on*
 4 *Homeland Security, the Committee on the Judi-*
 5 *ciary, and the Committee on Appropriations of*
 6 *the House of Representatives.*

7 (3) *TIME FOR REPORT.*—*Each report required*
 8 *under paragraph (1) shall be submitted not later than*
 9 *90 days after the end of fiscal year 2005.*

10 *SEC. 534. (a) Of any funds previously made available*
 11 *to the Federal Emergency Management Agency in response*
 12 *to the September 11, 2001, attacks in New York City, not*
 13 *less than \$4,450,000 shall be provided, subject to the request*
 14 *of the Governor of New York, to those mental health coun-*
 15 *seling service entities that have historically provided mental*
 16 *health counseling through Project Liberty to personnel of*
 17 *the New York City Police Department, the New York City*
 18 *Fire Department, and other emergency services agencies, to*
 19 *continue such counseling.*

20 *SEC. 535. SENSE OF THE SENATE CONCERNING THE*
 21 *AMERICAN RED CROSS AND CRITICAL BIOMEDICAL SYS-*
 22 *TEMS. (a) FINDINGS.*—*The Senate finds that—*

23 (1) *the blood supply is a vital public health re-*
 24 *source that must be readily available at all times,*

1 *particularly in response to terrorist attacks and nat-*
 2 *ural disasters;*

3 *(2) the provision of blood is an essential part of*
 4 *the critical infrastructure of the United States and*
 5 *must be protected from threats of terrorism;*

6 *(3) disruption of the blood supply or the compro-*
 7 *miting of its integrity could have wide-ranging im-*
 8 *plications on the ability of the United States to react*
 9 *in a crisis; and*

10 *(4) the need exists to ensure that blood collection*
 11 *facilities maintain adequate inventories to prepare*
 12 *for disasters at all times in all locations.*

13 *(b) SENSE OF THE SENATE.—It is the sense of the Sen-*
 14 *ate that the Department of Homeland Security’s Informa-*
 15 *tion Analysis and Infrastructure Protection should consult*
 16 *with the American Red Cross to—*

17 *(1) identify critical assets and interdependencies;*

18 *(2) perform vulnerability assessments; and*

19 *(3) identify necessary resources to implement*
 20 *protective measures to ensure continuity of operations*
 21 *and security of information technology systems for*
 22 *blood and blood products.*

23 *SEC. 536. It is the sense of the Senate that—*

24 *(1) the Director of the Office for State and Local*
 25 *Government Coordination and Preparedness be given*

1 *limited authority to approve requests from the senior*
 2 *official responsible for emergency preparedness and*
 3 *response in each State to reprogram funds appro-*
 4 *priated for the State Homeland Security Grant Pro-*
 5 *gram of the Office for State and Local Government*
 6 *Coordination and Preparedness to address specific se-*
 7 *curity requirements that are based on credible threat*
 8 *assessments, particularly threats that arise after the*
 9 *State has submitted an application describing its in-*
 10 *tended use of such grant funds;*

11 *(2) for each State, the amount of funds repro-*
 12 *grammed under this section should not exceed 10 per-*
 13 *cent of the total annual allocation for such State*
 14 *under the State Homeland Security Grant Program;*
 15 *and*

16 *(3) before reprogramming funds under this sec-*
 17 *tion, a State official described in paragraph (1)*
 18 *should consult with relevant local officials.*

19 *SEC. 537. DISASTER ASSISTANCE EMPLOYEE CADRES*
 20 *OF EMERGENCY PREPAREDNESS AND RESPONSE DIREC-*
 21 *TORATE.*

22 *(a) IN GENERAL.—The Secretary of Homeland Secu-*
 23 *rity is encouraged to place special emphasis on the recruit-*
 24 *ment of American Indians, Alaska Natives, and Native Ha-*
 25 *waiians for positions within Disaster Assistance Employee*

1 *cadres maintained by the Emergency Preparedness and Re-*
 2 *sponse Directorate.*

3 (b) *REPORT.*—*The Secretary of Homeland Security*
 4 *shall report periodically to the Senate and the House of*
 5 *Representatives with respect to—*

6 (1) *the representation of American Indians,*
 7 *Alaska Natives, and Native Hawaiians in the Dis-*
 8 *aster Assistance Employee cadres; and*

9 (2) *the efforts of the Secretary of Homeland Se-*
 10 *curity to increase the representation of such individ-*
 11 *uals in the cadres.*

12 *SEC. 538. Sections 702 and 703 of the Homeland Secu-*
 13 *rity Act of 2002 (6 U.S.C. 342 and 343) are amended by*
 14 *striking “, or to another official of the Department, as the*
 15 *Secretary may direct” each place it appears.*

16 *SEC. 539. Section 208(a) of Public Law 108–137; 117*
 17 *Stat. 1849 is amended by striking “current” and inserting*
 18 *“2005”.*

19 *SEC. 540. LIAISON FOR DISASTER EMERGENCIES. (a)*
 20 *DEPLOYMENT OF DISASTER LIAISON.*—*If requested by the*
 21 *Governor or the appropriate State agency of the affected*
 22 *State, the Secretary of Agriculture may deploy disaster liai-*
 23 *sons to State and local Department of Agriculture Service*
 24 *Centers in a federally declared disaster area whenever Fed-*
 25 *eral Emergency Management Agency Personnel are de-*

1 *ployed in that area, to coordinate Department programs*
2 *with the appropriate disaster agencies designated under the*
3 *Robert T. Stafford Disaster Relief and Emergency Assist-*
4 *ance Act (42 U.S.C. 5121 et seq.).*

5 (b) *QUALIFICATIONS.*—*A disaster liaison shall be se-*
6 *lected from among Department employees who have experi-*
7 *ence providing emergency disaster relief in federally de-*
8 *clared disaster areas.*

9 (c) *DUTIES.*—*A disaster liaison shall—*

10 (1) *serve as a liaison to State and Federal*
11 *Emergency Services;*

12 (2) *be deployed to a federally declared disaster*
13 *area to coordinate Department interagency programs*
14 *in assistance to agricultural producers in the declared*
15 *disaster area;*

16 (3) *facilitate the claims and applications of agri-*
17 *cultural producers who are victims of the disaster*
18 *that are forwarded to the Department by the appro-*
19 *priate State Department of Agriculture agency direc-*
20 *tor; and*

21 (4) *coordinate with the Director of the State of-*
22 *fice of the appropriate Department agency to assist*
23 *with the application for and distribution of economic*
24 *assistance.*

1 (d) *DURATION OF DEPLOYMENT.*—*The deployment of*
 2 *a disaster liaison under subsection (a) may not exceed 30*
 3 *days.*

4 (e) *DEFINITION.*—*In this section, the term “federally*
 5 *declared disaster area” means—*

6 (1) *an area covered by a Presidential declaration*
 7 *of major disaster, including a disaster caused by a*
 8 *wildfire, issued under section 301 of the Robert T.*
 9 *Stafford Disaster Relief and Emergency Assistance*
 10 *Act (42 U.S.C. 5170); or*

11 (2) *determined to be a disaster area, including*
 12 *a disaster caused by a wildfire, by the Secretary*
 13 *under subpart A of part 1945 of title 7, Code of Fed-*
 14 *eral Regulations.*

15 *TITLE VI—EMERGENCY AGRICULTURAL*

16 *DISASTER ASSISTANCE*

17 *SEC. 601. CROP DISASTER ASSISTANCE. (a) DEFINI-*
 18 *TIONS.—In this section:*

19 (1) *ADDITIONAL COVERAGE.*—*The term “addi-*
 20 *tional coverage” has the meaning given the term in*
 21 *section 502(b) of the Federal Crop Insurance Act (7*
 22 *U.S.C. 1502(b)).*

23 (2) *INSURABLE COMMODITY.*—*The term “insur-*
 24 *able commodity” means an agricultural commodity*
 25 *(excluding livestock) for which the producers on a*

1 *farm are eligible to obtain a policy or plan of insur-*
 2 *ance under the Federal Crop Insurance Act (7 U.S.C.*
 3 *1501 et seq.).*

4 (3) *NONINSURABLE COMMODITY.*—*The term*
 5 *“noninsurable commodity” means an eligible crop for*
 6 *which the producers on a farm are eligible to obtain*
 7 *assistance under section 196 of the Federal Agri-*
 8 *culture Improvement and Reform Act of 1996 (7*
 9 *U.S.C. 7333).*

10 (b) *EMERGENCY FINANCIAL ASSISTANCE.*—*Notwith-*
 11 *standing section 508(b)(7) of the Federal Crop Insurance*
 12 *Act (7 U.S.C. 1508(b)(7)), the Secretary of Agriculture (re-*
 13 *ferred to in this title as the “Secretary”)* *shall use such sums*
 14 *as are necessary of funds of the Commodity Credit Corpora-*
 15 *tion to make emergency financial assistance authorized*
 16 *under this section available to producers on a farm that*
 17 *have incurred qualifying crop or quality losses for the 2003*
 18 *or 2004 crop (as elected by a producer), but not both, due*
 19 *to damaging weather or related condition, as determined*
 20 *by the Secretary.*

21 (c) *ADMINISTRATION.*—*The Secretary shall make as-*
 22 *istance available under this section in the same manner*
 23 *as provided under section 815 of the Agriculture, Rural De-*
 24 *velopment, Food and Drug Administration, and Related*
 25 *Agencies Appropriations Act, 2001 (Public Law 106–387;*

1 114 Stat. 1549A–55), including using the same loss thresh-
 2 olds for the quantity and quality losses as were used in ad-
 3 ministering that section.

4 (d) *REDUCTION IN PAYMENTS.*—The amount of assist-
 5 ance that a producer would otherwise receive for a quali-
 6 fying crop or quality loss under this section shall be reduced
 7 by the amount of assistance that the producer receives under
 8 the crop loss assistance program announced by the Sec-
 9 retary on August 27, 2004.

10 (e) *INELIGIBILITY FOR ASSISTANCE.*—Except as pro-
 11 vided in subsection (f), the producers on a farm shall not
 12 be eligible for assistance under this section with respect to
 13 losses to an insurable commodity or noninsurable com-
 14 modity if the producers on the farm—

15 (1) in the case of an insurable commodity, did
 16 not obtain a policy or plan of insurance for the in-
 17 surable commodity under the Federal Crop Insurance
 18 Act (7 U.S.C. 1501 et seq.) for the crop incurring the
 19 losses; and

20 (2) in the case of a noninsurable commodity, did
 21 not file the required paperwork, and pay the adminis-
 22 trative fee by the applicable State filing deadline, for
 23 the noninsurable commodity under section 196 of the
 24 Federal Agriculture Improvement and Reform Act of

1 1996 (7 U.S.C. 7333) for the crop incurring the
2 losses.

3 (f) *CONTRACT WAIVER.*—*The Secretary may waive*
4 *subsection (e) with respect to the producers on a farm if*
5 *the producers enter into a contract with the Secretary under*
6 *which the producers agree—*

7 (1) *in the case of an insurable commodity, to ob-*
8 *tain a policy or plan of insurance under the Federal*
9 *Crop Insurance Act (7 U.S.C. 1501 et seq.) providing*
10 *additional coverage for the insurable commodity for*
11 *each of the next 2 crops; and*

12 (2) *in the case of a noninsurable commodity, to*
13 *file the required paperwork and pay the administra-*
14 *tive fee by the applicable State filing deadline, for the*
15 *noninsurable commodity for each of the next 2 crops*
16 *under section 196 of the Federal Agriculture Improve-*
17 *ment and Reform Act of 1996 (7 U.S.C. 7333).*

18 (g) *EFFECT OF VIOLATION.*—*In the event of the viola-*
19 *tion of a contract under subsection (f) by a producer, the*
20 *producer shall reimburse the Secretary for the full amount*
21 *of the assistance provided to the producer under this section.*

22 *SEC. 602. LIVESTOCK ASSISTANCE PROGRAM. (a) IN*
23 *GENERAL.*—*The Secretary shall use such sums as are nec-*
24 *essary of funds of the Commodity Credit Corporation to*
25 *make and administer payments for livestock losses to pro-*

1 *ducers for 2003 or 2004 losses (as elected by a producer),*
 2 *but not both, in a county that has received an emergency*
 3 *designation by the President or the Secretary after January*
 4 *1, 2003, of which an amount determined by the Secretary*
 5 *shall be made available for the American Indian livestock*
 6 *program under section 806 of the Agriculture, Rural Devel-*
 7 *opment, Food and Drug Administration, and Related Agen-*
 8 *cies Appropriations Act, 2001 (Public Law 106–387; 114*
 9 *Stat. 1549A–51).*

10 *(b) ADMINISTRATION.—The Secretary shall make as-*
 11 *sistance available under this section in the same manner*
 12 *as provided under section 806 of the Agriculture, Rural De-*
 13 *velopment, Food and Drug Administration, and Related*
 14 *Agencies Appropriations Act, 2001 (Public Law 106–387;*
 15 *114 Stat. 1549A–51).*

16 *(c) MITIGATION.—In determining the eligibility for or*
 17 *amount of payments for which a producer is eligible under*
 18 *the livestock assistance program, the Secretary shall not pe-*
 19 *nalize a producer that takes actions (recognizing disaster*
 20 *conditions) that reduce the average number of livestock the*
 21 *producer owned for grazing during the production year for*
 22 *which assistance is being provided.*

23 *SEC. 603. TREE ASSISTANCE PROGRAM. The Secretary*
 24 *shall use such sums as are necessary of the funds of the*
 25 *Commodity Credit Corporation to provide assistance under*

1 *the tree assistance program established under subtitle C of*
 2 *title X of the Farm Security and Rural Investment Act of*
 3 *2002 to producers who suffered tree losses during the winter*
 4 *of 2003 through 2004.*

5 *SEC. 604. COMMODITY CREDIT CORPORATION. The*
 6 *Secretary shall use the funds, facilities, and authorities of*
 7 *the Commodity Credit Corporation to carry out this title.*

8 *SEC. 605. REGULATIONS. (a) IN GENERAL.—The Sec-*
 9 *retary may promulgate such regulations as are necessary*
 10 *to implement this title.*

11 *(b) PROCEDURE.—The promulgation of the regulations*
 12 *and administration of this title shall be made without re-*
 13 *gard to—*

14 *(1) the notice and comment provisions of section*
 15 *553 of title 5, United States Code;*

16 *(2) the Statement of Policy of the Secretary of*
 17 *Agriculture effective July 24, 1971 (36 Fed. Reg.*
 18 *13804), relating to notices of proposed rulemaking*
 19 *and public participation in rulemaking; and*

20 *(3) chapter 35 of title 44, United States Code*
 21 *(commonly known as the “Paperwork Reduction*
 22 *Act”).*

23 *(c) CONGRESSIONAL REVIEW OF AGENCY RULE-*
 24 *MAKING.—In carrying out this section, the Secretary shall*

1 *use the authority provided under section 808 of title 5,*
2 *United States Code.*

3 *SEC. 606. EMERGENCY DESIGNATION. Amounts appro-*
4 *priated or otherwise made available in this title are each*
5 *designated as an emergency requirement pursuant to sec-*
6 *tion 402 of S. Con. Res. 95 (108th Congress), as made ap-*
7 *plicable to the House of Representatives by H. Res. 649*
8 *(108th Congress) and applicable to the Senate by section*
9 *14007 of the Department of Defense Appropriations Act,*
10 *2005 (Public Law 108–287; 118 Stat. 1014).*

11 *This Act may be cited as the “Department of Home-*
12 *land Security Appropriations Act, 2005”.*

Attest:

Secretary.

108TH CONGRESS
2^D SESSION

H. R. 4567

AMENDMENT