

108TH CONGRESS
2D SESSION

H. R. 4567

AN ACT

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

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any

1 money in the Treasury not otherwise appropriated, for the
2 Department of Homeland Security for the fiscal year end-
3 ing September 30, 2005, and for other purposes, namely:

4 TITLE I—DEPARTMENTAL MANAGEMENT AND
5 OPERATIONS

6 OFFICE OF THE SECRETARY AND EXECUTIVE
7 MANAGEMENT

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

15 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

16 For necessary expenses of the Office of the Under
17 Secretary for Management, as authorized by sections
18 701–705 of the Homeland Security Act of 2002 (6
19 U.S.C. 341–345), \$179,806,000 (reduced by \$450,000)
20 (reduced by \$50,000,000): *Provided*, That not to exceed
21 \$5,000 shall be for official reception and representation
22 expenses: *Provided further*, That of the total amount pro-
23 vided, \$65,081,000 shall remain available until expended
24 for costs necessary to consolidate headquarters operations

1 at the Nebraska Avenue Complex, including tenant im-
2 provements and relocation costs.

3 OFFICE OF THE CHIEF FINANCIAL OFFICER

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

7 OFFICE OF THE CHIEF PROCUREMENT OFFICER

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

10 OFFICE OF THE CHIEF INFORMATION OFFICER

11 For necessary expenses of the Office of the Chief In-
12 formation Officer, as authorized by section 103 of the
13 Homeland Security Act of 2002 (6 U.S.C. 113),
14 \$60,139,000.

15 DEPARTMENT-WIDE TECHNOLOGY INVESTMENTS

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

1 migrant Status Indicator Technology project or the Auto-
2 mated Commercial Environment.

3 OFFICE OF INSPECTOR GENERAL

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

11 TITLE II—SECURITY, ENFORCEMENT, AND
12 INVESTIGATIONS

13 OFFICE OF THE UNDER SECRETARY FOR BORDER AND
14 TRANSPORTATION SECURITY

15 SALARIES AND EXPENSES

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

20 UNITED STATES VISITOR AND IMMIGRANT STATUS
21 INDICATOR TECHNOLOGY

22 For necessary expenses for the development of the
23 United States Visitor and Immigrant Status Indicator
24 Technology project, as authorized by section 110 of the
25 Illegal Immigration Reform and Immigration Responsi-
26 bility Act of 1996 (8 U.S.C. 1221 note), \$340,000,000,

1 to remain available until expended: *Provided*, That of the
2 funds appropriated under this heading, \$254,000,000
3 may not be obligated for the United States Visitor and
4 Immigrant Status Indicator Technology project until the
5 Committees on Appropriations of the Senate and the
6 House of Representatives receive and approve a plan for
7 expenditure prepared by the Secretary of Homeland Se-
8 curity that: (1) meets the capital planning and invest-
9 ment control review requirements established by the Of-
10 fice of Management and Budget, including Circular A-
11 11, part 3; (2) complies with the Department of Home-
12 land Security enterprise information systems architec-
13 ture; (3) complies with the acquisition rules, require-
14 ments, guidelines, and systems acquisition management
15 practices of the Federal Government; (4) is reviewed and
16 approved by the Department of Homeland Security and
17 the Office of Management and Budget; and (5) is re-
18 viewed by the General Accounting Office.

19 CUSTOMS AND BORDER PROTECTION

20 SALARIES AND EXPENSES

21 For necessary expenses for enforcement of laws re-
22 lating to border security, immigration, customs, and agri-
23 cultural inspections and regulatory activities related to
24 plant and animal imports; acquisition, lease, maintenance
25 and operation of aircraft; purchase and lease of up to

1 4,500 (3,935 for replacement only) police-type vehicles;
2 and contracting with individuals for personal services
3 abroad; \$4,611,911,000 (increased by \$450,000), of
4 which \$3,000,000 shall be derived from the Harbor
5 Maintenance Trust Fund for administrative expenses re-
6 lated to the collection of the Harbor Maintenance Fee
7 pursuant to Public Law 103–182 and notwithstanding
8 section 1511(e)(1) of Public Law 107–296; of which not
9 to exceed \$40,000 shall be for official reception and rep-
10 resentation expenses; of which not to exceed
11 \$176,162,000 shall remain available until September 30,
12 2006, for inspection and surveillance technology, un-
13 manned aerial vehicles, and equipment for the Container
14 Security Initiative; of which such sums as become avail-
15 able in the Customs User Fee Account, except sums sub-
16 ject to section 13031(f)(3) of the Consolidated Omnibus
17 Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)),
18 shall be derived from that account; of which not to exceed
19 \$150,000 shall be available for payment for rental space
20 in connection with preclearance operations; of which not
21 to exceed \$1,000,000 shall be for awards of compensation
22 to informants, to be accounted for solely under the cer-
23 tificate of the Under Secretary for Border and Transpor-
24 tation Security; and of which not to exceed \$5,000,000
25 shall be available for payments or advances arising out

1 of contractual or reimbursable agreements with State and
2 local law enforcement agencies while engaged in coopera-
3 tive activities related to immigration: *Provided*, That for
4 fiscal year 2005, the aggregate overtime limitation pre-
5 scribed in section 5(c)(1) of the Act of February 13,
6 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000; and not-
7 withstanding any other provision of law, none of the
8 funds appropriated in this Act may be available to com-
9 pensate any employee of U.S. Customs and Border Pro-
10 tection for aggregate overtime and premium pay, from
11 whatever source, in an amount that exceeds such limita-
12 tion, except in individual cases determined by the Under
13 Secretary for Border and Transportation Security, or a
14 designee, to be necessary for national security purposes,
15 to prevent excessive costs, or in cases of immigration
16 emergencies: *Provided further*, That none of the funds ap-
17 propriated in this Act may be obligated to construct per-
18 manent Border Patrol checkpoints in the U.S. Customs
19 and Border Protection's Tucson sector: *Provided further*,
20 That the Commissioner, U.S. Customs and Border Pro-
21 tection, is directed to submit to the Committees on Ap-
22 propriations of the Senate and the House of Representa-
23 tives a plan for expenditure that includes location, design,
24 costs, and benefits of each proposed Tucson sector per-
25 manent checkpoint: *Provided further*, That U.S. Customs

1 and Border Protection shall relocate its tactical check-
2 points in the Tucson sector at least an average of once
3 every 14 days in a manner designed to prevent persons
4 subject to inspection from predicting the location of any
5 such checkpoint.

6 AUTOMATION MODERNIZATION

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

1 Homeland Security, and the Office of Management and
2 Budget; and (5) is reviewed by the General Accounting
3 Office.

4 CONSTRUCTION

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

10 IMMIGRATION AND CUSTOMS ENFORCEMENT

11 SALARIES AND EXPENSES

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

1 less than \$200,000 shall be for Project Alert; and of
2 which not to exceed \$16,216,000 shall be available to
3 fund or reimburse other Federal agencies for the costs
4 associated with the care, maintenance, and repatriation
5 of smuggled illegal aliens: *Provided*, That none of the
6 funds appropriated shall be available to compensate any
7 employee for overtime in an annual amount in excess of
8 \$35,000, except that the Under Secretary for Border and
9 Transportation Security may waive that amount as nec-
10 essary for national security purposes and in cases of im-
11 migration emergencies: *Provided further*, That of the total
12 amount provided, \$3,000,000 shall be for activities to en-
13 force laws against forced child labor in fiscal year 2005,
14 of which not to exceed \$2,000,000 shall remain available
15 until expended.

16 FEDERAL AIR MARSHALS

17 For necessary expenses of the Federal air marshals,
18 \$662,900,000, to remain available until expended.

19 FEDERAL PROTECTIVE SERVICE

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

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, \$39,605,000, to remain available until expended: *Provided*, That none of the funds appropriated under this heading may be obligated for ATLAS until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Under Secretary for Border and Transportation Security that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 3; (2) complies with U.S. Immigration and Customs Enforcement’s enterprise information systems architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the U.S. Immigration and Customs Enforcement’s Investment Review Board, the Department of Homeland Security, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating

1 to customs and immigration, \$26,179,000, to remain
2 available until expended.

3 AIR AND MARINE INTERDICTION, OPERATIONS,
4 MAINTENANCE, AND PROCUREMENT

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

1 Department of Homeland Security during fiscal year
2 2005 without the prior approval of the Committees on
3 Appropriations of the Senate and the House of Rep-
4 resentatives.

5 TRANSPORTATION SECURITY ADMINISTRATION

6 AVIATION SECURITY

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

1 propriation from the General Fund estimated at not more
2 than \$2,447,564,000: *Provided further*, That any security
3 service fees collected pursuant to section 118 of Public
4 Law 107–71 in excess of the amount appropriated under
5 this heading shall be treated as offsetting collections in
6 fiscal year 2006: *Provided further*, That none of the
7 funds in this Act shall be used to recruit or hire per-
8 sonnel into the Transportation Security Administration
9 which would cause the agency to exceed a staffing level
10 of 45,000 full-time equivalent screeners.

11 MARITIME AND LAND SECURITY

12 For necessary expenses of the Transportation Secu-
13 rity Administration related to maritime and land trans-
14 portation security grants and services pursuant to the
15 Aviation and Transportation Security Act (Public Law
16 107–71), \$65,000,000, to remain available until Sep-
17 tember 30, 2006.

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

23 INTELLIGENCE

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

1 RESEARCH AND DEVELOPMENT

2 For necessary expenses for research and develop-
3 ment related to transportation security, \$174,000,000, to
4 remain available until expended.

5 ADMINISTRATION

6 For necessary expenses for administrative activities
7 of the Transportation Security Administration to carry
8 out the Aviation and Transportation Security Act (Public
9 Law 107-71), \$524,852,000, to remain available until
10 September 30, 2006.

11 UNITED STATES COAST GUARD

12 OPERATING EXPENSES

13 For necessary expenses for the operation and main-
14 tenance of the Coast Guard not otherwise provided for;
15 purchase or lease of not to exceed 25 passenger motor ve-
16 hicles for replacement only; payments pursuant to section
17 156 of Public Law 97-377 (42 U.S.C. 402 note) and sec-
18 tion 229(b) of the Social Security Act (42 U.S.C.
19 429(b)); and recreation and welfare; \$5,171,220,000, of
20 which \$1,204,000,000 shall be for defense-related activi-
21 ties; of which \$24,500,000 shall be derived from the Oil
22 Spill Liability Trust Fund to carry out the purposes of
23 section 1012(a)(5) of the Oil Pollution Act of 1990; and
24 of which not to exceed \$3,000 shall be for official recep-
25 tion and representation expenses: *Provided*, That none of
26 the funds appropriated by this or any other Act shall be

1 available for administrative expenses in connection with
 2 shipping commissioners in the United States: *Provided*
 3 *further*, That none of the funds provided by this Act shall
 4 be available for expenses incurred for yacht documenta-
 5 tion under section 12109 of title 46, United States Code,
 6 except to the extent fees are collected from yacht owners
 7 and credited to this appropriation: *Provided further*, That
 8 notwithstanding section 1116(c) of title 10, United
 9 States Code, amounts made available under this heading
 10 may be used to make payments into the Department of
 11 Defense Medicare-Eligible Retiree Health Care Fund for
 12 fiscal year 2005 under section 1116(a) of such title.

13 ENVIRONMENTAL COMPLIANCE AND RESTORATION

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

18 RESERVE TRAINING

19 For necessary expenses of the Coast Guard Reserve,
 20 as authorized by law; operations and maintenance of the
 21 reserve program; personnel and training costs; and equip-
 22 ment and services; \$113,000,000.

23 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

24 (INCLUDING RESCISSION OF FUNDS)

25 For necessary expenses of acquisition, construction,
 26 renovation, and improvement of aids to navigation, shore

1 facilities, vessels, and aircraft, including equipment re-
2 lated thereto; and maintenance, rehabilitation, lease and
3 operation of facilities and equipment, as authorized by
4 law, \$936,550,000, of which \$20,000,000 shall be derived
5 from the Oil Spill Liability Trust Fund to carry out the
6 purposes of section 1012(a)(5) of the Oil Pollution Act
7 of 1990; of which \$19,750,000 shall be available until
8 September 30, 2009, to acquire, repair, renovate, or im-
9 prove vessels, small boats, and related equipment; of
10 which \$1,800,000 shall be available until September 30,
11 2009, to increase aviation capability; of which
12 \$138,000,000 shall be available until September 30,
13 2007, for other equipment; of which \$5,000,000 shall be
14 available until September 30, 2007, for shore facilities
15 and aids to navigation of which \$73,000,000 shall be
16 available until September 30, 2006, for personnel com-
17 pensation and benefits and related costs; and of which
18 \$679,000,000 shall be available until September 30,
19 2009, for the Integrated Deepwater Systems program:
20 *Provided*, That the Secretary of Homeland Security shall
21 submit to the Congress, in conjunction with the Presi-
22 dent's fiscal year 2006 budget, a new Deepwater baseline
23 that identifies revised acquisition timelines for each asset
24 contained in the Deepwater program; a timeline and de-
25 tailed justification for each new asset that is determined

1 to be necessary to fulfill homeland and national security
2 functions or multi-agency procurements as identified by
3 the Joint Requirements Council; a detailed description of
4 the revised mission requirements and their corresponding
5 impact on the Deepwater program's acquisition timeline;
6 and funding levels for each asset, whether new or con-
7 tinuing: *Provided further*, That the Secretary shall annu-
8 ally submit to the Congress, at the time that the Presi-
9 dent's budget is submitted under section 1105(a) of title
10 31, a future-years capital investment plan for the Coast
11 Guard that identifies for each capital budget line item—

12 (1) the proposed appropriation included in that
13 budget;

14 (2) the total estimated cost of completion;

15 (3) projected funding levels for each fiscal year
16 for the next five fiscal years or until project comple-
17 tion, whichever is earlier;

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

20 (5) changes, if any, in the total estimated cost
21 of completion or estimated completion date from
22 previous future-years capital investment plans sub-
23 mitted to the Congress:

24 *Provided further*, That the Secretary shall ensure that
25 amounts specified in the future-years capital investment

1 plan are consistent to the maximum extent practicable
2 with proposed appropriations necessary to support the
3 programs, projects, and activities of the Coast Guard in
4 the President's budget as submitted under section 1105(a)
5 of title 31 for that fiscal year: *Provided further*, That any
6 inconsistencies between the capital investment plan and
7 proposed appropriations shall be identified and justified.
8 In addition, of the funds appropriated under this heading
9 in Public Law 108–90 and Public Law 108–7,
10 \$33,000,000 are rescinded.

11 ALTERATION OF BRIDGES

12 For necessary expenses for alteration or removal of
13 obstructive bridges, \$16,400,000, to remain available
14 until expended.

15 RETIRED PAY

16 For retired pay, including the payment of obliga-
17 tions otherwise chargeable to lapsed appropriations for
18 this purpose, payments under the Retired Serviceman's
19 Family Protection and Survivor Benefits Plans, payment
20 for career status bonuses under the National Defense Au-
21 thorization Act, and payments for medical care of retired
22 personnel and their dependents under chapter 55 of title
23 10, United States Code, \$1,085,460,000.

1 UNITED STATES SECRET SERVICE

2 SALARIES AND EXPENSES

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

1 for commercial accommodations as may be necessary to
2 perform protective functions; \$1,179,125,000, of which
3 not to exceed \$30,000 shall be for official reception and
4 representation expenses; of which not to exceed \$100,000
5 shall be to provide technical assistance and equipment to
6 foreign law enforcement organizations in counterfeit in-
7 vestigations; of which \$2,100,000 shall be for forensic
8 and related support of investigations of missing and ex-
9 ploited children; and of which \$5,000,000 shall be a
10 grant for activities related to the investigations of ex-
11 ploited children and shall remain available until ex-
12 pended: *Provided*, That up to \$18,000,000 provided for
13 protective travel shall remain available until September
14 30, 2006: *Provided further*, That not less than
15 \$10,000,000 for the costs of planning, preparing for, and
16 conducting security operations for National Special Secu-
17 rity Events shall be available until September 30, 2006:
18 *Provided further*, That the United States Secret Service
19 is authorized to obligate funds in anticipation of reim-
20 bursements from agencies and entities, as defined in sec-
21 tion 105 of title 5, United States Code, receiving training
22 sponsored by the James J. Rowley Training Center, ex-
23 cept that total obligations at the end of the fiscal year
24 shall not exceed total budgetary resources available under
25 this heading at the end of the fiscal year.

1 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
2 RELATED EXPENSES

3 For necessary expenses for acquisition, construction,
4 repair, alteration, and improvement of facilities,
5 \$3,633,000, to remain available until expended.

6 TITLE III—PREPAREDNESS AND RECOVERY

7 OFFICE FOR STATE AND LOCAL GOVERNMENT

8 COORDINATION AND PREPAREDNESS

9 SALARIES AND EXPENSES

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

16 STATE AND LOCAL PROGRAMS

17 For grants, contracts, cooperative agreements, and
18 other activities, including grants to State and local govern-
19 ments for terrorism prevention activities, \$3,423,900,000,
20 which shall be allocated as follows:

21 (1) \$1,250,000,000 for formula-based grants
22 and \$500,000,000 for law enforcement terrorism
23 prevention grants pursuant to section 1014 of the
24 USA PATRIOT Act of 2001 (42 U.S.C. 3714): *Pro-*
25 *vided*, That the application for grants shall be made
26 available to States within 45 days after enactment

1 of this Act; that States shall submit applications
2 within 30 days after the grant announcement; and
3 that the Office for State and Local Government Co-
4 ordination and Preparedness shall act within 15
5 days after receipt of an application: *Provided further*,
6 That each State shall obligate not less than 80 per-
7 cent of the total amount of the grant to local govern-
8 ments within 60 days after the grant award;

9 (2) \$1,000,000,000 for discretionary grants for
10 use in high-threat, high-density urban areas and for
11 rail and transit security, as determined by the Sec-
12 retary of Homeland Security: *Provided*, That not
13 less than 80 percent of any grant to a State shall
14 be made available by the State to local governments
15 within 60 days after their receipt of the funds: *Pro-*
16 *vided further*, That section 1014(c)(3) of the USA
17 PATRIOT Act of 2001 (42 U.S.C. 3714(c)(3)) shall
18 not apply to these grants: *Provided further*, That of
19 the funds provided, not less than \$100,000,000 shall
20 be used for rail and transit security grants;

21 (3) \$170,000,000 for emergency management
22 performance grants pursuant to section 1014 of the
23 USA PATRIOT Act of 2001 (42 U.S.C. 3714), as
24 authorized by the National Flood Insurance Act of
25 1968 and the Flood Disaster Protection Act of 1973

1 (42 U.S.C. 4001 et seq.), the Robert T. Stafford
2 Disaster Relief and Emergency Assistance Act (42
3 U.S.C. 5121 et seq.), the Earthquake Hazards Re-
4 ductions Act of 1977 (42 U.S.C. 7701 et seq.), and
5 Reorganization Plan No. 3 of 1978 (5 U.S.C. App):
6 *Provided*, That total administrative costs shall not
7 exceed 3 percent of the total appropriation; and
8 (4) \$125,000,000 for port security grants,
9 which shall be distributed under the same terms and
10 conditions as provided for under Public Law 107–
11 117: *Provided*, That section 1014(c)(3) of the USA
12 PATRIOT Act of 2001 (42 U.S.C. 3714(c)(3)) shall
13 not apply to these grants:
14 *Provided*, That except for port security grants under para-
15 graph (4) of this heading, none of the funds appropriated
16 under this heading shall be used for construction or ren-
17 ovation of facilities: *Provided further*, That funds appro-
18 priated for law enforcement terrorism prevention grants
19 under paragraph (1) and discretionary grants under para-
20 graph (2) of this heading shall be available for operational
21 costs, to include personnel overtime and overtime associ-
22 ated with Office for State and Local Government Coordi-
23 nation and Preparedness certified training, as needed:
24 *Provided further*, That grantees shall provide reports on
25 their use of funds, as deemed necessary by the Secretary

1 of Homeland Security: *Provided further*, That the Office
2 for State and Local Government Coordination and Pre-
3 paredness shall complete the development of mission es-
4 sential tasks by July 31, 2004; the fiscal year 2005 State
5 grant guidance shall include instructions for the comple-
6 tion of State baseline assessments; a Federal response ca-
7 pabilities inventory shall be completed by March 15, 2005;
8 and the Office for State and Local Government Coordina-
9 tion and Preparedness shall provide quarterly reports to
10 the Committees on Appropriations of the Senate and the
11 House of Representatives on the implementation of Home-
12 land Security Presidential Directive-8, beginning October
13 1, 2004.

14 FIREFIGHTER ASSISTANCE GRANTS

15 For necessary expenses for programs authorized by
16 section 33 of the Federal Fire Prevention and Control Act
17 of 1974 (15 U.S.C. 2229), \$600,000,000 (increased by
18 \$50,000,000, which increase is available for grants under
19 section 34 of the Federal Fire Prevention and Control Act
20 of 1974 (15 U.S.C. 2229a)), to remain available until Sep-
21 tember 30, 2006: *Provided*, That not to exceed 5 percent
22 of this amount shall be available for program administra-
23 tion.

24 COUNTERTERRORISM FUND

25 For necessary expenses, as determined by the Sec-
26 retary of Homeland Security, to reimburse any Federal

1 agency for the costs of providing support to counter, in-
2 vestigate, or respond to unexpected threats or acts of ter-
3 rorism, including payment of rewards in connection with
4 these activities, \$10,000,000, to remain available until
5 expended: *Provided*, That the Secretary shall notify the
6 Committees on Appropriations of the Senate and the
7 House of Representatives 15 days prior to the obligation
8 of any amount of these funds in accordance with section
9 503 of this Act.

10 EMERGENCY PREPAREDNESS AND RESPONSE

11 OFFICE OF THE UNDER SECRETARY FOR EMERGENCY

12 PREPAREDNESS AND RESPONSE

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

17 PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

18 For necessary expenses for preparedness, mitigation,
19 response, and recovery activities of the Emergency Pre-
20 paredness and Response Directorate, \$210,499,000, in-
21 cluding activities authorized by the National Flood Insur-
22 ance Act of 1968 (42 U.S.C. 4011 et seq.), the Flood
23 Disaster Protection Act of 1973 (42 U.S.C. 4001 et
24 seq.), the Robert T. Stafford Disaster Relief and Emer-
25 gency Assistance Act (42 U.S.C. 5121 et seq.), the
26 Earthquake Hazards Reduction Act of 1977 (42 U.S.C.

1 7701 et seq.), the Federal Fire Prevention and Control
2 Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Pro-
3 duction Act of 1950 (50 U.S.C. App. 2061 et seq.), sec-
4 tions 107 and 303 of the National Security Act of 1947
5 (50 U.S.C. 404, 405, 411), Reorganization Plan No. 3 of
6 1978 (5 U.S.C. App.), and the Homeland Security Act of
7 2002 (6 U.S.C. 101 et seq.).

8 ADMINISTRATIVE AND REGIONAL OPERATIONS

9 For necessary expenses for administrative and re-
10 gional operations of the Emergency Preparedness and
11 Response Directorate, \$203,939,000, including activities
12 authorized by the National Flood Insurance Act of 1968
13 (42 U.S.C. 4011 et seq.), the Flood Disaster Protection
14 Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T.
15 Stafford Disaster Relief and Emergency Assistance Act
16 (42 U.S.C. 5121 et seq.), the Earthquake Hazards Re-
17 duction Act of 1977 (42 U.S.C. 7701 et seq.), the Fed-
18 eral Fire Prevention and Control Act of 1974 (15 U.S.C.
19 2201 et seq.), the Defense Production Act of 1950 (50
20 U.S.C. App. 2061 et seq.), sections 107 and 303 of the
21 National Security Act of 1947 (50 U.S.C. 404, 405,
22 411), Reorganization Plan No. 3 of 1978 (5 U.S.C.
23 App.), and the Homeland Security Act of 2002 (6 U.S.C.
24 101 et seq.): *Provided*, That not to exceed \$4,000 shall
25 be for official reception and representation expenses.

1 PUBLIC HEALTH PROGRAMS

2 For necessary expenses for countering potential bio-
3 logical, disease, and chemical threats to civilian popu-
4 lations, \$34,000,000.

5 DISASTER RELIEF

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

10 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

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

20 FLOOD MAP MODERNIZATION FUND

21 For necessary expenses pursuant to section 1360 of
22 the National Flood Insurance Act of 1968 (42 U.S.C.
23 4101), \$150,000,000, and such additional sums as may
24 be provided by State and local governments or other po-
25 litical subdivisions for cost-shared mapping activities
26 under section 1360(f)(2) of such Act, to remain available

1 until expended: *Provided*, That total administrative costs
2 shall not exceed 3 percent of the total appropriation.

3 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

4 The aggregate charges assessed during fiscal year
5 2005, as authorized by the Energy and Water Develop-
6 ment Appropriations Act, 2001 (as enacted into law by
7 Public Law 106–377), shall not be less than 100 percent
8 of the amounts anticipated by the Department of Home-
9 land Security necessary for its radiological emergency
10 preparedness program for the next fiscal year: *Provided*,
11 That the methodology for assessment and collection of
12 fees shall be fair and equitable and shall reflect costs of
13 providing such services, including administrative costs of
14 collecting such fees: *Provided further*, That fees received
15 under this heading shall be deposited in this account as
16 offsetting collections and will become available for au-
17 thorized purposes on October 1, 2005, and remain avail-
18 able until expended.

19 NATIONAL FLOOD INSURANCE FUND

20 (INCLUDING TRANSFER OF FUNDS)

21 For activities under the National Flood Insurance
22 Act of 1968 (42 U.S.C. 4011 et seq.), and the Flood Dis-
23 aster Protection Act of 1973 (42 U.S.C. 4001 et seq.),
24 not to exceed \$33,336,000 for salaries and expenses asso-
25 ciated with flood mitigation and flood insurance oper-
26 ations; and not to exceed \$79,257,000 for flood hazard

1 mitigation, to remain available until September 30, 2006,
2 including up to \$20,000,000 for expenses under section
3 1366 of the National Flood Insurance Act of 1968 (42
4 U.S.C. 4104c), which amount shall be available for trans-
5 fer to the National Flood Mitigation Fund until Sep-
6 tember 30, 2006, and which amount shall be derived
7 from offsetting collections assessed and collected pursu-
8 ant to section 1307 of that Act (42 U.S.C. 4014), and
9 shall be retained and used for necessary expenses under
10 this heading: *Provided*, That in fiscal year 2005, no
11 funds in excess of: (1) \$55,000,000 for operating ex-
12 penses; (2) \$562,881,000 for agents' commissions and
13 taxes; and (3) \$30,000,000 for interest on Treasury bor-
14 rowings shall be available from the National Flood Insur-
15 ance Fund.

16 NATIONAL FLOOD MITIGATION FUND

17 (INCLUDING TRANSFER OF FUNDS)

18 Notwithstanding subparagraphs (B) and (C) of sub-
19 section (b)(3), and subsection (f), of section 1366 of the
20 National Flood Insurance Act of 1968 (42 U.S.C.
21 4104c), \$20,000,000, to remain available until September
22 30, 2006, for activities designed to reduce the risk of
23 flood damage to structures pursuant to such Act, of
24 which \$20,000,000 shall be derived from the National
25 Flood Insurance Fund.

1 NATIONAL PRE-DISASTER MITIGATION FUND

2 For a pre-disaster mitigation grant program pursu-
 3 ant to title II of the Robert T. Stafford Disaster Relief
 4 and Emergency Assistance Act (42 U.S.C. 5131 et seq.),
 5 \$100,000,000, to remain available until expended: *Pro-*
 6 *vided*, That grants made for pre-disaster mitigation shall
 7 be awarded on a competitive basis subject to the criteria
 8 in section 203(g) of such Act (42 U.S.C. 5133(g)): *Pro-*
 9 *vided further*, That total administrative costs shall not ex-
 10 ceed 3 percent of the total appropriation.

11 EMERGENCY FOOD AND SHELTER

12 To carry out an emergency food and shelter program
 13 pursuant to title III of the Stewart B. McKinney Home-
 14 less Assistance Act (42 U.S.C. 11331 et seq.),
 15 \$153,000,000, to remain available until expended: *Pro-*
 16 *vided*, That total administrative costs shall not exceed 3.5
 17 percent of the total appropriation.

18 TITLE IV—RESEARCH AND DEVELOPMENT,

19 TRAINING, ASSESSMENTS, AND SERVICES

20 CITIZENSHIP AND IMMIGRATION SERVICES

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

23 FEDERAL LAW ENFORCEMENT TRAINING CENTER

24 SALARIES AND EXPENSES

25 For necessary expenses of the Federal Law Enforce-
 26 ment Training Center, including materials and support

1 costs of Federal law enforcement basic training; purchase
2 of not to exceed 117 vehicles for police-type use and hire
3 of passenger motor vehicles; expenses for student athletic
4 and related activities; the conduct of and participation in
5 firearms matches and presentation of awards; public
6 awareness and enhancement of community support of law
7 enforcement training; room and board for student in-
8 terns; a flat monthly reimbursement to employees author-
9 ized to use personal cell phones for official duties; and
10 services as authorized by section 3109 of title 5, United
11 States Code, \$183,440,000, of which up to \$36,174,000
12 for materials and support costs of Federal law enforce-
13 ment basic training shall remain available until Sep-
14 tember 30, 2006; and of which not to exceed \$12,000
15 shall be for official reception and representation expenses:
16 *Provided*, That the Center is authorized to obligate funds
17 in anticipation of reimbursements from agencies receiving
18 training sponsored by the Center, except that total obli-
19 gations at the end of the fiscal year shall not exceed total
20 budgetary resources available at the end of the fiscal
21 year.

22 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
23 RELATED EXPENSES

24 For acquisition of necessary additional real property
25 and facilities, construction, and ongoing maintenance, fa-
26 cility improvements, and related expenses of the Federal

1 Law Enforcement Training Center, \$37,917,000, to re-
2 main available until expended: *Provided*, That the Center
3 is authorized to accept reimbursement to this appropria-
4 tion from government agencies requesting the construc-
5 tion of special use facilities.

6 INFORMATION ANALYSIS AND INFRASTRUCTURE
7 PROTECTION
8 MANAGEMENT AND ADMINISTRATION

9 For salaries and expenses of the immediate Office of
10 the Under Secretary for Information Analysis and Infra-
11 structure Protection and for management and adminis-
12 tration of programs and activities, as authorized by title
13 II of the Homeland Security Act of 2002 (6 U.S.C. 121
14 et seq.), \$132,064,000: *Provided*, That not to exceed
15 \$5,000 shall be for official reception and representation
16 expenses: *Provided further*, That of the total amount pro-
17 vided under this heading, \$5,000,000 shall be for the
18 Under Secretary to prepare an analysis of requiring key
19 resources and critical infrastructure to provide informa-
20 tion related to actual and potential vulnerabilities to en-
21 sure that the Department has timely and efficient access
22 to such information, as authorized by section 201(d) of
23 such Act (6 U.S.C. 121(d)).

24 ASSESSMENTS AND EVALUATIONS

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

1 Homeland Security Act of 2002 (6 U.S.C. 121 et seq.),
2 \$722,512,000, to remain available until September 30,
3 2006.

4 SCIENCE AND TECHNOLOGY

5 MANAGEMENT AND ADMINISTRATION

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

13 RESEARCH, DEVELOPMENT, ACQUISITION AND

14 OPERATIONS

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

21 TITLE V—GENERAL PROVISIONS

22 (INCLUDING TRANSFERS OF FUNDS)

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

1 SEC. 502. Subject to the requirements of section
2 503 of this Act, the unexpended balances of prior appro-
3 priations provided for activities in this Act may be trans-
4 ferred to appropriation accounts for such activities estab-
5 lished pursuant to this Act: *Provided*, That balances so
6 transferred may be merged with funds in the applicable
7 established accounts and thereafter may be accounted for
8 as one fund for the same time period as originally en-
9 acted.

10 SEC. 503 (a) None of the funds provided by this
11 Act, provided by previous appropriation Acts to the agen-
12 cies in or transferred to the Department of Homeland
13 Security that remain available for obligation or expendi-
14 ture in fiscal year 2005, or provided from any accounts
15 in the Treasury of the United States derived by the col-
16 lection of fees available to the agencies funded by this
17 Act, shall be available for obligation or expenditure
18 through a reprogramming of funds that: (1) creates a
19 new program; (2) eliminates a program, project, or activ-
20 ity; (3) increases funds for any program, project, or ac-
21 tivity for which funds have been denied or restricted by
22 the Congress; or (4) proposes to use funds directed for
23 a specific activity by either the House or Senate Commit-
24 tees on Appropriations for a different purpose; unless
25 both Committees on Appropriations of the Senate and

1 the House of Representatives are notified 15 days in ad-
2 vance of such reprogramming of funds.

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

23 (c) Not to exceed 5 percent of any appropriation
24 made available for the current fiscal year for the Depart-
25 ment of Homeland Security by this Act or provided by

1 previous appropriation Acts may be transferred between
2 such appropriations, but no such appropriation, except as
3 otherwise specifically provided, shall be increased by more
4 than 10 percent by such transfers: *Provided*, That any
5 transfer under this subsection shall be treated as a re-
6 programming of funds under subsection (b) and shall not
7 be available for obligation unless the Committees on Ap-
8 propriations of the Senate and the House of Representa-
9 tives are notified 15 days in advance of such transfer.

10 SEC. 504. Except as otherwise specifically provided
11 by law, not to exceed 50 percent of unobligated balances
12 remaining available at the end of fiscal year 2005 from
13 appropriations for salaries and expenses for fiscal year
14 2005 in this Act shall remain available through Sep-
15 tember 30, 2006, in the account and for the purposes for
16 which the appropriations were provided: *Provided*, That
17 prior to the obligation of such funds, a request shall be
18 submitted to the Committees on Appropriations of the
19 Senate and the House of Representatives for approval in
20 accordance with section 503 of this Act.

21 SEC. 505. Funds made available by this Act for in-
22 telligence activities are deemed to be specifically author-
23 ized by the Congress for purposes of section 504 of the
24 National Security Act of 1947 (50 U.S.C. 414) during

1 fiscal year 2005 until the enactment of an Act author-
2 izing intelligence activities for fiscal year 2005.

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

11 SEC. 507. None of the funds in this Act may be
12 used to make a grant unless the Secretary of Homeland
13 Security notifies the Committees on Appropriations of the
14 Senate and the House of Representatives not less than
15 3 full business days before any grant allocation, discre-
16 tionary grant award, or letter of intent totaling
17 \$1,000,000 or more is announced by the Department or
18 its directorates from: (1) any discretionary or formula-
19 based grant program of the Office for State and Local
20 Government Coordination and Preparedness; (2) any let-
21 ter of intent from the Transportation Security Adminis-
22 tration; (3) any port security grant; or (4) awards for
23 Homeland Security Centers of Excellence: *Provided*, That
24 no notification shall involve funds that are not available
25 for obligation.

1 SEC. 508. Notwithstanding any other provision of
2 law, no agency shall purchase, construct, or lease any ad-
3 ditional facilities, except within or contiguous to existing
4 locations, to be used for the purpose of conducting Fed-
5 eral law enforcement training without the advance ap-
6 proval of the Committees on Appropriations of the Senate
7 and the House of Representatives, except that the Fed-
8 eral Law Enforcement Training Center is authorized to
9 obtain the temporary use of additional facilities by lease,
10 contract, or other agreement for training which cannot be
11 accommodated in existing Center facilities.

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

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

24 SEC. 511. None of the funds appropriated or other-
25 wise made available by this Act shall be used to pursue

1 or adopt guidelines or regulations requiring airport spon-
2 sors to provide to the Transportation Security Adminis-
3 tration without cost building construction, maintenance,
4 utilities and expenses, or space in airport sponsor-owned
5 buildings for services relating to aviation security: *Pro-*
6 *vided*, That the prohibition of funds in this section does
7 not apply to—

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

11 (2) space for necessary security checkpoints.

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

15 SEC. 513. The Secretary of Homeland Security is di-
16 rected to research, develop, and procure certified systems
17 to inspect and screen air cargo on passenger aircraft at
18 the earliest date possible: *Provided*, That until such tech-
19 nology is procured and installed, the Secretary shall take
20 all possible actions to enhance the known shipper pro-
21 gram to prohibit high-risk cargo from being transported
22 on passenger aircraft: *Provided further*, That the Sec-
23 retary shall amend Security Directives and programs in
24 effect on the date of enactment of this Act to, at a min-

1 imum, double the percentage of cargo inspected on pas-
 2 senger aircraft.

3 SEC. 514. (a) ESTABLISHMENT OF CHIEF PROCURE-
 4 MENT OFFICER.—The Homeland Security Act of 2002 is
 5 amended as follows:

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

9 “(5) A Chief Procurement Officer.”.

10 (2) By redesignating sections 705 through 706
 11 (6 U.S.C. 345–346) in order as sections 706
 12 through 707, and by inserting after section 704 the
 13 following:

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

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

17 (3) In the table of contents in section 1(b), by
 18 striking the items relating to sections 705 through
 19 706 and inserting the following:

“Sec. 705. Chief Procurement Officer.

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

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

20 (b) REPORTING BY CHIEF FINANCIAL OFFICER AND
 21 CHIEF INFORMATION OFFICER.—Sections 702 and 703 of
 22 the Homeland Security Act of 2002 (6 U.S.C. 342, 343)
 23 are amended by striking “, or to another official of the

1 Department, as the Secretary may direct” each place it
2 appears.

3 SEC. 515. The Commandant of the Coast Guard shall
4 provide to the Congress each year, at the time that the
5 President’s budget is submitted under section 1105(a) of
6 title 31, United States Code, a list of approved but un-
7 funded Coast Guard priorities and the funds needed for
8 each such priority in the same manner and with the same
9 contents as the unfunded priorities lists submitted by the
10 chiefs of other Armed Services.

11 SEC. 516. (a) IN GENERAL.—Chapter 449 of title 49,
12 United States Code, is amended by inserting after section
13 44944 the following new section:

14 **“§ 44945. Disposition of unclaimed money**

15 “Notwithstanding section 3302 of title 31, unclaimed
16 money recovered at any airport security checkpoint shall
17 be retained by the Transportation Security Administration
18 and shall remain available until expended for the purpose
19 of providing civil aviation security as required in this chap-
20 ter.”.

21 (b) ANNUAL REPORT.—Not later than 180 days after
22 the date of enactment of this Act and annually thereafter,
23 the Administrator of the Transportation Security Admin-
24 istration shall transmit to the Committee on Transpor-
25 tation and Infrastructure of the House of Representatives,

1 the Committee on Appropriations of the House of Rep-
2 resentatives, the Committee on Commerce, Science and
3 Transportation of the Senate and the Committee on Ap-
4 propriations of the Senate, a report that contains a de-
5 tailed description of the amount of unclaimed money re-
6 covered in total and at each individual airport, and specifi-
7 cally how the unclaimed money is being used to provide
8 civil aviation security.

9 (c) CLERICAL AMENDMENT.—The analysis for chap-
10 ter 449 of title 49, United States Code, is amended by
11 adding the following new item after the item relating to
12 section 44944:

“44945. Disposition of unclaimed money.”.

13 SEC. 517. Notwithstanding section 3302 of title 31,
14 United States Code, the Administrator of the Transpor-
15 tation Security Administration may impose a reasonable
16 charge for the lease of real and personal property to
17 Transportation Security Administration employees and for
18 the lease of real and personal property for use by Trans-
19 portation Security Administration employees and may
20 credit amounts received to the appropriation or fund ini-
21 tially charged for operating and maintaining the property,
22 which amounts shall be available, without fiscal year limi-
23 tation, for expenditure for property management, oper-
24 ation, protection, construction, repair, alteration, and re-
25 lated activities.

1 SEC. 518. The acquisition management system of the
2 Transportation Security Administration shall apply to the
3 acquisition of services, as well as equipment, supplies, and
4 materials.

5 SEC. 519. Notwithstanding any other provision of
6 law, the authority of the Office of Personnel Management
7 to conduct personnel security and suitability background
8 investigations, update investigations, and periodic reinves-
9 tigations of applicants for, or appointees in, competitive
10 service positions within the Department of Homeland Se-
11 curity is transferred to the Department of Homeland Se-
12 curity: *Provided*, That on request of the Department of
13 Homeland Security, the Office of Personnel Management
14 shall cooperate with and assist the Department in any in-
15 vestigation or reinvestigation under this section.

16 SEC. 520. Section 312(g) of the Homeland Security
17 Act of 2002 (6 U.S.C. 192(g)) is amended to read as fol-
18 lows:

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

21 SEC. 521. Section 311(c)(2) of the Homeland Secu-
22 rity Act of 2002 (6 U.S.C. 191(c)(2)) is amended to read
23 as follows:

24 “(2) ORIGINAL APPOINTMENTS.—The original
25 members of the Advisory Committee shall be ap-

1 pointed to three classes. One class of six shall have
2 a term of 1 year, one class of seven a term of 2
3 years, and one class of seven a term of 3 years.”.

4 SEC. 522. Notwithstanding any other provision of
5 law, funds appropriated under paragraphs (1) and (2) of
6 the State and Local Programs heading under title III of
7 this Act are exempt from section 6503(a) of title 31,
8 United States Code.

9 SEC. 523. None of the funds in this or previous Ap-
10 propriations Acts may be obligated for deployment or im-
11 plementation, on other than a test basis, of the Computer
12 Assisted Passenger Prescreening System (CAPPS II)
13 until the Secretary of Homeland Security has certified
14 that the requirements of paragraphs (1) through (8) of
15 subsection (a), and the requirements of subsection (b), of
16 section 519 of Public Law 108–90 have been met.

17 SEC. 524. CLARIFICATION OF PROHIBITION ON CON-
18 TRACTING WITH FOREIGN INCORPORATED ENTITIES.—
19 Section 835 of the Homeland Security Act of 2002 (Public
20 Law 107–296; 6 U.S.C. 395) is amended—

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

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

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

5 SEC. 525. The amounts otherwise provided by this
6 Act are revised by reducing the amount made available
7 under title I for “OFFICE OF THE UNDER SECRETARY
8 FOR MANAGEMENT” and by increasing the amount made
9 available under title III for “FIREFIGHTER ASSISTANCE
10 GRANTS”, both by \$50,000,000, and of the amounts ap-
11 propriated for “FIREFIGHTER ASSISTANCE GRANTS”
12 \$50,000,000 is available for grants under section 34 of
13 the Federal Fire Prevention and Control Act of 1974 (15
14 U.S.C. 2229a).

15 SEC. 526. None of the funds made available in this
16 Act may be used to amend the oath of allegiance required
17 by section 337 of the Immigration and Nationality Act
18 (8 U.S.C. 1448).

19 SEC. 527. None of the funds appropriated by this Act
20 may be used to process or approve a competition under
21 Office of Management and Budget Circular A–76 for serv-
22 ices provided as of June 1, 2004, by employees (including
23 employees serving on a temporary or term basis) of the
24 Bureau of Citizenship and Immigration Services of the
25 Department of Homeland Security who are known as of

1 that date as Immigration Information Officers, Contact
2 Representatives, or Investigative Assistants.

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

Passed the House of Representatives June 18, 2004.

Attest:

Clerk.