

108TH CONGRESS
2D SESSION

H. R. 4567

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2004

Ordered to be printed with the amendment of the Senate

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

AN ACT

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 ~~That the following sums are appropriated, out of any~~
4 ~~money in the Treasury not otherwise appropriated, for the~~
5 ~~Department of Homeland Security for the fiscal year end-~~
6 ~~ing September 30, 2005, and for other purposes, namely:~~

3 OFFICE OF THE SECRETARY AND EXECUTIVE
4 MANAGEMENT

12 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

13 For necessary expenses of the Office of the Under
14 Secretary for Management, as authorized by sections
15 701–705 of the Homeland Security Act of 2002 (6
16 U.S.C. 341–345), \$179,806,000 (reduced by \$450,000)
17 (reduced by \$50,000,000): *Provided*, That not to exceed
18 \$5,000 shall be for official reception and representation
19 expenses: *Provided further*, That of the total amount pro-
20 vided, \$65,081,000 shall remain available until expended
21 for costs necessary to consolidate headquarters operations
22 at the Nebraska Avenue Complex, including tenant im-
23 provements and relocation costs.

1 OFFICE OF THE CHIEF FINANCIAL OFFICER

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

5 OFFICE OF THE CHIEF PROCUREMENT OFFICER

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

8 OFFICE OF THE CHIEF INFORMATION OFFICER

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

13 DEPARTMENT-WIDE TECHNOLOGY INVESTMENTS

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

1 OFFICE OF INSPECTOR GENERAL

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

9 TITLE II—SECURITY, ENFORCEMENT, AND

10 INVESTIGATIONS

11 OFFICE OF THE UNDER SECRETARY FOR BORDER AND

12 TRANSPORTATION SECURITY

13 SALARIES AND EXPENSES

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

18 UNITED STATES VISITOR AND IMMIGRANT STATUS

19 INDICATOR TECHNOLOGY

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

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

17 CUSTOMS AND BORDER PROTECTION

18 SALARIES AND EXPENSES

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

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

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

1 every 14 days in a manner designed to prevent persons
2 subject to inspection from predicting the location of any
3 such checkpoint.

4 AUTOMATION MODERNIZATION

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

1 Budget; and (5) is reviewed by the General Accounting
2 Office.

3 CONSTRUCTION

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

9 IMMIGRATION AND CUSTOMS ENFORCEMENT

10 SALARIES AND EXPENSES

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

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

15 FEDERAL AIR MARSHALS

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

18 FEDERAL PROTECTIVE SERVICE

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

24 AUTOMATION MODERNIZATION

25 For expenses of immigration and customs enforce-
 26 ment automated systems, \$39,605,000, to remain avail-

1 able until expended: *Provided*, That none of the funds ap-
2 propriated under this heading may be obligated for
3 ATLAS until the Committees on Appropriations of the
4 Senate and the House of Representatives receive and ap-
5 prove a plan for expenditure prepared by the Under Sec-
6 retary for Border and Transportation Security that: (1)
7 meets the capital planning and investment control review
8 requirements established by the Office of Management
9 and Budget, including Circular A-11, part 3; (2) com-
10 plies with U.S. Immigration and Customs Enforcement's
11 enterprise information systems architecture; (3) complies
12 with the acquisition rules, requirements, guidelines, and
13 systems acquisition management practices of the Federal
14 Government; (4) is reviewed and approved by the U.S.
15 Immigration and Customs Enforcement's Investment Re-
16 view Board, 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 CONSTRUCTION

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

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

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

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

4 TRANSPORTATION SECURITY ADMINISTRATION
5 AVIATION SECURITY

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

1 than \$2,447,564,000: *Provided further,* That any security
2 service fees collected pursuant to section 118 of Public
3 Law 107-71 in excess of the amount appropriated under
4 this heading shall be treated as offsetting collections in
5 fiscal year 2006: *Provided further,* That none of the
6 funds in this Act shall be used to recruit or hire per-
7 sonnel into the Transportation Security Administration
8 which would cause the agency to exceed a staffing level
9 of 45,000 full-time equivalent screeners.

10 MARITIME AND LAND SECURITY

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

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

22 INTELLIGENCE

23 For necessary expenses for intelligence activities
24 pursuant to the Aviation and Transportation Security
25 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(e) 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 ~~\$23,000,000~~ 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.

6 ~~TITLE III—PREPAREDNESS AND RECOVERY~~

8 COORDINATION AND PREPAREDNESS

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

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, \$3,423,900,000, which shall be allocated as follows:

(1) \$1,250,000,000 for formula-based grants and \$500,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT Act of 2001 (42 U.S.C. 3714): *Provided*, That the application for grants shall be made 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(e)(3) of the USA
 12 PATRIOT Act of 2001 ~~(42 U.S.C. 3714(e)(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. 4104e), 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 4104e), \$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 H 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 H 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 Bay
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 inum; 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

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

5 That the following sums are appropriated, out of any
6 money in the Treasury not otherwise appropriated, for the
7 Department of Homeland Security for the fiscal year end-
8 ing September 30, 2005, and for other purposes, namely:

9 *TITLE I—DEPARTMENTAL MANAGEMENT AND*
10 *OPERATIONS*

11 OFFICE OF THE SECRETARY AND EXECUTIVE
12 MANAGEMENT

13 *For necessary expenses of the Office of the Secretary*
14 *of Homeland Security, as authorized by section 102 of the*
15 *Homeland Security Act of 2002 (6 U.S.C. 112), and for*
16 *executive management of the Department of Homeland Se-*
17 *curity, as authorized by law, \$82,206,000: Provided, That*
18 *not to exceed \$50,000 shall be available for allocation with-*
19 *in the Department for official reception and representation*
20 *expenses as the Secretary may determine.*

21 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

22 *For necessary expenses of the Office of the Under Sec-*
23 *retary for Management, as authorized by sections 701–705*
24 *of the Homeland Security Act of 2002 (6 U.S.C. 341–345),*
25 *\$245,579,000: Provided, That of the total amount provided,*

1 \$65,081,000 shall remain available until expended solely for
2 the alteration and improvement of facilities and for reloca-
3 tion costs to consolidate the Department's headquarters' op-
4 erations.

5 *DEPARTMENT-WIDE TECHNOLOGY INVESTMENTS*

6 *For development and acquisition of information tech-*
7 *nology equipment, software, services, and related activities*
8 *for the Department of Homeland Security, and for the costs*
9 *of conversion to narrowband communications, including the*
10 *cost for operation of the land mobile radio legacy systems,*
11 *\$222,000,000, to remain available until expended.*

12 *OFFICE OF INSPECTOR GENERAL*

13 *OPERATING EXPENSES*

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

4 OFFICE OF THE UNDER SECRETARY FOR BORDER AND
5 TRANSPORTATION SECURITY

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

13 *For necessary expenses for the development of the*
14 *United States Visitor and Immigrant Status Indicator*
15 *Technology project, as authorized by section 110 of the Ille-*
16 *gal Immigration Reform and Immigrant Responsibility Act*
17 *of 1996 (8 U.S.C. 1221 note), \$340,000,000, to remain*
18 *available until expended.*

21 *For necessary expenses for enforcement of laws relating*
22 *to border security, immigration, customs, and agricultural*
23 *inspections and regulatory activities related to plant and*
24 *animal imports; acquisition, lease, maintenance and oper-*
25 *ation of aircraft; purchase and lease of up to 4,500 (3,935*
26 *for replacement only) police-type vehicles; and contracting*

1 *with individuals for personal services abroad;*
2 *\$4,466,960,000; of which \$3,000,000 shall be derived from*
3 *the Harbor Maintenance Trust Fund for administrative ex-*
4 *penses related to the collection of the Harbor Maintenance*
5 *Fee pursuant to section 9505(c)(3) of the Internal Revenue*
6 *Code of 1986 and notwithstanding section 1511(e)(1) of the*
7 *Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of*
8 *which not to exceed \$40,000 shall be for official reception*
9 *and representation expenses; of which not to exceed*
10 *\$126,162,000 shall remain available until September 30,*
11 *2006, for inspection and surveillance technology, and equip-*
12 *ment for the Container Security Initiative; of which such*
13 *sums as become available in the Customs User Fee Account,*
14 *except sums subject to section 13031(f)(3) of the Consoli-*
15 *dated Omnibus Budget Reconciliation Act of 1985 (19*
16 *U.S.C. 58c(f)(3)), shall be derived from that account; of*
17 *which not to exceed \$150,000 shall be available for payment*
18 *for rental space in connection with preclearance operations;*
19 *of which not to exceed \$1,000,000 shall be for awards of*
20 *compensation to informants, to be accounted for solely*
21 *under the certificate of the Under Secretary for Border and*
22 *Transportation Security; and of which not to exceed*
23 *\$5,000,000 shall be available for payments or advances*
24 *arising out of contractual or reimbursable agreements with*
25 *State and local law enforcement agencies while engaged in*

1 *cooperative activities related to immigration: Provided,*
 2 *That none of the funds appropriated shall be available to*
 3 *compensate any employee for overtime in an annual*
 4 *amount in excess of \$30,000, except that the Under Sec-*
 5 *retary for Border and Transportation Security may exceed*
 6 *that amount as necessary for national security purposes*
 7 *and in cases of immigration emergencies: Provided further,*
 8 *That of the total amount provided, \$12,725,000 shall be for*
 9 *activities to enforce laws against forced child labor in fiscal*
 10 *year 2005, of which not to exceed \$4,000,000 shall remain*
 11 *available until expended: Provided further, That of the total*
 12 *amount provided, not less than \$4,750,000 may be for the*
 13 *enforcement of the textile transshipment provisions pro-*
 14 *vided for in chapter 5 of title III of the Customs Border*
 15 *Security Act of 2002 (Public Law 107–210; 116 Stat. 988*
 16 *et seq.).*

17 *AUTOMATION MODERNIZATION*

18 *For expenses for customs and border protection auto-*
 19 *mated systems, \$449,909,000, to remain available until ex-*
 20 *pended, of which not less than \$321,690,000 shall be for*
 21 *the development of the Automated Commercial Environ-*
 22 *ment: Provided, That none of the funds appropriated under*
 23 *this heading may be obligated for the Automated Commer-*
 24 *cial Environment until the Committees on Appropriations*
 25 *of the Senate and the House of Representatives receive and*

1 *approve a plan for expenditure prepared by the Under Sec-*
2 *retary for Border and Transportation Security that:*

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

7 *(2) complies with the Bureau of Customs and*
8 *Border Protection’s enterprise information systems*
9 *architecture;*

10 *(3) complies with the acquisition rules, require-*
11 *ments, guidelines, and systems acquisition manage-*
12 *ment practices of the Federal Government;*

13 *(4) is reviewed and approved by the Bureau of*
14 *Customs and Border Protection Investment Review*
15 *Board, the Department of Homeland Security, and*
16 *the Office of Management and Budget; and*

17 *(5) is reviewed by the Government*
18 *Accountabililty Office.*

19 *CONSTRUCTION*

20 *For necessary expenses to plan, construct, renovate,*
21 *equip, and maintain buildings and facilities necessary for*
22 *the administration and enforcement of the laws relating to*
23 *customs and immigration, \$91,718,000, to remain available*
24 *until expended.*

1 *IMMIGRATION AND CUSTOMS ENFORCEMENT*2 *SALARIES AND EXPENSES*

3 *For necessary expenses for enforcement of immigration*
4 *and customs laws, detention and removals, and investiga-*
5 *tions; and purchase and lease of up to 2,300 (2,000 for re-*
6 *placement only) police-type vehicles, \$2,413,438,000, of*
7 *which not to exceed \$5,000,000 shall be available until ex-*
8 *pendent for conducting special operations pursuant to sec-*
9 *tion 3131 of the Customs Enforcement Act of 1986 (19*
10 *U.S.C. 2081); of which not to exceed \$15,000 shall be for*
11 *official reception and representation expenses; of which not*
12 *to exceed \$1,000,000 shall be for awards of compensation*
13 *to informants, to be accounted for solely under the certifi-*
14 *cate of the Under Secretary for Border and Transportation*
15 *Security; of which not less than \$102,000 shall be for pro-*
16 *motion of public awareness of the child pornography*
17 *tipline; of which not less than \$203,000 shall be for Project*
18 *Alert; of which \$5,000,000 shall be a grant for activities*
19 *related to the investigations of exploited children and shall*
20 *remain available until expended; and of which not to exceed*
21 *\$11,216,000 shall be available to fund or reimburse other*
22 *Federal agencies for the costs associated with the care,*
23 *maintenance, and repatriation of smuggled illegal aliens:*
24 *Provided, That none of the funds appropriated shall be*
25 *available to compensate any employee for overtime in an*
26 *annual amount in excess of \$30,000, except that the Under*

1 *Secretary for Border and Transportation Security may*
 2 *waive that amount as necessary for national security pur-*
 3 *poses and in cases of immigration emergencies: Provided*
 4 *further, That of the total amount provided, \$3,045,000 shall*
 5 *be for activities to enforce laws against forced child labor*
 6 *in fiscal year 2005, of which not to exceed \$2,000,000 shall*
 7 *remain available until expended: Provided further, That of*
 8 *the total amount provided for, not less than \$4,750,000 shall*
 9 *be for the enforcement of the textile transshipment provi-*
 10 *sions provided for in chapter 5 of title III of the Customs*
 11 *Border Security Act of 2002 (Public Law 107–210; 116*
 12 *Stat. 988 et seq.).*

13 *FEDERAL AIR MARSHALS*

14 *For necessary expenses of the Federal Air Marshals,*
 15 *\$662,900,000.*

16 *FEDERAL PROTECTIVE SERVICE*

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

22 *AUTOMATION MODERNIZATION*

23 *For expenses of immigration and customs enforcement*
 24 *automated systems, \$39,605,000, to remain available until*
 25 *expended.*

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

3 *For necessary expenses for the operations, mainte-*
4 *nance, and procurement of marine vessels, aircraft, and*
5 *other related equipment of the air and marine program,*
6 *including operational training and mission-related travel,*
7 *and rental payments for facilities occupied by the air or*
8 *marine interdiction and demand reduction programs, the*
9 *operations of which include the following: the interdiction*
10 *of narcotics and other goods; the provision of support to*
11 *Federal, State, and local agencies in the enforcement or ad-*
12 *ministration of laws enforced by the Bureau of Immigra-*
13 *tion and Customs Enforcement; and at the discretion of the*
14 *Under Secretary for Border and Transportation Security,*
15 *the provision of assistance to Federal, State, and local agen-*
16 *cies in other law enforcement and emergency humanitarian*
17 *efforts, \$267,535,000, to remain available until expended:*
18 *Provided, That no aircraft or other related equipment, with*
19 *the exception of aircraft that are one of a kind and have*
20 *been identified as excess to Bureau of Immigration and*
21 *Customs Enforcement requirements and aircraft that have*
22 *been damaged beyond repair, shall be transferred to any*
23 *other Federal agency, department, or office outside of the*
24 *Department of Homeland Security during fiscal year 2005*

1 *without the prior approval of the Committees on Appro-*
 2 *priations of the Senate and the House of Representatives.*

3 *CONSTRUCTION*

4 *For necessary expenses to plan, construct, renovate,*
 5 *equip, and maintain buildings and facilities necessary for*
 6 *the administration and enforcement of the laws relating to*
 7 *customs and immigration, \$26,179,000, to remain available*
 8 *until expended.*

9 *TRANSPORTATION SECURITY ADMINISTRATION*

10 *AVIATION SECURITY*

11 *For necessary expenses of the Transportation Security*
 12 *Administration related to providing civil aviation security*
 13 *services pursuant to the Aviation and Transportation Secu-*
 14 *rity Act (Public Law 107-71; 115 Stat. 597),*
 15 *\$4,386,083,000, to remain available until expended, of*
 16 *which not to exceed \$3,000 shall be for official reception*
 17 *and representation expenses: Provided, That of the total*
 18 *amount provided under this heading, not to exceed*
 19 *\$2,076,733,000 shall be for passenger screening activities;*
 20 *not to exceed \$1,512,460,000 shall be for baggage screening*
 21 *activities, of which \$210,000,000 shall be available only for*
 22 *procurement of checked baggage explosive detection systems*
 23 *and \$75,000,000 shall be available only for installation of*
 24 *checked baggage explosive detection systems; and not to ex-*
 25 *ceed \$796,890,000 shall be for airport security direction*
 26 *and enforcement presence, of which \$217,890,000 shall be*

1 *available for airport information technology: Provided fur-*
2 *ther, That security service fees authorized under section*
3 *44940 of title 49, United States Code, shall be credited to*
4 *this appropriation as offsetting collections: Provided fur-*
5 *ther, That, except as provided in the following proviso, the*
6 *sum herein appropriated from the General Fund shall be*
7 *reduced on a dollar-for-dollar basis as such offsetting collec-*
8 *tions are received during fiscal year 2005, so as to result*
9 *in a final fiscal year appropriation from the General Fund*
10 *estimated at not more than \$2,563,083,000: Provided fur-*
11 *ther, That the Government Accountability Office shall re-*
12 *view, using a methodology deemed appropriate by the*
13 *Comptroller General, the calendar year 2000 cost informa-*
14 *tion for screening passengers and property pursuant to sec-*
15 *tion 44940(a)(2) of title 49, United States Code, of air car-*
16 *riers and foreign air carriers engaged in air transportation*
17 *and intrastate air transportation and report the informa-*
18 *tion within six months of enactment of the Act but no ear-*
19 *lier than March 31, 2005, to the Committees on Appropria-*
20 *tions of the Senate and House of Representatives and Com-*
21 *mittee on Commerce, Science, and Transportation: Pro-*
22 *vided further, That the Comptroller General, or any of the*
23 *Comptroller General's duly authorized representatives, shall*
24 *have access, for the purpose of reviewing such cost informa-*
25 *tion, to the personnel and to the books; accounts; documents;*

1 *papers; records (including electronic records); and auto-*
2 *mated data and files of such air carriers, airport authori-*
3 *ties, and their contractors; that the Comptroller General*
4 *deems relevant for purposes of reviewing the information*
5 *sought pursuant to the provisions of the preceding proviso:*
6 *Provided further, That the Comptroller General may obtain*
7 *and duplicate any such records, documents, working pa-*
8 *pers, automated data and files, or other information rel-*
9 *evant to such reviews without cost to the Comptroller Gen-*
10 *eral and the Comptroller General's right of access to such*
11 *information shall be enforceable pursuant to section 716(c)*
12 *of title 31, United States Code: Provided further, That the*
13 *Comptroller General shall maintain the same level of con-*
14 *fidentiality for information made available under the pre-*
15 *ceding provisos as that required under section 716(e) of title*
16 *31, United States Code: Provided further, That upon the*
17 *request of the Comptroller General, the Secretary of the De-*
18 *partment of Homeland Security shall transfer to the Gov-*
19 *ernment Accountability Office from appropriations avail-*
20 *able for administration expenses of the Transportation Se-*
21 *curity Administration, the amount requested by the Comp-*
22 *troller General, not to exceed \$5,000,000, to cover the full*
23 *costs of any review and report of the calendar year 2000*
24 *cost information conducted by the Comptroller General,*
25 *with 15 days advance notice by the Transportation Secu-*

1 rity Administration to the Committees on Appropriations
2 of the Senate and House of Representatives: Provided fur-
3 ther, That the Comptroller General shall credit funds trans-
4 ferred under the authority of the preceding proviso to the
5 account established for salaries and expenses of the Govern-
6 ment Accountability Office, and such amount shall be avail-
7 able upon receipt and without fiscal year limitation to
8 cover the full costs of the review and report: Provided fur-
9 ther, That any funds transferred and credited under the au-
10 thority of the preceding provisos that are not needed for
11 the Comptroller General's performance of such review and
12 report shall be returned to the Department of Homeland
13 Security and credited to the appropriation from which
14 transferred: Provided further, That beginning with amounts
15 due in calendar year 2005, if the result of this review is
16 that an air carrier or foreign air carrier has not paid the
17 appropriate fee to the Transportation Security Administra-
18 tion pursuant to section 44940(a)(2) of title 49 United
19 States Code, the Secretary of Homeland Security shall un-
20 dertake all necessary actions to ensure that such amounts
21 are collected: Provided further, That such collections re-
22 ceived during fiscal year 2005 shall be credited to this ap-
23 propriation as offsetting collections and shall be available
24 only for security modifications at commercial airports: Pro-
25 vided further, That if the Secretary exercises his discretion

1 *to set the fee under 44940(a)(2) of title 49 United States*
 2 *Code, such determination shall not be subject to judicial re-*
 3 *view: Provided further, That any security service fees col-*
 4 *lected pursuant to section 44940 of title 49 note, United*
 5 *States Code, in excess of the amount appropriated under*
 6 *this heading shall be treated as offsetting collections in fiscal*
 7 *year 2006.*

8 *MARITIME AND LAND SECURITY*

9 *For necessary expenses of the Transportation Security*
 10 *Administration related to maritime and land transpor-*
 11 *tation security grants and services pursuant to the Aviation*
 12 *and Transportation Security Act (Public Law 107–71; 115*
 13 *Stat. 597), \$44,000,000: Provided, That not to exceed*
 14 *\$53,000,000 may be provided for transportation worker*
 15 *identification credentialing and \$2,000,000 for tracking*
 16 *trucks carrying hazardous material.*

17 *In addition, fees authorized by section 520 of Public*
 18 *Law 108–90 shall be credited to this appropriation and*
 19 *shall be available until expended: Provided, That in fiscal*
 20 *year 2005, fee collections shall be used for initial adminis-*
 21 *trative costs of credentialing activities.*

22 *INTELLIGENCE*

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

RESEARCH AND DEVELOPMENT

For necessary expenses for research and development related to transportation security, \$181,000,000, to remain available until expended: Provided, That of the total amount provided under this heading, \$57,000,000 shall be available for the research and development of explosive detection devices.

ADMINISTRATION

For necessary administrative expenses of the Transportation Security Administration to carry out the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597), \$534,852,000.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard not otherwise provided for, purchase or lease of not to exceed 25 passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note), section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and recreation and welfare, \$5,153,220,000, of which \$1,090,000,000 shall be for defense-related activities; of which \$24,500,000 shall be derived from the Oil Spill Liability Trust Fund; and of which not to exceed \$3,000 shall be for official reception and representation expenses: Provided, That none of 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 fur-*
3 *ther, That none of the funds provided by this Act shall be*
4 *available for expenses incurred for yacht documentation*
5 *under section 12109 of title 46, United States Code, except*
6 *to the extent fees are collected from yacht owners and cred-*
7 *ited to this appropriation: Provided further, That notwith-*
8 *standing section 1116(c) of title 10, United States Code,*
9 *amounts made available under this heading may be used*
10 *to make payments into the Department of Defense Medi-*
11 *care-Eligible Retiree Health Care Fund for fiscal year 2005*
12 *under section 1116(a) of such title: Provided further, That*
13 *not later than 90 days after the date of the enactment of*
14 *this Act, the Secretary of Homeland Security shall submit*
15 *to the Committees on Appropriations of the Senate and the*
16 *House of Representatives, the Committee on Commerce,*
17 *Science, and Transportation of the Senate, the Committee*
18 *on Energy and Commerce of the House of Representatives,*
19 *and the Committee on Transportation and Infrastructure*
20 *of the House of Representatives, a report on opportunities*
21 *for integrating the process by which the Coast Guard issues*
22 *letters of recommendation for proposed liquefied natural gas*
23 *marine terminals, including the elements of such process*
24 *relating to vessel transit, facility security assessment and*
25 *facility security plans under the Maritime Transportation*

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

12 ENVIRONMENTAL COMPLIANCE AND RESTORATION

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

17 RESERVE TRAINING

18 *For necessary expenses of the Coast Guard Reserve, as*
19 *authorized by law; operations and maintenance of the re-*
20 *serve program, personnel and training costs, equipment,*
21 *and services, \$117,000,000.*

22 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

23 *For necessary expenses of acquisition, construction,*
24 *renovation, and improvement of aids to navigation, shore*
25 *facilities, vessels, and aircraft, including equipment related*
26 *thereto; and maintenance, rehabilitation, lease and oper-*

1 *ation of facilities and equipment, as authorized by law,*
2 *\$1,062,550,000, of which \$20,000,000 shall be derived from*
3 *the Oil Spill Liability Trust Fund; of which \$19,750,000*
4 *shall be available until September 30, 2009, to acquire, re-*
5 *pair, renovate, or improve vessels, small boats, and related*
6 *equipment; of which \$3,800,000 shall be available until*
7 *September 30, 2009, to increase aviation capability; of*
8 *which \$185,000,000 shall be available until September 30,*
9 *2007, for other equipment; of which \$5,000,000 shall be*
10 *available until September 30, 2007, for shore facilities and*
11 *aids to navigation facilities; of which \$73,000,000 shall be*
12 *available for personnel compensation and benefits and re-*
13 *lated costs; of which \$776,000,000 shall be available until*
14 *September 30, 2009, for the Integrated Deepwater Systems*
15 *program: Provided, That the Commandant of the Coast*
16 *Guard is authorized to dispose of surplus real property, by*
17 *sale or lease, and the proceeds shall be credited to this ap-*
18 *propriation as offsetting collections and shall be available*
19 *until September 30, 2007, only for Rescue 21: Provided fur-*
20 *ther, That the budget for fiscal year 2006 that is submitted*
21 *under section 1105(a) of title 31, United States Code, may*
22 *include an amount for the Coast Guard that is sufficient*
23 *to fund delivery of a long-term maritime patrol aircraft*
24 *capability that is consistent with the original procurement*

1 *plan for the CN-235 aircraft beyond the three aircraft al-*
2 *ready funded in previous fiscal years.*

3 *ALTERATION OF BRIDGES*

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

7 *RESEARCH, DEVELOPMENT, TEST, AND EVALUATION*

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

19 *RETIRED PAY*

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

1 *their dependents under chapter 55 of title 10, United States*
2 *Code, \$1,085,460,000.*

3 *UNITED STATES SECRET SERVICE*

4 *SALARIES AND EXPENSES*

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

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

20 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
21 RELATED EXPENSES

22 For necessary expenses for acquisition, construction,
23 repair, alteration, and improvement of facilities,
24 \$3,633,000, to remain available until expended.

1 *TITLE III—PREPAREDNESS AND RECOVERY*

2 *OFFICE OF STATE AND LOCAL GOVERNMENT*

3 *COORDINATION AND PREPAREDNESS*

4 *MANAGEMENT AND ADMINISTRATION*

5 *For necessary expenses for the Office of State and*
 6 *Local Government Coordination and Preparedness,*
 7 *\$25,000,000.*

8 *STATE AND LOCAL PROGRAMS*

9 *For grants, contracts, cooperative agreements, and*
 10 *other activities, including grants to State and local govern-*
 11 *ments for terrorism prevention activities, notwithstanding*
 12 *any other provision of law, \$2,845,081,000, which shall be*
 13 *allocated as follows:*

14 (1) *\$970,000,000 for formula-based grants and*
 15 *\$400,000,000 for law enforcement terrorism preven-*
 16 *tion grants pursuant to section 1014 of the USA PA-*
 17 *TRIOT ACT (42 U.S.C. 3714), of which \$50,000,000*
 18 *shall be used for grants to identify, acquire, and*
 19 *transfer homeland security technology, equipment,*
 20 *and information to State and local law enforcement*
 21 *agencies: Provided, That the application for grants*
 22 *shall be made available to states within 45 days after*
 23 *enactment of this Act; that States shall submit appli-*
 24 *cations within 45 days after the grant announcement;*
 25 *and that the Office of State and Local Government*
 26 *Coordination and Preparedness shall act within 15*

1 *days after receipt of an application: Provided further,*
2 *That each State shall obligate not less than 80 percent*
3 *of the total amount of the grant to local governments*
4 *within 60 days after the grant award; and*

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

21 *(3) \$275,081,000 for training, exercises, technical*
22 *assistance, and other programs:*

23 *Provided, That none of the grants provided under this head-*
24 *ing shall be used for the construction or renovation of facili-*
25 *ties: Provided further, That notwithstanding the previous*

1 *proviso, funds under this heading may be used for a minor*
2 *perimeter security project, the cost of which shall not exceed*
3 *\$1,000,000, as deemed necessary by the Secretary of Home-*
4 *land Security: Provided further, That funds under this*
5 *heading may be used to provide a reasonable stipend to*
6 *part-time and volunteer first responders who are not other-*
7 *wise compensated for travel to or participation in terrorism*
8 *response courses approved by the Office for Domestic Pre-*
9 *paredness, which stipend shall not be paid if such first re-*
10 *sponder is otherwise compensated by an employer for such*
11 *time and shall not be considered compensation for purposes*
12 *of rendering such first responder an employee under the*
13 *Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.):*
14 *Provided further, That grantees shall provide additional re-*
15 *ports on their use of funds, as deemed necessary by the Sec-*
16 *retary: Provided further, That not to exceed 10 percent of*
17 *funds appropriated for law enforcement terrorism preven-*
18 *tion grants under paragraph (1) and discretionary grants*
19 *under paragraph (2) of this heading shall be available for*
20 *operational costs, to include personnel overtime and over-*
21 *time associated with Office of State and Local Government*
22 *Coordination and Preparedness certified training, as need-*
23 *ed.*

24 *FIREFIGHTER ASSISTANCE GRANTS*

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

1 1974 (15 U.S.C. 2229), \$700,000,000, to remain available
 2 until September 30, 2006: Provided, That not to exceed 5
 3 percent of this amount shall be available for program ad-
 4 ministration.

5 *FIRE DEPARTMENT STAFFING ASSISTANCE GRANTS*

6 *For necessary expenses for programs authorized by sec-*
 7 *tion 34 of the Federal Fire Prevention and Control Act of*
 8 *1974 (15 U.S.C. 2229a), to remain available until Sep-*
 9 *tember 30, 2006, \$100,000,000: Provided, That not to exceed*
 10 *5 percent of this amount shall be available for program ad-*
 11 *ministration: Provided, further, That the amount appro-*
 12 *priated by title I under the heading “OFFICE OF THE*
 13 *UNDER SECRETARY FOR MANAGEMENT” is hereby reduced*
 14 *by \$70,000,000, the amount appropriated by title IV under*
 15 *the heading “INFORMATION ANALYSIS AND INFRASTRUC-*
 16 *TURE PROTECTION MANAGEMENT AND ADMINISTRATION” is*
 17 *hereby reduced by \$20,000,000, and the amount appro-*
 18 *priated by title IV under the heading “SCIENCE AND TECH-*
 19 *NOLOGY MANAGEMENT AND ADMINISTRATION” is hereby re-*
 20 *duced by \$10,000,000.*

21 *EMERGENCY MANAGEMENT PERFORMANCE GRANTS*

22 *For necessary expenses for emergency management*
 23 *performance grants, as authorized by the National Flood*
 24 *Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert*
 25 *T. Stafford Disaster Relief and Emergency Assistance Act*
 26 *(42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduc-*

1 *tions Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganiza-*
 2 *tion Plan No. 3 of 1978 (5 U.S.C. App.), \$180,000,000: Pro-*
 3 *vided, That total administrative costs shall not exceed 3*
 4 *percent of the total appropriation.*

5 *COUNTERTERRORISM FUND*

6 *For necessary expenses, as determined by the Secretary*
 7 *of Homeland Security, to reimburse any Federal agency for*
 8 *the costs of providing support to counter, investigate, or re-*
 9 *spond to unexpected threats or acts of terrorism, including*
 10 *payment of rewards in connection with these activities,*
 11 *\$10,000,000, to remain available until expended: Provided,*
 12 *That the Secretary shall notify the Committees on Appro-*
 13 *priations of the Senate and the House of Representatives*
 14 *15 days prior to the obligation of any amount of these funds*
 15 *in accordance with section 502 of this Act.*

16 *EMERGENCY PREPAREDNESS AND RESPONSE*

17 *OFFICE OF THE UNDER SECRETARY FOR EMERGENCY*

18 *PREPAREDNESS AND RESPONSE*

19 *For necessary expenses for the Office of the Under Sec-*
 20 *retary for Emergency Preparedness and Response, as au-*
 21 *thorized by section 502 of the Homeland Security Act of*
 22 *2002 (6 U.S.C. 312), \$4,211,000.*

23 *PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY*

24 *For necessary expenses for preparedness, mitigation,*
 25 *response, and recovery activities of the Directorate of Emer-*
 26 *gency Preparedness and Response, \$231,499,000, including*

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

15 *ADMINISTRATIVE AND REGIONAL OPERATIONS*

16 *For necessary expenses for administrative and regional*
 17 *operations of the Emergency Preparedness and Response*
 18 *Directorate, \$196,939,000, including activities authorized*
 19 *by the National Flood Insurance Act of 1968 (42 U.S.C.*
 20 *4001 et seq.), the Robert T. Stafford Disaster Relief and*
 21 *Emergency Assistance Act (42 U.S.C. 5121 et seq.), the*
 22 *Earthquake Hazards Reduction Act of 1977 (42 U.S.C.*
 23 *7701 et seq.), the Federal Fire Prevention and Control Act*
 24 *of 1974 (15 U.S.C. 2201 et seq.), the Defense Production*
 25 *Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and*
 26 *303 of the National Security Act of 1947 (50 U.S.C. 404,*

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

5 *PUBLIC HEALTH PROGRAMS*

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

9 *RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM*

10 *The aggregate charges assessed during fiscal year 2005,*
 11 *as authorized in title III of the Departments of Veterans*
 12 *Affairs and Housing and Urban Development, and Inde-*
 13 *pendent Agencies Appropriations Act, 1999 (42 U.S.C.*
 14 *5196e), shall not be less than 100 percent of the amounts*
 15 *anticipated by the Department of Homeland Security nec-*
 16 *essary for its radiological emergency preparedness program*
 17 *for the next fiscal year: Provided, That the methodology for*
 18 *assessment and collection of fees shall be fair and equitable;*
 19 *and shall reflect costs of providing such services, including*
 20 *administrative costs of collecting such fees: Provided fur-*
 21 *ther, That fees received under this heading shall be deposited*
 22 *in this account as offsetting collections and will become*
 23 *available for authorized purposes on October 1, 2005, and*
 24 *remain available until expended.*

DISASTER RELIEF

1
2 *For necessary expenses in carrying out the Robert T.*
3 *Stafford Disaster Relief and Emergency Assistance Act (42*
4 *U.S.C. 5121 et seq.), \$2,221,000,000 to remain available*
5 *until expended, of which \$70,000,000 is designated by Con-*
6 *gress as an emergency requirement under section 502(c) of*
7 *H. Con. Res. 95 (108th Cong.) and shall be made available*
8 *for a grant to the American Red Cross for disaster relief,*
9 *recovery expenditures, and emergency services in response*
10 *to Tropical Storm Bonnie, Hurricane Charley, and Hurri-*
11 *cane Frances.*

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

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

FLOOD MAP MODERNIZATION FUND

22 *For necessary expenses pursuant to section 1360 of the*
23 *National Flood Insurance Act of 1968 (42 U.S.C. 4101),*
24 *\$200,000,000, and such additional sums as may be pro-*
25 *vided by State and local governments or other political sub-*
26 *divisions for cost-shared mapping activities under section*

1 1360(f)(2) of such Act, to remain available until expended:
 2 Provided, That total administrative costs shall not exceed
 3 3 percent of the total appropriation.

4 NATIONAL FLOOD INSURANCE FUND

5 (INCLUDING TRANSFER OF FUNDS)

6 For activities under the National Flood Insurance Act
 7 of 1968 (42 U.S.C. 4001 et seq.), not to exceed \$33,336,000
 8 for salaries and expenses associated with flood mitigation
 9 and flood insurance operations; and not to exceed
 10 \$79,257,000 for flood hazard mitigation, to remain avail-
 11 able until September 30, 2006, including up to \$20,000,000
 12 for expenses under section 1366 of the National Flood Insur-
 13 ance Act of 1968 (42 U.S.C. 4104c), which amount shall
 14 be available for transfer to the National Flood Mitigation
 15 Fund until September 30, 2006, and which amount shall
 16 be derived from offsetting collections assessed and collected
 17 pursuant to section 1307 of that Act (42 U.S.C. 4014), and
 18 shall be retained and used for necessary expenses under this
 19 heading: Provided, That in fiscal year 2005, no funds in
 20 excess of: (1) \$55,000,000 for operating expenses; (2)
 21 \$562,881,000 for agents' commissions and taxes; and (3)
 22 \$30,000,000 for interest on Treasury borrowings shall be
 23 available from the National Flood Insurance Fund.

24 MITIGATION GRANTS

25 For activities designed to reduce the risk of flood dam-
 26 age to structures pursuant to the National Flood Insurance

1 *Act of 1968, notwithstanding subsections (b)(3) and (f) of*
 2 *section 1366, and for a pre-disaster mitigation grant pro-*
 3 *gram pursuant to title II of the Disaster Relief Act of 1974*
 4 *(42 U.S.C. 5131 et seq.), \$170,000,000, of which*
 5 *\$20,000,000 shall be derived from the National Flood Insur-*
 6 *ance Fund, to remain available until September 30, 2006,*
 7 *and \$150,000,000, to remain available until expended, for*
 8 *the Pre-Disaster Mitigation Fund: Provided, That grants*
 9 *made for pre-disaster mitigation shall be awarded on a*
 10 *competitive basis subject to the criteria in section 203(g)*
 11 *of the Disaster Relief Act of 1974 (42 U.S.C. 5133(g)), and*
 12 *notwithstanding section 203(f) of such Act, shall be made*
 13 *without reference to State allocations, quotas, or other for-*
 14 *mula-based allocation of funds: Provided further, That total*
 15 *administrative costs for pre-disaster mitigation shall not*
 16 *exceed 3 percent of the total appropriation.*

17 *EMERGENCY FOOD AND SHELTER*

18 *To carry out an emergency food and shelter program*
 19 *pursuant to subtitle B of title III of the Stewart B. McKin-*
 20 *ney Homeless Assistance Act (42 U.S.C. 11341 et seq.),*
 21 *\$153,000,000, to remain available until expended: Pro-*
 22 *vided, That total administrative costs shall not exceed 3.5*
 23 *percent of the total appropriation.*

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

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

6 *FEDERAL LAW ENFORCEMENT TRAINING CENTER*
7 *SALARIES AND EXPENSES*

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

1 *ments from agencies receiving training sponsored by the*
2 *Center, except that total obligations at the end of the fiscal*
3 *year shall not exceed total budgetary resources available at*
4 *the end of the fiscal year.*

5 *ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND*
6 *RELATED EXPENSES*

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

15 *INFORMATION ANALYSIS AND INFRASTRUCTURE*

16 *PROTECTION*

17 *MANAGEMENT AND ADMINISTRATION*

18 *For necessary expenses of the Directorate of Informa-*
19 *tion Analysis and Infrastructure Protection, including the*
20 *immediate Office of the Under Secretary for Information*
21 *Analysis and Infrastructure Protection, for management*
22 *and administration of programs and activities, as author-*
23 *ized by title II of the Homeland Security Act of 2002 (6*
24 *U.S.C. 121 et seq.), \$157,064,000.*

ASSESSMENTS AND EVALUATIONS

For necessary expenses for information analysis and infrastructure protection as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), \$718,512,000, to remain available until September 30, 2006, of which not to exceed \$20,000 may be used for official reception and representation expenses: Provided, That none of the funds available under this heading shall be available for sole-source contractual agreements unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such decision, or the Secretary of Homeland Security certifies to the Committee that such agreement is necessary to respond to a national emergency or prevent an impending terrorist attack.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the immediate Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security 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. Notwithstanding any other provisions of this*
15 *Act, none of the funds appropriated by this Act may be*
16 *used to make an award, pursuant to a competition under*
17 *Office of Management and Budget Circular A–76, to a*
18 *source for the performance of services that were provided*
19 *as of June 1, 2004, by employees (including employees serv-*
20 *ing on a temporary or term basis) of the Bureau of Citizen-*
21 *ship and Immigration Services of the Department of Home-*
22 *land Security known as of that date as Immigration Infor-*
23 *mation Officers, Contact Representatives, or Investigative*
24 *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 *This section shall take effect one day after the date of*
21 *the bill's enactment.*

22 *SEC. 516. None of the funds made available in this*
23 *Act may be used to amend the oath of allegiance required*
24 *by section 337 of the Immigration and Nationality Act (8*
25 *U.S.C. 1448).*

1 *SEC. 517. INVESTIGATION OF SHOCKOE CREEK DRAIN*
2 *FIELD, RICHMOND, VIRGINIA, as soon as practicable after*
3 *the date of enactment of this Act, the Director of the Federal*
4 *Emergency Management Agency shall conduct an investiga-*
5 *tion of the Shockoe Creek drain field in Richmond, Vir-*
6 *ginia, to determine means of preventing future damage in*
7 *that area from floods and other natural disasters.*

8 *SEC. 518. (a) The total amount appropriated by title*
9 *II for the Office of the Under Secretary for Border and*
10 *Transportation Security under the heading “AIR AND MA-*
11 *RINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PRO-*
12 *CUREMENT” is hereby increased by \$200,000,000. Of such*
13 *total amount, as so increased, \$200,000,000 shall be avail-*
14 *able for the establishment and operation of air bases in the*
15 *States of Michigan, Montana, New York, North Dakota, and*
16 *Washington.*

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

22 *(c) The total amount appropriated under the heading*
23 *“OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION*
24 *AND PREPAREDNESS, STATE AND LOCAL PROGRAMS” is*
25 *hereby increased by \$50,000,000. Of such total amount, as*

1 *so increased, \$50,000,000 is for discretionary assistance to*
 2 *non-profit organizations (as defined under section 501*
 3 *(c)(3) of the Internal Revenue Code of 1986) determined by*
 4 *the Secretary of Homeland Security to be at high-risk of*
 5 *international terrorist attacks.*

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

13 *(e) The total amount appropriated under the heading*
 14 *“OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION*
 15 *AND PREPAREDNESS, EMERGENCY MANAGEMENT PERFORM-*
 16 *ANCE GRANTS” is hereby increased by \$20,000,000. Of such*
 17 *total amount, as so increased, \$20,000,000 is for emergency*
 18 *management performance grants.*

19 *(f) Section 13031(j)(3) of the Consolidated Omnibus*
 20 *Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is*
 21 *amended by striking “March 1, 2005” and inserting “June*
 22 *1, 2005”.*

23 *SEC. 519. (a) The total amount appropriated under*
 24 *the heading “CUSTOMS AND BORDER PROTECTION, SALA-*
 25 *RIES AND EXPENSES” is hereby increased by \$150,000,000.*

1 *Of such total amount, as so increased, \$50,000,000 is pro-*
2 *vided for radiation detection devices, \$50,000,000 is pro-*
3 *vided for additional border inspectors, and \$50,000,000 is*
4 *provided for additional border patrol agents.*

5 *(b) The total amount appropriated under the heading*
6 *“IMMIGRATION AND CUSTOMS ENFORCEMENT, SALARIES*
7 *AND EXPENSES” is hereby increased by \$100,000,000. Of*
8 *such total amount, as so increased, \$50,000,000 is provided*
9 *for additional investigator personnel, and \$50,000,000 is*
10 *provided for detention and removal bedspace and removal*
11 *operations.*

12 *(c) The total amount appropriated under the heading*
13 *“OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION*
14 *AND PREPAREDNESS, STATE AND LOCAL PROGRAMS” is*
15 *hereby increased by \$128,000,000. The total amount pro-*
16 *vided in the aforementioned heading for discretionary*
17 *grants is increased by \$128,000,000. Of that total amount,*
18 *as so increased, the amount for rail and transit security*
19 *grants is increased by \$128,000,000.*

20 *(d) The total amount appropriated under heading*
21 *“OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION*
22 *AND PREPAREDNESS, EMERGENCY MANAGEMENT PERFORM-*
23 *ANCE GRANTS” is hereby increased by \$36,000,000. Of such*
24 *total amount, as so increased, \$36,000,000 is provided for*
25 *emergency management performance grants.*

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

4 SEC. 520. Of the amount appropriated by title II for
5 the Office of the Under Secretary for Border and Transpor-
6 tation Security under the heading “AIR AND MARINE INTER-
7 DICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT”,
8 \$5,000,000 may be used for a pilot project to test interoper-
9 able communications between the first Northern Border Air
10 Wing, Bellingham, Washington, and local law enforcement
11 personnel.

12 SEC. 521. (a) The Secretary of Homeland Security, in
13 consultation with the Secretary of Transportation, shall—

14 (1) develop and maintain an integrated strategic
15 transportation security plan; and

16 (2) base future budget requests on the plan.

17 (b) The integrated strategic transportation security
18 plan shall—

19 (1) identify and evaluate the United States
20 transportation assets that need to be protected;

21 (2) set risk-based priorities for defending the as-
22 sets identified;

23 (3) select the most practical and cost-effective
24 ways of defending the assets identified; and

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

4 (c) *The Secretary of Homeland Security shall submit*
5 *the integrated strategic transportation security plan to*
6 *Congress not later than February 1, 2005 and shall submit*
7 *updated plans, including assessments of the progress made*
8 *on implementation of the plan, on the first day of February*
9 *each year thereafter. Any part of the plan that involves in-*
10 *formation that is properly classified under criteria estab-*
11 *lished by Executive order shall be submitted to Congress sep-*
12 *arately in classified form.*

13 SEC. 522. (a) *Not later than 180 days after the end*
14 *of fiscal year 2005, the Secretary of Homeland Security*
15 *shall submit a report to Congress that describes the articles,*
16 *materials, and supplies acquired by the Department of*
17 *Homeland Security during fiscal year 2005 that were man-*
18 *ufactured outside of the United States.*

19 (b) *The report submitted under subsection (a) shall*
20 *separately indicate—*

21 (1) *the dollar value of each of the articles, mate-*
22 *rials, and supplies acquired by the Department of*
23 *Homeland Security that were manufactured outside*
24 *of the United States;*

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

4 (3) *a summary of the total funds spent by the*
 5 *Department of Homeland Security on goods manufac-*
 6 *tured within the United States compared with funds*
 7 *spent by the Department of Homeland Security on*
 8 *goods manufactured outside of the United States.*

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

12 SEC. 523. *Section 835 of the Homeland Security Act*
 13 *of 2002 (Public Law 107-296; 6 U.S.C. 395) is amended—*

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

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

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

20 (4) *in subsection (d), by striking “homeland”*
 21 *and inserting “national”.*

22 SEC. 524. *During fiscal year 2005, the Secretary of*
 23 *Homeland Security and the Secretary of Defense shall per-*
 24 *mit the New Mexico Army National Guard to continue per-*
 25 *forming vehicle and cargo inspection activities in support*

1 *of the Bureau of Customs and Border Protection and the*
2 *Bureau of Immigration and Customs Enforcement under*
3 *the authority of the Secretary of Defense to support*
4 *counterdrug activities of law enforcement agencies.*

5 *SEC. 525. (a) Not later than 3 months after the date*
6 *of enactment of this Act, the Secretary of Homeland Secu-*
7 *rity shall submit a report to the Committees on Appropria-*
8 *tions of the Senate and the House of Representatives and*
9 *to the Committee on Governmental Affairs and the Com-*
10 *mittee on Environment and Public Works of the Senate and*
11 *the Committee on Homeland Security of the House of Rep-*
12 *resentatives on the implementation of Homeland Security*
13 *Presidential Directive Seven.*

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

15 *(1) the Department's plan and associated*
16 *timeline for the mapping of the United States critical*
17 *infrastructure;*

18 *(2) an assessment of the resource requirements of*
19 *relevant States, counties, and local governments so*
20 *that full participation by those entities may be inte-*
21 *grated into the plan;*

22 *(3) the Department's plan for oversight of all*
23 *geospatial information systems management, procure-*
24 *ment, and interoperability; and*

1 (4) the timeline for creating the Department-
2 wide Geospatial Information System capability under
3 the direction of the Chief Information Officer.

4 SEC. 526. Notwithstanding any other provision of law,
5 the fiscal year 2004 aggregate overtime limitation pre-
6 scribed in subsection 5(c)(1) of the Act of February 13, 1911
7 (19 U.S.C. 261 and 267) shall be \$30,000 and the total
8 amount appropriated by title II under the heading “CUS-
9 TOMS AND BORDER PROTECTION SALARIES AND EX-
10 PENSES” is hereby reduced by \$1,000,000.

11 SEC. 527. Not later than 90 days after the date of en-
12 actment of this Act, and every 90 days thereafter, the Sec-
13 retary of Homeland Security shall provide to the Committee
14 on Commerce, Science, and Transportation and the Sub-
15 committee on Homeland Security of the Committee on Ap-
16 propriations of the Senate, a classified report on the num-
17 ber of individuals serving as Federal Air Marshals. Such
18 report shall include the number of Federal Air Marshals
19 who are women, minorities, or employees of departments
20 or agencies of the United States Government other than the
21 Department of Homeland Security, the percentage of do-
22 mestic and international flights that have a Federal Air
23 Marshal aboard, and the rate at which individuals are leav-
24 ing service as Federal Air Marshals.

1 *SEC. 528. (a) Congress finds that (1) there is a dis-*
2 *proportionate number of complaints against the Transpor-*
3 *tation Security Administration for alleged violations of*
4 *equal employment opportunity and veterans preference laws*
5 *as those laws apply to employment of personnel in airport*
6 *screener positions in the Transportation Security Adminis-*
7 *tration, and (2) there is a significant backlog of those com-*
8 *plaints remaining unresolved.*

9 *(b)(1) Not later than 180 days after the date of the*
10 *enactment of this Act, the Comptroller General shall submit*
11 *to Congress a report on the personnel policies of the Depart-*
12 *ment of Homeland Security that apply to the employment*
13 *of airport screeners in the Transportation Security Adminis-*
14 *tration, particularly with regard to compliance with*
15 *equal employment opportunity and veterans preference*
16 *laws.*

17 *(2) The report under this subsection shall include an*
18 *assessment of the extent of compliance of the Transportation*
19 *Security Administration with equal employment oppor-*
20 *tunity and veterans' preference laws as those laws apply*
21 *to employment of personnel in airport screener positions*
22 *in the Transportation Security Administration, a discus-*
23 *sion of any systemic problems that could have caused the*
24 *circumstances giving rise to the disproportionate number*
25 *of complaints described in subsection (a), and the efforts*

1 *of the Secretary of Homeland Security and the Under Sec-*
2 *retary for Border and Transportation Security to eliminate*
3 *the backlog of unresolved complaints and to correct any sys-*
4 *temic problems identified in the report.*

5 (3) *In conducting the review necessary for preparing*
6 *the report, the Comptroller General shall examine the expe-*
7 *rience regarding the airport screener positions at particular*
8 *airports in various regions, including the Louis Armstrong*
9 *New Orleans International Airport.*

10 SEC. 529. *No funds appropriated or otherwise made*
11 *available by this Act shall be used to pursue, implement,*
12 *or enforce any law, procedure, guideline, rule, regulation,*
13 *or other policy that exposes the identity of an air marshal*
14 *to any party not designated by the Secretary of the Depart-*
15 *ment of Homeland Security.*

16 SEC. 530. (a) *The Secretary of Homeland Security, in*
17 *coordination with the head of the Transportation Security*
18 *Administration and the Under Secretary for Science and*
19 *Technology, shall prepare a report on protecting commer-*
20 *cial aircraft from the threat of man-portable air defense sys-*
21 *tems (referred to in this section as “MANPADS”).*

22 (b) *The report required by subsection (a) shall include*
23 *the following:*

24 (1) *An estimate of the number of organizations,*
25 *including terrorist organizations, that have access to*

1 *MANPADS and a description of the risk posed by*
2 *each organization.*

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

6 (3) *An assessment of the effectiveness and feasi-*
7 *bility of the systems to protect commercial aircraft*
8 *under consideration by the Under Secretary for*
9 *Science and Technology for use in phase II of the*
10 *counter-MANPADS development and demonstration*
11 *program.*

12 (4) *A justification for the schedule of the imple-*
13 *mentation of phase II of the counter-MANPADS de-*
14 *velopment and demonstration program.*

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

19 (A) *either active or passive;*

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

21 (C) *being assessed or employed by other*
22 *countries.*

23 (6) *An assessment of alternate technological ap-*
24 *proaches to address such threat, including ground-*
25 *based systems.*

1 (7) *A discussion of issues related to any con-*
2 *tractor liability associated with the installation or use*
3 *of technology or systems on commercial aircraft to ad-*
4 *dress such threat.*

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

10 (A) *a schedule for purchasing and installing*
11 *such technology or systems on commercial air-*
12 *craft; and*

13 (B) *a description of—*

14 (i) *the priority in which commercial*
15 *aircraft will be equipped with such tech-*
16 *nology or systems;*

17 (ii) *any efforts to coordinate the sched-*
18 *ules for installing such technology or system*
19 *with private airlines;*

20 (iii) *any efforts to ensure that aircraft*
21 *manufacturers integrate such technology or*
22 *systems into new aircraft; and*

23 (iv) *the cost to operate and support*
24 *such technology or systems on a commercial*
25 *aircraft.*

1 (9) *A description of the plan to expedite the use*
2 *of technology or systems on commercial aircraft to ad-*
3 *dress the threat posed by MANPADS if intelligence or*
4 *events indicate that the schedule for the use of such*
5 *technology or systems, including the schedule for car-*
6 *rying out development and demonstration programs*
7 *by the Secretary, should be expedited.*

8 (10) *A description of the efforts of the Secretary*
9 *to survey and identify the areas at domestic and for-*
10 *ign airports where commercial aircraft are most vul-*
11 *nerable to attack by MANPADS.*

12 (11) *A description of the cooperation between the*
13 *Secretary and the Administrator of the Federal Avia-*
14 *tion Administration to certify the airworthiness and*
15 *safety of technology and systems to protect commer-*
16 *cial aircraft from the risk posed by MANPADS in an*
17 *expeditious manner.*

18 (c) *The report required by subsection (a) shall be trans-*
19 *mitted to Congress along with the budget for fiscal year*
20 *2006 submitted by the President pursuant to section*
21 *1105(a) of title 31, United States Code.*

22 SEC. 531. *None of the funds available in this Act shall*
23 *be available to maintain the United States Secret Service*
24 *as anything but a distinct entity within the Department*
25 *of Homeland Security and shall not be used to merge the*

1 *United States Secret Service with any other department*
2 *function, cause any personnel and operational elements of*
3 *the United States Secret Service to report to an individual*
4 *other than the Director of the United States Secret Service,*
5 *or cause the Director to report directly to any individual*
6 *other than the Secretary of Homeland Security.*

7 *SEC. 532. DATA-MINING REPORT. (a) DEFINITIONS.—*

8 *In this section:*

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

12 *(A) at least 1 of the databases was obtained*
13 *from or remains under the control of a non-Fed-*
14 *eral entity, or the information was acquired ini-*
15 *tially by another department or agency of the*
16 *Federal Government;*

17 *(B) the search does not use a specific indi-*
18 *vidual’s personal identifiers to acquire informa-*
19 *tion concerning that individual; and*

20 *(C) a department or agency of the Federal*
21 *Government or a non-Federal entity acting on*
22 *behalf of the Federal Government is conducting*
23 *the query or search or other analysis to find a*
24 *pattern indicating terrorist, criminal, or other*
25 *law enforcement related activity.*

1 (2) *DATABASE.*—*The term “database” does not*
2 *include telephone directories, information publicly*
3 *available via the Internet or available by any other*
4 *means to any member of the public without payment*
5 *of a fee, or databases of judicial and administrative*
6 *opinions.*

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

8 (1) *REQUIREMENT FOR REPORT.*—*The head of*
9 *each agency in the Department of Homeland Security*
10 *or the privacy officer, if applicable, that is engaged*
11 *in any activity to use or develop data-mining tech-*
12 *nology shall each submit a public report to Congress*
13 *on all such activities of the agency under the jurisdic-*
14 *tion of that official.*

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

20 (A) *A thorough description of the data-min-*
21 *ing technology, the plans for the use of such tech-*
22 *nology, the data that will be used, and the target*
23 *dates for the deployment of the data-mining tech-*
24 *nology.*

1 (B) *An assessment of the likely impact of*
2 *the implementation of the data-mining tech-*
3 *nology on privacy and civil liberties.*

4 (C) *A thorough discussion of the policies,*
5 *procedures, and guidelines that are to be devel-*
6 *oped and applied in the use of such technology*
7 *for data-mining in order to—*

8 (i) *protect the privacy and due process*
9 *rights of individuals; and*

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

12 (D) *Any necessary classified information in*
13 *an annex that shall be available to the Com-*
14 *mittee on Governmental Affairs, the Committee*
15 *on the Judiciary, and the Committee on Appro-*
16 *priations of the Senate and the Committee on*
17 *Homeland Security, the Committee on the Judi-*
18 *ciary, and the Committee on Appropriations of*
19 *the House of Representatives.*

20 (3) *TIME FOR REPORT.—Each report required*
21 *under paragraph (1) shall be submitted not later than*
22 *90 days after the end of fiscal year 2005.*

23 SEC. 533. (a) *Of any funds previously made available*
24 *to the Federal Emergency Management Agency in response*
25 *to the September 11, 2001, attacks in New York City, not*

1 *less than \$4,450,000 shall be provided, subject to the request*
2 *of the Governor of New York, to those mental health coun-*
3 *seling service entities that have historically provided mental*
4 *health counseling through Project Liberty to personnel of*
5 *the New York City Police Department, the New York City*
6 *Fire Department, and other emergency services agencies, to*
7 *continue such counseling.*

8 *SEC. 534. SENSE OF THE SENATE CONCERNING THE*
9 *AMERICAN RED CROSS AND CRITICAL BIOMEDICAL SYS-*
10 *TEMS. (a) FINDINGS.—The Senate finds that—*

11 *(1) the blood supply is a vital public health re-*
12 *source that must be readily available at all times,*
13 *particularly in response to terrorist attacks and nat-*
14 *ural disasters;*

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

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

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

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

- 5 (1) *identify critical assets and interdependencies;*
6 (2) *perform vulnerability assessments; and*
7 (3) *identify necessary resources to implement*
8 *protective measures to ensure continuity of operations*
9 *and security of information technology systems for*
10 *blood and blood products.*

11 *SEC. 535. It is the sense of the Senate that—*

- 12 (1) *the Director of the Office for State and Local*
13 *Government Coordination and Preparedness be given*
14 *limited authority to approve requests from the senior*
15 *official responsible for emergency preparedness and*
16 *response in each State to reprogram funds appro-*
17 *priated for the State Homeland Security Grant Pro-*
18 *gram of the Office for State and Local Government*
19 *Coordination and Preparedness to address specific se-*
20 *curity requirements that are based on credible threat*
21 *assessments, particularly threats that arise after the*
22 *State has submitted an application describing its in-*
23 *tended use of such grant funds;*

- 24 (2) *for each State, the amount of funds repro-*
25 *grammed under this section should not exceed 10 per-*

1 *cent of the total annual allocation for such State*
 2 *under the State Homeland Security Grant Program;*
 3 *and*

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

7 *SEC. 536. DISASTER ASSISTANCE EMPLOYEE CADRES*
 8 *OF EMERGENCY PREPAREDNESS AND RESPONSE DIREC-*
 9 *TORATE.*

10 *(a) IN GENERAL.—The Secretary of Homeland Secu-*
 11 *rity is encouraged to place special emphasis on the recruit-*
 12 *ment of American Indians, Alaska Natives, and Native Ha-*
 13 *waiians for positions within Disaster Assistance Employee*
 14 *cadres maintained by the Emergency Preparedness and Re-*
 15 *sponse Directorate.*

16 *(b) REPORT.—The Secretary of Homeland Security*
 17 *shall report periodically to the Senate and the House of*
 18 *Representatives with respect to—*

19 *(1) the representation of American Indians,*
 20 *Alaska Natives, and Native Hawaiians in the Dis-*
 21 *aster Assistance Employee cadres; and*

22 *(2) the efforts of the Secretary of Homeland Se-*
 23 *curity to increase the representation of such individ-*
 24 *uals in the cadres.*

1 *SEC. 537. Sections 702 and 703 of the Homeland Secu-*
2 *rity Act of 2002 (6 U.S.C. 342 and 343) are amended by*
3 *striking “, or to another official of the Department, as the*
4 *Secretary may direct” each place it appears.*

5 *SEC. 538. Section 208(a) of Public Law 108–137; 117*
6 *Stat. 1849 is amended by striking “current” and inserting*
7 *“2005”.*

8 *SEC. 539. LIAISON FOR DISASTER EMERGENCIES. (a)*
9 *DEPLOYMENT OF DISASTER LIAISON.—If requested by the*
10 *Governor or the appropriate State agency of the affected*
11 *State, the Secretary of Agriculture may deploy disaster liai-*
12 *sons to State and local Department of Agriculture Service*
13 *Centers in a federally declared disaster area whenever Fed-*
14 *eral Emergency Management Agency Personnel are de-*
15 *ployed in that area, to coordinate Department programs*
16 *with the appropriate disaster agencies designated under the*
17 *Robert T. Stafford Disaster Relief and Emergency Assist-*
18 *ance Act (42 U.S.C. 5121 et seq.).*

19 *(b) QUALIFICATIONS.—A disaster liaison shall be se-*
20 *lected from among Department employees who have experi-*
21 *ence providing emergency disaster relief in federally de-*
22 *clared disaster areas.*

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

24 *(1) serve as a liaison to State and Federal*
25 *Emergency Services;*

1 (2) *be deployed to a federally declared disaster*
2 *area to coordinate Department interagency programs*
3 *in assistance to agricultural producers in the declared*
4 *disaster area;*

5 (3) *facilitate the claims and applications of agri-*
6 *cultural producers who are victims of the disaster*
7 *that are forwarded to the Department by the appro-*
8 *priate State Department of Agriculture agency direc-*
9 *tor; and*

10 (4) *coordinate with the Director of the State of-*
11 *fice of the appropriate Department agency to assist*
12 *with the application for and distribution of economic*
13 *assistance.*

14 (d) *DURATION OF DEPLOYMENT.—The deployment of*
15 *a disaster liaison under subsection (a) may not exceed 30*
16 *days.*

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

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

24 (2) *determined to be a disaster area, including*
25 *a disaster caused by a wildfire, by the Secretary*

1 *under subpart A of part 1945 of title 7, Code of Fed-*
 2 *eral Regulations.*

3 *TITLE VI—EMERGENCY AGRICULTURAL*
 4 *DISASTER ASSISTANCE*

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

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

11 (2) *INSURABLE COMMODITY.*—*The term “insur-*
 12 *able commodity” means an agricultural commodity*
 13 *(excluding livestock) for which the producers on a*
 14 *farm are eligible to obtain a policy or plan of insur-*
 15 *ance under the Federal Crop Insurance Act (7 U.S.C.*
 16 *1501 et seq.).*

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

23 (b) *EMERGENCY FINANCIAL ASSISTANCE.*—*Notwith-*
 24 *standing section 508(b)(7) of the Federal Crop Insurance*
 25 *Act (7 U.S.C. 1508(b)(7)), the Secretary of Agriculture (re-*

1 *ferred to in this title as the “Secretary”) shall use such sums*
2 *as are necessary of funds of the Commodity Credit Corpora-*
3 *tion to make emergency financial assistance authorized*
4 *under this section available to producers on a farm that*
5 *have incurred qualifying crop or quality losses for the 2003*
6 *or 2004 crop (as elected by a producer), but not both, due*
7 *to damaging weather or related condition, as determined*
8 *by the Secretary.*

9 (c) *ADMINISTRATION.—The Secretary shall make as-*
10 *sistance available under this section in the same manner*
11 *as provided under section 815 of the Agriculture, Rural De-*
12 *velopment, Food and Drug Administration, and Related*
13 *Agencies Appropriations Act, 2001 (Public Law 106–387;*
14 *114 Stat. 1549A–55), including using the same loss thresh-*
15 *olds for the quantity and quality losses as were used in ad-*
16 *ministering that section.*

17 (d) *REDUCTION IN PAYMENTS.—The amount of assist-*
18 *ance that a producer would otherwise receive for a quali-*
19 *fying crop or quality loss under this section shall be reduced*
20 *by the amount of assistance that the producer receives under*
21 *the crop loss assistance program announced by the Sec-*
22 *retary on August 27, 2004.*

23 (e) *INELIGIBILITY FOR ASSISTANCE.—Except as pro-*
24 *vided in subsection (f), the producers on a farm shall not*
25 *be eligible for assistance under this section with respect to*

1 losses to an insurable commodity or noninsurable com-
2 modity if the producers on the farm—

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

8 (2) in the case of a noninsurable commodity, did
9 not file the required paperwork, and pay the adminis-
10 trative fee by the applicable State filing deadline, for
11 the noninsurable commodity under section 196 of the
12 Federal Agriculture Improvement and Reform Act of
13 1996 (7 U.S.C. 7333) for the crop incurring the
14 losses.

15 (f) *CONTRACT WAIVER.*—The Secretary may waive
16 subsection (e) with respect to the producers on a farm if
17 the producers enter into a contract with the Secretary under
18 which the producers agree—

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

24 (2) in the case of a noninsurable commodity, to
25 file the required paperwork and pay the administra-

1 *tive fee by the applicable State filing deadline, for the*
 2 *noninsurable commodity for each of the next 2 crops*
 3 *under section 196 of the Federal Agriculture Improve-*
 4 *ment and Reform Act of 1996 (7 U.S.C. 7333).*

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

9 *SEC. 602. LIVESTOCK ASSISTANCE PROGRAM. (a) IN*
 10 *GENERAL.—The Secretary shall use such sums as are nec-*
 11 *essary of funds of the Commodity Credit Corporation to*
 12 *make and administer payments for livestock losses to pro-*
 13 *ducers for 2003 or 2004 losses (as elected by a producer),*
 14 *but not both, in a county that has received an emergency*
 15 *designation by the President or the Secretary after January*
 16 *1, 2003, of which an amount determined by the Secretary*
 17 *shall be made available for the American Indian livestock*
 18 *program under section 806 of the Agriculture, Rural Devel-*
 19 *opment, Food and Drug Administration, and Related Agen-*
 20 *cies Appropriations Act, 2001 (Public Law 106–387; 114*
 21 *Stat. 1549A–51).*

22 *(b) ADMINISTRATION.—The Secretary shall make as-*
 23 *sistance available under this section in the same manner*
 24 *as provided under section 806 of the Agriculture, Rural De-*
 25 *velopment, Food and Drug Administration, and Related*

1 *Agencies Appropriations Act, 2001 (Public Law 106–387;*
2 *114 Stat. 1549A–51).*

3 (c) *MITIGATION.*—*In determining the eligibility for or*
4 *amount of payments for which a producer is eligible under*
5 *the livestock assistance program, the Secretary shall not pe-*
6 *nalize a producer that takes actions (recognizing disaster*
7 *conditions) that reduce the average number of livestock the*
8 *producer owned for grazing during the production year for*
9 *which assistance is being provided.*

10 *SEC. 603. TREE ASSISTANCE PROGRAM.* *The Secretary*
11 *shall use such sums as are necessary of the funds of the*
12 *Commodity Credit Corporation to provide assistance under*
13 *the tree assistance program established under subtitle C of*
14 *title X of the Farm Security and Rural Investment Act of*
15 *2002 to producers who suffered tree losses during the winter*
16 *of 2003 through 2004.*

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

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

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

1 (1) *the notice and comment provisions of section*
2 *553 of title 5, United States Code;*

3 (2) *the Statement of Policy of the Secretary of*
4 *Agriculture effective July 24, 1971 (36 Fed. Reg.*
5 *13804), relating to notices of proposed rulemaking*
6 *and public participation in rulemaking; and*

7 (3) *chapter 35 of title 44, United States Code*
8 *(commonly known as the “Paperwork Reduction*
9 *Act”).*

10 (c) *CONGRESSIONAL REVIEW OF AGENCY RULE-*
11 *MAKING.—In carrying out this section, the Secretary shall*
12 *use the authority provided under section 808 of title 5,*
13 *United States Code.*

14 SEC. 606. *EMERGENCY DESIGNATION.* *Amounts appro-*
15 *priated or otherwise made available in this title are each*
16 *designated as an emergency requirement pursuant to sec-*
17 *tion 402 of S. Con. Res. 95 (108th Congress), as made ap-*
18 *plicable to the House of Representatives by H. Res. 649*
19 *(108th Congress) and applicable to the Senate by section*
20 *14007 of the Department of Defense Appropriations Act,*
21 *2005 (Public Law 108–287; 118 Stat. 1014).*

Attest: **JEFF TRANDAH**,
Clerk.

Attest: EMILY J. REYNOLDS,
Secretary.