

108TH CONGRESS  
2D SESSION

# H. R. 4462

Making appropriations for homeland security programs within the Departments of Energy, Health and Human Services, and Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2004

Mr. SANDLIN (for himself and Mr. OBEY) introduced the following bill; which was referred to the Committee on Appropriations

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## A BILL

Making appropriations for homeland security programs within the Departments of Energy, Health and Human Services, and 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  
5       homeland security programs within the Departments of  
6       Energy, Health and Human Services, and Homeland Se-  
7       curity for the fiscal year ending September 30, 2005, and  
8       for other purposes, namely:

## 1 TITLE I—DEPARTMENT OF ENERGY

## 2 ATOMIC ENERGY DEFENSE ACTIVITIES

## 3 NATIONAL NUCLEAR SECURITY ADMINISTRATION

## 4 DEFENSE NUCLEAR NONPROLIFERATION

5 For Department of Energy expenses, including the  
6 purchase, construction, acquisition of plant and capital  
7 equipment and other incidental expenses necessary for  
8 atomic energy defense, defense nuclear nonproliferation  
9 activities, in carrying out the purposes of the Department  
10 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-  
11 cluding the acquisition or condemnation of any real prop-  
12 erty or any facility or for plant or facility acquisition, con-  
13 struction, or expansion, \$1,400,000,000, to remain avail-  
14 able until expended.

## 15 TITLE II—DEPARTMENT OF HEALTH AND

## 16 HUMAN SERVICES

## 17 OFFICE OF THE SECRETARY

## 18 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

## 19 FUND

20 For expenses necessary to support activities related  
21 to countering potential biological, disease, nuclear, radio-  
22 logical and chemical threats to civilian populations,  
23 \$1,899,711,000: *Provided*, That this amount is distributed  
24 as follows: Centers for Disease Control and Prevention,  
25 \$1,245,223,000; Office of the Secretary, \$64,438,000;

1 National Institutes of Health, \$47,400; and Health Re-  
2 sources and Services Administration, \$542,650,000: *Pro-*  
3 *vided further*, That employees of the Centers for Disease  
4 Control and Prevention or the Public Health Service, both  
5 civilian and Commissioned Officers, detailed to States,  
6 municipalities, or other organizations under authority of  
7 section 214 of the Public Health Service Act for purposes  
8 related to homeland security, shall be treated as non-Fed-  
9 eral employees for reporting purposes only and shall not  
10 be included within any personnel ceiling applicable to the  
11 Agency, Service, or the Department of Health and Human  
12 Services during the period of detail or assignment.

13 In addition, \$400,00,000, to remain available until  
14 expended, for the Strategic National Stockpile.

15 In addition, for activities to ensure a year-round in-  
16 fluenza vaccine production capacity and the development  
17 and implementation of rapidly expandable influenza vac-  
18 cine production technologies, \$100,000,000, to remain  
19 available until expended.

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1 Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)),  
2 shall be derived from that account; of which not to exceed  
3 \$150,000 shall be available for payment for rental space  
4 in connection with preclearance operations; of which not  
5 to exceed \$1,000,000 shall be for awards of compensation  
6 to informants, to be accounted for solely under the certifi-  
7 cate of the Under Secretary for Border and Transpor-  
8 tation Security; and of which not to exceed \$5,000,000  
9 shall be available for payments or advances arising out  
10 of contractual or reimbursable agreements with State and  
11 local law enforcement agencies while engaged in coopera-  
12 tive activities related to immigration: *Provided*, That not-  
13 withstanding any other provision of law, none of the funds  
14 appropriated shall be available to compensate any em-  
15 ployee for overtime in an annual amount in excess of  
16 \$35,000 and the fiscal year aggregate overtime limitation  
17 prescribed in subsection 5(c)(1) of the Act of February  
18 13, 1911 (19 U.S.C. 261 and 267) shall be \$35,000, ex-  
19 cept that the Commissioner of Customs and Border Pro-  
20 tection, or his designee, may exceed that amount, for any  
21 employee, as necessary for national security purposes or  
22 to meet emergency requirements of Customs and Border  
23 Protection.

## 1 IMMIGRATION AND CUSTOMS ENFORCEMENT

## 2 FEDERAL AIR MARSHALS

3 For necessary expenses of the Federal air marshals,  
4 \$700,000,000, to remain available until expended.

5 AIR AND MARINE INTERDICTION, OPERATIONS,  
6 MAINTENANCE, AND PROCUREMENT

7 For necessary expenses for the operations, mainte-  
8 nance, and procurement of marine vessels, aircraft, and  
9 other related equipment of the air and marine program,  
10 including operational training and mission-related travel,  
11 and rental payments for facilities occupied by the air or  
12 marine interdiction and demand reduction programs, the  
13 operations of which include the following: the interdiction  
14 of narcotics and other goods; the provision of support to  
15 Federal, State, and local agencies in the enforcement or  
16 administration of laws enforced by the Bureau of Immi-  
17 gration and Customs Enforcement; and at the discretion  
18 of the Under Secretary for Border and Transportation Se-  
19 curity, the provision of assistance to Federal, State, and  
20 local agencies in other law enforcement and emergency hu-  
21 manitarian efforts, \$305,000,000 to remain available until  
22 expended: *Provided*, That no aircraft or other related  
23 equipment, with the exception of aircraft that are one of  
24 a kind and have been identified as excess to Bureau of  
25 Immigration and Customs Enforcement requirements and  
26 aircraft that have been damaged beyond repair, shall be

1 transferred to any other Federal agency, department, or  
2 office outside of the Department of Homeland Security  
3 during fiscal year 2005 without the prior approval of the  
4 Committees on Appropriations of the Senate and the  
5 House of Representatives.

6 TRANSPORTATION SECURITY ADMINISTRATION

7 AVIATION SECURITY

8 For necessary expenses of the Transportation Secu-  
9 rity Administration related to providing civil aviation secu-  
10 rity services pursuant to the Aviation and Transportation  
11 Security Act (Public Law 107-71; 115 Stat. 597),  
12 \$4,540,000,000, to remain available until expended, of  
13 which not to exceed \$3,000 shall be for official reception  
14 and representation expenses: *Provided*, That of the total  
15 amount provided under this heading, not to exceed  
16 \$2,008,000,000 shall be for passenger screening activities;  
17 not to exceed \$1,628,000,000 shall be for baggage screen-  
18 ing activities; and not to exceed \$904,000,000 shall be for  
19 airport security direction and enforcement presence: *Pro-*  
20 *vided further*, That security service fees authorized under  
21 section 44940 of title 49, United States Code, shall be  
22 credited to this appropriation as offsetting collections:  
23 *Provided further*, That the sum herein appropriated from  
24 the General Fund shall be reduced on a dollar-for-dollar  
25 basis as such offsetting collections are received during fis-

1 cal year 2005, so as to result in a final fiscal year appro-  
 2 priation from the General Fund estimated at not more  
 3 than \$2,717,000,000: *Provided further*, That any security  
 4 service fees collected pursuant to section 118 of Public  
 5 Law 107–71 in excess of the amount appropriated under  
 6 this heading shall be treated as offsetting collections in  
 7 fiscal year 2005: *Provided further*, That none of the funds  
 8 herein appropriated may be used to approve, renew, or im-  
 9 plement any aviation cargo security plan that permits the  
 10 transporting of unscreened or uninspected cargo on pas-  
 11 senger planes.

#### 12 MARITIME AND LAND SECURITY

13 For necessary expenses of the Transportation Secu-  
 14 rity Administration related to maritime and land transpor-  
 15 tation security grants and services pursuant to the Avia-  
 16 tion and Transportation Security Act (49 U.S.C. 40101  
 17 note), \$650,000,000, to remain available until September  
 18 30, 2006.

#### 19 OFFICE FOR DOMESTIC PREPAREDNESS

#### 20 STATE AND LOCAL PROGRAMS

21 For grants, contracts, cooperative agreements, and  
 22 other activities, including grants to State and local govern-  
 23 ments for terrorism prevention activities, notwithstanding  
 24 any other provision of law, \$3,875,000,000, which shall  
 25 be allocated as follows:

1           (1) \$1,700,000,000 for formula-based grants  
2           and \$1,000,000,000 for law enforcement terrorism  
3           prevention grants pursuant to section 1014 of the  
4           USA PATRIOT Act of 2001 (42 U.S.C. 3714); and

5           (2) \$800,000,000 for discretionary grants for  
6           use in high-threat, high-density urban areas, as de-  
7           termined by the Secretary of Homeland Security:  
8           *Provided*, That section 1014(c)(3) of the USA PA-  
9           TRIOT Act of 2001 (42 U.S.C. 3714(c)(3)) shall  
10          not apply to these grants:

11       *Provided further*, That funds appropriated for law enforce-  
12       ment terrorism prevention grants under paragraph (1)  
13       and discretionary grants under paragraph (2) of this  
14       heading shall be available for operational costs, to include  
15       personnel overtime and overtime associated with Office for  
16       Domestic Preparedness certified training, as needed.

17                       FIREFIGHTER ASSISTANCE GRANTS

18       For necessary expenses for programs authorized by  
19       section 33 of the Federal Fire Prevention and Control Act  
20       of 1974 (15 U.S.C. 2229), \$800,000,000, to remain avail-  
21       able until September 30, 2005: *Provided*, That not to ex-  
22       ceed 5 percent of this amount shall be available for pro-  
23       gram administration.

## 1           EMERGENCY PREPAREDNESS AND RESPONSE

## 2                           PUBLIC HEALTH PROGRAMS

3           For necessary expenses for countering potential bio-  
4 logical, disease, and chemical threats to civilian popu-  
5 lations, \$94,000,000, to remain available until expended.

## 6           EMERGENCY MANAGEMENT PERFORMANCE GRANTS

7           For necessary expenses for emergency management  
8 performance grants, as authorized by the National Flood  
9 Insurance Act of 1968 and the Flood Disaster Protection  
10 Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Staf-  
11 ford Disaster Relief and Emergency Assistance Act (42  
12 U.S.C. 5121 et seq.), the Earthquake Hazards Reductions  
13 Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization  
14 Plan No. 3 of 1978 (5 U.S.C. App.), \$180,000,000: *Pro-*  
15 *vided*, That total administrative costs shall not exceed 3  
16 percent of the total appropriation.

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