

I hope to be able to give fair consideration to the propositions about which he has spoken this morning.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 1440 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the hour of 11 a.m. having arrived, the Senate will resume consideration of H.R. 2555, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

(The committee-reported amendment, in the nature of substitute, which was omitted from the RECORD of Monday, July 21, 2003, is as follows:)

[Strike the part shown in black brackets and insert the part shown in italic.]

H.R. 2555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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

[TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

[DEPARTMENTAL ADMINISTRATION

[SALARIES AND EXPENSES

[For necessary expenses for management and operations of the Department of Homeland Security \$221,493,000; of which not to exceed \$78,975,000 shall be for the Office of the Secretary and Executive Management; of which not to exceed \$116,139,000 shall be for the Office of the Under Secretary for Management; of which not to exceed \$8,106,000 shall be for the Immediate Office of the Under Secretary for Border and Transportation Security; of which not to exceed \$10,044,000 shall be for the Immediate Office of the Under Secretary for Information Analysis and Infrastructure Protection and the Command Center; of which not to exceed \$3,293,000 shall be for the Immediate Office of the Under Secretary for Emergency Preparedness and Response; and of which not to exceed \$4,936,000 shall be for the Immediate Office of the Under Secretary for Science and Technology: *Provided*, That not to exceed \$2,000,000 may be used for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of Homeland Security: *Provided further*, That not to exceed \$40,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine.

[COUNTERTERRORISM FUND

[For necessary expenses, as determined by the Secretary of Homeland Security,

\$20,000,000, to remain available until expended, to reimburse any Federal agency for the costs of providing support to counter, investigate, or prosecute unexpected threats or acts of terrorism, including payment of rewards in connection with these activities: *Provided*, That the Secretary shall notify the Committees on Appropriations 15 days prior to the obligation of any amount of these funds in accordance with section 503 of this Act.

[DEPARTMENT-WIDE TECHNOLOGY INVESTMENTS

[For development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, and for the costs of conversion to narrowband communications, including the cost for operation of the Land Mobile Radio legacy systems, \$206,000,000, to remain available until expended: *Provided*, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology system and the Automated Commercial Environment.

[OFFICE OF THE INSPECTOR GENERAL

[SALARIES AND EXPENSES

[INCLUDING TRANSFER OF FUNDS)

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

[TITLE II—BORDER AND TRANSPORTATION SECURITY

[CUSTOMS AND BORDER PROTECTION

[BUREAU OF CUSTOMS AND BORDER PROTECTION

[SALARIES AND EXPENSES

[INCLUDING TRANSFER OF FUNDS)

[For necessary expenses of the Bureau of Customs and Border Protection for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports, including planning, construction, and necessary related activities of buildings and facilities, \$4,584,600,000; of which not to exceed \$25,000 shall be for official reception and representation expenses; of which not to exceed \$129,000,000 to remain available until September 30, 2005, shall be for inspection technology; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13021(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; and of which not to exceed \$5,000,000 shall be for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration: *Provided*, That none of the funds available to the Directorate of Border and Transportation Security may be used to pay any employee overtime pay in an amount in excess of \$30,000 during the calendar year beginning January 1, 2004, except that the Commissioner of Customs and Border Protection may exceed such limitation as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That uniforms may be purchased without regard to the general purchase price

limitation for the current fiscal year: *Provided further*, That no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector: *Provided further*, That the Border Patrol shall relocate its checkpoints in the Tucson sector at least once every 7 days in a manner designed to prevent persons subject to inspection from predicting the location of any such checkpoint.

[In addition, for administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103-182, and notwithstanding section 1511(e)(1) of Public Law 107-296, \$3,000,000 to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with this account.

[AUTOMATION MODERNIZATION

[For expenses not otherwise provided for Bureau of Customs and Border Protection automated systems, \$493,727,000, to remain available until expended, of which not less than \$318,690,000 shall be for the development of the Automated Commercial Environment: *Provided*, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the Bureau of Customs and Border Protection prepares and submits to the Committees on Appropriations a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A-11, part 3; (2) complies with the Bureau of Customs and Border Protection's Enterprise Information Systems Architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Bureau of Customs and Border Protection Investment Review Board, the Department of Homeland Security, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office: *Provided further*, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until such expenditure plan has been approved by the Committees on Appropriations.

[IMMIGRATION AND CUSTOMS ENFORCEMENT

[BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT

[SALARIES AND EXPENSES

[For necessary expenses of the Bureau of Immigration and Customs Enforcement for enforcement of immigration and customs laws, detention and removals, investigations, including planning, construction, and necessary related activities of buildings and facilities, \$2,030,000,000; of which not to exceed \$5,000,000, to remain available until expended, shall be for conducting special operations pursuant to Public Law 99-570 (19 U.S.C. 2081); of which not to exceed \$15,000 shall be for official reception and representation expenses; of which not less than \$100,000 shall be for promotion of public awareness of the child pornography tipline; and of which not less than \$200,000 shall be for Project Alert: *Provided*, That none of the funds available to the Bureau of Immigration and Customs Enforcement may be used to pay any employee overtime pay in an amount in excess of \$30,000 during the calendar year beginning January 1, 2004, except that the Assistant Secretary of the Bureau of Immigration and Customs Enforcement may exceed such limitation as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That of the total amount of funds made available for activities to enforce laws against forced child

labor in fiscal year 2004, not to exceed \$5,000,000 shall remain available until expended for support of such activities: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year.

**【FEDERAL PROTECTIVE SERVICE
(INCLUDING TRANSFER OF FUNDS)**

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

**【AUTOMATION AND INFRASTRUCTURE
MODERNIZATION**

【For expenses not otherwise provided for Bureau of Immigration and Customs Enforcement automated systems, \$367,605,000, to remain available until expended, of which not less than \$350,000,000 shall be for the development of the United States Visitor and Immigrant Status Indicator Technology system (US VISIT): *Provided*, That none of the funds appropriated under this heading may be obligated for US VISIT until the Bureau of Immigration and Customs Enforcement prepares and submits to the Committees on Appropriations a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A-11, part 3; (2) complies with the Bureau of Immigration and Customs Enforcement Enterprise Information Systems Architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Bureau of Immigration and Customs Enforcement Investment Review Board, the Department of Homeland Security, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office: *Provided further*, That none of the funds appropriated under this heading may be obligated for US VISIT until such expenditure plan has been approved by the Committees on Appropriations.

【AIR AND MARINE INTERDICTION

【For expenses, not otherwise provided for, necessary for the operation, maintenance and procurement of marine vessels, aircraft, and other related equipment of the Office of Air and Marine Interdiction of the Bureau of Immigration and Customs Enforcement, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: conducting homeland security operations; interdiction of narcotics and other illegal substances or items; the provision of support to Department of Homeland Security and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Bureau of Immigration and Customs Enforcement; and, at the discretion of the Under Secretary for Border and Transportation Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, \$175,000,000, which shall remain available until expended: *Provided*, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to Bureau of Immigration and Customs Enforcement requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security, during fiscal

year 2004 without the prior approval of the Committees on Appropriations.

**【TRANSPORTATION SECURITY
ADMINISTRATION**

【AVIATION SECURITY

【For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to Public Law 107-71, \$3,679,200,000 (reduced by \$20,000,000), to remain available until expended, of which not to exceed \$3,000 shall be for official reception and representation expenses: *Provided*, That of such total amount, not to exceed \$1,672,700,000 shall be for passenger screening activities; not to exceed \$1,284,800,000 shall be for baggage screening activities; and not to exceed \$721,700,000 shall be for airport support and enforcement presence: *Provided further*, That security service fees authorized under section 4494 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and used for providing civil aviation security services authorized by that section: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2004, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than \$1,609,200,000: *Provided further*, That any security service fees collected in excess of the amount appropriated under this heading shall be treated as offsetting collections in fiscal year 2005: *Provided further*, That none of the funds in this Act shall be used to recruit or hire personnel into the Transportation Security Administration which would cause the agency to exceed a staffing level of 45,000 full-time equivalent screeners: *Provided further*, That of the total amount provided herein, \$235,000,000 shall be available only for physical modification of commercial service airports for the purpose of installing checked baggage explosive detection systems and \$100,000,000 shall be available only for procurement of checked baggage explosive detection systems.

【FEDERAL AIR MARSHALS

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

【MARITIME AND LAND SECURITY

【For necessary expenses of the Transportation Security Administration related to maritime and land transportation security grants and services pursuant to Public Law 107-71, \$231,700,000, to remain available until expended: *Provided*, That of such amount, \$100,000,000 shall be available only to make port security grants, which shall be distributed under the same terms and conditions as provided for under Public Law 107-117.

INTELLIGENCE

【For necessary expenses of the Transportation Security Administration related to transportation security intelligence activities, \$13,700,000, to remain available until expended.

【RESEARCH AND DEVELOPMENT

【For necessary expenses of the Transportation Security Administration for research and development related to transportation security, \$125,700,000, to remain available until expended.

【ADMINISTRATION

【For necessary expenses of the Transportation Security Administration for administrative activities, including headquarters and field support, training, and information technology, \$487,100,000, to remain available until September 30, 2005.

**【FEDERAL LAW ENFORCEMENT
TRAINING CENTER**

【SALARIES AND EXPENSES

【For the necessary expenses of the Federal Law Enforcement Training Center, \$136,629,000, of which \$26,635,000 shall be for material and support costs of Federal law enforcement basic training and shall remain available until September 30, 2006, and of which not to exceed \$12,000 shall be for official reception and representation expenses: *Provided*, That notwithstanding any other provision of law, the Center is authorized to expend appropriations for the purchase of police-type pursuit vehicles without regard to the general purchase price limitation; student athletic and related recreational activities; conducting and participating in firearms matches and the presentation of awards for such matches; public awareness and enhancing community support of law enforcement training, including the advertisement and marketing of available law enforcement training programs; room and board for student interns; short-term medical services for students undergoing training at Center training facilities; travel expenses of non-Federal personnel attending course development meetings; services authorized by section 3109 of title 5, United States Code; support of Federal law enforcement accreditation; and a flat monthly reimbursement to employees authorized to use personal cell phones for official duties: *Provided further*, That: (1) funds appropriated to this account may be used at the discretion of the Center's Director to train United States Postal Service law enforcement personnel, State and local law enforcement personnel, foreign law enforcement personnel, and private security personnel; (2) with the exception of private security personnel, the Center's Director is authorized to fully fund the cost of this training, including the cost of non-Federal travel, or to seek full or partial reimbursement for this training; and (3) such reimbursements shall be deposited in this appropriation: *Provided further*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training at the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That the Center is authorized to accept and use gifts of property, real and personnel, and to accept services, for authorized purposes: *Provided further*, That the Center is authorized to harvest timber and use the proceeds from timber sales to supplement the Center's forest management and environmental programs: *Provided further*, That notwithstanding any other provision of law, students attending training at any Center site shall reside in on-center or center-provided housing, to the extent available and in accordance with Center policy.

**【ACQUISITION, CONSTRUCTION, IMPROVEMENTS,
AND RELATED EXPENSES**

【For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, \$32,323,000, to remain available until expended: *Provided*, That the Federal Law Enforcement Training Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities on training centers operated by the Federal Law Enforcement Training Center: *Provided further*, That notwithstanding any other provision of law, all facilities shall remain under the control of the Federal Law Enforcement Training Center, which shall be responsible for scheduling, use, maintenance, and support.

**OFFICE FOR DOMESTIC PREPAREDNESS
DOMESTIC PREPAREDNESS**

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

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

(2) \$500,000,000 (increased by \$10,000,000) shall be for grants to State and local law enforcement for terrorism prevention activities;

(3) \$200,000,000 shall be for critical infrastructure grants;

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

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

Provided further, That the application for grants appropriated in subsections (1), (2), and (3) under this heading shall be made available to States within 30 days of enactment of this Act; States shall submit applications within 30 days of the grant announcement; and the Office for Domestic Preparedness shall act on each application within 15 days of receipt: *Provided further*, That 80 percent of the funds appropriated in subsections (1), (2), (3), and (4) under this heading to any State shall be allocated by the State to units of local governments and shall be distributed by the State within 60 days of the receipt of funds: *Provided further*, That section 1014(c)(3) of Public Law 107-56 shall not apply to funds appropriated in subsections (4) and (5) under this heading: *Provided further*, That none of the funds appropriated under this heading shall be used for construction or renovation of facilities: *Provided further*, That funds appropriated in subsections (3) and (4) under this heading shall be available for operational costs, including personnel overtime as needed.

**TITLE III—EMERGENCY
PREPAREDNESS AND RESPONSE**

ADMINISTRATIVE AND REGIONAL OPERATIONS

For necessary expenses for administrative and regional operations of the Emergency Preparedness and Response Directorate, \$168,589,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404-405), Reorganization Plan No. 3 of 1978, and the Homeland Security Act of 2002; of which not to exceed \$3,000 shall be for official reception and representation expenses.

PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

For necessary expenses for preparedness, mitigation, response, and recovery activities of the Emergency Preparedness and Response Directorate, \$363,339,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and

Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404-405), Reorganization Plan No. 3 of 1978, and the Homeland Security Act of 2002; of which \$25,000,000 shall be for emergency operations centers grants: *Provided*, That the aggregate charges assessed during fiscal year 2004, as authorized by Public Law 106-377, shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: *Provided further*, That the methodology for assessment and collection of fees shall be fair and equitable, and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further*, That fees received pursuant to this section shall be deposited in this account as offsetting collections, shall become available for authorized purposes on October 1, 2004, and shall remain available until expended.

PUBLIC HEALTH PROGRAMS

For necessary expenses for countering potential biological, disease, and chemical threats to civilian populations, \$484,000,000, including \$400,000,000, to remain available until expended, for the Strategic National Stockpile.

BIODEFENSE COUNTERMEASURES

For necessary expenses for securing medical countermeasures against biological terror attacks, \$5,593,000,000, to remain available until September 30, 2013: *Provided*, That not to exceed \$3,418,000,000 may be obligated during fiscal years 2004 through 2008, of which not to exceed \$890,000,000 may be obligated during fiscal year 2004.

GRANT PROGRAMS

For activities designed to reduce the risk of flood damage to structures pursuant to the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), notwithstanding sections 1366(b)(3)(B)-(C) and 1366(f) of such Act, and for a pre-disaster mitigation grant program pursuant to title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), \$200,000,000, to remain available until expended, of which \$20,000,000 shall be derived from the National Flood Insurance Fund, and shall remain available until September 30, 2005: *Provided*, That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of such title II (42 U.S.C. 5133(g)): *Provided further*, That notwithstanding section 203(f) of such title II (42 U.S.C. 5133(f)), grant awards shall be made without reference to State allocations, quotas, or other formula-based allocation of funds.

EMERGENCY FOOD AND SHELTER

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

FIREFIGHTER ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), \$750,000,000 (increased by \$10,000,000) to remain available through September 30, 2005: *Provided*, That up to 5 percent of this amount shall be transferred to "Preparedness, Mitigation, Response, and Recovery" for program administration.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$1,800,000,000 and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which not to exceed \$22,000,000 may be transferred to the Office of Inspector General for audits and investigations.

FLOOD MAP MODERNIZATION FUND

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

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968, and the Flood Disaster Protection Act of 1973, not to exceed \$32,761,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed \$77,809,000 for flood mitigation, to remain available until September 30, 2005, including up to \$20,000,000 for expenses under section 1366 of such Act of 1968, which amount shall be available for transfer to Grant Programs until September 30, 2005, and which amounts shall be derived from offsetting collections assessed and collected pursuant to 42 U.S.C. 4014, and shall be retained and used for necessary expenses under this heading: *Provided*, That no funds, in excess of \$55,000,000 for operating expenses; \$565,897,000 for agents' commissions and taxes; and \$40,000,000 for interest on Treasury borrowings, shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For direct loans, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$25,000,000: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses to carry out the direct loan program, \$558,000.

TITLE IV—OTHER DEPARTMENTAL ACTIVITIES

CITIZENSHIP AND IMMIGRATION SERVICES

OPERATING EXPENSES

For necessary expenses for citizenship and immigration services, including international services, \$248,500,000.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; payments pursuant to section 156 of Public Law 97-377 (42 U.S.C. 402 note); and recreation and welfare; \$4,703,530,000, of which \$1,300,000,000 shall be for defense-related activities; of which \$25,000,000 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 in this or any other Act shall be available for pay of administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available

for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation.

【ENVIRONMENTAL COMPLIANCE AND RESTORATION

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

【RESERVE TRAINING

【For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; \$94,051,000.

【ACQUISITIONS, CONSTRUCTION, AND IMPROVEMENTS

【For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, \$805,000,000, of which \$23,500,000 shall be derived from the Oil Spill Liability Trust Fund; of which \$66,500,000 shall be available until September 30, 2008 to acquire, repair, renovate, or improve vessels, small boats, and related equipment; \$138,500,000 shall be available until September 30, 2006 for other equipment; \$70,000,000 shall be available until September 30, 2005 for personnel compensation and benefits and related costs; and \$530,000,000 shall be available until September 30, 2008 for the Integrated Deepwater Systems program: *Provided*, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available until September 30, 2006 only for Rescue 21 (the National Distress and Response System Modernization program): *Provided further*, That upon initial submission to the Congress of the fiscal year 2005 President's budget, the Secretary of Homeland Security shall transmit to the Congress a comprehensive capital investment plan for the United States Coast Guard that includes funding for each budget line item for fiscal years 2005 through 2009, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

【ALTERATION OF BRIDGES

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

【RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

【For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; \$22,000,000, to remain available until expended, of which \$3,500,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

【RETIRED PAY

【For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses under the National Defense Authorization Act, and for payments for medical care of retired per-

sonnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), \$1,020,000,000.

【INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

【OPERATING EXPENSES

【For necessary expenses of the Directorate of Information Analysis and Infrastructure Protection of the Department of Homeland Security as authorized by law, \$776,000,000, to remain available until September 30, 2005.

【SCIENCE AND TECHNOLOGY

【RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

【For necessary expenses of activities of the Department of Homeland Security in carrying out the purposes of title III of the Homeland Security Act of 2002 (Public Law 107-296), for basic and applied research, development, test and evaluation, construction, procurement, production, modification and modernization of systems, subsystems, spare parts, accessories, training devices, operation of the Science and Technology Directorate and its organizations and activities, including the Homeland Security Advanced Research Projects Agency, for cooperative programs with States and local governments to enable the detection, destruction, disposal, or mitigation of the effects of weapons of mass destruction and other terrorist weapons, and for the construction, maintenance, rehabilitation, lease, and operation of buildings and other facilities, and equipment, necessary for the activities of the Directorate, \$900,360,000, to remain available until September 30, 2006.

【UNITED STATES SECRET SERVICE

【SALARIES AND EXPENSES

【For necessary expenses of the United States Secret Service, \$1,148,700,000, including purchase of American-made side-car compatible motorcycles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitation on such expenditures in this or any other Act; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed \$25,000 for official reception and representation expenses; not to exceed \$100,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase limitation for the current fiscal year: *Provided*, That \$1,633,000 shall be available for forensic and related support of investigations of missing and exploited children: *Provided further*, That \$4,783,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended: *Provided further*, That up to \$18,000,000 for protective travel shall remain available until September 30, 2005: *Provided further*, That subject to the reimbursement of actual costs to this account, funds appro-

riated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers, training Federal law enforcement officers, training State and local government law enforcement officers on a space-available basis, and training private sector security officials on a space-available basis: *Provided further*, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: *Provided further*, That the James J. Rowley Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

【ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

【For necessary expenses of construction, repair, alteration, and improvement of facilities, \$3,579,000, to remain available until expended.

【TITLE V—GENERAL PROVISIONS

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

【(TRANSFERS OF UNEXPENDED BALANCES)

【SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

【(INCLUDING TRANSFER OF FUNDS)

【SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriation Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2004, 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; or (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose, unless both Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

【(b) None of the funds provided by this Act, provided by previous appropriation Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2004, 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 for programs, projects, or activities through a reprogramming of funds in excess of \$5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from

any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities, as approved by the Congress; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

[(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security in this Act or provided in previous appropriation Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds and shall not be available for obligation unless the Committees on Appropriations are notified 15 days in advance of such transfer.

【SEC. 504. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2004 from appropriations made available for salaries and expenses for fiscal year 2004 in this Act, shall remain available through September 30, 2005, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

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

【SEC. 506. The Federal Emergency Management Agency "Working Capital Fund" shall be available to the Department of Homeland Security, as authorized by sections 503 and 1517 of the Homeland Security Act of 2002, for expenses and equipment necessary for maintenance and operations of such administrative services as the Secretary of Homeland Security determines may be performed more advantageously as central services. Such fund shall hereafter be known as the "Department of Homeland Security Working Capital Fund".

【SEC. 507. The Federal Emergency Management Agency "Bequests and Gifts" account shall be available to the Department of Homeland Security, as authorized by sections 503 and 1517 of the Homeland Security Act of 2002, for the Secretary of Homeland Security to accept, hold, administer, and utilize gifts and bequests, including property, to facilitate the work of the Department of Homeland Security: *Provided*, That such fund shall hereafter be known as "Department of Homeland Security, Gifts and Donations": *Provided further*, That any gift or bequest shall be used in accordance with the terms of that gift or bequest to the greatest extent practicable.

【SEC. 508. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2004 until the enactment of the Intelligence Authorization Act for fiscal year 2004.

【SEC. 509. The Federal Law Enforcement Training Center is directed to establish an accrediting body that will include representatives from the Federal law enforcement community, as well as non-Federal accreditation experts involved in law enforcement training. The purpose of this body will be to establish standards for measuring and assessing the quality and effectiveness of Fed-

eral law enforcement training programs, facilities, and instructors.

【SEC. 510. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than 5 miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

【SEC. 511. None of the funds in this Act may be used to make a grant unless the Secretary of Homeland Security notifies the Committees on Appropriations not less than 3 full business days before any grant allocation, discretionary grant award, or letter of intent totaling \$1,000,000 or more is announced by the department or its directorates from: (1) any discretionary or formula-based grant program of the Office of Domestic Preparedness; (2) any letter of intent from the Transportation Security Administration; or (3) any port security grant: *Provided*, That no notification shall involve funds that are not available for obligation.

【SEC. 512. Notwithstanding any other provision of law, no agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

【SEC. 513. The Federal Law Enforcement Training Center is directed to ensure that all of the training centers under its control are operated at their highest potential capacity efficiency throughout the fiscal year. In order to facilitate this direction, the Director is authorized to schedule basic and advanced law enforcement training at any site the Federal Law Enforcement Training Center determines is warranted in the interests of the Government to ensure the best utilization of the Center's total capacity for training, notwithstanding legislative prohibitions.

【SEC. 514. None of the funds made available by this Act may be used for the production of customs declarations that do not inquire whether the passenger has been in the proximity of livestock.

【SEC. 515. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a determination, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

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

[(1) the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); or

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

【SEC. 517. Appropriations to the Department of Homeland Security in this Act shall be available for purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering

into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by section 3109 of title 5, United States Code.

【SEC. 518. None of the funds appropriated in this Act may be used for expenses of any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

【SEC. 519. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Transportation Security Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to aviation security: *Provided*, That the prohibition of funds in this section does not apply to—

[(1) negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items, or

[(2) space for necessary security checkpoints.

【SEC. 520. None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a–10c).

【SEC. 521. None of the funds made available in this Act may be used to approve, renew, or implement any aviation cargo security plan that permits the transporting of unsecured or uninspected cargo on passenger planes.

【This Act may be cited as the "Department of Homeland Security Appropriations Act, 2004".】

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

DEPARTMENT OF HOMELAND SECURITY

TITLE I—DEPARTMENTAL OPERATIONS, MANAGEMENT, AND OVERSIGHT

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112) and executive management of the Department of Homeland Security, as authorized by law, \$83,653,000.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

*For necessary expenses of the Office of the Under Secretary for Management and Administration, as authorized by sections 701–704 of the Homeland Security Act of 2002 (6 U.S.C. 341–344), \$167,521,000: *Provided*, That of the total amount provided, \$30,000,000 shall remain available until expended solely for the alteration and improvement of facilities and for relocation costs necessary for the interim housing of the Department's headquarters' operations and organizations collocated therewith.*

DEPARTMENT-WIDE TECHNOLOGY INVESTMENTS

For development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, and for the costs of conversion to narrowband communications, including the cost for operation of the land mobile radio legacy systems, \$185,000,000, to remain available until expended.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$58,118,000; of which not to exceed

\$100,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II—SERVICES

CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, including international services, as transferred by and authorized by the Homeland Security Act of 2002 (6 U.S.C. 271, 272), \$229,377,000.

TITLE III—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Under Secretary for Border and Transportation Security, as authorized by Subtitle A, Title IV, of the Homeland Security Act of 2002 (6 U.S.C. 201–203), \$8,842,000.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1221 note), \$380,000,000, to remain available until expended: Provided, That none of the funds appropriated in this Act for the United States Visitor and Immigrant Status Indicator Technology project may be obligated until the Department of Homeland Security submits a plan for expenditure that has been approved by the Committees on Appropriations of the Senate and the House of Representatives.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports, acquisition, lease, maintenance and operation of aircraft; purchase and lease of up to 4,500 (3,935 for replacement only) police-type vehicles; contracting with individuals for personal services abroad; including not to exceed \$1,000,000 to meet unforeseen emergencies of a confidential nature, to be expended under the direction of, and to be accounted for solely under the certificate of, the Under Secretary for Border and Transportation Security; as authorized by any Act enforced by the Bureau of Customs and Border Protection, \$4,366,000,000, of which not to exceed \$96,000,000 shall remain available until September 30, 2005, for inspection technology; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed \$5,000,000 shall be available for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration: Provided, That none of the funds appropriated shall be available to compensate any employee for overtime in an annual amount in excess of \$30,000, except that the Under Secretary for Border and Transportation Security may exceed that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided for activities to enforce laws against forced child labor in fiscal year 2004, not to exceed \$4,000,000 shall remain available until expended.

In addition, for administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, and

notwithstanding section 1511 (e)(1) of Public Law 107–296, \$3,000,000 to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the appropriation for “Salaries and Expenses” under this heading.

AUTOMATION MODERNIZATION

For expenses for Customs and Border Protection automated systems, \$441,122,000, to remain available until expended, of which not less than \$318,690,000 shall be for the development of the Automated Commercial Environment: Provided, That none of the funds appropriated in this Act for the Automated Commercial Environment may be obligated until the Department of Homeland Security submits a plan for expenditure that has been approved by the Committees on Appropriations of the Senate and the House of Representatives.

CONSTRUCTION

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

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for enforcement of immigration and customs laws, detention and removals, investigations; purchase and lease of up to 1,600 (1,450 for replacement only) police-type vehicles; including not to exceed \$1,000,000 to meet unforeseen emergencies of a confidential nature, to be expended under the direction of, and to be accounted for solely under the certificate of, the Under Secretary for Border and Transportation Security; as authorized by any Act enforced by the Bureau of Immigration and Customs Enforcement, \$2,180,000,000, of which not to exceed \$5,000,000 shall be available until expended for conducting special operations pursuant to section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081), of which not less than \$40,000,000 shall be available until expended for information technology infrastructure, and of which not to exceed \$5,000,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That in addition, \$424,211,000 shall be transferred from the revenues and collections in the General Services Administration, Federal Buildings Fund for the Federal Protective Service: Provided further, That none of the funds appropriated shall be available to compensate any employee for overtime in an annual amount in excess of \$30,000, except that the Under Secretary for Border and Transportation Security may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided for activities to enforce laws against forced child labor in fiscal year 2004, not to exceed \$1,000,000 shall remain available until expended.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE AND PROCUREMENT

For necessary expenses for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Bureau of Immigration and Customs Enforcement; and at the discretion of the Director of the Bureau of Immigration and Customs Enforcement, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humani-

tarian efforts, \$257,291,000, to remain available until expended.

CONSTRUCTION

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

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (49 U.S.C. 40101 note), \$4,523,900,000, to remain available until September 30, 2005, of which \$3,185,000,000 shall be available for screening activities and of which \$1,338,900,000 shall be available for airport support and enforcement presence: Provided, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and used for providing civil aviation security services authorized by that section: Provided further, That the sum under this heading appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2004 in order to result in a final fiscal year appropriation from the general fund estimated at not more than \$2,453,900,000: Provided further, That any security service fees collected in excess of the amount appropriated under this heading shall be treated as offsetting collections in fiscal year 2005: Provided further, That of the total amount provided under this heading, \$309,000,000 shall be available for physical modification of commercial service airports for the purpose of installing checked baggage explosive detection systems, as authorized by section 367 of title III of Division I of the Consolidated Appropriations Resolution, 2003 (49 U.S.C. 47110 note); and \$150,500,000 shall be available for procurement of checked baggage explosive detection systems, including explosive trace detection systems, as authorized by section 4490 of title 49, United States Code.

MARITIME AND LAND SECURITY

For necessary expenses of the Transportation Security Administration related to maritime and land transportation security grants and services pursuant to the Aviation and Transportation Security Act (49 U.S.C. 40101 note), \$295,000,000, to remain available until September 30, 2005: Provided, That of the total amount provided under this heading, \$150,000,000 shall be available for port security grants, which shall be distributed under the same terms and conditions as provided for under Public Law 107–117; and \$30,000,000 shall be available to execute grants, contracts, and interagency agreements for the purpose of deploying Operation Safe Commerce.

INTELLIGENCE

For necessary expenses for intelligence activities pursuant to the Aviation and Transportation Security Act (49 U.S.C. 40101 note), \$13,600,000, to remain available until September 30, 2004.

RESEARCH AND DEVELOPMENT

For necessary expenses for research and development related to transportation security, \$130,200,000, to remain available until expended: Provided, That of the total amount provided under this heading, \$45,000,000 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 (49 U.S.C. 40101 note), \$433,200,000, to remain available until September 30, 2004.

UNITED STATES COAST GUARD

OPERATING EXPENSES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for the operation and maintenance of the Coast Guard not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97-377 (42 U.S.C. 402 note); and section 229(b) of the Social Security Act (42 U.S.C. 429(b)) and recreation and welfare, \$4,719,000,000, of which \$340,000,000 shall be available for defense-related activities; and of which \$25,000,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That none of the funds appropriated by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds provided by this Act shall be available for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That notwithstanding section 1116(c) of title 10, United States Code, amounts made available under this heading may be used to make payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund for fiscal year 2004 under section 1116(a) of such title.

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

ENVIRONMENTAL COMPLIANCE AND RESTORATION

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

RESERVE TRAINING

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services, \$95,000,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, \$1,035,000,000, of which \$23,500,000 shall be derived from the Oil Spill Liability Trust Fund; of which \$66,500,000 shall be available to acquire, repair, renovate, or improve vessels, small boats, and related equipment, to remain available until expended; of which \$178,500,000 shall be available for other equipment, to remain available until expended; of which \$70,000,000 shall be available for personnel compensation and benefits and related costs; of which \$702,000,000 shall be available for the Integrated Deepwater Systems program, to remain available until expended; and of which \$18,000,000 shall be available for alteration or removal of obstructive bridges, to remain available until expended: Provided, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available only for Rescue 21 and shall remain available until expended: Provided further, That funds for bridge alteration projects conducted pursuant to the Act of June 21, 1940 (33 U.S.C. 511 et seq.) shall be available for such projects only to the extent that the steel, iron, and manufactured products used in such projects are produced in the United States, unless contrary to law or international agreement, or unless the Commandant of the Coast Guard determines such action to be inconsistent with the public interest or the cost unreasonable.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses under the National Defense Authorization Act, and for payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,020,000,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 730 vehicles for police-type use, of which 610 shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made sidecar compatible motorcycles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed \$100,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; \$1,114,737,000, of which \$1,633,000 shall be available for forensic and related support of investigations of missing and exploited children; and of which \$5,000,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended: Provided, That up to \$18,000,000 provided for protective travel shall remain available until September 30, 2005: Provided further, That in fiscal year 2004 and thereafter, the James J. Rowley Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, \$3,579,000, to remain available until expended.

TITLE IV—ASSESSMENTS, PREPAREDNESS, AND RECOVERY

COUNTERTERRORISM FUND

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

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including mate-

rials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; for expenses for student athletic and related activities; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; room and board for student interns; and services as authorized by section 3109 of title 5, United States Code, \$172,736,000, of which up to \$44,413,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2005: Provided, That in fiscal year 2004 and thereafter, the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes: Provided further, That in fiscal year 2004 and thereafter, the Center is authorized to accept detailees from other Federal agencies, on a non-reimbursable basis, to staff the accreditation function: Provided further, That notwithstanding any other provision of law, in fiscal year 2004 and thereafter, students attending training at any Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: Provided further, That in fiscal year 2004 and thereafter, funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken under section 801 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-32); training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: Provided further, That in fiscal year 2004 and thereafter, the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That in fiscal year 2004 and thereafter, the Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, \$28,708,000, to remain available until expended.

OFFICE FOR DOMESTIC PREPAREDNESS

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, \$2,888,000,000, which shall be allocated as follows:

(1) \$1,750,000,000 for grants pursuant to section 1014 of the USA PATRIOT Act of 2001 (42 U.S.C. 3711), of which \$500,000,000 shall be available for State and local law enforcement terrorism prevention grants: Provided, That no funds shall be made available to any State prior to the submission of an updated state plan to the Office for Domestic Preparedness: Provided further, That the application for grants shall be made available to States within 15 days after enactment of this Act; and that States shall submit applications within 30 days after the grant

announcement; and that the Office for Domestic Preparedness shall act on each application within 15 days after receipt: Provided further, That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 45 days after the grant award;

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

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

(4) \$358,000,000 for national programs: Provided, That none of the funds appropriated under this heading shall be used for the construction or renovation of facilities: Provided further, That funds appropriated for State and local law enforcement terrorism prevention grants under paragraph (1) and discretionary grants under paragraph (3) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with Office for Domestic Preparedness certified training as needed: Provided further, That the Secretary of Homeland Security shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of the funds provided under paragraphs (1) and (3) of this heading.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), \$750,000,000, to remain available until September 30, 2005: Provided, That up to 5 percent of this amount shall be available for program administration.

OFFICE OF THE UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE

For necessary expenses for the Office of the Under Secretary for Emergency Preparedness and Response as authorized by section 502 of the Homeland Security Act of 2002 (6 U.S.C. 312), \$3,615,000.

EMERGENCY PREPAREDNESS AND RESPONSE OPERATING EXPENSES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses of the Emergency Preparedness and Response Directorate, \$826,801,000, to remain available until expended, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. 903 note), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That of the amount provided under this heading: \$163,000,000 shall be for activities relating to Preparedness, Mitigation, Response and Recovery; \$434,000,000 shall be for Public Health Programs, including the Disaster Medical Assistance Teams and the Strategic National Stockpile; \$165,214,000 shall be for Administrative and Regional Operations; and \$64,587,000 shall be for Urban Search and Rescue Teams.

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

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2004, as authorized by the Energy and

Water Development Appropriations Act, 2001 (Public Law 106-377; 114 Stat. 114A-46), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2004, and remain available until expended.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

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

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

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

NATIONAL PRE-DISASTER MITIGATION FUND

For a pre-disaster mitigation grant program pursuant to title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), \$150,000,000, to remain available until expended: Provided, That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(g)): Provided further, That, notwithstanding section 203(f) of that Act (42 U.S.C. 5133(f)), grant awards shall be made without reference to State allocations, quotas, or other formula-based allocation of funds: Provided further, That total administrative costs shall not exceed 3 percent of the total appropriation.

FLOOD MAP MODERNIZATION FUND

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

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), not to exceed \$32,663,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and not to exceed \$77,809,000 for flood hazard mitigation, to remain available until September 30, 2005, including up to \$20,000,000 for expenses under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2005, and which amounts shall be derived from offsetting collections assessed and collected pursuant to

section 1307 of that Act (42 U.S.C. 4014), and shall be retained and used for necessary expenses under this heading: Provided, That in fiscal year 2004, no funds in excess of: (1) \$55,000,000 for operating expenses; (2) \$565,897,000 for agents' commissions and taxes; and (3) \$40,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

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

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

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

EMERGENCY FOOD AND SHELTER

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

CERRO GRANDE FIRE CLAIMS

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

OFFICE OF THE UNDER SECRETARY FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

For necessary expenses of the Office of the Under Secretary for Information Analysis and Infrastructure Protection as authorized by section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121), \$10,460,000; of which \$5,442,000 shall be for operations of the Department of Homeland Security Command Center.

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION, OPERATING EXPENSES

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

TITLE V—RESEARCH AND DEVELOPMENT OFFICE OF THE UNDER SECRETARY FOR SCIENCE AND TECHNOLOGY

For necessary expenses of the Office of the Under Secretary for Science and Technology as authorized by section 302 of the Homeland Security Act of 2002 (6 U.S.C. 182), \$5,400,000.

SCIENCE AND TECHNOLOGY, RESEARCH, DEVELOPMENT, ACQUISITION AND OPERATIONS

For necessary expenses for science and technology research, development, acquisition, and operations, as authorized by sections 302, 307, and 308 of the Homeland Security Act of 2002 (6 U.S.C. 182, 187, 188), \$866,000,000, to remain available until expended; of which \$55,000,000 is for university-based centers for homeland security as authorized by section 308(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 188(b)(2)); and of which \$70,000,000 is provided for the centralized Federal technology clearinghouse as authorized by section 313 of the Homeland Security Act of 2002 (6 U.S.C. 193): Provided, That of the total amount appropriated,

\$20,000,000 shall be available for the construction of the National Biodefense Analysis and Countermeasures Center.

TITLE VI—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

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

SEC. 602. The Federal Emergency Management Agency "Working Capital Fund" shall be available to the Department of Homeland Security, as authorized by sections 503 and 1517 of the Homeland Security Act of 2002 (6 U.S.C. 313 and 557), for expenses and equipment necessary for maintenance and operations of such administrative services as the Secretary determines may be performed more advantageously as central services: Provided, That such fund shall hereafter be known as the "Department of Homeland Security Working Capital Fund".

SEC. 603. The Federal Emergency Management Agency "Bequests and Gifts" account shall be available to the Department of Homeland Security, as authorized by sections 503 and 1517 of the Homeland Security Act of 2002 (6 U.S.C. 313 and 557), for the Secretary of Homeland Security to accept, hold, administer and utilize gifts and bequests, including property, to facilitate the work of the Department of Homeland Security: Provided, That such fund shall hereafter be known as "Department of Homeland Security, Gifts and Donations": Provided further, That any gift or bequest is to be used in accordance with the terms of that gift or bequest to the greatest extent practicable.

SEC. 604. No employee of the Department of Homeland Security may be detailed or assigned from an agency, bureau, or office funded by this Act to any other agency, bureau, or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment unless expressly so provided herein.

SEC. 605. (a) None of the funds provided by this Act, or 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 2004, 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 which: (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 Congress; or (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or 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 2004, 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 for programs, projects, or activities through a reprogramming of funds in excess of \$5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, projects or activities, as approved by Congress; unless

the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

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

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

SEC. 607. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2004 until the date of enactment of an Act authorizing intelligence activities for fiscal year 2004.

SEC. 608. The Federal Law Enforcement Training Center is directed to establish an accrediting body that will include representatives from the Federal law enforcement community, as well as non-Federal accreditation experts involved in law enforcement training. The purpose of this body will be to establish standards for measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 609. For fiscal year 2004 and thereafter, none of the funds made available by this Act may be used for the production of customs declarations that do not inquire whether the passenger had been in the proximity of livestock.

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

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

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

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

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

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

SEC. 614. None of the funds made available by this Act shall be used to pay the salaries and expenses of personnel to adopt guidelines or regulations requiring airport sponsors to provide to the Transportation Security Administration

without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to aviation security: Provided, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the Transportation Security Administration for necessary security checkpoints.

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

(1) a system of due process exists whereby aviation passengers determined to pose a threat and either delayed or prohibited from boarding their scheduled flights by the TSA may appeal such decision and correct erroneous information contained in CAPPS II;

(2) the underlying error rate of the government and private data bases that will be used both to establish identity and assign a risk level to a passenger will not produce a large number of false positives that will result in a significant number of passengers being treated mistakenly or security resources being diverted;

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

(4) the Secretary of Homeland Security has established an internal oversight board to monitor the manner in which CAPPS II is being developed and prepared;

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

(6) substantial security measures are in place to protect CAPPS II from unauthorized access by hackers or other intruders;

(7) the TSA has adopted policies establishing effective oversight of the use and operation of the system; and

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

(b) The General Accounting Office shall submit the report required under paragraph (a) of this section no later than 60 days after the enactment of this Act.

This Act may be cited as the "Department of Homeland Security Appropriations Act, 2004".

Pending:

Byrd amendment No. 1317, to fulfill homeland security promises.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, yesterday when we presented this bill for consideration, we had opening statements describing the content of the legislation. It is the first appropriations bill that will provide funding for the new Department of Homeland Security. It provides funding in the amount of \$29.326 billion for this new Department. It is a billion dollars over the President's budget request but consistent with the allocation under the budget resolution to this subcommittee.

The additional funds are used primarily for training enforcement personnel and developing new equipment

and technologies that can be utilized to better protect our homeland. State and local governments will get grants from the Department to help upgrade their capabilities in this area, not just against the war against terror and defeating terrorism but in dealing with natural disasters as well.

The 22 agencies that previously existed that have responsibilities in this area have been folded into one organization under this new Department headed up by Secretary Tom Ridge. We are hopeful we can complete action on this bill by Wednesday evening, and we will be able, then, to start working to iron out differences between the House and Senate bills so when we come back from the break in August we can pass this bill and do our part to contribute to the timely consideration of all appropriations bills in time for the beginning of the fiscal year on October 1. We have asked Senators to let us know what amendments they intend to offer. We hope we can handle these amendments expeditiously.

There was one amendment laid down yesterday by Senator BYRD that would add over a billion dollars to different accounts in the bill. We can take that amendment up. I am advised that Senator BYRD will be coming to discuss that amendment and other issues that are involved in this legislation later in the day. Until that amendment can be disposed of, we have an opportunity for other amendments to be called up. We can set aside the Byrd amendment and consider other amendments if it is agreed to.

I looked at the list. There are 29 amendments that we know about. Most of them are being offered by Senators on the Democratic side of the aisle. We hope we can have the cooperation of all Senators to expeditiously consider the legislation and not drag out the consideration of amendments.

I thank my friend, the Senator from Nevada, for working with us to look at ways to expedite the consideration of this bill. I appreciate his assistance, advice, and counsel in this process.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, Senator BYRD has said, as the distinguished manager of the bill has noted, that he has no objection to moving to another amendment. The only caveat would be that at 3:30, or whenever we reconvene after the caucuses, that he be recognized and his amendment recur. That would give someone at least an hour and a half or thereabouts to work on their amendment.

As I indicated to the distinguished majority leader, we are in the process of hotlining. We do have a list of amendments. I am going to step off the Senate floor now and make some calls and see if we can get someone to come over.

There was some understanding that Senator BYRD would have the floor this morning, but that is not the case now. So maybe someone could come over

when there is a relative quiet time, before the rush at the end of this bill takes place sometime later this week.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we appreciate the advice and information that the distinguished Democratic whip has offered us. We do hope Senators will come now and call up amendments. In the expectation that will be the case, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the Byrd amendment be set aside, and that Senator BYRD's amendment recur when we come back after our caucus recess today.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1318

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1318.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To appropriate \$20,000,000 to the Office for Domestic Preparedness to be used for grants to urban areas with large tourist populations)

On page 58, strike line 6 and all that follows through page 59, line 17, and insert the following:

any other provision of law, \$2,908,000,000, which shall be allocated as follows:

(1) \$1,750,000,000 for grants pursuant to section 1014 of the USA PATRIOT Act of 2001 (42 U.S.C. 3711), of which \$500,000,000 shall be available for State and local law enforcement terrorism prevention grants: *Provided*, That no funds shall be made available to any State prior to the submission of an updated state plan to the Office for Domestic Preparedness: *Provided further*, That the application for grants shall be made available to States within 15 days after enactment of this Act; and that States shall submit applications within 30 days after the grant announcement; and that the Office for Domestic Preparedness shall act on each application within 15 days after receipt: *Provided further*, That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 45 days after the grant award;

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

(3) \$750,000,000 for discretionary grants for use in high-threat urban areas, as determined by the Secretary of Homeland Security: *Provided*, That no less than 80 percent of any grant to a State shall be made available by the State to local governments within 45 days after the receipt of the funds: *Provided*

further, That section 1014(c)(3) of the USA PATRIOT Act of 2001 (42 U.S.C. 3711) shall not apply to these grants;

(4) \$20,000,000 for discretionary grants for use in urban areas with large tourist populations, to be used as determined by the Secretary of Homeland Security; and

(5) \$358,000,000 for national programs:

Provided, That none of the funds appropriated under this heading shall be used for the construction or renovation of facilities: *Provided further*, That funds appropriated for State and local law enforcement terrorism prevention grants under paragraph (1) and discretionary grants under paragraphs (3) and (4) of this heading shall be available for operational costs, to include personnel overtime and overtime.

Mr. REID. Mr. President, this amendment deals with our efforts to secure hometowns. First, I thank the chairman and ranking member of the Homeland Security Subcommittee for their efforts to bring a responsible bill to the Senate floor. As I have said to both the chairman and ranking member of this subcommittee, I think the bill's biggest problem is simply a lack of money. They did not have an easy task. The subcommittee did not have an easy task. The full Appropriations Committee did not have an easy task with this new subcommittee, created as a result of the 9/11 terror act.

The subcommittee allocations this year have made it a challenge for each subcommittee. Unfortunately, the budget that Congress passed this year has made it nearly impossible to address all the needs of our Nation's emergency responders.

A recent report, sponsored by the Council on Foreign Relations, and directed by Warren Rudman, who, of course, we know is a longtime Senator from the State of New Hampshire, found that our Nation will need an additional—let's round it off to \$100 billion—basically what he said is more than \$98 billion over the next 5 years to meet all of our hometown safety needs, an additional \$20 billion each year.

Because of this fact, I am on the floor today to offer an amendment that will attempt to address one of the areas that I believe we have not sufficiently addressed; namely, the tourists that come to many of our Nation's cities.

The United States is home to some of the most visited and cherished cities in the world. I applaud my friend, the distinguished President pro tempore of the Senate, the chairman of the Appropriations Committee, for coming up, in the supplemental bill we just passed, with \$50 million to promote tourism for the United States. The State and local governments in our country will make far more than what we spend by advertising, by promoting places in America for people to visit.

I am always stunned when Senator ENSIGN and I have our "Welcome to Washington" meetings every Thursday morning. People come to Washington from all over Nevada, and a large number of them say: I have never been to our Nation's Capital before. They have been other places. I am always amazed when someone says: Yes, I have been to

London. I have been to Paris or Mexico City but never Washington, DC. Washington, DC, is a beautiful city. It is our Nation's Capital. Certainly we should be proud.

Not only do we have landmarks, such as the Washington Monument, the Lincoln Memorial, the Capitol, the White House, the beautiful Mall, but things are being built all the time to entice people to come here. It is too bad we do not do a better job of promoting tourism for our country because people who come to Washington, DC, see amazing things. If they have been here before, they see new things when they come back.

Now under construction is the American Indian Museum. It is going to be a beautiful place on our Mall. In recent years, of course, we have added places to visit, i.e., the Franklin Roosevelt Memorial, which is a tremendous piece of work. They did a wonderful job in laying out the four terms this man served as President of the United States—the four times he was elected as President of the United States.

One of the most moving items on that Mall is a memorial that was relatively recently constructed, the Korean Memorial, especially at nighttime. Those soldiers are lined up in their ponchos, with their rifles on their shoulders. You can just see them in the "coldest war," as the Korean war is referred to.

There are lots of places to visit in America. We should do everything we can to get more people to come here.

Again, I commend the Senator from Alaska for working it out so we could have this money to promote the United States.

Whether you visit the Nation's Capital, go to Disney World or Disneyland, or go to Chicago, the so-called windy city that is really not as windy as some might think—it is an extremely pleasant place, if you are not there in the wintertime. Chicago is a wonderful place. I was so impressed when we went to the National Democratic Convention there. I really didn't look forward to going to Chicago. I had been there basically in the wintertime at the airport, and those are not pleasant experiences. One of the nicest times my wife and I ever had was at that convention. Chicago is a beautiful city, with many places to see. And it is a place for visitors, for tourists.

America's tourist destinations are a source of pride for our country, as well they should be. Our national parks are places that are the envy of the rest of the world.

But in our cities, emergency responders take just as much pride in protecting those temporary residents, those tourists who make their homes in hotel rooms rather than apartments and houses. So we should make sure these emergency responders have the resources to protect us when we travel, just as they would protect us in a permanent residence.

This may not seem like a major issue, but let's look at some of the

facts. Tourists account for a sizable number of people in many of our larger cities. There are 15 cities with more than 45,000—45,000—hotel rooms, based on a study by Smith Travel Research. Each hotel room accounts for several visitors every day. That means just the hotel rooms in each of these cities is responsible for at least 100,000 new people, additional people each day. That is the size of a small city.

In Nevada, we have cities that have a lot of people in them: Reno, Las Vegas, Henderson, and North Las Vegas; and then there are places that are pretty small by most standards.

Las Vegas has about 130,000 hotel rooms. We have been very fortunate. The occupancy has been good even after September 11. In fact, in Las Vegas an average of about a quarter of a million people stay in our hotels each day. During most weekends, it approaches 350,000 or 400,000. That tourist population of only 250,000 on a weekday in Las Vegas represents a city the size of Savannah, GA, or Tallahassee, FL.

This amendment would correct that deficiency. It would correct it in Orlando, Las Vegas, New York, Dallas, and other places where we have a lot of tourists on a daily basis. This amendment would set aside a relatively small amount. This bill is more than \$25 billion but not \$30 billion, so this is \$20 million for these areas where there are a lot of tourists. This amendment would not take away from any other worthwhile program. My amendment would simply add \$20 million to the money we are already spending for homeland security. The Rudman report told us we need to give our emergency responders almost \$100 billion in the next 5 years. So this means unless we do something we are giving our emergency responders \$100 billion less than what they need. This amendment is a start to addressing the shortfall.

We have a long way to go, but we have to start somewhere. It is quite clear this amendment is direct. It provides an additional \$20 million to be distributed to cities with large tourist populations. The amendment has no offset. I have indicated that. There are very few opportunities for offsets in this bill since almost all programs are underfunded. So trying to take money from one place and putting it someplace else in this bill certainly would not be fair.

I repeat, according to a task force chaired by Senator Rudman, current homeland security funding levels will fall \$98 billion short of the needs of our Nation over the next 5 years. From the standpoint of simply directing a message to the American people, it makes sense that we take care of people no matter where they are or why they are there. We have to make sure people who are emergency responders—police, fire, emergency medical personnel—have the money to take care of people, whether they are tourists or permanent residents.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we appreciate the Senator from Nevada bringing this issue to the attention of the Senate by offering this amendment. His amendment goes directly to the provision of the bill that provides funds for discretionary grants to high threat urban areas. In the bill, we provide an appropriation for this program of \$750 million. These are discretionary grants to be made by the Office for Domestic Preparedness to those who are considered by the Department to be in need of these funds to better protect the security of these specific urban areas.

This is a discretionary program, and we are hoping that by defining the criteria to be considered by the Department, we help encourage the selection of sites. But we don't pretend to make those decisions here in the Senate or in the Congress. These are administrative decisions. If we got into the business of deciding which areas of the country, specifically which urban areas of the country should be entitled to these funds, it would be a very unwieldy process.

What we have done is to try to define the kinds of characteristics that should be taken into account by the administration as they make decisions in the awarding of these grants.

Vulnerability is one of those criteria. I will read now from the committee report, page 48, where this grant program is described. It says:

The Committee expects the [Office for Domestic Preparedness] to allocate these funds no later than 30 days after enactment of the act. No less than 80 percent of discretionary grants provided to any State shall be obligated to local governments within 45 days of the State's receipt of funds. In making grants to State and local governments, the Secretary of Homeland Security shall take into consideration credible threat, vulnerability, population, cooperation of multiple jurisdictions in preparing domestic preparedness plans, and identified needs of public agencies. The grants may be made to single or multiple jurisdictions in the same urban area.

It is our judgment that the inclusion of the word "vulnerability" and also the statement with regard to population gives the Secretary the discretion to consider popularity as a tourist destination to be a vulnerability or characteristic that is consistent with vulnerability. Large hotels, as the Senator from Nevada describes, are, of course, vulnerable. A transient population that is not acquainted with the area as a resident might be could make them more vulnerable to a terrorist act. And while obviously the Senator has a legitimate concern for these communities and wants to be sure they are considered when the Department divides this money among other municipalities and local government agencies around the country, we think it is provided for already in the bill.

More importantly, to go back to the statement I made at the outset of my

response to the Senator, we don't need to get into the business of trying to convert this discretionary program into one where the Congress, by massaging the language and putting in additional criteria, ends up taking the discretion away or limiting the discretion that ought to be exercised by the Department. Many characteristics are going to be considered, but we hope we won't try to tie the hands of the administrator so tightly that this program loses its significance.

High threat urban areas, we recognize, are entitled to Federal support in managing the threats to those communities, and it may cost more than States or local jurisdictions can manage to more fully and successfully protect the security interests of people in those areas.

I am hopeful the Senate will reject the amendment. Specifically, the amendment is an add-on of \$20 million without any offset. So it is subject to a point of order and would have to overcome that point of order. The Senate could waive the point of order, could approve a motion to waive, but that would be one way to join issue with this.

I think our discussion here—the Senator's comments and the response I have made—can be interpreted as a colloquy that clarifies the authority the Secretary has to give consideration to the special vulnerability of cities and other localities that have a high degree of tourist population. He specifically mentioned Las Vegas. I am thinking specifically, too, about the gulf coast of Mississippi where we have a large number of tourists who come visit the resort areas and the tourists hotels, other attractions along the Mississippi gulf coast.

That area might very well also qualify for consideration as a vulnerable area for funding under this provision. I think the Senator points out something the Secretary and the Office for Domestic Preparedness specifically ought to consider as they make these grants to so-called high-threat urban areas. These are discretionary, but we think the criteria we have listed and described in the committee report and in the colloquy we have had on this amendment the Senator offered will help guide the Department in making these grants and enable them to fully consider the vulnerability of areas with high density or high levels of tourist population. We think that would be appropriate.

Mr. REID. Will the Senator yield for a question?

Mr. COCHRAN. Yes.

Mr. REID. How much is set aside in this bill for these discretionary grants?

Mr. COCHRAN. Seven hundred and fifty million dollars.

Mr. REID. I appreciate very much the statement of the Senator from Mississippi. I am one of Secretary Ridge's fans. I came to Washington with him in 1982. Under very trying circumstances, I think he has done a very good job.

I also want to elaborate on some of the problems we have in Nevada. We have about 2.4 million people who come from overseas to Las Vegas. So on any given day there are 60,000, 70,000, 80,000 people from other countries in Las Vegas. I misspoke before when I said there were 130,000 hotel rooms; it is really closer to 150,000 hotel rooms in Las Vegas. It goes without saying that in those hotel rooms, which average about 90 percent occupancy, there are a lot of extra people.

I do appreciate not only what the Senator from Mississippi said but how he said it. Probably \$750 million for discretionary grants isn't enough, but it is certainly a lot of money. I hope those who work with Secretary Ridge will do what they can to protect people in destinations no matter how they got there or why they are there. Whether you are a resident of Georgia and you are in Nevada or a resident of Nevada and you are in Georgia doing a little tourist work, you still have to be protected; and whether you are from England or Memphis and you are in Las Vegas, there is still a requirement to take good care of the people who are there, make sure they have police and fire protection and emergency medical personnel.

So I appreciate the work of the subcommittee, as I stated when I started my remarks. We have a problem in America today with security needs, and we in Congress have an obligation to do what we can to help State and local governments with problems that are national in scope. This is one area where we need help.

At an appropriate time, after further discussion with the chairman and ranking member of the committee, I will make a determination as to whether this amendment should require a vote or whether I want to work on the basis of the colloquy with the Senator from Mississippi and withdraw the amendment. That decision will be made at a subsequent time.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I appreciate the comments of the distinguished Senator from Nevada. We will continue to work with him to be sure that we take into account the observations he has made, and the urban areas in his State will be dealt with fairly by the Office for Domestic Preparedness in the consideration of the allocation of grants from this fund.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I am going to propound two unanimous consent requests which we understand

have been cleared on both sides of the aisle, and I make this request at the suggestion of the majority leader.

I ask unanimous consent that the committee substitute amendment be agreed to and considered as original text for the purpose of further amendment, provided that no points of order be waived by virtue of this agreement; provided further that the amendments that are now pending be modified so they are considered as pending to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

ORDER OF PROCEDURE

Mr. COCHRAN. Mr. President, I ask unanimous consent that at 12:30, the Senate stand in recess until 3:30 this afternoon. This would allow all Senators to attend an important briefing this afternoon, in addition to the party lunches at 12:30.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I wonder if it would not be to the benefit of especially the Senator and myself, but the Senate generally, if as soon as the Senator completes these unanimous consent requests we go into recess at that time rather than wait until 12:30?

Mr. COCHRAN. I have no objection to that and so modify my request in that way.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 3:30 p.m.

Thereupon, the Senate, at 12:22 p.m., recessed until 3:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. SUNUNU).

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004—Continued

Mr. COCHRAN. Mr. President, we are on the Homeland Security appropriations bill. We have two amendments pending for consideration. It is my understanding a briefing is being held right now and Senators are expected to be in the Chamber soon to either debate these amendments or make other comments about the bill.

We encourage those who do have amendments to let us know about them. We have some indication that there are amendments that will be offered before we complete action on this bill, but we intend to push ahead and work as late tonight as the leader permits and complete action on this bill tomorrow, if possible. That is our intention. We hope to have the cooperation of all Senators.

I suggest the absence of a quorum.