

109TH CONGRESS
1ST SESSION

H. R. 2360

IN THE SENATE OF THE UNITED STATES

MAY 18, 2005

Received; read twice and referred to the Committee on Appropriations

AN ACT

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for the
3 Department of Homeland Security for the fiscal year end-
4 ing September 30, 2006, and for other purposes, namely:

5 TITLE I—DEPARTMENTAL MANAGEMENT AND
6 OPERATIONS

7 OFFICE OF THE SECRETARY AND EXECUTIVE
8 MANAGEMENT

9 For necessary expenses of the Office of the Secretary
10 of Homeland Security, as authorized by section 102 of the
11 Homeland Security Act of 2002 (6 U.S.C. 112), and execu-
12 tive management of the Department of Homeland Secu-
13 rity, as authorized by law, \$133,239,000 (reduced by
14 \$100,000): *Provided*, That not to exceed \$40,000 shall be
15 for official reception and representation expenses: *Pro-*
16 *vided further*, That of the amounts appropriated under
17 this heading, \$20,000,000 shall not be available for obliga-
18 tion until the Secretary of Homeland Security submits to
19 the Committee on Appropriations of the House of Rep-
20 resentatives an immigration enforcement strategy to re-
21 duce the number of undocumented aliens, based upon the
22 latest United States Census Bureau data, by 10 percent
23 per year: *Provided further*, That of the amounts appro-
24 priated under this heading, \$10,000,000 shall not be avail-
25 able for obligation until section 525 of this Act is imple-

1 mented: *Provided further*, That the Secretary shall submit
2 all reports requested by the Committee on Appropriations
3 of the House of Representatives for all agencies and com-
4 ponents of the Department of Homeland Security, as iden-
5 tified in this Act and the House report accompanying this
6 Act, by the dates specified: *Provided further*, That the con-
7 tent of all reports shall be in compliance with the direction
8 and instructions included in this Act and the House report
9 accompanying this Act by the dates specified: *Provided*
10 *further*, That, of the amounts appropriated under this
11 heading, \$20,000,000 may not be obligated until the Com-
12 mittee on Appropriations of the House of Representatives
13 has received all final reports in compliance with such di-
14 rection and instructions.

15 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

16 For necessary expenses of the Office of the Under
17 Secretary for Management, as authorized by sections 701–
18 705 of the Homeland Security Act of 2002 (6 U.S.C. 341–
19 345), \$146,084,000 (reduced by \$26,100,000) (reduced
20 by \$50,000,000): *Provided*, That not to exceed \$3,000
21 shall be for official reception and representation expenses:
22 *Provided further*, That of the total amount provided,
23 \$26,070,000 shall remain available until expended solely
24 for the alteration and improvement of facilities, tenant im-

1 improvements, and relocation costs to consolidate Depart-
2 ment headquarters operations.

3 OFFICE OF THE CHIEF FINANCIAL OFFICER

4 For necessary expenses of the Office of the Chief Fi-
5 nancial Officer, as authorized by section 103 of the Home-
6 land Security Act of 2002 (6 U.S.C. 113), \$18,505,000.

7 OFFICE OF THE CHIEF INFORMATION OFFICER

8 For necessary expenses of the Office of the Chief In-
9 formation Officer, as authorized by section 103 of the
10 Homeland Security Act of 2002 (6 U.S.C. 113), and De-
11 partment-wide technology investments, \$303,700,000; of
12 which \$75,756,000 shall be available for salaries and ex-
13 penses; and of which \$227,944,000 shall be available for
14 development and acquisition of information technology
15 equipment, software, services, and related activities for the
16 Department of Homeland Security, and for the costs of
17 conversion to narrowband communications, including the
18 cost for operation of the land mobile radio legacy systems,
19 to remain available until expended: *Provided*, That none
20 of the funds appropriated shall be used to support or sup-
21 plement the appropriations provided for the United States
22 Visitor and Immigrant Status Indicator Technology
23 project or the Automated Commercial Environment: *Pro-*
24 *vided further*, That the Department shall report within
25 180 days of enactment of this Act on its enterprise archi-

1 tecture and other strategic planning activities in accord-
2 ance with the terms and conditions specified in the House
3 report accompanying this Act.

4 OFFICE OF INSPECTOR GENERAL

5 For necessary expenses of the Office of Inspector
6 General in carrying out the provisions of the Inspector
7 General Act of 1978 (5 U.S.C. App.), \$83,017,000, of
8 which not to exceed \$100,000 may be used for certain con-
9 fidential operational expenses, including the payment of
10 informants, to be expended at the direction of the Inspec-
11 tor General.

12 TITLE II—SECURITY, ENFORCEMENT, AND
13 INVESTIGATIONS

14 BORDER AND TRANSPORTATION SECURITY
15 OFFICE OF THE UNDER SECRETARY FOR BORDER AND
16 TRANSPORTATION SECURITY
17 SALARIES AND EXPENSES

18 For necessary expenses of the Office of the Under
19 Secretary for Border and Transportation Security, as au-
20 thorized by subtitle A of title IV of the Homeland Security
21 Act of 2002 (6 U.S.C. 201 et seq.), \$10,617,000: *Pro-*
22 *vided*, That not to exceed \$3,000 shall be for official recep-
23 tion and representation expenses.

24 AUTOMATION MODERNIZATION

25 For necessary expenses of the United State Visitor
26 and Immigrant Status Indicator Technology project, as

1 authorized by section 110 of the Illegal Immigration Re-
2 form and Immigration Responsibility Act of 1996 (8
3 U.S.C. 1221 note) and for the development, deployment,
4 and use of Free and Secure Trade (FAST), NEXUS, and
5 Secure Electronic Network for Traveler's Rapid Inspec-
6 tion (SENTRI), \$411,232,000, to remain available until
7 expended, which shall be allocated as follows:

8 (1) \$7,000,000 for FAST.

9 (2) \$14,000,000 for NEXUS/SENTRI.

10 (3) \$390,232,000 for the United States Visitor
11 and Immigrant Status Indicator Technology project:
12 *Provided*, That of the funds provided for this
13 project, \$254,000,000 may not be obligated until the
14 Committees on Appropriations of the Senate and the
15 House of Representatives receive and approve a plan
16 for expenditure prepared by the Secretary of Home-
17 land Security that—

18 (A) meets the capital planning and invest-
19 ment control review requirements established by
20 the Office of Management and Budget, includ-
21 ing Circular A-11, part 7;

22 (B) complies with the Department of
23 Homeland Security enterprise information sys-
24 tems architecture;

1 (C) complies with the acquisition rules, re-
2 quirements, guidelines, and systems acquisition
3 management practices of the Federal Govern-
4 ment;

5 (D) is reviewed and approved by the De-
6 partment of Homeland Security Investment Re-
7 view Board, the Secretary of Homeland Secu-
8 rity, and the Office of Management and Budg-
9 et; and

10 (E) is reviewed by the Government Ac-
11 countability Office.

12 CUSTOMS AND BORDER PROTECTION

13 SALARIES AND EXPENSES

14 For necessary expenses for enforcement of laws relat-
15 ing to border security, immigration, customs, and agricul-
16 tural inspections and regulatory activities related to plant
17 and animal imports; acquisition, lease, maintenance and
18 operation of aircraft; purchase and lease of up to 4,500
19 (3,935 for replacement only) police-type vehicles; and con-
20 tracting with individuals for personal services abroad;
21 \$4,885,544,000; of which \$3,000,000 shall be derived
22 from the Harbor Maintenance Trust Fund for administra-
23 tive expenses related to the collection of the Harbor Main-
24 tenance Fee pursuant to section 9505(c)(3) of the Internal
25 Revenue Code of 1986 and notwithstanding section

1 1511(e)(1) of the Homeland Security Act of 2002 (6
2 U.S.C. 551(e)(1)); of which not to exceed \$35,000 shall
3 be for official reception and representation expenses; of
4 which not less than \$141,060,000 shall be for Air and Ma-
5 rine Operations; of which not to exceed \$174,800,000
6 shall remain available until September 30, 2007, for in-
7 spection and surveillance technology, unmanned aerial ve-
8 hicles, and replacement aircraft; of which such sums as
9 become available in the Customs User Fee Account, except
10 sums subject to section 13031(f)(3) of the Consolidated
11 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.
12 58c(f)(3)), shall be derived from that account; of which
13 not to exceed \$150,000 shall be available for payment for
14 rental space in connection with preclearance operations;
15 of which not to exceed \$1,000,000 shall be for awards of
16 compensation to informants, to be accounted for solely
17 under the certificate of the Under Secretary for Border
18 and Transportation Security; and of which not to exceed
19 \$5,000,000 shall be available for payments or advances
20 arising out of contractual or reimbursable agreements
21 with State and local law enforcement agencies while en-
22 gaged in cooperative activities related to immigration: *Pro-*
23 *vided*, That for fiscal year 2006, the overtime limitation
24 prescribed in section 5(c)(1) of the Act of February 13,
25 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000; and not-

1 withstanding any other provision of law, none of the funds
2 appropriated in this Act may be available to compensate
3 any employee of the Bureau of Customs and Border Pro-
4 tection for overtime, from whatever source, in an amount
5 that exceeds such limitation, except in individual cases de-
6 termined by the Under Secretary for Border and Trans-
7 portation Security, or a designee, to be necessary for na-
8 tional security purposes, to prevent excessive costs, or in
9 cases of immigration emergencies: *Provided further*, That
10 of the total amount provided, \$10,000,000 may not be ob-
11 ligated until the Secretary submits to the Committee on
12 Appropriations of the House of Representatives all re-
13 quired reports related to air and marine operations: *Pro-*
14 *vided further*, That of the total amount provided,
15 \$2,000,000 may not be obligated until the Secretary sub-
16 mits to the Committee on Appropriations of the House
17 of Representatives a report on the performance of the Im-
18 migration Advisory Program as directed in House Report
19 No. 108–541: *Provided further*, That of the total amount
20 provided, \$70,000,000 may not be obligated until the Sec-
21 retary submits to the Committee on Appropriations of the
22 House of Representatives part two of the report on the
23 performance of the Container Security Initiative program,
24 as directed in House Report 180–541: *Provided further*,
25 That no funds shall be available for the site acquisition,

1 design, or construction of any Border Patrol checkpoint
2 in the Tucson sector: *Provided further*, That the Border
3 Patrol shall relocate its checkpoints in the Tucson sector
4 at least once every seven days in a manner designed to
5 prevent persons subject to inspection from predicting the
6 location of any such checkpoint.

7 AUTOMATION MODERNIZATION

8 For expenses for customs and border protection auto-
9 mated systems, \$458,009,000, to remain available until
10 expended, of which not less than \$321,690,000 shall be
11 for the development of the Automated Commercial Envi-
12 ronment: *Provided*, That none of the funds appropriated
13 under this heading may be obligated for the Automated
14 Commercial Environment until the Committees on Appro-
15 priations of the Senate and the House of Representatives
16 receive and approve a plan for expenditure prepared by
17 the Under Secretary for Border and Transportation Secu-
18 rity that—

19 (1) meets the capital planning and investment
20 control review requirements established by the Office
21 of Management and Budget, including Circular A-
22 11, part 7;

23 (2) complies with the Department of Homeland
24 Security's enterprise information systems architec-
25 ture;

1 (3) complies with the acquisition rules, require-
2 ments, guidelines, and systems acquisition manage-
3 ment practices of the Federal Government;

4 (4) is reviewed and approved by the Depart-
5 ment of Homeland Security Investment Review
6 Board, the Secretary of Homeland Security, and the
7 Office of Management and Budget; and

8 (5) is reviewed by the Government Account-
9 ability Office.

10 AIR AND MARINE INTERDICTION, OPERATIONS,

11 MAINTENANCE, AND PROCUREMENT

12 For necessary expenses for the operations, mainte-
13 nance, and procurement of marine vessels, aircraft, and
14 other related equipment of the air and marine program,
15 including operational training and mission-related travel,
16 and rental payments for facilities occupied by the air or
17 marine interdiction and demand reduction programs, the
18 operations of which include the following: the interdiction
19 of narcotics and other goods; the provision of support to
20 Federal, State, and local agencies in the enforcement or
21 administration of laws enforced by the Department of
22 Homeland Security; and at the discretion of the Under
23 Secretary for Border and Transportation Security, the
24 provision of assistance to Federal, State, and local agen-
25 cies in other law enforcement and emergency humani-
26 tarian efforts, \$347,780,000, to remain available until ex-

1 pended: *Provided*, That no aircraft or other related equip-
2 ment, with the exception of aircraft that are one of a kind
3 and have been identified as excess to Bureau of Customs
4 and Border Protection requirements and aircraft that
5 have been damaged beyond repair, shall be transferred to
6 any other Federal agency, department, or office outside
7 of the Department of Homeland Security during fiscal
8 year 2006 without the prior approval of the Committees
9 on Appropriations of the Senate and the House of Rep-
10 resentatives.

11 CONSTRUCTION

12 For necessary expenses to plan, construct, renovate,
13 equip, and maintain buildings and facilities necessary for
14 the administration and enforcement of the laws relating
15 to customs and immigration, \$93,418,000, to remain
16 available until expended.

17 IMMIGRATION AND CUSTOMS ENFORCEMENT

18 SALARIES AND EXPENSES

19 For necessary expenses for enforcement of immigra-
20 tion and customs laws, detention and removals, and inves-
21 tigation; and purchase and lease of up to 2,300 (2,000
22 for replacement only) police-type vehicles, \$3,064,081,000
23 (reduced by \$5,000,000) (increased by \$5,000,000), of
24 which not to exceed \$10,000,000 shall be available until
25 expended for conducting special operations pursuant to
26 section 3131 of the Customs Enforcement Act of 1986 (19

1 U.S.C. 2081); of which not to exceed \$15,000 shall be for
2 official reception and representation expenses; of which
3 not to exceed \$1,000,000 shall be for awards of compensa-
4 tion to informants, to be accounted for solely under the
5 certificate of the Under Secretary for Border and Trans-
6 portation Security; of which not less than \$102,000 shall
7 be for promotion of public awareness of the child pornog-
8 raphy tipline; of which not less than \$203,000 shall be
9 for Project Alert; of which not less than \$5,000,000 shall
10 be for costs to implement section 287(g) of the Immigra-
11 tion and Nationality Act, as amended; and of which not
12 to exceed \$11,216,000 shall be available to fund or reim-
13 burse other Federal agencies for the costs associated with
14 the care, maintenance, and repatriation of smuggled illegal
15 aliens: *Provided*, That none of the funds appropriated
16 shall be available to compensate any employee for overtime
17 in an annual amount in excess of \$35,000, except that
18 the Under Secretary for Border and Transportation Secu-
19 rity may waive that amount as necessary for national secu-
20 rity purposes and in cases of immigration emergencies:
21 *Provided further*, That of the total amount provided,
22 \$3,045,000 shall be for activities to enforce laws against
23 forced child labor in fiscal year 2006, of which not to ex-
24 ceed \$2,000,000 shall remain available until expended:
25 *Provided further*, That of the amounts appropriated,

1 \$50,000,000 shall not be available for obligation until the
2 Assistant Secretary of Immigration and Customs Enforce-
3 ment submits to the Committee on Appropriations of the
4 House of Representatives a national detention manage-
5 ment plan including the use of regional detention con-
6 tracts and alternatives to detention: *Provided further*, That
7 the Assistant Secretary of Immigration and Customs En-
8 forcement, with concurrence of the Secretary of Homeland
9 Security, shall submit, by December 1, 2005, to the Com-
10 mittee on Appropriations of the House of Representatives
11 a plan for the expanded use of Immigration Enforcement
12 Agents to enforce administrative violations of United
13 States immigration laws.

14 FEDERAL AIR MARSHALS

15 For necessary expenses of the Federal Air Marshals,
16 \$698,860,000, of which not to exceed \$5,000,000 shall re-
17 main available until expended.

18 FEDERAL PROTECTIVE SERVICE

19 The revenues and collections of security fees credited
20 to this account, not to exceed \$487,000,000, shall be avail-
21 able until expended for necessary expenses related to the
22 protection of federally-owned and leased buildings and for
23 the operations of the Federal Protective Service.

24 AUTOMATION MODERNIZATION

25 For expenses of immigration and customs enforce-
26 ment automated systems, \$40,150,000, to remain avail-

1 able until expended: *Provided*, That none of the funds ap-
2 propriated under this heading may be obligated until the
3 Committees on Appropriations of the Senate and the
4 House of Representatives receive and approve a plan for
5 expenditure prepared by the Under Secretary for Border
6 and Transportation Security that—

7 (1) meets the capital planning and investment
8 control review requirements established by the Office
9 of Management and Budget, including Circular A-
10 11, part 7;

11 (2) complies with the Department of Homeland
12 Security enterprise information systems architecture;

13 (3) complies with the acquisition rules, require-
14 ments, guidelines, and systems acquisition manage-
15 ment practices of the Federal Government;

16 (4) is reviewed and approved by the Depart-
17 ment of Homeland Security Investment Review
18 Board, the Secretary of Homeland Security, and the
19 Office of Management and Budget; and

20 (5) is reviewed by the Government Account-
21 ability Office.

22 CONSTRUCTION

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

1 to customs and immigration, \$26,546,000, to remain
2 available until expended.

3 TRANSPORTATION SECURITY ADMINISTRATION

4 AVIATION SECURITY

5 For necessary expenses of the Transportation Secu-
6 rity Administration related to providing aviation security,
7 \$4,591,612,000, to remain available until September 30,
8 2007, of which not to exceed \$3,000 shall be available for
9 official reception and representation expenses: *Provided*,
10 That of the total amount provided under this heading, not
11 to exceed \$3,608,599,000 shall be for screening oper-
12 ations, of which \$170,000,000 shall be available only for
13 procurement of checked baggage explosive detection sys-
14 tems and \$75,000,000 shall be available only for installa-
15 tion of checked baggage explosive detection systems; and
16 not to exceed \$983,013,000 shall be for aviation security
17 direction and enforcement presence: *Provided further*,
18 That security service fees authorized under section 44940
19 of title 49, United States Code, shall be credited to this
20 appropriation as offsetting collections: *Provided further*,
21 That the sum herein appropriated from the General Fund
22 shall be reduced on a dollar-for-dollar basis as such offset-
23 ting collections are received during fiscal year 2006, so
24 as to result in a final fiscal year appropriation from the
25 General Fund estimated at not more than

1 \$2,601,612,000: *Provided further*, That any security serv-
2 ice fees collected in excess of the amount appropriated
3 under this heading shall become available during fiscal
4 year 2007: *Provided further*, That none of the funds in
5 this Act shall be used to recruit or hire personnel into the
6 Transportation Security Administration which would
7 cause the agency to exceed a staffing level of 45,000 full-
8 time equivalent screeners.

9 SURFACE TRANSPORTATION SECURITY

10 For necessary expenses of the Transportation Secu-
11 rity Administration related to providing surface transpor-
12 tation security activities, \$36,000,000, to remain available
13 until September 30, 2007.

14 TRANSPORTATION VETTING AND CREDENTIALING

15 For necessary expenses for the development and im-
16 plementation of screening programs by the Office of
17 Transportation Vetting and Credentialing, \$84,294,000.

18 TRANSPORTATION SECURITY SUPPORT

19 For necessary expenses of the Transportation Secu-
20 rity Administration related to providing transportation se-
21 curity support and intelligence activities, \$541,008,000, to
22 remain available until September 30, 2007: *Provided*,
23 That of the funds appropriated under this heading,
24 \$50,000,000 may not be obligated until the Secretary sub-
25 mits to the Committee on Appropriations of the House
26 of Representatives: (1) a plan for optimally deploying ex-

1 plosive detection equipment, either in-line or to replace ex-
2 plosive trace detection machines, at the Nation's airports
3 on a priority basis to enhance security, reduce Transpor-
4 tation Security Administration staffing requirements, and
5 long-term costs; and (2) a detailed spend plan for explo-
6 sive detection systems procurement and installations on an
7 airport-by-airport basis for fiscal year 2006: *Provided fur-*
8 *ther*, That these plans shall be submitted no later than
9 60 days after enactment of this Act.

10 UNITED STATES COAST GUARD

11 OPERATING EXPENSES

12 For necessary expenses for the operation and mainte-
13 nance of the Coast Guard not otherwise provided for, pur-
14 chase or lease of not to exceed 25 passenger motor vehicles
15 for replacement only, payments pursuant to section 156
16 of Public Law 97-377 (42 U.S.C. 402 note), and recre-
17 ation and welfare, \$5,500,000,000, of which
18 \$1,200,000,000 shall be for defense-related activities; of
19 which \$24,500,000 shall be derived from the Oil Spill Li-
20 ability Trust Fund to carry out the purposes of section
21 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.
22 2712(a)(5)); and of which not to exceed \$3,000 shall be
23 for official reception and representation expenses: *Pro-*
24 *vided*, That none of the funds appropriated by this or any
25 other Act shall be available for administrative expenses in

1 connection with shipping commissioners in the United
2 States: *Provided further*, That none of the funds provided
3 by this Act shall be available for expenses incurred for
4 yacht documentation under section 12109 of title 46,
5 United States Code, except to the extent fees are collected
6 from yacht owners and credited to this appropriation.

7 ENVIRONMENTAL COMPLIANCE AND RESTORATION

8 For necessary expenses to carry out the Coast
9 Guard's environmental compliance and restoration func-
10 tions under chapter 19 of title 14, United States Code,
11 \$12,000,000, to remain available until expended.

12 RESERVE TRAINING

13 For necessary expenses of the Coast Guard Reserve,
14 as authorized by law; operations and maintenance of the
15 reserve program; personnel and training costs; and equip-
16 ment and services; \$119,000,000.

17 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

18 For necessary expenses of acquisition, construction,
19 renovation, and improvement of aids to navigation, shore
20 facilities, vessels, and aircraft, including equipment related
21 thereto; and maintenance, rehabilitation, lease and oper-
22 ation of facilities and equipment, as authorized by law,
23 \$798,152,000, of which \$20,000,000 shall be derived from
24 the Oil Spill Liability Trust Fund to carry out the pur-
25 poses of section 1012(a)(5) of the Oil Pollution Act of
26 1990 (33 U.S.C. 2712(a)(5)); of which \$22,000,000 shall

1 be available until September 30, 2010, to acquire, repair,
2 renovate, or improve vessels, small boats, and related
3 equipment; of which \$29,902,000 shall be available until
4 September 30, 2010, to increase aviation capability; of
5 which \$130,100,000 shall be available until September 30,
6 2008, for other equipment; of which \$39,700,000 shall be
7 available until September 30, 2008, for shore facilities and
8 aids to navigation facilities; of which \$76,450,000 shall
9 be available for personnel compensation and benefits and
10 related costs; and of which \$500,000,000 shall be available
11 until September 30, 2010, for the Integrated Deepwater
12 Systems program: *Provided*, That the Commandant of the
13 Coast Guard is authorized to dispose of surplus real prop-
14 erty, by sale or lease, and the proceeds shall be credited
15 to this appropriation as offsetting collections and shall be
16 available until September 30, 2008, only for Rescue 21:
17 *Provided further*, That of the funds appropriated under
18 this heading for the Integrated Deepwater System,
19 \$50,000,000 may not be obligated until the Committee on
20 Appropriations of the House of Representatives receives
21 from the Secretary of Homeland Security a new Deep-
22 water program baseline that reflects revised, post Sep-
23 tember 11th operational priorities that includes—

24 (1) a detailed justification for each new Deep-
25 water asset that is determined to be necessary to

1 fulfill homeland and national security functions or
2 multi-agency procurements as identified by the Joint
3 Requirements Council;

4 (2) a comprehensive timeline for the entire
5 Deepwater program, including an asset-by-asset
6 breakdown, aligned with the comprehensive acquisi-
7 tion timeline and revised mission needs statement,
8 that also details the phase-out of legacy assets and
9 the phase-in of new, replacement assets on an an-
10 nual basis;

11 (3) a comparison of the revised acquisition
12 timeline against the original Deepwater timeline;

13 (4) an aggregate total cost of the program that
14 aligns with the revised mission needs statement, ac-
15 quisition timeline and asset-by-asset breakdown;

16 (5) a detailed projection of the remaining oper-
17 ational lifespan of every type of legacy cutter and
18 aircraft; and

19 (6) a detailed progress report on command,
20 control, communications, computers, intelligence,
21 surveillance, and reconnaissance equipment upgrades
22 that includes what has been installed currently on
23 operational assets and when such equipment will be
24 installed on all remaining Deepwater legacy assets:

25 *Provided further,* That the Secretary shall annually

1 submit to the Committee on Appropriations of the
2 House of Representatives, at the time that the
3 President's budget is submitted under section
4 1105(a) of title 31, a future-years capital investment
5 plan for the Coast Guard that identifies for each
6 capital budget line item—

7 (1) the proposed appropriation included in
8 that budget;

9 (2) the total estimated cost of completion;

10 (3) projected funding levels for each fiscal
11 year for the next 5 fiscal years or until project
12 completion, whichever is earlier;

13 (4) an estimated completion date at the
14 projected funding levels; and

15 (5) changes, if any, in the total estimated
16 cost of completion or estimated completion date
17 from previous future-years capital investment
18 plans submitted to the Committee on Appro-
19 priations of the House of Representatives:

20 *Provided further*, That the Secretary shall ensure that
21 amounts specified in the future-years capital investment
22 plan are consistent to the maximum extent practicable
23 with proposed appropriations necessary to support the
24 programs, projects, and activities of the Coast Guard in
25 the President's budget as submitted under section 1105(a)

1 of title 31 for that fiscal year: *Provided further*, That any
2 inconsistencies between the capital investment plan and
3 proposed appropriations shall be identified and justified.

4 ALTERATION OF BRIDGES

5 For necessary expenses for alteration or removal of
6 obstructive bridges, \$15,000,000, to remain available until
7 expended.

8 RETIRED PAY

9 For retired pay, including the payment of obligations
10 otherwise chargeable to lapsed appropriations for this pur-
11 pose, payments under the Retired Serviceman's Family
12 Protection and Survivor Benefits Plans, payment for ca-
13 reer status bonuses, concurrent receipts and combat-re-
14 lated special compensation under the National Defense
15 Authorization Act, and payments for medical care of re-
16 tired personnel and their dependents under chapter 55 of
17 title 10, United States Code, \$1,014,080,000.

18 UNITED STATES SECRET SERVICE

19 SALARIES AND EXPENSES

20 For necessary expenses of the United States Secret
21 Service, including purchase of not to exceed 614 vehicles
22 for police-type use, which shall be for replacement only,
23 and hire of passenger motor vehicles; purchase of Amer-
24 ican-made motorcycles; hire of aircraft; services of expert
25 witnesses at such rates as may be determined by the Di-
26 rector; rental of buildings in the District of Columbia, and

1 fencing, lighting, guard booths, and other facilities on pri-
2 vate or other property not in Government ownership or
3 control, as may be necessary to perform protective func-
4 tions; payment of per diem or subsistence allowances to
5 employees where a protective assignment during the actual
6 day or days of the visit of a protectee requires an employee
7 to work 16 hours per day or to remain overnight at his
8 or her post of duty; conduct of and participation in fire-
9 arms matches; presentation of awards; travel of Secret
10 Service employees on protective missions without regard
11 to the limitations on such expenditures in this or any other
12 Act if approval is obtained in advance from the Commit-
13 tees on Appropriations of the Senate and the House of
14 Representatives; research and development; grants to con-
15 duct behavioral research in support of protective research
16 and operations; and payment in advance for commercial
17 accommodations as may be necessary to perform protec-
18 tive functions; \$1,228,981,000, of which not to exceed
19 \$25,000 shall be for official reception and representation
20 expenses; of which not to exceed \$100,000 shall be to pro-
21 vide technical assistance and equipment to foreign law en-
22 forcement organizations in counterfeit investigations; of
23 which \$2,678,000 shall be for forensic and related support
24 of investigations of missing and exploited children; and of
25 which \$5,000,000 shall be a grant for activities related

1 to the investigations of exploited children and shall remain
2 available until expended: *Provided*, That up to
3 \$18,000,000 provided for protective travel shall remain
4 available until September 30, 2007: *Provided further*, That
5 of the total amount appropriated, not less than
6 \$10,000,000 shall be available solely for the unanticipated
7 costs related to security operations for National Special
8 Security Events, to remain available until September 30,
9 2007: *Provided further*, That the United States Secret
10 Service is authorized to obligate funds in anticipation of
11 reimbursements from agencies and entities, as defined in
12 section 105 of title 5, United States Code, receiving train-
13 ing sponsored by the James J. Rowley Training Center,
14 except that total obligations at the end of the fiscal year
15 shall not exceed total budgetary resources available under
16 this heading at the end of the fiscal year.

17 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
18 RELATED EXPENSES

19 For necessary expenses for acquisition, construction,
20 repair, alteration, and improvement of facilities,
21 \$3,699,000, to remain available until expended.

1 TITLE III—PREPAREDNESS AND RECOVERY

2 OFFICE OF STATE AND LOCAL GOVERNMENT

3 COORDINATION AND PREPAREDNESS

4 MANAGEMENT AND ADMINISTRATION

5 For necessary expenses for the Office of State and
6 Local Government Coordination and Preparedness,
7 \$3,546,000: *Provided*, That not to exceed \$2,000 shall be
8 for official reception and representation expenses.

9 STATE AND LOCAL PROGRAMS

10 For grants, contracts, cooperative agreements, and
11 other activities, including grants to State and local govern-
12 ments for terrorism prevention activities, notwithstanding
13 any other provision of law, \$2,781,300,000 (increased by
14 \$100,000) (increased by \$50,000,000), which shall be allo-
15 cated as follows:

16 (1) \$750,000,000 for formula-based grants and
17 \$400,000,000 for law enforcement terrorism preven-
18 tion grants pursuant to section 1014 of the USA
19 PATRIOT ACT (42 U.S.C. 3714): *Provided*, That
20 the application for grants shall be made available to
21 States within 45 days after enactment of this Act;
22 that States shall submit applications within 90 days
23 after the grant announcement; and that the Office
24 of State and Local Government Coordination and
25 Preparedness shall act within 90 days after receipt
26 of an application: *Provided further*, That no less

1 than 80 percent of any grant under this paragraph
2 to a State shall be made available by the State to
3 local governments within 60 days after the receipt of
4 the funds.

5 (2) \$1,215,000,000 for discretionary grants, as
6 determined by the Secretary of Homeland Security,
7 of which—

8 (A) \$850,000,000 shall be for use in high-
9 threat, high-density urban areas;

10 (B) \$150,000,000 shall be for port security
11 grants, which shall be distributed based on
12 risks and vulnerabilities: *Provided*, That the Of-
13 fice of State and Local Government Coordina-
14 tion and Preparedness shall work with the In-
15 formation Analysis and Infrastructure Protec-
16 tion Directorate to assess the risk associated
17 with each port and with the Coast Guard to
18 evaluate the vulnerability of each port: *Provided*
19 *further*, That funding may only be made avail-
20 able to those projects recommended by the
21 Coast Guard Captain of the Port;

22 (C) \$5,000,000 shall be for trucking indus-
23 try security grants;

24 (D) \$10,000,000 shall be for intercity bus
25 security grants;

1 (E) \$150,000,000 shall be for intercity
2 passenger rail transportation (as defined in sec-
3 tion 24102 of title 49, United States Code),
4 freight rail, and transit security grants; and

5 (F) \$50,000,000 shall be for buffer zone
6 protection grants:

7 *Provided*, That for grants under subparagraph (A),
8 the application for grants shall be made available to
9 States within 45 days after enactment of this Act;
10 that States shall submit applications within 90 days
11 after the grant announcement; and that the Office
12 of State and Local Government Coordination and
13 Preparedness shall act within 90 days after receipt
14 of an application: *Provided further*, That no less
15 than 80 percent of any grant under this paragraph
16 to a State shall be made available by the State to
17 local governments within 60 days after the receipt of
18 the funds.

19 (3) \$50,000,000 shall be available for the Com-
20 mercial Equipment Direct Assistance Program.

21 (4) \$366,300,000 for training, exercises, tech-
22 nical assistance, and other programs:

23 *Provided*, That none of the grants provided under this
24 heading shall be used for the construction or renovation
25 of facilities; for minor perimeter security projects, not to

1 exceed \$1,000,000, as determined necessary by the Sec-
2 retary of Homeland Security: *Provided further*, That the
3 proceeding proviso shall not apply to grants under sub-
4 paragraphs (B) and (E) of paragraph (2) of this heading:
5 *Provided further*, That grantees shall provide additional
6 reports on their use of funds, as determined necessary by
7 the Secretary of Homeland Security: *Provided further*,
8 That funds appropriated for law enforcement terrorism
9 prevention grants under paragraph (1) and discretionary
10 grants under paragraph (2)(A) of this heading shall be
11 available for operational costs, to include personnel over-
12 time and overtime associated with Office of State and
13 Local Government Coordination and Preparedness cer-
14 tified training, as needed: *Provided further*, That in ac-
15 cordance with the Department's implementation plan for
16 Homeland Security Presidential Directive 8, the Office of
17 State and Local Government Coordination and Prepared-
18 ness shall issue the final National Preparedness Goal no
19 later than October 1, 2005; and no funds provided under
20 paragraphs (1) and (2)(A) shall be awarded to States that
21 have not submitted to the Office of State and Local Gov-
22 ernment Coordination and Preparedness an updated State
23 homeland strategy based on the interim National Pre-
24 paredness Goal, dated March 31, 2005.

1 FIREFIGHTER ASSISTANCE GRANTS

2 For necessary expenses for programs authorized by
3 the Federal Fire Prevention and Control Act of 1974 (15
4 U.S.C. 2201 et seq.), \$600,000,000 (increased by
5 \$50,000,000), of which \$550,000,000 (increased by
6 \$25,000,000) shall be available to carry out section 33 (15
7 U.S.C. 2229) and \$50,000,000 (increased by
8 \$25,000,000) shall be available to carry out section 34 (15
9 U.S.C. 2229a) of the Act, to remain available until Sep-
10 tember 30, 2007: *Provided*, That not to exceed 5 percent
11 of this amount shall be available for program administra-
12 tion.

13 EMERGENCY MANAGEMENT PERFORMANCE GRANTS

14 For necessary expenses for emergency management
15 performance grants, as authorized by the National Flood
16 Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-
17 ert T. Stafford Disaster Relief and Emergency Assistance
18 Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards
19 Reductions Act of 1977 (42 U.S.C. 7701 et seq.), and Re-
20 organization Plan No. 3 of 1978 (5 U.S.C. App.),
21 \$180,000,000: *Provided*, That total administrative costs
22 shall not exceed 3 percent of the total appropriation.

23 COUNTERTERRORISM FUND

24 For necessary expenses, as determined by the Sec-
25 retary of Homeland Security, to reimburse any Federal
26 agency for the costs of providing support to counter, inves-

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

9 EMERGENCY PREPAREDNESS AND RESPONSE

10 OFFICE OF THE UNDER SECRETARY FOR EMERGENCY

11 PREPAREDNESS AND RESPONSE

12 For necessary expenses for the Office of the Under
13 Secretary for Emergency Preparedness and Response, as
14 authorized by section 502 of the Homeland Security Act
15 of 2002 (6 U.S.C. 312), \$2,306,000.

16 PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

17 For necessary expenses for preparedness, mitigation,
18 response, and recovery activities of the Directorate of
19 Emergency Preparedness and Response, \$249,499,000,
20 including activities authorized by the National Flood In-
21 surance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert
22 T. Stafford Disaster Relief and Emergency Assistance Act
23 (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduc-
24 tion Act of 1977 (42 U.S.C. 7701 et seq.), the Federal
25 Fire Prevention and Control Act of 1974 (15 U.S.C. 2201
26 et seq.), the Defense Production Act of 1950 (50 U.S.C.

1 App. 2061 et seq.), sections 107 and 303 of the National
2 Security Act of 1947 (50 U.S.C. 404, 405), Reorganiza-
3 tion Plan No. 3 of 1978 (5 U.S.C. App.), and the Home-
4 land Security Act of 2002 (6 U.S.C. 101 et seq.).

5 ADMINISTRATIVE AND REGIONAL OPERATIONS

6 For necessary expenses for administrative and re-
7 gional operations of the Directorate of Emergency Pre-
8 paredness and Response, \$225,441,000, including activi-
9 ties authorized by the National Flood Insurance Act of
10 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford
11 Disaster Relief and Emergency Assistance Act (42 U.S.C.
12 5121 et seq.), the Earthquake Hazards Reduction Act of
13 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Preven-
14 tion and Control Act of 1974 (15 U.S.C. 2201 et seq.),
15 the Defense Production Act of 1950 (50 U.S.C. App. 2061
16 et seq.), sections 107 and 303 of the National Security
17 Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan
18 No. 3 of 1978 (5 U.S.C. App.), and the Homeland Secu-
19 rity Act of 2002 (6 U.S.C. 101 et seq.): *Provided*, That
20 not to exceed \$3,000 shall be for official reception and
21 representation expenses.

22 PUBLIC HEALTH PROGRAMS

23 For necessary expenses for countering potential bio-
24 logical, disease, and chemical threats to civilian popu-
25 lations, \$34,000,000.

1 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

2 The aggregate charges assessed during fiscal year
3 2006, as authorized in title III of the Departments of Vet-
4 erans Affairs and Housing and Urban Development, and
5 Independent Agencies Appropriations Act, 1999 (42
6 U.S.C. 5196e), shall not be less than 100 percent of the
7 amounts anticipated by the Department of Homeland Se-
8 curity necessary for its radiological emergency prepared-
9 ness program for the next fiscal year: *Provided*, That the
10 methodology for assessment and collection of fees shall be
11 fair and equitable and shall reflect costs of providing such
12 services, including administrative costs of collecting such
13 fees: *Provided further*, That fees received under this head-
14 ing shall be deposited in this account as offsetting collec-
15 tions and will become available for authorized purposes on
16 October 1, 2006, and remain available until expended.

17 DISASTER RELIEF

18 For necessary expenses in carrying out the Robert
19 T. Stafford Disaster Relief and Emergency Assistance Act
20 (42 U.S.C. 5121 et seq.), \$2,023,900,000 (reduced by
21 \$23,900,000), to remain available until expended.

22 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

23 For administrative expenses to carry out the direct
24 loan program, as authorized by section 319 of the Robert
25 T. Stafford Disaster Relief and Emergency Assistance Act
26 (42 U.S.C. 5162), \$567,000: *Provided*, That gross obliga-

1 tions for the principal amount of direct loans shall not
2 exceed \$25,000,000: *Provided further*, That the cost of
3 modifying such loans shall be as defined in section 502
4 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

5 FLOOD MAP MODERNIZATION FUND

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

14 NATIONAL FLOOD INSURANCE FUND
15 (INCLUDING TRANSFER OF FUNDS)

16 For activities under the National Flood Insurance
17 Act of 1968 (42 U.S.C. 4001 et seq.), not to exceed
18 \$36,496,000 for salaries and expenses associated with
19 flood mitigation and flood insurance operations; not to ex-
20 ceed \$40,000,000 for financial assistance under section
21 1361A of such Act to States and communities for taking
22 actions under such section with respect to severe repetitive
23 loss properties, to remain available until expended; not to
24 exceed \$10,000,000 for mitigation actions under section
25 1323 of such Act; and not to exceed \$99,358,000 for flood
26 hazard mitigation, to remain available until September 30,

1 2007, including up to \$40,000,000 for expenses under sec-
2 tion 1366 of the National Flood Insurance Act of 1968
3 (42 U.S.C. 4104c), which amount shall be available for
4 transfer to the National Flood Mitigation Fund until Sep-
5 tember 30, 2007, and which amount shall be derived from
6 offsetting collections assessed and collected pursuant to
7 section 1307 of that Act (42 U.S.C. 4014), and shall be
8 retained and used for necessary expenses under this head-
9 ing: *Provided*, That in fiscal year 2006, no funds in excess
10 of: (1) \$55,000,000 for operating expenses; (2)
11 \$660,148,000 for agents' commissions and taxes; and (3)
12 \$30,000,000 for interest on Treasury borrowings shall be
13 available from the National Flood Insurance Fund.

14 NATIONAL FLOOD MITIGATION FUND

15 Notwithstanding subparagraphs (B) and (C) of sub-
16 section (b)(3), and subsection (f), of section 1366 of the
17 National Flood Insurance Act of 1968 (42 U.S.C. 4104c),
18 \$40,000,000, to remain available until September 30,
19 2007, for activities designed to reduce the risk of flood
20 damage to structures pursuant to such Act, of which
21 \$40,000,000 shall be derived from the National Flood In-
22 surance Fund.

23 NATIONAL PRE-DISASTER MITIGATION FUND

24 For a pre-disaster mitigation grant program pursu-
25 ant to title II of the Robert T. Stafford Disaster Relief
26 and Emergency Assistance Act (42 U.S.C. 5131 et seq.),

1 \$150,000,000, to remain available until expended: *Pro-*
2 *vided*, That grants made for pre-disaster mitigation shall
3 be awarded on a competitive basis subject to the criteria
4 in section 203(g) of such Act (42 U.S.C. 5133(g)): *Pro-*
5 *vided further*, That total administrative costs shall not ex-
6 ceed 3 percent of the total appropriation.

7 EMERGENCY FOOD AND SHELTER

8 To carry out an emergency food and shelter program
9 pursuant to title III of the Stewart B. McKinney Home-
10 less Assistance Act (42 U.S.C. 11331 et seq.),
11 \$153,000,000, to remain available until expended: *Pro-*
12 *vided*, That total administrative costs shall not exceed 3.5
13 percent of the total appropriation.

14 TITLE IV—RESEARCH AND DEVELOPMENT,
15 TRAINING, ASSESSMENTS, AND SERVICES

16 CITIZENSHIP AND IMMIGRATION SERVICES

17 For necessary expenses for citizenship and immigra-
18 tion services, \$120,000,000: *Provided*, That the Director
19 of United States Citizenship and Immigration Services
20 shall submit to the Committee on Appropriations of the
21 House of Representatives a report on its information tech-
22 nology transformation efforts and how these efforts align
23 with the enterprise architecture standards of the Depart-
24 ment of Homeland Security within 90 days of enactment
25 of this Act.

1 ter is authorized to assess pecuniary liability against Cen-
2 ter employees and students for losses or destruction of
3 government property due to gross negligence or willful
4 misconduct and to set off any resulting debts due the
5 United States by Center employees and students, without
6 their consent, against current payments due the employees
7 and students for their services.

8 ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND
9 RELATED EXPENSES

10 For acquisition of necessary additional real property
11 and facilities, construction, and ongoing maintenance, fa-
12 cility improvements, and related expenses of the Federal
13 Law Enforcement Training Center, \$64,743,000, to re-
14 main available until expended: *Provided*, That the Center
15 is authorized to accept reimbursement to this appropria-
16 tion from government agencies requesting the construction
17 of special use facilities.

18 INFORMATION ANALYSIS AND INFRASTRUCTURE
19 PROTECTION

20 MANAGEMENT AND ADMINISTRATION

21 For salaries and expenses of the immediate Office of
22 the Under Secretary for Information Analysis and Infra-
23 structure Protection and for management and administra-
24 tion of programs and activities, as authorized by title II
25 of the Homeland Security Act of 2002 (6 U.S.C. 121 et

1 seq.), \$198,200,000: *Provided*, That not to exceed \$5,000
2 shall be for official reception and representation expenses.

3 ASSESSMENTS AND EVALUATIONS

4 For necessary expenses for information analysis and
5 infrastructure protection as authorized by title II of the
6 Homeland Security Act of 2002 (6 U.S.C. 121 et seq.),
7 \$663,240,000, to remain available until September 30,
8 2007.

9 SCIENCE AND TECHNOLOGY

10 MANAGEMENT AND ADMINISTRATION

11 For salaries and expenses of the immediate Office of
12 the Under Secretary for Science and Technology and for
13 management and administration of programs and activi-
14 ties, as authorized by title III of the Homeland Security
15 Act of 2002 (6 U.S.C. 181 et seq.), \$81,399,000: *Pro-*
16 *vided*, That not to exceed \$3,000 shall be for official recep-
17 tion and representation expenses.

18 RESEARCH, DEVELOPMENT, ACQUISITION AND

19 OPERATIONS

20 For necessary expenses for science and technology re-
21 search, including advanced research projects; development;
22 test and evaluation; acquisition; and operations; as author-
23 ized by title III of the Homeland Security Act of 2002
24 (6 U.S.C. 181 et seq.), \$1,258,597,000, to remain avail-
25 able until expended: *Provided*, That of the total amount
26 provided under this heading, \$23,000,000 is available to

1 find an alternative site for the National Bio and
2 Agrodefense Laboratory and other pre-construction activi-
3 ties to establish research labs to protect animal and public
4 health from high consequence animal and zoonotic dis-
5 eases, in support of the requirements of Homeland Secu-
6 rity Presidential Directives 9 and 10: *Provided further*,
7 That of the total amount provided under this heading,
8 \$10,000,000 shall be used to enhance activities toward im-
9 plementation of section 313 of the Homeland Security Act
10 of 2002 (6 U.S.C. 193).

11 TITLE V—GENERAL PROVISIONS

12 (INCLUDING RESCISSION OF FUNDS)

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

16 SEC. 502. Subject to the requirements of section 503
17 of this Act, the unexpended balances of prior appropria-
18 tions provided for activities in this Act may be transferred
19 to appropriation accounts for such activities established
20 pursuant to this Act: *Provided*, That balances so trans-
21 ferred may be merged with funds in the applicable estab-
22 lished accounts and thereafter may be accounted for as
23 one fund for the same time period as originally enacted.

24 SEC. 503. (a) None of the funds provided by this Act,
25 provided by previous appropriations Acts to the agencies

1 in or transferred to the Department of Homeland Security
2 that remain available for obligation or expenditure in fiscal
3 year 2006, or provided from any accounts in the Treasury
4 of the United States derived by the collection of fees avail-
5 able to the agencies funded by this Act, shall be available
6 for obligation or expenditure through a reprogramming of
7 funds that: (1) creates a new program; (2) eliminates a
8 program, project, or activity; (3) increases funds for any
9 program, project, or activity for which funds have been
10 denied or restricted by the Congress; (4) proposes to use
11 funds directed for a specific activity by either the House
12 or Senate Committees on Appropriations for a different
13 purpose; or (5) contracts out any functions or activities
14 for which funds have been appropriated for Federal full-
15 time equivalent positions; unless the Committees on Ap-
16 propriations of the Senate and the House of Representa-
17 tives are notified 15 days in advance of such reprogram-
18 ming of funds.

19 (b) None of the funds provided by this Act, provided
20 by previous appropriation Acts to the agencies in or trans-
21 ferred to the Department of Homeland Security that re-
22 main available for obligation or expenditure in fiscal year
23 2006, or provided from any accounts in the Treasury of
24 the United States derived by the collection of fees available
25 to the agencies funded by this Act, shall be available for

1 obligation or expenditure for programs, projects, or activi-
2 ties through a reprogramming of funds in excess of
3 \$5,000,000 or 10 percent, whichever is less, that: (1) aug-
4 ments existing programs, projects, or activities; (2) re-
5 duces by 10 percent funding for any existing program,
6 project, or activity, or numbers of personnel by 10 percent
7 as approved by the Congress; or (3) results from any gen-
8 eral savings from a reduction in personnel that would re-
9 sult in a change in existing programs, projects, or activi-
10 ties as approved by the Congress; unless the Committees
11 on Appropriations of the Senate and the House of Rep-
12 resentatives are notified 15 days in advance of such re-
13 programming of funds.

14 (c) Not to exceed 5 percent of any appropriation
15 made available for the current fiscal year for the Depart-
16 ment of Homeland Security by this Act or provided by
17 previous appropriations Acts may be transferred between
18 such appropriations, but no such appropriations, except
19 as otherwise specifically provided, shall be increased by
20 more than 10 percent by such transfers: *Provided*, That
21 any transfer under this subsection shall be treated as a
22 reprogramming of funds under subsection (b) of this sec-
23 tion and shall not be available for obligation unless the
24 Committees on Appropriations of the Senate and the

1 House of Representatives are notified 15 days in advance
2 of such transfer.

3 (d) The Department shall submit all notifications
4 pursuant to subsections (a), (b), and (c) of this section
5 no later than June 30, except in extraordinary cir-
6 cumstances which imminently threaten the safety of
7 human life or the protection of property.

8 SEC. 504. Except as otherwise specifically provided
9 by law, not to exceed 50 percent of unobligated balances
10 remaining available at the end of fiscal year 2006 from
11 appropriations for salaries and expenses for fiscal year
12 2006 in this Act shall remain available through September
13 30, 2007, in the account and for the purposes for which
14 the appropriations were provided: *Provided*, That prior to
15 the obligation of such funds, a request shall be submitted
16 to the Committees on Appropriations of the Senate and
17 the House of Representatives for approval in accordance
18 with section 503 of this Act.

19 SEC. 505. Funds made available by this Act for intel-
20 ligence activities are deemed to be specifically authorized
21 by the Congress for purposes of section 504 of the Na-
22 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
23 year 2006 until the enactment of an Act authorizing intel-
24 ligence activities for fiscal year 2006.

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

8 SEC. 507. None of the funds in this Act may be used
9 to make a grant allocation, discretionary grant award, dis-
10 cretionary contract award, or to issue a letter of intent
11 totaling in excess of \$1,000,000 unless the Secretary of
12 Homeland Security notifies the Committees on Appropria-
13 tions of the Senate and House of Representatives at least
14 3 full business days in advance: *Provided*, That no notifi-
15 cation shall involve funds that are not available for obliga-
16 tion.

17 SEC. 508. Notwithstanding any other provision of
18 law, no agency shall purchase, construct, or lease any ad-
19 ditional facilities, except within or contiguous to existing
20 locations, to be used for the purpose of conducting Federal
21 law enforcement training without the advance approval of
22 the Committees on Appropriations of the Senate and the
23 House of Representatives, except that the Federal Law
24 Enforcement Training Center is authorized to obtain the
25 temporary use of additional facilities by lease, contract,

1 or other agreement for training which cannot be accommo-
2 dated in existing Center facilities.

3 SEC. 509. The Director of the Federal Law Enforce-
4 ment Training Center (FLETC) shall schedule basic and/
5 or advanced law enforcement training at all four training
6 facilities under FLETC's control to ensure that these
7 training centers are operated at the highest capacity
8 throughout the fiscal year.

9 SEC. 510. None of the funds appropriated or other-
10 wise made available by this Act may be used for expenses
11 of any construction, repair, alteration, or acquisition
12 project for which a prospectus, if required by the Public
13 Buildings Act of 1959, has not been approved, except that
14 necessary funds may be expended for each project for re-
15 quired expenses for the development of a proposed pro-
16 spectus.

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

20 SEC. 512. Funding for the Transportation Security
21 Administration's Office of Transportation Security Sup-
22 port, Office of the Administrator, shall be reduced by
23 \$100,000 per day for each day after enactment of this
24 Act that the second proviso of section 513 of Public Law
25 108-334 has not been implemented.

1 SEC. 513. The Commandant of the Coast Guard shall
2 provide to the Committee on Appropriations of the House
3 of Representatives each year, at the time that the Presi-
4 dent's budget is submitted under section 1105(a) of title
5 31, United States Code, a list of approved but unfunded
6 Coast Guard priorities and the funds needed for each such
7 priority in the same manner and with the same contents
8 as the unfunded priorities lists submitted by the chiefs of
9 other Armed Services.

10 SEC. 514. Notwithstanding section 3302 of title 31,
11 United States Code, beginning in fiscal year 2006 and
12 thereafter, the Administrator of the Transportation Secu-
13 rity Administration may impose a reasonable charge for
14 the lease of real and personal property to Transportation
15 Security Administration employees and for use by Trans-
16 portation Security Administration employees and may
17 credit amounts received to the appropriation or fund ini-
18 tially charged for operating and maintaining the property,
19 which amounts shall be available, without fiscal year limi-
20 tation, for expenditure for property management, oper-
21 ation, protection, construction, repair, alteration, and re-
22 lated activities.

23 SEC. 515. Beginning in fiscal year 2006 and there-
24 after, the acquisition management system of the Trans-
25 portation Security Administration shall apply to the acqui-

1 sition of services, as well as equipment, supplies, and ma-
2 terials.

3 SEC. 516. Notwithstanding any other provision of
4 law, the authority of the Office of Personnel Management
5 to conduct personnel security and suitability background
6 investigations, update investigations, and periodic reinves-
7 tigation of applicants for, or appointees in, positions in
8 the Office of the Secretary and Executive Management,
9 the Office of the Under Secretary for Management, the
10 Bureau of Immigration and Customs Enforcement, the
11 Directorate of Science and Technology, and the Direc-
12 torate of Information Analysis and Infrastructure Protec-
13 tion of the Department of Homeland Security is trans-
14 ferred to the Department of Homeland Security: *Provided*,
15 That on request of the Department of Homeland Security,
16 the Office of Personnel Management shall cooperate with
17 and assist the Department in any investigation or reinves-
18 tigation under this section: *Provided further*, That this sec-
19 tion shall cease to be effective at such time as the Presi-
20 dent has selected a single agency to conduct security clear-
21 ance investigations pursuant to section 3001(c) of the In-
22 telligence Reform and Terrorism Prevention Act of 2004
23 (Public Law 108–458; 50 U.S.C. 435b) and the entity se-
24 lected under section 3001(b) of such Act has reported to
25 Congress that the agency selected pursuant to such section

1 3001(c) is capable of conducting all necessary investiga-
2 tions in a timely manner or has authorized the entities
3 within the Department of Homeland Security covered by
4 this section to conduct their own investigations pursuant
5 to section 3001 of such Act.

6 SEC. 517. Notwithstanding any other provision of
7 law, funds appropriated under paragraphs (1) and (2) of
8 the State and Local Programs heading under title III of
9 this Act are exempt from section 6503(a) of title 31,
10 United States Code.

11 SEC. 518. (a) None of the funds provided by this or
12 previous appropriations Acts may be obligated for deploy-
13 ment or implementation, on other than a test basis, of the
14 Secure Flight program or any other follow on or successor
15 passenger prescreening programs, until the Secretary of
16 Homeland Security certifies, and the Government Ac-
17 countability Office (GAO) reports, to the Committees on
18 Appropriations of the Senate and the House of Represent-
19 atives, that all ten of the elements contained in paragraphs
20 (1) through (10) of section 522(a) of Public Law 108-
21 334 have been successfully met.

22 (b) The report required by subsection (a) shall be
23 submitted within 90 days after the certification required
24 by such subsection is provided, and periodically thereafter,

1 if necessary, until the Government Accountability Office
2 confirms that all ten elements have been successfully met.

3 (c) During the testing phase permitted by subsection
4 (a), no information gathered from passengers, foreign or
5 domestic air carriers, or reservation systems may be used
6 to screen aviation passengers, or delay or deny boarding
7 to such passengers, except in instances where passenger
8 names are matched to a government watch list.

9 (d) None of the funds provided in this or any previous
10 appropriations Act may be utilized to develop or test algo-
11 rithms assigning risk to passengers whose names are not
12 on government watch lists.

13 (e) None of the funds provided in this appropriations
14 Act may be utilized for a database that is obtained from
15 or remains under the control of a non-Federal entity.

16 SEC. 519. None of the funds made available in this
17 Act may be used to amend the oath of allegiance required
18 by section 337 of the Immigration and Nationality Act
19 (8 U.S.C. 1448).

20 SEC. 520. None of the funds appropriated by this Act
21 may be used to process or approve a competition under
22 Office of Management and Budget Circular A-76 for serv-
23 ices provided as of June 1, 2004, by employees (including
24 employees serving on a temporary or term basis) of Citi-
25 zenship and Immigration Services of the Department of

1 Homeland Security who are known as of that date as Im-
2 migration Information Officers, Contact Representatives,
3 or Investigative Assistants.

4 SEC. 521. None of the funds available in this Act or
5 provided hereafter shall be available to maintain the
6 United States Secret Service as anything but a distinct
7 entity within the Department of Homeland Security and
8 shall not be used to merge the United States Secret Serv-
9 ice with any other department function, cause any per-
10 sonnel and operational elements of the United States Se-
11 cret Service to report to an individual other than the Di-
12 rector of the United States Secret Service, or cause the
13 Director to report directly to any individual other than the
14 Secretary of Homeland Security.

15 SEC. 522. The Secretary of Homeland Security shall
16 develop screening standards and protocols to more thor-
17 oughly screen all types of air cargo on passenger and cargo
18 aircraft by March 1, 2006: *Provided*, That these screening
19 standards and protocols shall be developed in consultation
20 with the industry stakeholders: *Provided further*, That
21 these screening standards and protocols shall be developed
22 in conjunction with the research and development of tech-
23 nologies that will permit screening of all high-risk air
24 cargo: *Provided further*, That of the amounts appropriated
25 in this Act for the “Office of the Secretary and Executive

1 Management”, \$10,000,000 shall not be available for obli-
2 gation until new air cargo screening standards and proto-
3 cols are implemented.

4 SEC. 523. The Transportation Security Administra-
5 tion (TSA) shall utilize existing checked baggage explosive
6 detection equipment and screeners to screen cargo carried
7 on passenger aircraft to the greatest extent practicable at
8 each airport: *Provided*, That beginning with November
9 2005, TSA shall provide a monthly report to the Com-
10 mittee on Appropriations of the House of Representatives
11 detailing, by airport, the amount of cargo carried on pas-
12 senger aircraft that was screened by TSA in August 2005
13 and each month thereafter.

14 SEC. 524. The Secretary of Homeland Security shall
15 implement a security plan to permit general aviation air-
16 craft to land and take off at Ronald Reagan Washington
17 National Airport 90 days after enactment of this Act.

18 SEC. 525. None of the funds available for obligation
19 for the transportation worker identification credential pro-
20 gram shall be used to develop a personalization system
21 that is decentralized or a card production capability that
22 does not utilize an existing government card production
23 facility: *Provided*, That no funding can be obligated for
24 the next phase of production until the Committee on Ap-
25 propriations of the House of Representatives has been

1 fully briefed on the results of the prototype phase and
2 agrees that the program should move forward.

3 SEC. 526. (a) From the unexpended balances of the
4 United States Coast Guard “Acquisition, Construction
5 and Improvements” account specifically identified in state-
6 ment of managers language for Integrated Deepwater Sys-
7 tem patrol boats 110- to 123-foot conversion in fiscal
8 years 2004 and 2005, \$83,999,942 are rescinded.

9 (b) For the necessary expenses of the United States
10 Coast Guard for “Acquisition, Construction and Improve-
11 ments”, \$83,999,942 is made available to procure new
12 110-foot patrol boats or for major maintenance availability
13 for the current 110-foot patrol boat fleet: *Provided*, That
14 such funds shall remain available until expended.

15 SEC. 527. The Secretary of Homeland Security shall
16 utilize the Transportation Security Clearinghouse as the
17 central identity management system for the deployment
18 and operation of the registered traveler program, the
19 transportation worker identification credential program,
20 and other applicable programs for the purposes of col-
21 lecting and aggregating biometric data necessary for back-
22 ground vetting; providing all associated record-keeping,
23 customer service, and related functions; ensuring inter-
24 operability between different airports and vendors; and
25 acting as a central activation, revocation, and transaction

1 hub for participating airports, ports, and other points of
2 presence.

3 SEC. 528. None of the funds made available in this
4 Act may be used by any person other than the privacy
5 officer appointed pursuant to section 222 of the Homeland
6 Security Act of 2002 (6 U.S.C. 142) to alter, direct that
7 changes be made to, delay or prohibit the transmission
8 to Congress of, any report prepared pursuant to para-
9 graph (5) of such section.

10 SEC. 529. No funding provided in this or previous
11 appropriations Acts shall be available to pay the salary
12 of any employee serving as a contracting officer's technical
13 representative (COTR) who has not received COTR train-
14 ing.

15 SEC. 530. Except as provided in section 44945 of title
16 49, United States Code, funds appropriated or transferred
17 to the Transportation Security Administration in fiscal
18 years 2002 and 2003, and to the Transportation Security
19 Administration, "Aviation Security" and "Administra-
20 tion" in fiscal years 2004 and 2005, that are recovered
21 or deobligated shall be available only for procurement and
22 installation of explosive detection systems.

23 SEC. 531. From the unobligated balances available
24 in the "Department of Homeland Security Working Cap-

1 ital Fund” established by section 506 of Public Law 108–
2 90, \$7,000,000 are hereby rescinded.

3 SEC. 532. Notwithstanding any other provision of
4 law, the Committee withholds from obligation
5 \$25,000,000 from the Directorate of Emergency Pre-
6 paredness and Response, Administrative and Regional Op-
7 erations, until the direction in the statement of managers
8 accompanying Public Law 108–324 and House Report
9 108–541 is completed.

10 SEC. 533. None of the funds appropriated under this
11 Act or any other Act shall be available for processing peti-
12 tions under section 214(c) of the Immigration and Nation-
13 ality Act relating to nonimmigrant status under section
14 101(a)(15)(H)(i)(b) of such Act until the authority pro-
15 vided in section 214(g)(5)(C) of such Act is being imple-
16 mented such that, in any fiscal year in which the total
17 number of aliens who are issued visas or otherwise pro-
18 vided nonimmigrant status subject to the numerical limi-
19 tation under section 101(a)(15)(H)(i)(b) of such Act
20 reaches the numerical limitation contained in section
21 214(g)(1)(A) of such Act,, up to 20,000 additional aliens
22 who have earned a master’s or higher degree from an in-
23 stitution of higher education (as defined in section 101(a)
24 of the Higher Education Act of 1965 (20 U.S.C. 1001(a)))
25 may be issued visas or otherwise provided nonimmigrant

1 status under section 101(a)(15)(H)(i)(b) of the Immigra-
2 tion and Nationality Act.

3 SEC. 534. None of the funds provided in this Act
4 shall be used to pay the salaries of more than sixty Trans-
5 portation Security Administration employees who have the
6 authority to designate documents as Sensitive Security In-
7 formation (SSI). In addition, \$10,000,000 is not available
8 for the Department-wide Office of Security until the Sec-
9 retary submits to the Committee on Appropriations of the
10 House of Representatives: (1) the titles of all documents
11 currently designated as SSI; (2) Department-wide policies
12 on SSI designation; (3) Department-wide SSI designation
13 auditing policies and procedures; and (4) the total number
14 of staff and offices authorized to designate SSI documents
15 within the Department.

16 SEC. 535. None of the funds appropriated by this Act
17 may be used to change the name of the Coast Guard Sta-
18 tion “Group St. Petersburg”.

19 SEC. 536. None of the funds appropriated or other-
20 wise made available by this Act may be used to patrol the
21 border of the United States except as authorized by law.

22 SEC. 537. For the Secretary of Homeland Security
23 to make grants pursuant to section 204 of the REAL ID
24 Act of 2005 (Public Law 109–13, division B) to assist
25 States in conforming with minimum drivers’ license stand-

1 ards there is hereby appropriated; and the amounts other-
2 wise provided by this Act for “Office of the Secretary and
3 Executive Management”, “Office of the Under Secretary
4 for Management”, “Office of the Under Secretary for Bor-
5 der and Transportation Security—Salaries and Ex-
6 penses”, “Information Analysis and Infrastructure Pro-
7 tection—Management and Administration”, and “Science
8 and Technology—Research, Development, Acquisition and
9 Operations”, are hereby reduced by: \$100,000,000,
10 \$20,000,000, \$20,000,000, \$2,000,000, \$8,000,000, and
11 \$50,000,000, respectively.

12 This Act may be cited as the “Department of Home-
13 land Security Appropriations Act, 2006”.

Passed the House of Representatives May 17, 2005.

Attest:

JEFF TRANDAHL,

Clerk.