

108TH CONGRESS
1ST SESSION

H. R. 2555

IN THE SENATE OF THE UNITED STATES

JUNE 25, 2003

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, 2004, 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, 2004, and for other purposes, namely:

5 TITLE I—DEPARTMENTAL MANAGEMENT AND
6 OPERATIONS

7 DEPARTMENTAL ADMINISTRATION

8 SALARIES AND EXPENSES

9 For necessary expenses for management and oper-
10 ations of the Department of Homeland Security
11 \$221,493,000; of which not to exceed \$78,975,000 shall
12 be for the Office of the Secretary and Executive Manage-
13 ment; of which not to exceed \$116,139,000 shall be for
14 the Office of the Under Secretary for Management; of
15 which not to exceed \$8,106,000 shall be for the Immediate
16 Office of the Under Secretary for Border and Transpor-
17 tation Security; of which not to exceed \$10,044,000 shall
18 be for the Immediate Office of the Under Secretary for
19 Information Analysis and Infrastructure Protection and
20 the Command Center; of which not to exceed \$3,293,000
21 shall be for the Immediate Office of the Under Secretary
22 for Emergency Preparedness and Response; and of which
23 not to exceed \$4,936,000 shall be for the Immediate Office
24 of the Under Secretary for Science and Technology: *Pro-*
25 *vided*, That not to exceed \$2,000,000 may be used for un-

1 foreseen emergencies of a confidential nature, to be allo-
2 cated and expended under the direction of the Secretary
3 of Homeland Security: *Provided further*, That not to ex-
4 ceed \$40,000 shall be for allocation within the Department
5 for official reception and representation expenses as the
6 Secretary may determine.

7 COUNTERTERRORISM FUND

8 For necessary expenses, as determined by the Sec-
9 retary of Homeland Security, \$20,000,000, to remain
10 available until expended, to reimburse any Federal agency
11 for the costs of providing support to counter, investigate,
12 or prosecute unexpected threats or acts of terrorism, in-
13 cluding payment of rewards in connection with these ac-
14 tivities: *Provided*, That the Secretary shall notify the Com-
15 mittees on Appropriations 15 days prior to the obligation
16 of any amount of these funds in accordance with section
17 503 of this Act.

18 DEPARTMENT-WIDE TECHNOLOGY INVESTMENTS

19 For development and acquisition of information tech-
20 nology equipment, software, services, and related activities
21 for the Department of Homeland Security, and for the
22 costs of conversion to narrowband communications, in-
23 cluding the cost for operation of the Land Mobile Radio
24 legacy systems, \$206,000,000, to remain available until
25 expended: *Provided*, That none of the funds appropriated

1 shall be used to support or supplement the appropriations
2 provided for the United States Visitor and Immigrant Sta-
3 tus Indicator Technology system and the Automated Com-
4 mercial Environment.

5 OFFICE OF THE INSPECTOR GENERAL

6 SALARIES AND EXPENSES

7 (INCLUDING TRANSFER OF FUNDS)

8 For necessary expenses for the Office of the Inspector
9 General in carrying out the provisions of the Inspector
10 General Act of 1978 (5 U.S.C. App.), \$58,118,000; of
11 which not to exceed \$1,000,000 may be used for unfore-
12 seen emergencies of a confidential nature, to be allocated
13 under the direction of the Inspector General of the De-
14 partment of Homeland Security: *Provided*, That in addi-
15 tion, \$22,000,000 shall be derived by transfer from the
16 Emergency Preparedness and Response Disaster Relief
17 Fund.

18 TITLE II—BORDER AND TRANSPORTATION

19 SECURITY

20 CUSTOMS AND BORDER PROTECTION

21 BUREAU OF CUSTOMS AND BORDER PROTECTION

22 SALARIES AND EXPENSES

23 (INCLUDING TRANSFER OF FUNDS)

24 For necessary expenses of the Bureau of Customs
25 and Border Protection for enforcement of laws relating to
26 border security, immigration, customs, and agricultural

1 inspections and regulatory activities related to plant and
2 animal imports, including planning, construction, and nec-
3 essary related activities of buildings and facilities,
4 \$4,584,600,000; of which not to exceed \$25,000 shall be
5 for official reception and representation expenses; of which
6 not to exceed \$129,000,000 to remain available until Sep-
7 tember 30, 2005, shall be for inspection technology; of
8 which such sums as become available in the Customs User
9 Fee Account, except sums subject to section 13021(f)(3)
10 of the Consolidated Omnibus Budget Reconciliation Act
11 of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that
12 account; and of which not to exceed \$5,000,000 shall be
13 for payments or advances arising out of contractual or re-
14 imburseable agreements with State and local law enforce-
15 ment agencies while engaged in cooperative activities re-
16 lated to immigration: *Provided*, That none of the funds
17 available to the Directorate of Border and Transportation
18 Security may be used to pay any employee overtime pay
19 in an amount in excess of \$30,000 during the calendar
20 year beginning January 1, 2004, except that the Commis-
21 sioner of Customs and Border Protection may exceed such
22 limitation as necessary for national security purposes and
23 in cases of immigration emergencies: *Provided further*,
24 That uniforms may be purchased without regard to the
25 general purchase price limitation for the current fiscal

1 year: *Provided further*, That no funds shall be available
2 for the site acquisition, design, or construction of any Bor-
3 der Patrol checkpoint in the Tucson sector: *Provided fur-*
4 *ther*, That the Border Patrol shall relocate its checkpoints
5 in the Tucson sector at least once every 7 days in a man-
6 ner designed to prevent persons subject to inspection from
7 predicting the location of any such checkpoint.

8 In addition, for administrative expenses related to the
9 collection of the Harbor Maintenance Fee, pursuant to
10 Public Law 103–182, and notwithstanding section
11 1511(e)(1) of Public Law 107–296, \$3,000,000 to be de-
12 rived from the Harbor Maintenance Trust Fund and to
13 be transferred to and merged with this account.

14 AUTOMATION MODERNIZATION

15 For expenses not otherwise provided for Bureau of
16 Customs and Border Protection automated systems,
17 \$493,727,000, to remain available until expended, of
18 which not less than \$318,690,000 shall be for the develop-
19 ment of the Automated Commercial Environment: *Pro-*
20 *vided*, That none of the funds appropriated under this
21 heading may be obligated for the Automated Commercial
22 Environment until the Bureau of Customs and Border
23 Protection prepares and submits to the Committees on
24 Appropriations a plan for expenditure that: (1) meets the
25 capital planning and investment control review require-

1 ments established by the Office of Management and Budg-
2 et, including OMB Circular A-11, part 3; (2) complies
3 with the Bureau of Customs and Border Protection's En-
4 terprise Information Systems Architecture; (3) complies
5 with the acquisition rules, requirements, guidelines, and
6 systems acquisition management practices of the Federal
7 Government; (4) is reviewed and approved by the Bureau
8 of Customs and Border Protection Investment Review
9 Board, the Department of Homeland Security, and the Of-
10 fice of Management and Budget; and (5) is reviewed by
11 the General Accounting Office: *Provided further*, That
12 none of the funds appropriated under this heading may
13 be obligated for the Automated Commercial Environment
14 until such expenditure plan has been approved by the
15 Committees on Appropriations.

16 IMMIGRATION AND CUSTOMS ENFORCEMENT
17 BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT
18 SALARIES AND EXPENSES

19 For necessary expenses of the Bureau of Immigration
20 and Customs Enforcement for enforcement of immigration
21 and customs laws, detention and removals, investigations,
22 including planning, construction, and necessary related ac-
23 tivities of buildings and facilities, \$2,030,000,000; of
24 which not to exceed \$5,000,000, to remain available until
25 expended, shall be for conducting special operations pursu-

1 ant to Public Law 99–570 (19 U.S.C. 2081); of which
2 not to exceed \$15,000 shall be for official reception and
3 representation expenses; of which not less than \$100,000
4 shall be for promotion of public awareness of the child por-
5 nography tipline; and of which not less than \$200,000
6 shall be for Project Alert: *Provided*, That none of the
7 funds available to the Bureau of Immigration and Cus-
8 toms Enforcement may be used to pay any employee over-
9 time pay in an amount in excess of \$30,000 during the
10 calendar year beginning January 1, 2004, except that the
11 Assistant Secretary of the Bureau of Immigration and
12 Customs Enforcement may exceed such limitation as nec-
13 essary for national security purposes and in cases of immi-
14 gration emergencies: *Provided further*, That of the total
15 amount of funds made available for activities to enforce
16 laws against forced child labor in fiscal year 2004, not
17 to exceed \$5,000,000 shall remain available until expended
18 for support of such activities: *Provided further*, That uni-
19 forms may be purchased without regard to the general
20 purchase price limitation for the current fiscal year.

21 FEDERAL PROTECTIVE SERVICE

22 (INCLUDING TRANSFER OF FUNDS)

23 For expenses, not otherwise provided for, necessary
24 for the operations of the Federal Protective Service,
25 \$424,211,000 shall be transferred from the revenues and

1 collections in the General Services Administration, Federal
2 Buildings Fund.

3 AUTOMATION AND INFRASTRUCTURE MODERNIZATION

4 For expenses not otherwise provided for Bureau of
5 Immigration and Customs Enforcement automated sys-
6 tems, \$367,605,000, to remain available until expended,
7 of which not less than \$350,000,000 shall be for the devel-
8 opment of the United States Visitor and Immigrant Sta-
9 tus Indicator Technology system (US VISIT): *Provided*,
10 That none of the funds appropriated under this heading
11 may be obligated for US VISIT until the Bureau of Immi-
12 gration and Customs Enforcement prepares and submits
13 to the Committees on Appropriations a plan for expendi-
14 ture that: (1) meets the capital planning and investment
15 control review requirements established by the Office of
16 Management and Budget, including OMB Circular A-11,
17 part 3; (2) complies with the Bureau of Immigration and
18 Customs Enforcement Enterprise Information Systems
19 Architecture; (3) complies with the acquisition rules, re-
20 quirements, guidelines, and systems acquisition manage-
21 ment practices of the Federal Government; (4) is reviewed
22 and approved by the Bureau of Immigration and Customs
23 Enforcement Investment Review Board, the Department
24 of Homeland Security, and the Office of Management and
25 Budget; and (5) is reviewed by the General Accounting

1 Office: *Provided further*, That none of the funds appro-
2 priated under this heading may be obligated for US VISIT
3 until such expenditure plan has been approved by the
4 Committees on Appropriations.

5 AIR AND MARINE INTERDICTION

6 For expenses, not otherwise provided for, necessary
7 for the operation, maintenance and procurement of marine
8 vessels, aircraft, and other related equipment of the Office
9 of Air and Marine Interdiction of the Bureau of Immigra-
10 tion and Customs Enforcement, including operational
11 training and mission-related travel, and rental payments
12 for facilities occupied by the air or marine interdiction and
13 demand reduction programs, the operations of which in-
14 clude the following: conducting homeland security oper-
15 ations; interdiction of narcotics and other illegal sub-
16 stances or items; the provision of support to Department
17 of Homeland Security and other Federal, State, and local
18 agencies in the enforcement or administration of laws en-
19 forced by the Bureau of Immigration and Customs En-
20 forcement; and, at the discretion of the Under Secretary
21 for Border and Transportation Security, the provision of
22 assistance to Federal, State, and local agencies in other
23 law enforcement and emergency humanitarian efforts,
24 \$175,000,000, which shall remain available until ex-
25 pended: *Provided*, That no aircraft or other related equip-

1 ment, with the exception of aircraft that are one of a kind
2 and have been identified as excess to Bureau of Immigra-
3 tion and Customs Enforcement requirements and aircraft
4 that have been damaged beyond repair, shall be trans-
5 ferred to any other Federal agency, department, or office
6 outside of the Department of Homeland Security, during
7 fiscal year 2004 without the prior approval of the Commit-
8 tees on Appropriations.

9 TRANSPORTATION SECURITY ADMINISTRATION

10 AVIATION SECURITY

11 For necessary expenses of the Transportation Secu-
12 rity Administration related to providing civil aviation secu-
13 rity services pursuant to Public Law 107-71,
14 \$3,679,200,000 (reduced by \$20,000,000), to remain
15 available until expended, of which not to exceed \$3,000
16 shall be for official reception and representation expenses:
17 *Provided*, That of such total amount, not to exceed
18 \$1,672,700,000 shall be for passenger screening activities;
19 not to exceed \$1,284,800,000 shall be for baggage screen-
20 ing activities; and not to exceed \$721,700,000 shall be for
21 airport support and enforcement presence: *Provided fur-*
22 *ther*, That security service fees authorized under section
23 44940 of title 49, United States Code, shall be credited
24 to this appropriation as offsetting collections and used for
25 providing civil aviation security services authorized by that

1 section: *Provided further*, That the sum herein appro-
2 priated from the General Fund shall be reduced on a dol-
3 lar-for-dollar basis as such offsetting collections are re-
4 ceived during fiscal year 2004, so as to result in a final
5 fiscal year appropriation from the General Fund estimated
6 at not more than \$1,609,200,000: *Provided further*, That
7 any security service fees collected in excess of the amount
8 appropriated under this heading shall be treated as offset-
9 ting collections in fiscal year 2005: *Provided further*, That
10 none of the funds in this Act shall be used to recruit or
11 hire personnel into the Transportation Security Adminis-
12 tration which would cause the agency to exceed a staffing
13 level of 45,000 full-time equivalent screeners: *Provided*
14 *further*, That of the total amount provided herein,
15 \$235,000,000 shall be available only for physical modifica-
16 tion of commercial service airports for the purpose of in-
17 stalling checked baggage explosive detection systems and
18 \$100,000,000 shall be available only for procurement of
19 checked baggage explosive detection systems.

20 FEDERAL AIR MARSHALS

21 For necessary expenses of the Federal air marshals,
22 \$634,600,000, to remain available until expended.

23 MARITIME AND LAND SECURITY

24 For necessary expenses of the Transportation Secu-
25 rity Administration related to maritime and land transpor-

1 tation security grants and services pursuant to Public Law
2 107–71, \$231,700,000, to remain available until ex-
3 pended: *Provided*, That of such amount, \$100,000,000
4 shall be available only to make port security grants, which
5 shall be distributed under the same terms and conditions
6 as provided for under Public Law 107–117.

7 INTELLIGENCE

8 For necessary expenses of the Transportation Secu-
9 rity Administration related to transportation security in-
10 telligence activities, \$13,700,000, to remain available until
11 expended.

12 RESEARCH AND DEVELOPMENT

13 For necessary expenses of the Transportation Secu-
14 rity Administration for research and development related
15 to transportation security, \$125,700,000, to remain avail-
16 able until expended.

17 ADMINISTRATION

18 For necessary expenses of the Transportation Secu-
19 rity Administration for administrative activities, including
20 headquarters and field support, training, and information
21 technology, \$487,100,000, to remain available until Sep-
22 tember 30, 2005.

1 FEDERAL LAW ENFORCEMENT TRAINING
2 CENTER
3 SALARIES AND EXPENSES

4 For the necessary expenses of the Federal Law En-
5 forcement Training Center, \$136,629,000, of which
6 \$26,635,000 shall be for material and support costs of
7 Federal law enforcement basic training and shall remain
8 available until September 30, 2006, and of which not to
9 exceed \$12,000 shall be for official reception and represen-
10 tation expenses: *Provided*, That notwithstanding any other
11 provision of law, the Center is authorized to expend appro-
12 priations for the purchase of police-type pursuit vehicles
13 without regard to the general purchase price limitation;
14 student athletic and related recreational activities; con-
15 ducting and participating in firearms matches and the
16 presentation of awards for such matches; public awareness
17 and enhancing community support of law enforcement
18 training, including the advertisement and marketing of
19 available law enforcement training programs; room and
20 board for student interns; short-term medical services for
21 students undergoing training at Center training facilities;
22 travel expenses of non-Federal personnel attending course
23 development meetings; services authorized by section 3109
24 of title 5, United States Code; support of Federal law en-
25 forcement accreditation; and a flat monthly reimburse-

1 ment to employees authorized to use personal cell phones
2 for official duties: *Provided further*, That: (1) funds appro-
3 priated to this account may be used at the discretion of
4 the Center's Director to train United States Postal Service
5 law enforcement personnel, State and local law enforce-
6 ment personnel, foreign law enforcement personnel, and
7 private security personnel; (2) with the exception of pri-
8 vate security personnel, the Center's Director is author-
9 ized to fully fund the cost of this training, including the
10 cost of non-Federal travel, or to seek full or partial reim-
11 bursement for this training; and (3) such reimbursements
12 shall be deposited in this appropriation: *Provided further*,
13 That the Center is authorized to obligate funds in antici-
14 pation of reimbursements from agencies receiving training
15 at the Center, except that total obligations at the end of
16 the fiscal year shall not exceed total budgetary resources
17 available at the end of the fiscal year: *Provided further*,
18 That the Center is authorized to accept and use gifts of
19 property, real and personnel, and to accept services, for
20 authorized purposes: *Provided further*, That the Center is
21 authorized to harvest timber and use the proceeds from
22 timber sales to supplement the Center's forest manage-
23 ment and environmental programs: *Provided further*, That
24 notwithstanding any other provision of law, students at-
25 tending training at any Center site shall reside in on-cen-

1 ter or center-provided housing, to the extent available and
2 in accordance with Center policy.

3 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
4 RELATED EXPENSES

5 For expansion of the Federal Law Enforcement
6 Training Center, for acquisition of necessary additional
7 real property and facilities, and for ongoing maintenance,
8 facility improvements, and related expenses, \$32,323,000,
9 to remain available until expended: *Provided*, That the
10 Federal Law Enforcement Training Center is authorized
11 to accept reimbursement to this appropriation from gov-
12 ernment agencies requesting the construction of special
13 use facilities on training centers operated by the Federal
14 Law Enforcement Training Center: *Provided further*, That
15 notwithstanding any other provision of law, all facilities
16 shall remain under the control of the Federal Law En-
17 forcement Training Center, which shall be responsible for
18 scheduling, use, maintenance, and support.

19 OFFICE FOR DOMESTIC PREPAREDNESS
20 DOMESTIC PREPAREDNESS

21 For grants, contracts, cooperative agreements, and
22 other activities of the Office for Domestic Preparedness,
23 as authorized by the Homeland Security Act of 2002
24 (Public Law 107–296) and the USA PATRIOT Act of
25 2001 (Public Law 107–56), \$3,503,000,000 (increased by

1 \$10,000,000), to remain available until expended: *Pro-*
2 *vided*, That of the amount provided under this heading—

3 (1) \$1,900,000,000 shall be for basic formula
4 grants;

5 (2) \$500,000,000 (increased by \$10,000,000)
6 shall be for grants to State and local law enforce-
7 ment for terrorism prevention activities;

8 (3) \$200,000,000 shall be for critical infra-
9 structure grants;

10 (4) \$500,000,000 shall be for discretionary
11 grants for use in high-density urban areas and high-
12 threat areas; and

13 (5) \$35,000,000 shall be for grants for Centers
14 for Emergency Preparedness:

15 *Provided further*, That the application for grants appro-
16 priated in subsections (1), (2), and (3) under this heading
17 shall be made available to States within 30 days of enact-
18 ment of this Act; States shall submit applications within
19 30 days of the grant announcement; and the Office for
20 Domestic Preparedness shall act on each application with-
21 in 15 days of receipt: *Provided further*, That 80 percent
22 of the funds appropriated in subsections (1), (2), (3), and
23 (4) under this heading to any State shall be allocated by
24 the State to units of local governments and shall be dis-
25 tributed by the State within 60 days of the receipt of

1 funds: *Provided further*, That section 1014(c)(3) of Public
2 Law 107–56 shall not apply to funds appropriated in sub-
3 sections (4) and (5) under this heading: *Provided further*,
4 That none of the funds appropriated under this heading
5 shall be used for construction or renovation of facilities:
6 *Provided further*, That funds appropriated in subsections
7 (3) and (4) under this heading shall be available for oper-
8 ational costs, including personnel overtime as needed.

9 TITLE III—EMERGENCY PREPAREDNESS AND
10 RESPONSE

11 ADMINISTRATIVE AND REGIONAL OPERATIONS

12 For necessary expenses for administrative and re-
13 gional operations of the Emergency Preparedness and Re-
14 sponse Directorate, \$168,589,000, including activities au-
15 thorized by the National Flood Insurance Act of 1968 (42
16 U.S.C. 4001 et seq.), the Flood Disaster Protection Act
17 of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford
18 Disaster Relief and Emergency Assistance Act (42 U.S.C.
19 5121 et seq.), the Earthquake Hazards Reduction Act of
20 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Preven-
21 tion and Control Act of 1974 (15 U.S.C. 2201 et seq.),
22 the Defense Production Act of 1950 (50 U.S.C. App. 2061
23 et seq.), sections 107 and 303 of the National Security
24 Act of 1947 (50 U.S.C. 404–405), Reorganization Plan
25 No. 3 of 1978, and the Homeland Security Act of 2002;

1 of which not to exceed \$3,000 shall be for official reception
 2 and representation expenses.

3 PREPAREDNESS, MITIGATION, RESPONSE, AND
 4 RECOVERY

5 For necessary expenses for preparedness, mitigation,
 6 response, and recovery activities of the Emergency Pre-
 7 paredness and Response Directorate, \$363,339,000, in-
 8 cluding activities authorized by the National Flood Insur-
 9 ance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Dis-
 10 aster Protection Act of 1973 (42 U.S.C. 4001 et seq.),
 11 the Robert T. Stafford Disaster Relief and Emergency As-
 12 sistance Act (42 U.S.C. 5121 et seq.), the Earthquake
 13 Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.),
 14 the Federal Fire Prevention and Control Act of 1974 (15
 15 U.S.C. 2201 et seq.), the Defense Production Act of 1950
 16 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of
 17 the National Security Act of 1947 (50 U.S.C. 404–405),
 18 Reorganization Plan No. 3 of 1978, and the Homeland
 19 Security Act of 2002; of which \$25,000,000 shall be for
 20 emergency operations centers grants: *Provided*, That the
 21 aggregate charges assessed during fiscal year 2004, as au-
 22 thorized by Public Law 106–377, shall not be less than
 23 100 percent of the amounts anticipated by the Depart-
 24 ment of Homeland Security necessary for its radiological
 25 emergency preparedness program for the next fiscal year:

1 *Provided further*, That the methodology for assessment
2 and collection of fees shall be fair and equitable, and shall
3 reflect costs of providing such services, including adminis-
4 trative costs of collecting such fees: *Provided further*, That
5 fees received pursuant to this section shall be deposited
6 in this account as offsetting collections, shall become avail-
7 able for authorized purposes on October 1, 2004, and shall
8 remain available until expended.

9 PUBLIC HEALTH PROGRAMS

10 For necessary expenses for countering potential bio-
11 logical, disease, and chemical threats to civilian popu-
12 lations, \$484,000,000, including \$400,000,000, to remain
13 available until expended, for the Strategic National Stock-
14 pile.

15 BIODEFENSE COUNTERMEASURES

16 For necessary expenses for securing medical counter-
17 measures against biological terror attacks,
18 \$5,593,000,000, to remain available until September 30,
19 2013: *Provided*, That not to exceed \$3,418,000,000 may
20 be obligated during fiscal years 2004 through 2008, of
21 which not to exceed \$890,000,000 may be obligated dur-
22 ing fiscal year 2004.

23 GRANT PROGRAMS

24 For activities designed to reduce the risk of flood
25 damage to structures pursuant to the National Flood In-

1 surance Act of 1968 (42 U.S.C. 4001 et seq.), notwith-
2 standing sections 1366(b)(3)(B)–(C) and 1366(f) of such
3 Act, and for a pre-disaster mitigation grant program pur-
4 suant to title II of the Robert T. Stafford Disaster Relief
5 and Emergency Assistance Act (42 U.S.C. 5131 et seq.),
6 \$200,000,000, to remain available until expended, of
7 which \$20,000,000 shall be derived from the National
8 Flood Insurance Fund, and shall remain available until
9 September 30, 2005: *Provided*, That grants made for pre-
10 disaster mitigation shall be awarded on a competitive basis
11 subject to the criteria in section 203(g) of such title II
12 (42 U.S.C. 5133(g)): *Provided further*, That notwith-
13 standing section 203(f) of such title II (42 U.S.C.
14 5133(f)), grant awards shall be made without reference
15 to State allocations, quotas, or other formula-based alloca-
16 tion of funds.

17 EMERGENCY FOOD AND SHELTER

18 To carry out an emergency food and shelter program
19 pursuant to title III of Public Law 100–77 (42 U.S.C.
20 11331 et seq.), \$153,000,000, to remain available until
21 expended: *Provided*, That total administrative costs shall
22 not exceed 3½ percent of the total appropriation.

1 FIREFIGHTER ASSISTANCE GRANTS

2 (INCLUDING TRANSFER OF FUNDS)

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

11 DISASTER RELIEF

12 (INCLUDING TRANSFER OF FUNDS)

13 For necessary expenses in carrying out the Robert
14 T. Stafford Disaster Relief and Emergency Assistance Act
15 (42 U.S.C. 5121 et seq.), \$1,800,000,000 and, notwith-
16 standing 42 U.S.C. 5203, to remain available until ex-
17 pended, of which not to exceed \$22,000,000 may be trans-
18 ferred to the Office of Inspector General for audits and
19 investigations.

20 FLOOD MAP MODERNIZATION FUND

21 For necessary expenses pursuant to section 1360 of
22 the National Flood Insurance Act of 1968, \$200,000,000,
23 and such additional sums as may be provided by State
24 and local governments or other political subdivisions for

1 cost-shared mapping activities under section 1360(f)(2) of
2 such Act; to remain available until expended.

3 NATIONAL FLOOD INSURANCE FUND

4 (INCLUDING TRANSFER OF FUNDS)

5 For activities under the National Flood Insurance
6 Act of 1968, and the Flood Disaster Protection Act of
7 1973, not to exceed \$32,761,000 for salaries and expenses
8 associated with flood mitigation and flood insurance oper-
9 ations, and not to exceed \$77,809,000 for flood mitigation,
10 to remain available until September 30, 2005, including
11 up to \$20,000,000 for expenses under section 1366 of
12 such Act of 1968, which amount shall be available for
13 transfer to Grant Programs until September 30, 2005,
14 and which amounts shall be derived from offsetting collec-
15 tions assessed and collected pursuant to 42 U.S.C. 4014,
16 and shall be retained and used for necessary expenses
17 under this heading: *Provided*, That no funds, in excess of
18 \$55,000,000 for operating expenses; \$565,897,000 for
19 agents' commissions and taxes; and \$40,000,000 for inter-
20 est on Treasury borrowings, shall be available from the
21 National Flood Insurance Fund without prior notice to the
22 Committees on Appropriations.

1 DISASTER ASSISTANCE DIRECT LOAN PROGRAM
2 ACCOUNT

3 For direct loans, as authorized by section 319 of the
4 Robert T. Stafford Disaster Relief and Emergency Assist-
5 ance Act: *Provided*, That these funds are available to sub-
6 sidize gross obligations for the principal amount of direct
7 loans not to exceed \$25,000,000: *Provided further*, That
8 the cost of modifying such loans shall be as defined in
9 section 502 of the Congressional Budget Act of 1974. In
10 addition, for administrative expenses to carry out the di-
11 rect loan program, \$558,000.

12 TITLE IV—OTHER DEPARTMENTAL ACTIVITIES
13 CITIZENSHIP AND IMMIGRATION SERVICES

14 OPERATING EXPENSES

15 For necessary expenses for citizenship and immigra-
16 tion services, including international services,
17 \$248,500,000.

18 UNITED STATES COAST GUARD

19 OPERATING EXPENSES

20 For necessary expenses for the operation and mainte-
21 nance of the Coast Guard, not otherwise provided for; pay-
22 ments pursuant to section 156 of Public Law 97–377 (42
23 U.S.C. 402 note); and recreation and welfare;
24 \$4,703,530,000, of which \$1,300,000,000 shall be for de-
25 fense-related activities; of which \$25,000,000 shall be de-

1 rived from the Oil Spill Liability Trust Fund; and of which
2 not to exceed \$3,000 shall be for official reception and
3 representation expenses: *Provided*, That none of the funds
4 appropriated in this or any other Act shall be available
5 for pay of administrative expenses in connection with ship-
6 ping commissioners in the United States: *Provided further*,
7 That none of the funds provided in this Act shall be avail-
8 able for expenses incurred for yacht documentation under
9 section 12109 of title 46, United States Code, except to
10 the extent fees are collected from yacht owners and cred-
11 ited to this appropriation.

12 ENVIRONMENTAL COMPLIANCE AND RESTORATION

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

17 RESERVE TRAINING

18 For all necessary expenses of the Coast Guard Re-
19 serve, as authorized by law; maintenance and operation
20 of facilities; and supplies, equipment, and services;
21 \$94,051,000.

22 ACQUISITIONS, CONSTRUCTION, AND IMPROVEMENTS

23 For necessary expenses of acquisition, construction,
24 renovation, and improvement of aids to navigation, shore
25 facilities, vessels, and aircraft, including equipment related

1 thereto, \$805,000,000, of which \$23,500,000 shall be de-
2 rived from the Oil Spill Liability Trust Fund; of which
3 \$66,500,000 shall be available until September 30, 2008
4 to acquire, repair, renovate, or improve vessels, small
5 boats, and related equipment; \$138,500,000 shall be avail-
6 able until September 30, 2006 for other equipment;
7 \$70,000,000 shall be available until September 30, 2005
8 for personnel compensation and benefits and related costs;
9 and \$530,000,000 shall be available until September 30,
10 2008 for the Integrated Deepwater Systems program: *Pro-*
11 *vided*, That the Commandant of the Coast Guard is au-
12 thorized to dispose of surplus real property, by sale or
13 lease, and the proceeds shall be credited to this appropria-
14 tion as offsetting collections and shall be available until
15 September 30, 2006 only for Rescue 21 (the National Dis-
16 tress and Response System Modernization program): *Pro-*
17 *vided further*, That upon initial submission to the Con-
18 gress of the fiscal year 2005 President's budget, the Sec-
19 retary of Homeland Security shall transmit to the Con-
20 gress a comprehensive capital investment plan for the
21 United States Coast Guard that includes funding for each
22 budget line item for fiscal years 2005 through 2009, with
23 total funding for each year of the plan constrained to the
24 funding targets for those years as estimated and approved
25 by the Office of Management and Budget.

1 ALTERATION OF BRIDGES

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

5 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

6 For necessary expenses, not otherwise provided for,
7 for applied scientific research, development, test, and eval-
8 uation; and maintenance, rehabilitation, lease and oper-
9 ation of facilities and equipment, as authorized by law;
10 \$22,000,000, to remain available until expended, of which
11 \$3,500,000 shall be derived from the Oil Spill Liability
12 Trust Fund: *Provided*, That there may be credited to and
13 used for the purposes of this appropriation funds received
14 from State and local governments, other public authori-
15 ties, private sources, and foreign countries, for expenses
16 incurred for research, development, testing, and evalua-
17 tion.

18 RETIRED PAY

19 For retired pay, including the payment of obligations
20 therefor otherwise chargeable to lapsed appropriations for
21 this purpose, payments under the Retired Serviceman's
22 Family Protection and Survivor Benefits Plans, payment
23 for career status bonuses under the National Defense Au-
24 thorization Act, and for payments for medical care of re-
25 tired personnel and their dependents under the Depend-

1 ents Medical Care Act (10 U.S.C. ch. 55),
2 \$1,020,000,000.

3 INFORMATION ANALYSIS AND
4 INFRASTRUCTURE PROTECTION
5 OPERATING EXPENSES

6 For necessary expenses of the Directorate of Infor-
7 mation Analysis and Infrastructure Protection of the De-
8 partment of Homeland Security as authorized by law,
9 \$776,000,000, to remain available until September 30,
10 2005.

11 SCIENCE AND TECHNOLOGY
12 RESEARCH, DEVELOPMENT, ACQUISITION, AND
13 OPERATIONS

14 For necessary expenses of activities of the Depart-
15 ment of Homeland Security in carrying out the purposes
16 of title III of the Homeland Security Act of 2002 (Public
17 Law 107–296), for basic and applied research, develop-
18 ment, test and evaluation, construction, procurement, pro-
19 duction, modification and modernization of systems, sub-
20 systems, spare parts, accessories, training devices, oper-
21 ation of the Science and Technology Directorate and its
22 organizations and activities, including the Homeland Se-
23 curity Advanced Research Projects Agency, for coopera-
24 tive programs with States and local governments to enable
25 the detection, destruction, disposal, or mitigation of the

1 effects of weapons of mass destruction and other terrorist
2 weapons, and for the construction, maintenance, rehabili-
3 tation, lease, and operation of buildings and other facili-
4 ties, and equipment, necessary for the activities of the Di-
5 rectorate, \$900,360,000, to remain available until Sep-
6 tember 30, 2006.

7 UNITED STATES SECRET SERVICE

8 SALARIES AND EXPENSES

9 For necessary expenses of the United States Secret
10 Service, \$1,148,700,000, including purchase of American-
11 made side-car compatible motorcycles; hire of aircraft;
12 services of expert witnesses at such rates as may be deter-
13 mined by the Director; rental of buildings in the District
14 of Columbia, and fencing, lighting, guard booths, and
15 other facilities on private or other property not in Govern-
16 ment ownership or control, as may be necessary to per-
17 form protective functions; for payment of per diem and
18 subsistence allowances to employees where a protective as-
19 signment during the actual day or days of the visit of a
20 protectee require an employee to work 16 hours per day
21 or to remain overnight at his or her post of duty; the con-
22 ducting of and participating in firearms matches; presen-
23 tation of awards; for travel of Secret Service employees
24 on protective missions without regard to the limitation on
25 such expenditures in this or any other Act; for research

1 and development; for making grants to conduct behavioral
2 research in support of protective research and operations;
3 not to exceed \$25,000 for official reception and represen-
4 tation expenses; not to exceed \$100,000 to provide tech-
5 nical assistance and equipment to foreign law enforcement
6 organizations in counterfeit investigations; for payment in
7 advance for commercial accommodations as may be nec-
8 essary to perform protective functions; and for uniforms
9 without regard to the general purchase limitation for the
10 current fiscal year: *Provided*, That \$1,633,000 shall be
11 available for forensic and related support of investigations
12 of missing and exploited children: *Provided further*, That
13 \$4,783,000 shall be available as a grant for activities re-
14 lated to the investigations of exploited children and shall
15 remain available until expended: *Provided further*, That up
16 to \$18,000,000 for protective travel shall remain available
17 until September 30, 2005: *Provided further*, That subject
18 to the reimbursement of actual costs to this account, funds
19 appropriated in this account shall be available, at the dis-
20 cretion of the Director, for the following: training United
21 States Postal Service law enforcement personnel and Post-
22 al police officers, training Federal law enforcement offi-
23 cers, training State and local government law enforcement
24 officers on a space-available basis, and training private
25 sector security officials on a space-available basis: *Pro-*

1 *vided further*, That the United States Secret Service is au-
2 thorized to obligate funds in anticipation of reimburse-
3 ments from agencies and entities, as defined in section
4 105 of title 5, United States Code, receiving training spon-
5 sored by the James J. Rowley Training Center, except
6 that total obligations at the end of the fiscal year shall
7 not exceed total budgetary resources available under this
8 heading at the end of the fiscal year: *Provided further*,
9 That the James J. Rowley Training Center is authorized
10 to provide short-term medical services for students under-
11 going training at the Center.

12 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
13 RELATED EXPENSES

14 For necessary expenses of construction, repair, alter-
15 ation, and improvement of facilities, \$3,579,000, to re-
16 main available until expended.

17 TITLE V—GENERAL PROVISIONS

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

21 (TRANSFERS OF UNEXPENDED BALANCES)

22 SEC. 502. Subject to the requirements of section 503
23 of this Act, the unexpended balances of prior appropria-
24 tions provided for activities in this Act may be transferred
25 to appropriation accounts for such activities established
26 pursuant to this Act. Balances so transferred may be

1 merged with funds in the applicable established accounts
2 and thereafter may be accounted for as one fund for the
3 same time period as originally enacted.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 503. (a) None of the funds provided by this Act,
6 provided by previous appropriation Acts to the agencies
7 in or transferred to the Department of Homeland Security
8 that remain available for obligation or expenditure in fiscal
9 year 2004, or provided from any accounts in the Treasury
10 of the United States derived by the collection of fees avail-
11 able to the agencies funded by this Act, shall be available
12 for obligation or expenditure through a reprogramming of
13 funds that: (1) creates a new program; (2) eliminates a
14 program, project, or activity; (3) increases funds for any
15 program, project, or activity for which funds have been
16 denied or restricted by the Congress; or (4) proposes to
17 use funds directed for a specific activity by either the
18 House or Senate Committees on Appropriations for a dif-
19 ferent purpose, unless both Committees on Appropriations
20 are notified 15 days in advance of such reprogramming
21 of funds.

22 (b) None of the funds provided by this Act, provided
23 by previous appropriation Acts to the agencies in or trans-
24 ferred to the Department of Homeland Security that re-
25 main available for obligation or expenditure in fiscal year
26 2004, or provided from any accounts in the Treasury of

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

15 (c) Not to exceed 5 percent of any appropriation
16 made available for the current fiscal year for the Depart-
17 ment of Homeland Security in this Act or provided in pre-
18 vious appropriation Acts may be transferred between such
19 appropriations, but no such appropriation, except as oth-
20 erwise specifically provided, shall be increased by more
21 than 10 percent by such transfers: *Provided*, That any
22 transfer pursuant to this section shall be treated as a re-
23 programming of funds and shall not be available for obli-
24 gation unless the Committees on Appropriations are noti-
25 fied 15 days in advance of such transfer.

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

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

18 SEC. 506. The Federal Emergency Management
19 Agency “Working Capital Fund” shall be available to the
20 Department of Homeland Security, as authorized by sec-
21 tions 503 and 1517 of the Homeland Security Act of
22 2002, for expenses and equipment necessary for mainte-
23 nance and operations of such administrative services as
24 the Secretary of Homeland Security determines may be
25 performed more advantageously as central services. Such

1 fund shall hereafter be known as the “Department of
2 Homeland Security Working Capital Fund”.

3 SEC. 507. The Federal Emergency Management
4 Agency “Bequests and Gifts” account shall be available
5 to the Department of Homeland Security, as authorized
6 by sections 503 and 1517 of the Homeland Security Act
7 of 2002, for the Secretary of Homeland Security to accept,
8 hold, administer, and utilize gifts and bequests, including
9 property, to facilitate the work of the Department of
10 Homeland Security: *Provided*, That such fund shall here-
11 after be known as “Department of Homeland Security,
12 Gifts and Donations”: *Provided further*, That any gift or
13 bequest shall be used in accordance with the terms of that
14 gift or bequest to the greatest extent practicable.

15 SEC. 508. Funds made available by this Act for intel-
16 ligence activities are deemed to be specifically authorized
17 by the Congress for purposes of section 504 of the Na-
18 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
19 year 2004 until the enactment of the Intelligence Author-
20 ization Act for fiscal year 2004.

21 SEC. 509. The Federal Law Enforcement Training
22 Center is directed to establish an accrediting body that
23 will include representatives from the Federal law enforce-
24 ment community, as well as non-Federal accreditation ex-
25 perts involved in law enforcement training. The purpose

1 of this body will be to establish standards for measuring
2 and assessing the quality and effectiveness of Federal law
3 enforcement training programs, facilities, and instructors.

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

10 SEC. 511. None of the funds in this Act may be used
11 to make a grant unless the Secretary of Homeland Secu-
12 rity notifies the Committees on Appropriations not less
13 than 3 full business days before any grant allocation, dis-
14 cretionary grant award, or letter of intent totaling
15 \$1,000,000 or more is announced by the department or
16 its directorates from: (1) any discretionary or formula-
17 based grant program of the Office of Domestic Prepared-
18 ness; (2) any letter of intent from the Transportation Se-
19 curity Administration; or (3) any port security grant: *Pro-*
20 *vided*, That no notification shall involve funds that are not
21 available for obligation.

22 SEC. 512. Notwithstanding any other provision of
23 law, no agency shall purchase, construct, and/or lease any
24 additional facilities, except within or contiguous to existing
25 locations, to be used for the purpose of conducting Federal

1 law enforcement training without the advance approval of
2 the Committees on Appropriations, except that the Fed-
3 eral Law Enforcement Training Center is authorized to
4 obtain the temporary use of additional facilities by lease,
5 contract, or other agreement for training which cannot be
6 accommodated in existing Center facilities.

7 SEC. 513. The Federal Law Enforcement Training
8 Center is directed to ensure that all of the training centers
9 under its control are operated at their highest potential
10 capacity efficiency throughout the fiscal year. In order to
11 facilitate this direction, the Director is authorized to
12 schedule basic and advanced law enforcement training at
13 any site the Federal Law Enforcement Training Center
14 determines is warranted in the interests of the Govern-
15 ment to ensure the best utilization of the Center's total
16 capacity for training, notwithstanding legislative prohibi-
17 tions.

18 SEC. 514. None of the funds made available by this
19 Act may be used for the production of customs declara-
20 tions that do not inquire whether the passenger has been
21 in the proximity of livestock.

22 SEC. 515. None of the funds made available by this
23 Act shall be available for any activity or for paying the
24 salary of any Government employee where funding an ac-
25 tivity or paying a salary to a Government employee would

1 result in a determination, regulation, or policy that would
2 prohibit the enforcement of section 307 of the Tariff Act
3 of 1930.

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

6 (1) the importation into the United States of
7 any good, ware, article, or merchandise mined, pro-
8 duced, or manufactured by forced or indentured
9 child labor, as determined pursuant to section 307
10 of the Tariff Act of 1930 (19 U.S.C. 1307); or

11 (2) the release into the United States of any
12 good, ware, article, or merchandise on which there is
13 in effect a detention order, pursuant to such section
14 307, on the basis that the good, ware, article, or
15 merchandise may have been mined, produced, or
16 manufactured by forced or indentured child labor.

17 SEC. 517. Appropriations to the Department of
18 Homeland Security in this Act shall be available for pur-
19 chase of insurance for official motor vehicles operated in
20 foreign countries; purchase of motor vehicles without re-
21 gard to the general purchase price limitations for vehicles
22 purchased and used overseas for the current fiscal year;
23 entering into contracts with the Department of State for
24 the furnishing of health and medical services to employees
25 and their dependents serving in foreign countries; and

1 services authorized by section 3109 of title 5, United
2 States Code.

3 SEC. 518. None of the funds appropriated in this Act
4 may be used for expenses of any construction, repair, al-
5 teration, and acquisition project for which a prospectus,
6 if required by the Public Buildings Act of 1959, has not
7 been approved, except that necessary funds may be ex-
8 pended for each project for required expenses for the de-
9 velopment of a proposed prospectus.

10 SEC. 519. None of the funds in this Act shall be used
11 to pursue or adopt guidelines or regulations requiring air-
12 port sponsors to provide to the Transportation Security
13 Administration without cost building construction, mainte-
14 nance, utilities and expenses, or space in airport sponsor-
15 owned buildings for services relating to aviation security:
16 *Provided*, That the prohibition of funds in this section does
17 not apply to—

18 (1) negotiations between the agency and airport
19 sponsors to achieve agreement on “below-market”
20 rates for these items, or

21 (2) space for necessary security checkpoints.

22 SEC. 520. None of the funds made available in this
23 Act may be used in contravention of the applicable provi-
24 sions of the Buy American Act (41 U.S.C. 10a–10c).

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

5 This Act may be cited as the “Department of Home-
6 land Security Appropriations Act, 2004”.

Passed the House of Representatives June 24, 2003.

Attest:

JEFF TRANDAHL,

Clerk.