

***In the Senate of the United States,***

*July 24 (legislative day, July 21), 2003.*

*Resolved,* That the bill from the House of Representatives (H.R. 2555) entitled “An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

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

1        *DEPARTMENT OF HOMELAND SECURITY*  
2        *TITLE I—DEPARTMENTAL OPERATIONS,*  
3                *MANAGEMENT, AND OVERSIGHT*  
4        *OFFICE OF THE SECRETARY AND EXECUTIVE*  
5                        *MANAGEMENT*

6        *For necessary expenses of the Office of the Secretary*  
7 *of Homeland Security as authorized by section 102 of the*  
8 *Homeland Security Act of 2002 (6 U.S.C. 112) and execu-*  
9 *tive management of the Department of Homeland Security,*  
10 *as authorized by law, \$83,653,000.*

11        *OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT*

12        *For necessary expenses of the Office of the Under Sec-*  
13 *retary for Management and Administration, as authorized*  
14 *by sections 701–704 of the Homeland Security Act of 2002*  
15 *(6 U.S.C. 341–344), \$167,521,000: Provided, That of the*  
16 *total amount provided, \$30,000,000 shall remain available*  
17 *until expended solely for the alteration and improvement*  
18 *of facilities and for relocation costs necessary for the in-*  
19 *terim housing of the Department’s headquarters’ operations*  
20 *and organizations collocated therewith.*

21        *DEPARTMENT-WIDE TECHNOLOGY INVESTMENTS*

22        *For development and acquisition of information tech-*  
23 *nology equipment, software, services, and related activities*  
24 *for the Department of Homeland Security, and for the costs*  
25 *of conversion to narrowband communications, including the*

1 *cost for operation of the land mobile radio legacy systems,*  
2 *\$185,000,000, to remain available until expended.*

3 *OFFICE OF THE INSPECTOR GENERAL*

4 *For necessary expenses of the Office of the Inspector*  
5 *General in carrying out the provisions of the Inspector Gen-*  
6 *eral Act of 1978 (5 U.S.C. App.), \$58,118,000; of which not*  
7 *to exceed \$100,000 may be used for certain confidential*  
8 *operational expenses, including the payment of informants,*  
9 *to be expended at the direction of the Inspector General.*

10 *TITLE II—SERVICES*

11 *CITIZENSHIP AND IMMIGRATION SERVICES*

12 *For necessary expenses for citizenship and immigra-*  
13 *tion services, including international services, as trans-*  
14 *ferred by and authorized by the Homeland Security Act of*  
15 *2002 (6 U.S.C. 271, 272), \$229,377,000.*

16 *TITLE III—SECURITY, ENFORCEMENT, AND*

17 *INVESTIGATIONS*

18 *OFFICE OF THE UNDER SECRETARY FOR BORDER AND*

19 *TRANSPORTATION SECURITY*

20 *SALARIES AND EXPENSES*

21 *For necessary expenses of the Office of the Under Sec-*  
22 *retary for Border and Transportation Security, as author-*  
23 *ized by Subtitle A, Title IV, of the Homeland Security Act*  
24 *of 2002 (6 U.S.C. 201–203), \$8,842,000.*

1 *UNITED STATES VISITOR AND IMMIGRANT STATUS*2 *INDICATOR TECHNOLOGY*

3 *For necessary expenses for the development of the*  
4 *United States Visitor and Immigrant Status Indicator*  
5 *Technology project, as authorized by section 110 of the Ille-*  
6 *gal Immigration Reform and Immigration Responsibility*  
7 *Act of 1996 (8 U.S.C. 1221 note), \$380,000,000, to remain*  
8 *available until expended: Provided, That none of the funds*  
9 *appropriated in this Act for the United States Visitor and*  
10 *Immigrant Status Indicator Technology project may be ob-*  
11 *ligated until the Department of Homeland Security submits*  
12 *a plan for expenditure that has been approved by the Com-*  
13 *mittees on Appropriations of the Senate and the House of*  
14 *Representatives.*

15 *CUSTOMS AND BORDER PROTECTION*16 *SALARIES AND EXPENSES*17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For necessary expenses for border security, immigra-*  
19 *tion, customs, and agricultural inspections and regulatory*  
20 *activities related to plant and animal imports, acquisition,*  
21 *lease, maintenance and operation of aircraft; purchase and*  
22 *lease of up to 4,500 (3,935 for replacement only) police-*  
23 *type vehicles; contracting with individuals for personal*  
24 *services abroad; including not to exceed \$1,000,000 to meet*  
25 *unforeseen emergencies of a confidential nature, to be ex-*  
26 *pended under the direction of, and to be accounted for solely*

1 *under the certificate of, the Under Secretary for Border and*  
2 *Transportation Security; as authorized by any Act enforced*  
3 *by the Bureau of Customs and Border Protection,*  
4 *\$4,366,000,000, of which not to exceed \$96,000,000 shall re-*  
5 *main available until September 30, 2005, for inspection*  
6 *technology; of which such sums as become available in the*  
7 *Customs User Fee Account, except sums subject to section*  
8 *13031(f)(3) of the Consolidated Omnibus Budget Reconcili-*  
9 *ation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived*  
10 *from that account; of which not to exceed \$150,000 shall*  
11 *be available for payment for rental space in connection with*  
12 *preclearance operations; of which not to exceed \$5,000,000*  
13 *shall be available for payments or advances arising out of*  
14 *contractual or reimbursable agreements with State and*  
15 *local law enforcement agencies while engaged in cooperative*  
16 *activities related to immigration: Provided, That none of*  
17 *the funds appropriated shall be available to compensate any*  
18 *employee for overtime in an annual amount in excess of*  
19 *\$30,000, except that the Under Secretary for Border and*  
20 *Transportation Security may exceed that amount as nec-*  
21 *essary for national security purposes and in cases of immi-*  
22 *gration emergencies: Provided further, That of the total*  
23 *amount provided for activities to enforce laws against*  
24 *forced child labor in fiscal year 2004, not to exceed*  
25 *\$4,000,000 shall remain available until expended.*



1            *IMMIGRATION AND CUSTOMS ENFORCEMENT*2                            *SALARIES AND EXPENSES*3                            *(INCLUDING TRANSFER OF FUNDS)*

4            *For necessary expenses for enforcement of immigration*  
5 *and customs laws, detention and removals, investigations;*  
6 *purchase and lease of up to 1,600 (1,450 for replacement*  
7 *only) police-type vehicles; including not to exceed*  
8 *\$1,000,000 to meet unforeseen emergencies of a confidential*  
9 *nature, to be expended under the direction of, and to be*  
10 *accounted for solely under the certificate of, the Under Sec-*  
11 *retary for Border and Transportation Security; as author-*  
12 *ized by any Act enforced by the Bureau of Immigration*  
13 *and Customs Enforcement, \$2,180,000,000, of which not to*  
14 *exceed \$5,000,000 shall be available until expended for con-*  
15 *ducting special operations pursuant to section 3131 of the*  
16 *Customs Enforcement Act of 1986 (19 U.S.C. 2081), of*  
17 *which not less than \$40,000,000 shall be available until ex-*  
18 *pended for information technology infrastructure, and of*  
19 *which not to exceed \$5,000,000 shall be available to fund*  
20 *or reimburse other Federal agencies for the costs associated*  
21 *with the care, maintenance, and repatriation of smuggled*  
22 *illegal aliens: Provided, That in addition, \$424,211,000*  
23 *shall be transferred from the revenues and collections in the*  
24 *General Services Administration, Federal Buildings Fund*  
25 *for the Federal Protective Service: Provided further, That*  
26 *none of the funds appropriated shall be available to com-*

1 *pensate any employee for overtime in an annual amount*  
2 *in excess of \$30,000, except that the Under Secretary for*  
3 *Border and Transportation Security may waive that*  
4 *amount as necessary for national security purposes and in*  
5 *cases of immigration emergencies: Provided further, That*  
6 *of the total amount provided for activities to enforce laws*  
7 *against forced child labor in fiscal year 2004, not to exceed*  
8 *\$1,000,000 shall remain available until expended: Provided*  
9 *further, That not later than 180 days after the date of enact-*  
10 *ment of this Act, the General Accounting Office shall trans-*  
11 *mit to Congress a report on the implementation of the Stu-*  
12 *dent and Exchange Visitor Information System (SEVIS),*  
13 *including an assessment of the technical problems faced by*  
14 *institutions of higher education using the system, the need*  
15 *for the detailed information collected, and an analysis of*  
16 *corrective action being taken by the Department to resolve*  
17 *problems in SEVIS.*

18 *AIR AND MARINE INTERDICTION, OPERATIONS,*

19 *MAINTENANCE AND PROCUREMENT*

20 *For necessary expenses for the operation and mainte-*  
21 *nance of marine vessels, aircraft, and other related equip-*  
22 *ment of the Air and Marine Programs, including oper-*  
23 *ational training and mission-related travel, and rental*  
24 *payments for facilities occupied by the air or marine inter-*  
25 *dition and demand reduction programs, the operations of*  
26 *which include the following: the interdiction of narcotics*

1 *and other goods; the provision of support to Federal, State,*  
2 *and local agencies in the enforcement or administration of*  
3 *laws enforced by the Bureau of Immigration and Customs*  
4 *Enforcement; and at the discretion of the Director of the*  
5 *Bureau of Immigration and Customs Enforcement, the pro-*  
6 *vision of assistance to Federal, State, and local agencies in*  
7 *other law enforcement and emergency humanitarian efforts,*  
8 *\$257,291,000, to remain available until expended.*

9 *CONSTRUCTION*

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

15 *TRANSPORTATION SECURITY ADMINISTRATION*

16 *AVIATION SECURITY*

17 *For necessary expenses of the Transportation Security*  
18 *Administration related to providing civil aviation security*  
19 *services pursuant to the Aviation and Transportation Secu-*  
20 *rity Act (49 U.S.C. 40101 note), \$4,523,900,000, to remain*  
21 *available until September 30, 2005, of which*  
22 *\$3,185,000,000 shall be available for screening activities*  
23 *and of which \$1,338,900,000 shall be available for airport*  
24 *support and enforcement presence: Provided, That security*  
25 *service fees authorized under section 44940 of title 49,*  
26 *United States Code, shall be credited to this appropriation*

1 *as offsetting collections and used for providing civil avia-*  
2 *tion security services authorized by that section: Provided*  
3 *further, That the sum under this heading appropriated*  
4 *from the general fund shall be reduced on a dollar-for-dollar*  
5 *basis as such offsetting collections are received during fiscal*  
6 *year 2004 in order to result in a final fiscal year appro-*  
7 *priation from the general fund estimated at not more than*  
8 *\$2,453,900,000: Provided further, That any security service*  
9 *fees collected in excess of the amount appropriated under*  
10 *this heading shall be treated as offsetting collections in fiscal*  
11 *year 2005: Provided further, That of the total amount pro-*  
12 *vided under this heading, \$309,000,000 shall be available*  
13 *for physical modification of commercial service airports for*  
14 *the purpose of installing checked baggage explosive detection*  
15 *systems, as authorized by section 367 of title III of Division*  
16 *I of the Consolidated Appropriations Resolution, 2003 (49*  
17 *U.S.C. 47110 note); and \$150,500,000 shall be available for*  
18 *procurement of checked baggage explosive detection systems,*  
19 *including explosive trace detection systems, as authorized*  
20 *by section 4490 of title 49, United States Code.*

21 *MARITIME AND LAND SECURITY*

22 *For necessary expenses of the Transportation Security*  
23 *Administration related to maritime and land transpor-*  
24 *tation security grants and services pursuant to the Aviation*  
25 *and Transportation Security Act (49 U.S.C. 40101 note),*  
26 *\$295,000,000, to remain available until September 30,*

1 *2005: Provided, That of the total amount provided under*  
2 *this heading, \$150,000,000 shall be available for port secu-*  
3 *rity grants, which shall be distributed under the same terms*  
4 *and conditions as provided for under Public Law 107–117;*  
5 *and \$30,000,000 shall be available to execute grants, con-*  
6 *tracts, and interagency agreements for the purpose of de-*  
7 *ploying Operation Safe Commerce.*

8 *INTELLIGENCE*

9 *For necessary expenses for intelligence activities pur-*  
10 *suant to the Aviation and Transportation Security Act (49*  
11 *U.S.C. 40101 note), \$13,600,000, to remain available until*  
12 *September 30, 2004.*

13 *RESEARCH AND DEVELOPMENT*

14 *For necessary expenses for research and development*  
15 *related to transportation security, \$130,200,000, to remain*  
16 *available until expended: Provided, That of the total*  
17 *amount provided under this heading, \$45,000,000 shall be*  
18 *available for the research and development of explosive de-*  
19 *tection devices.*

20 *ADMINISTRATION*

21 *For necessary administrative expenses of the Trans-*  
22 *portation Security Administration to carry out the Avia-*  
23 *tion and Transportation Security Act (49 U.S.C. 40101*  
24 *note), \$433,200,000, to remain available until September*  
25 *30, 2004.*

1 *UNITED STATES COAST GUARD*2 *OPERATING EXPENSES*3 *(INCLUDING RESCISSION OF FUNDS)*

4 *For necessary expenses for the operation and mainte-*  
5 *nance of the Coast Guard not otherwise provided for; pur-*  
6 *chase of not to exceed five passenger motor vehicles for re-*  
7 *placement only; payments pursuant to section 156 of Public*  
8 *Law 97-377 (42 U.S.C. 402 note); and section 229(b) of*  
9 *the Social Security Act (42 U.S.C. 429(b)) and recreation*  
10 *and welfare, \$4,719,000,000, of which \$340,000,000 shall*  
11 *be available for defense-related activities; and of which*  
12 *\$25,000,000 shall be derived from the Oil Spill Liability*  
13 *Trust Fund: Provided, That none of the funds appropriated*  
14 *by this or any other Act shall be available for administra-*  
15 *tive expenses in connection with shipping commissioners in*  
16 *the United States: Provided further, That of the total*  
17 *amount provided under this heading, funding to operate*  
18 *and maintain the Coast Guard Research and Development*  
19 *Center shall continue at the fiscal year 2003 level: Provided*  
20 *further, That the Commandant of the Coast Guard shall*  
21 *conduct a study, the cost of which is not to exceed \$350,000,*  
22 *to be submitted to the Committees on Appropriations of the*  
23 *Senate and the House of Representatives, on the research*  
24 *and development priorities of the Coast Guard and a design*  
25 *for a new research and development organizational struc-*  
26 *ture within the Coast Guard that ensures that the Coast*

1 *Guard has access to the most advanced technology necessary*  
2 *to perform its missions effectively: Provided further, That*  
3 *the Commandant may seek an independent entity to con-*  
4 *duct such a study: Provided further, That none of the funds*  
5 *provided by this Act shall be available for expenses incurred*  
6 *for yacht documentation under section 12109 of title 46,*  
7 *United States Code, except to the extent fees are collected*  
8 *from yacht owners and credited to this appropriation: Pro-*  
9 *vided further, That notwithstanding section 1116(c) of title*  
10 *10, United States Code, amounts made available under this*  
11 *heading may be used to make payments into the Depart-*  
12 *ment of Defense Medicare-Eligible Retiree Health Care*  
13 *Fund for fiscal year 2004 under section 1116(a) of such*  
14 *title.*

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

18 *ENVIRONMENTAL COMPLIANCE AND RESTORATION*

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

23 *RESERVE TRAINING*

24 *For all necessary expenses of the Coast Guard Reserve,*  
25 *as authorized by law; maintenance and operation of facili-*  
26 *ties; and supplies, equipment, and services, \$95,000,000.*

1        *ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS*

2        *For necessary expenses of acquisition, construction,*  
3 *renovation, and improvement of aids to navigation, shore*  
4 *facilities, vessels, and aircraft, including equipment related*  
5 *thereto; maintenance, rehabilitation, lease and operation of*  
6 *facilities and equipment, as authorized by law,*  
7 *\$1,035,000,000, of which \$23,500,000 shall be derived from*  
8 *the Oil Spill Liability Trust Fund; of which \$66,500,000*  
9 *shall be available to acquire, repair, renovate, or improve*  
10 *vessels, small boats, and related equipment, to remain avail-*  
11 *able until expended; of which \$178,500,000 shall be avail-*  
12 *able for other equipment, including \$3,500,000 for defense*  
13 *message system implementation and \$1,000,000 for oil spill*  
14 *prevention efforts under the Ports and Waterways Safety*  
15 *Systems (PAWSS) program, to remain available until ex-*  
16 *pended; of which \$70,000,000 shall be available for per-*  
17 *sonnel compensation and benefits and related costs; of which*  
18 *\$702,000,000 shall be available for the Integrated Deep-*  
19 *water Systems program, to remain available until ex-*  
20 *pended; and of which \$18,000,000 shall be available for al-*  
21 *teration or removal of obstructive bridges, to remain avail-*  
22 *able until expended: Provided, That the Commandant of the*  
23 *Coast Guard is authorized to dispose of surplus real prop-*  
24 *erty, by sale or lease, and the proceeds shall be credited to*  
25 *this appropriation as offsetting collections and shall be*

1 *available only for Rescue 21 and shall remain available*  
2 *until expended: Provided further, That funds for bridge al-*  
3 *teration projects conducted pursuant to the Act of June 21,*  
4 *1940 (33 U.S.C. 511 et seq.) shall be available for such*  
5 *projects only to the extent that the steel, iron, and manufac-*  
6 *tured products used in such projects are produced in the*  
7 *United States, unless contrary to law or international*  
8 *agreement, or unless the Commandant of the Coast Guard*  
9 *determines such action to be inconsistent with the public*  
10 *interest or the cost unreasonable.*

11 *RETIREED PAY*

12 *For retired pay, including the payment of obligations*  
13 *therefor otherwise chargeable to lapsed appropriations for*  
14 *this purpose, payments under the Retired Serviceman's*  
15 *Family Protection and Survivor Benefits Plans, payment*  
16 *for career status bonuses under the National Defense Au-*  
17 *thorization Act, and for payments for medical care of re-*  
18 *tired personnel and their dependents under chapter 55 of*  
19 *title 10, United States Code, \$1,020,000,000.*

20 *UNITED STATES SECRET SERVICE*

21 *SALARIES AND EXPENSES*

22 *For necessary expenses of the United States Secret*  
23 *Service, including purchase of not to exceed 730 vehicles*  
24 *for police-type use, of which 610 shall be for replacement*  
25 *only, and hire of passenger motor vehicles; purchase of*  
26 *American-made sidecar compatible motorcycles; hire of air-*

1 *craft; services of expert witnesses at such rates as may be*  
2 *determined by the Director; rental of buildings in the Dis-*  
3 *trict of Columbia, and fencing, lighting, guard booths, and*  
4 *other facilities on private or other property not in Govern-*  
5 *ment ownership or control, as may be necessary to perform*  
6 *protective functions; for payment of per diem or subsistence*  
7 *allowances to employees where a protective assignment dur-*  
8 *ing the actual day or days of the visit of a protectee require*  
9 *an employee to work 16 hours per day or to remain over-*  
10 *night at his or her post of duty; the conducting of and par-*  
11 *ticipating in firearms matches; presentation of awards; for*  
12 *travel of Secret Service employees on protective missions*  
13 *without regard to the limitations on such expenditures in*  
14 *this or any other Act if approval is obtained in advance*  
15 *from the Committees on Appropriations of the Senate and*  
16 *the House of Representatives; for research and development;*  
17 *for making grants to conduct behavioral research in support*  
18 *of protective research and operations; not to exceed \$100,000*  
19 *to provide technical assistance and equipment to foreign*  
20 *law enforcement organizations in counterfeit investigations;*  
21 *for payment in advance for commercial accommodations as*  
22 *may be necessary to perform protective functions;*  
23 *\$1,114,737,000, of which \$1,633,000 shall be available for*  
24 *forensic and related support of investigations of missing*  
25 *and exploited children; and of which \$5,000,000 shall be*

1 *available as a grant for activities related to the investiga-*  
 2 *tions of exploited children and shall remain available until*  
 3 *expended: Provided, That up to \$18,000,000 provided for*  
 4 *protective travel shall remain available until September 30,*  
 5 *2005: Provided further, That in fiscal year 2004 and there-*  
 6 *after, the James J. Rowley Training Center is authorized*  
 7 *to provide short-term medical services for students under-*  
 8 *going training at the Center.*

9 *ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND*

10 *RELATED EXPENSES*

11 *For necessary expenses of construction, repair, alter-*  
 12 *ation, and improvement of facilities, \$3,579,000, to remain*  
 13 *available until expended.*

14 *TITLE IV—ASSESSMENTS, PREPAREDNESS, AND*

15 *RECOVERY*

16 *COUNTERTERRORISM FUND*

17 *For necessary expenses, as determined by the Secretary*  
 18 *of Homeland Security, \$20,000,000, to remain available*  
 19 *until expended, to reimburse any Department of Homeland*  
 20 *Security organization for the costs of providing support to*  
 21 *counter, investigate, or prosecute unexpected threats or acts*  
 22 *of terrorism, including payment of rewards in connection*  
 23 *with these activities: Provided, That any funds provided*  
 24 *under this heading shall be available only after the Sec-*  
 25 *retary notifies the Committees on Appropriations of the*

1 *Senate and the House of Representatives in accordance with*  
2 *section 605 of this Act.*

3 *FEDERAL LAW ENFORCEMENT TRAINING CENTER*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses of the Federal Law Enforce-*  
6 *ment Training Center, including materials and support*  
7 *costs of Federal law enforcement basic training; purchase*  
8 *of not to exceed 117 vehicles for police-type use and hire*  
9 *of passenger motor vehicles; for expenses for student athletic*  
10 *and related activities; the conducting of and participating*  
11 *in firearms matches and presentation of awards; for public*  
12 *awareness and enhancing community support of law en-*  
13 *forcement training; room and board for student interns;*  
14 *and services as authorized by section 3109 of title 5, United*  
15 *States Code, \$172,736,000, of which up to \$44,413,000 for*  
16 *materials and support costs of Federal law enforcement*  
17 *basic training shall remain available until September 30,*  
18 *2005: Provided, That in fiscal year 2004 and thereafter,*  
19 *the Center is authorized to accept and use gifts of property,*  
20 *both real and personal, and to accept services, for author-*  
21 *ized purposes: Provided further, That in fiscal year 2004*  
22 *and thereafter, the Center is authorized to accept detailees*  
23 *from other Federal agencies, on a non-reimbursable basis,*  
24 *to staff the accreditation function: Provided further, That*  
25 *notwithstanding any other provision of law, in fiscal year*

1 2004 and thereafter, students attending training at any  
2 Center site shall reside in on-Center or Center-provided  
3 housing, insofar as available and in accordance with Center  
4 policy: Provided further, That in fiscal year 2004 and  
5 thereafter, funds appropriated in this account shall be  
6 available, at the discretion of the Director, for the following:  
7 training United States Postal Service law enforcement per-  
8 sonnel and Postal police officers; State and local govern-  
9 ment law enforcement training on a space-available basis;  
10 training of foreign law enforcement officials on a space-  
11 available basis with reimbursement of actual costs to this  
12 appropriation, except that reimbursement may be waived  
13 by the Secretary for law enforcement training activities in  
14 foreign countries undertaken under section 801 of the  
15 Antiterrorism and Effective Death Penalty Act of 1996  
16 (Public Law 104–32); training of private sector security of-  
17 ficials on a space-available basis with reimbursement of ac-  
18 tual costs to this appropriation; and travel expenses of non-  
19 Federal personnel to attend course development meetings  
20 and training sponsored by the Center: Provided further,  
21 That in fiscal year 2004 and thereafter, the Center is au-  
22 thorized to obligate funds in anticipation of reimbursements  
23 from agencies receiving training sponsored by the Center,  
24 except that total obligations at the end of the fiscal year  
25 shall not exceed total budgetary resources available at the

1 *end of the fiscal year: Provided further, That in fiscal year*  
2 *2004 and thereafter, the Center is authorized to provide*  
3 *short-term medical services for students undergoing train-*  
4 *ing at the Center.*

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

7 *For expansion of the Federal Law Enforcement Train-*  
8 *ing Center, for acquisition of necessary additional real*  
9 *property and facilities, and for ongoing maintenance, facil-*  
10 *ity improvements, and related expenses, \$28,708,000, to re-*  
11 *main available until expended.*

12 *OFFICE FOR DOMESTIC PREPAREDNESS*  
13 *STATE AND LOCAL PROGRAMS*

14 *For grants, contracts, cooperative agreements, and*  
15 *other activities, including grants to State and local govern-*  
16 *ments for terrorism prevention activities, notwithstanding*  
17 *any other provision of law, \$2,888,000,000, which shall be*  
18 *allocated as follows:*

19 *(1) \$1,750,000,000 for grants pursuant to section*  
20 *1014 of the USA PATRIOT Act of 2001 (42 U.S.C.*  
21 *3711), of which \$500,000,000 shall be available for*  
22 *State and local law enforcement terrorism prevention*  
23 *grants: Provided, That no funds shall be made avail-*  
24 *able to any State prior to the submission of an up-*  
25 *dated state plan to the Office for Domestic Prepared-*  
26 *ness: Provided further, That the application for*

1        *grants shall be made available to States within 15*  
2        *days after enactment of this Act; and that States shall*  
3        *submit applications within 30 days after the grant*  
4        *announcement; and that the Office for Domestic Pre-*  
5        *paredness shall act on each application within 15*  
6        *days after receipt: Provided further, That each State*  
7        *shall obligate not less than 80 percent of the total*  
8        *amount of the grant to local governments within 45*  
9        *days after the grant award;*

10            (2) *\$30,000,000 for technical assistance;*

11            (3) *\$750,000,000 for discretionary grants for use*  
12        *in high-threat urban areas, as determined by the Sec-*  
13        *retary of Homeland Security: Provided, That no less*  
14        *than 80 percent of any grant to a State shall be made*  
15        *available by the State to local governments within 45*  
16        *days after the receipt of the funds: Provided further,*  
17        *That section 1014(c)(3) of the USA PATRIOT Act of*  
18        *2001 (42 U.S.C. 3711) shall not apply to these grants;*  
19        *and*

20            (4) *\$358,000,000 for national programs:*

21        *Provided, That none of the funds appropriated under this*  
22        *heading shall be used for the construction or renovation of*  
23        *facilities: Provided further, That funds appropriated for*  
24        *State and local law enforcement terrorism prevention*  
25        *grants under paragraph (1) and discretionary grants under*

1 paragraph (3) of this heading shall be available for oper-  
2 ational costs, to include personnel overtime and overtime  
3 associated with Office for Domestic Preparedness certified  
4 training as needed: Provided further, That the Secretary  
5 of Homeland Security shall notify the Committees on Ap-  
6 propriations of the Senate and House of Representatives 15  
7 days prior to the obligation of any amount of the funds  
8 provided under paragraphs (1) and (3) of this heading:  
9 Provided further, That not later than January 1, 2004, the  
10 Office of Domestic Preparedness shall submit to the Com-  
11 mittees on Appropriations of the Senate and House of Rep-  
12 resentatives a report detailing efforts to assess and dissemi-  
13 nate best practices to emergency responders which, at a  
14 minimum, shall discuss (1) efforts to coordinate and share  
15 information with State and local officials and emergency  
16 preparedness organizations; and (2) steps the Department  
17 proposes to improve the coordination and sharing of such  
18 information, if any.

19 *FIREFIGHTER ASSISTANCE GRANTS*

20 *For necessary expenses for programs authorized by sec-*  
21 *tion 33 of the Federal Fire Prevention and Control Act of*  
22 *1974 (15 U.S.C. 2201 et seq.), \$750,000,000, to remain*  
23 *available until September 30, 2005: Provided, That up to*  
24 *5 percent of this amount shall be available for program ad-*  
25 *ministration.*

1     *OFFICE OF THE UNDER SECRETARY FOR EMERGENCY*  
2                     *PREPAREDNESS AND RESPONSE*

3             *For necessary expenses for the Office of the Under Sec-*  
4 *retary for Emergency Preparedness and Response as au-*  
5 *thorized by section 502 of the Homeland Security Act of*  
6 *2002 (6 U.S.C. 312), \$3,615,000.*

7                     *EMERGENCY PREPAREDNESS AND RESPONSE*  
8                     *OPERATING EXPENSES*  
9                     *(INCLUDING RESCISSION OF FUNDS)*

10            *For necessary expenses of the Emergency Preparedness*  
11 *and Response Directorate, \$826,801,000, to remain avail-*  
12 *able until expended, including activities authorized by the*  
13 *National Flood Insurance Act of 1968 (42 U.S.C. 4011 et*  
14 *seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C.*  
15 *4001 et seq.), the Robert T. Stafford Disaster Relief and*  
16 *Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Fed-*  
17 *eral Fire Prevention and Control Act of 1974 (15 U.S.C.*  
18 *2201 et seq.), the Earthquake Hazards Reduction Act of*  
19 *1977 (42 U.S.C. 7701 et seq.), the Defense Production Act*  
20 *of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and*  
21 *303 of the National Security Act of 1947 (50 U.S.C. 404,*  
22 *405), Reorganization Plan No. 3 of 1978 (5 U.S.C. 903*  
23 *note), and the Homeland Security Act of 2002 (6 U.S.C.*  
24 *101 et seq.): Provided, That of the amount provided under*  
25 *this heading: \$163,000,000 shall be for activities relating*  
26 *to Preparedness, Mitigation, Response and Recovery;*

1 \$434,000,000 shall be for *Public Health Programs, includ-*  
2 *ing the Disaster Medical Assistance Teams and the Stra-*  
3 *tegic National Stockpile; \$165,214,000 shall be for Adminis-*  
4 *trative and Regional Operations; and \$64,587,000 shall be*  
5 *for Urban Search and Rescue Teams.*

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

9 *RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM*

10 *The aggregate charges assessed during fiscal year 2004,*  
11 *as authorized by the Energy and Water Development Ap-*  
12 *propriations Act, 2001 (Public Law 106–377; 114 Stat.*  
13 *114A–46), shall not be less than 100 percent of the amounts*  
14 *anticipated by the Department of Homeland Security nec-*  
15 *essary for its radiological emergency preparedness program*  
16 *for the next fiscal year. The methodology for assessment and*  
17 *collection of fees shall be fair and equitable; and shall reflect*  
18 *costs of providing such services, including administrative*  
19 *costs of collecting such fees. Fees received under this heading*  
20 *shall be deposited in this account as offsetting collections*  
21 *and will become available for authorized purposes on Octo-*  
22 *ber 1, 2004, and remain available until expended.*

23 *DISASTER RELIEF*

24 *(INCLUDING TRANSFER OF FUNDS)*

25 *For necessary expenses in carrying out the Robert T.*  
26 *Stafford Disaster Relief and Emergency Assistance Act (42*

1 *U.S.C. 5121 et seq.*), \$1,956,000,000, notwithstanding the  
2 matter under the heading “Disaster Relief” under the head-  
3 ing “Federal Emergency Management Agency” of chapter  
4 II of title I of Public Law 102–229 (42 U.S.C. 5203), to  
5 remain available until expended; of which not to exceed  
6 \$22,000,000 shall be transferred to and merged with the ap-  
7 propriation for “Office of the Inspector General” for audits  
8 and investigations: *Provided, That the Under Secretary for*  
9 *Emergency Preparedness and Response may provide ad-*  
10 *vanced funding to authorize nonprofit entities performing*  
11 *duties under the Robert T. Stafford Disaster Relief and*  
12 *Emergency Assistance Act (42 U.S.C. 5131 et seq.) who re-*  
13 *spond to a disaster declared by the President if the non-*  
14 *profit entity petitions the Under Secretary for such ad-*  
15 *vanced funding and demonstrates that they would be unable*  
16 *to respond to the disaster absent such funding.*

17 *DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT*

18 *For direct loans, as authorized by section 319 of the*  
19 *Robert T. Stafford Disaster Relief and Emergency Assist-*  
20 *ance Act (42 U.S.C. 5162): *Provided, That gross obligations**  
21 *for the principal amount of direct loans not to exceed*  
22 *\$25,000,000: *Provided further, That the cost of modifying**  
23 *such loans shall be as defined in section 502 of the Congres-*  
24 *sional Budget Act of 1974 (2 U.S.C. 661a). In addition,*  
25 *for administrative expenses to carry out the direct loan pro-*  
26 *gram, \$557,000.*

1            *NATIONAL PRE-DISASTER MITIGATION FUND*

2            *For a pre-disaster mitigation grant program pursuant*  
3 *to title II of the Robert T. Stafford Disaster Relief and*  
4 *Emergency Assistance Act (42 U.S.C. 5131 et seq.),*  
5 *\$150,000,000, to remain available until expended: Pro-*  
6 *vided, That grants made for pre-disaster mitigation shall*  
7 *be awarded on a competitive basis subject to the criteria*  
8 *in section 203 of the Robert T. Stafford Disaster Relief and*  
9 *Emergency Assistance Act (42 U.S.C. 5133(g)): Provided*  
10 *further, That, notwithstanding section 203(f) of that Act (42*  
11 *U.S.C. 5133(f)), grant awards shall be made without ref-*  
12 *erence to State allocations, quotas, or other formula-based*  
13 *allocation of funds: Provided further, That total adminis-*  
14 *trative costs shall not exceed 3 percent of the total appro-*  
15 *priation.*

16            *FLOOD MAP MODERNIZATION FUND*

17            *For necessary expenses pursuant to section 1360 of the*  
18 *National Flood Insurance Act of 1968 (42 U.S.C. 4101),*  
19 *\$200,000,000, and such additional sums as may be pro-*  
20 *vided by State and local governments or other political sub-*  
21 *divisions for cost-shared mapping activities under section*  
22 *1360(f)(2) of such Act, to remain available until expended:*  
23 *Provided, That total administrative costs shall not exceed*  
24 *3 percent of the total appropriation.*

1                    *NATIONAL FLOOD INSURANCE FUND*  
2                    *(INCLUDING TRANSFER OF FUNDS)*

3            *For activities under the National Flood Insurance Act*  
4 *of 1968 (42 U.S.C. 4011 et seq.) and the Flood Disaster*  
5 *Protection Act of 1973 (42 U.S.C. 4001 et seq.), not to ex-*  
6 *ceed \$32,663,000 for salaries and expenses associated with*  
7 *flood mitigation and flood insurance operations; and not*  
8 *to exceed \$77,809,000 for flood hazard mitigation, to re-*  
9 *main available until September 30, 2005, including up to*  
10 *\$20,000,000 for expenses under section 1366 of the National*  
11 *Flood Insurance Act of 1968 (42 U.S.C. 4104c), which*  
12 *amount shall be available for transfer to the National Flood*  
13 *Mitigation Fund until September 30, 2005, and which*  
14 *amounts shall be derived from offsetting collections assessed*  
15 *and collected pursuant to section 1307 of that Act (42*  
16 *U.S.C. 4014), and shall be retained and used for necessary*  
17 *expenses under this heading: Provided, That in fiscal year*  
18 *2004, no funds in excess of: (1) \$55,000,000 for operating*  
19 *expenses; (2) \$565,897,000 for agents' commissions and*  
20 *taxes; and (3) \$40,000,000 for interest on Treasury bor-*  
21 *rowings shall be available from the National Flood Insur-*  
22 *ance Fund.*

23                    *NATIONAL FLOOD MITIGATION FUND*  
24                    *(INCLUDING TRANSFER OF FUNDS)*

25            *Notwithstanding subparagraphs (B) and (C) of sub-*  
26 *section (b)(3), and subsection (f) of section 1366 of the Na-*

1 *tional Flood Insurance Act of 1968 (42 U.S.C. 4104c),*  
2 *\$20,000,000, to remain available until September 30, 2005,*  
3 *for activities designed to reduce the risk of flood damage*  
4 *to structures pursuant to such Act, of which \$20,000,000*  
5 *shall be derived from the National Flood Insurance Fund.*

6 *EMERGENCY MANAGEMENT PERFORMANCE GRANTS*

7 *For necessary expenses for emergency management*  
8 *performance grants, as authorized by the National Flood*  
9 *Insurance Act of 1968 and the Flood Disaster Protection*  
10 *Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford*  
11 *Disaster Relief and Emergency Assistance Act (42 U.S.C.*  
12 *5121 et seq.), the Earthquake Hazards Reductions Act of*  
13 *1977 (42 U.S.C. 7701 et seq.), and the Reorganization Plan*  
14 *No. 3 of 1978 (5 U.S.C. 903 note), \$165,000,000.*

15 *EMERGENCY FOOD AND SHELTER*

16 *To carry out an emergency food and shelter program*  
17 *pursuant to title III of Public Law 100–77 (42 U.S.C.*  
18 *11331 et seq.), \$153,000,000, to remain available until ex-*  
19 *pended: Provided, That total administrative costs shall not*  
20 *exceed 3.5 percent of the total appropriation.*

21 *CERRO GRANDE FIRE CLAIMS*

22 *For payment of claims under the Cerro Grande Fire*  
23 *Assistance Act (Public Law 106–246; 114 Stat. 583),*  
24 *\$38,062,000, to remain available until expended: Provided,*  
25 *That up to 5 percent of this amount may be made available*  
26 *for administrative costs.*

1     *OFFICE OF THE UNDER SECRETARY FOR INFORMATION*  
2             *ANALYSIS AND INFRASTRUCTURE PROTECTION*

3             *For necessary expenses of the Office of the Under Sec-*  
4 *retary for Information Analysis and Infrastructure Protec-*  
5 *tion as authorized by section 201 of the Homeland Security*  
6 *Act of 2002 (6 U.S.C. 121), \$10,460,000; of which*  
7 *\$5,442,000 shall be for operations of the Department of*  
8 *Homeland Security Command Center: Provided, That no*  
9 *later than 120 days after enactment of this Act the Under*  
10 *Secretary of Infrastructure Analysis and Infrastructure*  
11 *Protection shall submit a report to the Committees on Ap-*  
12 *propriations of the Senate and House of Representatives on*  
13 *the vulnerability of the 250 largest sports and entertain-*  
14 *ment facilities (based on seating capacity).*

15             *INFORMATION ANALYSIS AND INFRASTRUCTURE*  
16             *PROTECTION, OPERATING EXPENSES*

17             *For necessary expenses for information analysis and*  
18 *infrastructure protection as authorized by section 201 of the*  
19 *Homeland Security Act of 2002 (6 U.S.C. 121),*  
20 *\$823,700,000, to remain available until September 30,*  
21 *2005.*



1 *search priorities for the Coast Guard: Provided further,*  
2 *That there may be credited to and used for the purposes*  
3 *of this appropriation funds received from State and local*  
4 *governments, other public authorities, private sources, and*  
5 *foreign countries, for expenses incurred for research, devel-*  
6 *opment, testing, and evaluation.*

7 **TITLE VI—GENERAL PROVISIONS**

8 *(INCLUDING TRANSFERS OF FUNDS)*

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

12 *SEC. 602. The Federal Emergency Management Agen-*  
13 *cy “Working Capital Fund” shall be available to the De-*  
14 *partment of Homeland Security, as authorized by sections*  
15 *503 and 1517 of the Homeland Security Act of 2002 (6*  
16 *U.S.C. 313 and 557), for expenses and equipment necessary*  
17 *for maintenance and operations of such administrative*  
18 *services as the Secretary determines may be performed more*  
19 *advantageously as central services: Provided, That such*  
20 *fund shall hereafter be known as the “Department of Home-*  
21 *land Security Working Capital Fund”.*

22 *SEC. 603. The Federal Emergency Management Agen-*  
23 *cy “Bequests and Gifts” account shall be available to the*  
24 *Department of Homeland Security, as authorized by sec-*  
25 *tions 503 and 1517 of the Homeland Security Act of 2002*

1 (6 U.S.C. 313 and 557), for the Secretary of Homeland Se-  
2 curity to accept, hold, administer and utilize gifts and be-  
3 quests, including property, to facilitate the work of the De-  
4 partment of Homeland Security: Provided, That such fund  
5 shall hereafter be known as “Department of Homeland Se-  
6 curity, Gifts and Donations”: Provided further, That any  
7 gift or bequest is to be used in accordance with the terms  
8 of that gift or bequest to the greatest extent practicable.

9       SEC. 604. No employee of the Department of Homeland  
10 Security may be detailed or assigned from an agency, bu-  
11 reau, or office funded by this Act to any other agency, bu-  
12 reau, or office of the Department for more than 30 days  
13 unless the individual’s employing agency or office is fully  
14 reimbursed by the receiving agency or office for the salary  
15 and expenses of the employee for the period of assignment  
16 unless expressly so provided herein.

17       SEC. 605. (a) None of the funds provided by this Act,  
18 or provided by previous appropriations Acts to the agencies  
19 in or transferred to the Department of Homeland Security  
20 that remain available for obligation or expenditure in fiscal  
21 year 2004, or provided from any accounts in the Treasury  
22 of the United States derived by the collection of fees avail-  
23 able to the agencies funded by this Act shall be available  
24 for obligation or expenditure through a reprogramming of  
25 funds which: (1) creates a new program; (2) eliminates a

1 program, project, or activity; (3) increases funds for any  
2 program, project, or activity for which funds have been de-  
3 nied or restricted by Congress; or (4) proposes to use funds  
4 directed for a specific activity by either the House or Senate  
5 Committees on Appropriations for a different purpose, un-  
6 less the Committees on Appropriations of the Senate and  
7 the House of Representatives are notified 15 days in ad-  
8 vance of such reprogramming of funds.

9 (b) None of the funds provided by this Act, or provided  
10 by previous appropriations Acts to the agencies in or trans-  
11 ferred to the Department of Homeland Security that remain  
12 available for obligation or expenditure in fiscal year 2004,  
13 or provided from any accounts in the Treasury of the  
14 United States derived by the collection of fees available to  
15 the agencies funded by this Act, shall be available for obliga-  
16 tion or expenditure for programs, projects, or activities  
17 through a reprogramming of funds in excess of \$5,000,000  
18 or 10 percent, whichever is less, that: (1) augments existing  
19 programs, projects, or activities; (2) reduces by 10 percent  
20 funding for any existing program, project, or activity, or  
21 numbers of personnel by 10 percent as approved by Con-  
22 gress; or (3) results from any general savings from a reduc-  
23 tion in personnel which would result in a change in existing  
24 programs, projects or activities, as approved by Congress;  
25 unless the Committees on Appropriations of the Senate and

1 *the House of Representatives are notified 15 days in ad-*  
2 *vance of such reprogramming of funds.*

3 *(c) Not to exceed 5 percent of any appropriation made*  
4 *available for the current fiscal year to the Department of*  
5 *Homeland Security by this Act or provided by previous ap-*  
6 *propriations Acts may be transferred between such appro-*  
7 *priations, but no such appropriation, except otherwise spe-*  
8 *cifically provided, shall be increased by more than 10 per-*  
9 *cent by any such transfers: Provided, That any transfer*  
10 *under this section shall be treated as a reprogramming of*  
11 *funds under subsection (b) of this section and shall not be*  
12 *available for obligation unless the Committees on Appro-*  
13 *priations of the Senate and the House of Representatives*  
14 *are notified 15 days in advance of such transfer.*

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

19 *SEC. 607. 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 National*  
22 *Security Act of 1947 (50 U.S.C. 414) during fiscal year*  
23 *2004 until the date of enactment of an Act authorizing in-*  
24 *telligence activities for fiscal year 2004.*

1        *SEC. 608. The Federal Law Enforcement Training*  
2 *Center is directed to establish an accrediting body that will*  
3 *include representatives from the Federal law enforcement*  
4 *community, as well as non-Federal accreditation experts*  
5 *involved in law enforcement training. The purpose of this*  
6 *body will be to establish standards for measuring and as-*  
7 *sessing the quality and effectiveness of Federal law enforce-*  
8 *ment training programs, facilities, and instructors.*

9        *SEC. 609. For fiscal year 2004 and thereafter, none*  
10 *of the funds made available by this Act may be used for*  
11 *the production of customs declarations that do not inquire*  
12 *whether the passenger had been in the proximity of live-*  
13 *stock.*

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

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

24                *(1) the importation into the United States of*  
25        *any good, ware, article, or merchandise mined, pro-*

1        *duced, or manufactured by forced or indentured child*  
2        *labor, as determined under section 307 of the Tariff*  
3        *Act of 1930 (19 U.S.C. 1307); or*

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

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

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

21        *SEC. 614. None of the funds made available by this*  
22        *Act shall be used to pay the salaries and expenses of per-*  
23        *sonnel to adopt guidelines or regulations requiring airport*  
24        *sponsors to provide to the Transportation Security Admin-*  
25        *istration without cost building construction, maintenance,*

1 *utilities and expenses, or space in airport sponsor-owned*  
2 *buildings for services relating to aviation security: Pro-*  
3 *vided, That the prohibition of funds in this section does not*  
4 *apply to negotiations between the agency and airport spon-*  
5 *sors to achieve agreement on “below-market” rates for these*  
6 *items or to grant assurances that require airport sponsors*  
7 *to provide land without cost to the Transportation Security*  
8 *Administration for necessary security checkpoints.*

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

18           *(1) a system of due process exists whereby avia-*  
19 *tion passengers determined to pose a threat and either*  
20 *delayed or prohibited from boarding their scheduled*  
21 *flights by the TSA may appeal such decision and cor-*  
22 *rect erroneous information contained in CAPPS II;*

23           *(2) the underlying error rate of the government*  
24 *and private data bases that will be used both to estab-*  
25 *lish identity and assign a risk level to a passenger*

1 *will not produce a large number of false positives that*  
2 *will result in a significant number of passengers*  
3 *being treated mistakenly or security resources being*  
4 *diverted;*

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

10 *(4) the Secretary of Homeland Security has es-*  
11 *tablished an internal oversight board to monitor the*  
12 *manner in which CAPPS II is being developed and*  
13 *prepared;*

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

16 *(6) substantial security measures are in place to*  
17 *protect CAPPS II from unauthorized access by hack-*  
18 *ers or other intruders;*

19 *(7) the TSA has adopted policies establishing ef-*  
20 *fective oversight of the use and operation of the sys-*  
21 *tem; and*

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

24 *(b) The General Accounting Office shall submit the re-*  
25 *port required under paragraph (a) of this section no later*

1 *than 60 days after the Secretary of Homeland Security has*  
2 *published in the Federal Register the Department's privacy*  
3 *notice for CAPPs II or no later than 60 days after enact-*  
4 *ment of this Act, whichever is later.*

5 *SEC. 616. Not later than March 1, 2004, the Secretary*  
6 *of Homeland Security shall submit to Congress a report*  
7 *that—*

8 *(1) details the progress made in developing coun-*  
9 *termeasures for commercial aircraft against shoulder-*  
10 *fired missile systems, including cost and time sched-*  
11 *ules for developing and deploying such counter-*  
12 *measures; and*

13 *(2) in classified form and in conjunction with*  
14 *airports in category X and category one, an assess-*  
15 *ment of the vulnerability of such airports from the*  
16 *threat of shoulder-fired missile systems and the in-*  
17 *terim measures being taken to address the threat.*

18 *SEC. 617. Not later than March 1, 2004, the Secretary*  
19 *of Homeland Security shall issue a classified report to Con-*  
20 *gress on the security costs incurred by State and local gov-*  
21 *ernment law enforcement personnel in each State in com-*  
22 *plying with requests and requirements of the United States*  
23 *Secret Service to provide protective services and transpor-*  
24 *tation for foreign and domestic officials.*

1        *SEC. 618. None of the funds appropriated or otherwise*  
2 *made available by this Act may be obligated or expended*  
3 *for the procurement of any articles, materials, or supplies*  
4 *in contravention of the Buy American Act (41 U.S.C. 10a*  
5 *et seq.).*

6        *SEC. 619. Not later than 90 days after the date of en-*  
7 *actment of this Act, the Secretary of Homeland Security*  
8 *shall submit a report in unclassified form to Congress on*  
9 *the Homeland Security Advisory System, which shall*  
10 *include—*

11            *(1) an assessment of how the system is fulfilling*  
12 *its missions to—*

13                    *(A) provide a national framework for Fed-*  
14 *eral, State, and local governments, private in-*  
15 *dustry and the public to gauge threat levels;*

16                    *(B) establish the integration of factors for*  
17 *assignment of threat conditions;*

18                    *(C) unify the system of public announce-*  
19 *ments, allowing government officials and citizens*  
20 *to communicate the nature and degree of ter-*  
21 *rorist threats; and*

22                    *(D) provide a tool for combating terrorism*  
23 *by deterring terrorist activity, notifying law en-*  
24 *forcement and State and local government offi-*  
25 *cial of threats, informing the public about gov-*

1            *ernment preparations, and providing such offi-*  
2            *icals and the public with information necessary*  
3            *to respond to the threat;*

4            *(2) the average daily cost of elevating the Home-*  
5            *land Security Advisory System by 1 threat level;*

6            *(3) an evaluation by the Inspector General of the*  
7            *Department of Homeland Security of the responses to*  
8            *each of the suggested protective measures to be taken*  
9            *at each threat level; and*

10           *(4) a review of efforts taken by the Department*  
11           *of Homeland Security to refine the Homeland Secu-*  
12           *rity Advisory System, and the progress of tailoring*  
13           *the system so that threat alerts are issued on a re-*  
14           *gional basis rather than nationally.*

15           *SEC. 620. (a) Congress finds that—*

16           *(1) emergency responders are the first line of de-*  
17           *fense in protecting our Nation against terrorist at-*  
18           *tacks;*

19           *(2) the Department of Homeland Security uses*  
20           *population as a factor when allocating grant funding*  
21           *to States and local governments for emergency re-*  
22           *sponders;*

23           *(3) population plays an important role in both*  
24           *formula and discretionary grants, which are adminis-*  
25           *tered by the Department of Homeland Security;*

1           (4) *the number of people in a city or State often*  
2           *differs from estimates by the Census Bureau;*

3           (5) *large groups of tourists regularly visit many*  
4           *American cities and States, but are not included in*  
5           *the resident population of these cities and States; and*

6           (6) *the monetary needs of emergency responders*  
7           *are directly related to the amount of people they are*  
8           *responsible to protect.*

9           (b) *It is the sense of the Senate that the Secretary of*  
10          *Homeland Security should take into account tourist popu-*  
11          *lation as a factor when determining resource needs and po-*  
12          *tential vulnerabilities for the purpose of allocating funds*  
13          *for discretionary and formula grants.*

14          SEC. 621. *Not later than 30 days after the date of en-*  
15          *actment of this Act, the Under Secretary for Emergency*  
16          *Preparedness and Response shall—*

17                 (1) *review the damage survey reports and project*  
18                 *worksheets relating to the damages and costs incurred*  
19                 *by the University of North Dakota as a result of the*  
20                 *April 1997 flooding in North Dakota, which is classi-*  
21                 *fied by Emergency Preparedness and Response as*  
22                 *DR-1174-ND; and*

23                 (2) *submit a report on the efforts of the Direc-*  
24                 *torate of Emergency Preparedness and Response to re-*  
25                 *solve any outstanding claims by the University of*

1       *North Dakota relating to the reports described in*  
2       *paragraph (1) to the Committees on Appropriations*  
3       *of the Senate and House of Representatives.*

4       *SEC. 622. Not later than 60 days after the date of the*  
5       *enactment of this Act, the Secretary of Homeland Security,*  
6       *in consultation with the Secretary of State and the Attorney*  
7       *General, shall report to the Committees on Appropriations*  
8       *of the Senate and the House of Representatives on the feasi-*  
9       *bility of providing access to State and local law enforcement*  
10       *agencies to the database of the Department of State on po-*  
11       *tential terrorists known as the “Tipoff” database, including*  
12       *the process by which classified information shall be secured*  
13       *from unauthorized disclosure.*

14       *SEC. 623. Not later than 60 days after the date of en-*  
15       *actment of this Act, the Secretary of Homeland Security,*  
16       *in collaboration with the Director of the Office of Manage-*  
17       *ment and Budget, shall submit a report to the Committee*  
18       *on Appropriations of the Senate, the Committee on Appro-*  
19       *priations of the House of Representatives, the Committee*  
20       *on Governmental Affairs of the Senate, the Committee on*  
21       *Government Reform of the House of Representatives, and*  
22       *the Select Committee on Homeland Security of the House*  
23       *of Representatives on the status of the Department’s efforts*  
24       *to—*

1           (1) *complete an inventory of the Department's*  
2 *entire information technology infrastructure;*

3           (2) *devise and deploy a secure comprehensive en-*  
4 *terprise architecture that—*

5                 (A) *promotes interoperability of homeland*  
6 *security information systems, including commu-*  
7 *nications systems, for agencies within and out-*  
8 *side the Department;*

9                 (B) *avoids unnecessary duplication; and*

10                (C) *aids rapid and appropriate information*  
11 *exchange, retrieval, and collaboration at all lev-*  
12 *els of government;*

13           (3) *consolidate multiple overlapping and incon-*  
14 *sistent terrorist watch lists, reconcile different policies*  
15 *and procedures governing whether and how terrorist*  
16 *watch list data are shared with other agencies and or-*  
17 *ganizations, and resolve fundamental differences in*  
18 *the design of the systems that house the watch lists so*  
19 *as to achieve consistency and expeditious access to ac-*  
20 *curate, complete, and current information;*

21           (4) *ensure that the Department's enterprise ar-*  
22 *chitecture and the information systems leveraged, de-*  
23 *veloped, managed, and acquired under such enterprise*  
24 *architecture are capable of rapid deployment, limit*  
25 *data access only to authorized users in a highly se-*

1        *cure environment, and are capable of continuous sys-*  
2        *tem upgrades to benefit from advances in technology*  
3        *while preserving the integrity of stored data; and*

4                *(5) align common information technology invest-*  
5        *ments within the Department and between the De-*  
6        *partment and other Federal, State, and local agencies*  
7        *responsible for homeland security to minimize incon-*  
8        *sistent and duplicate acquisitions and expenditures.*

9        *SEC. 624. No funds in this Act shall be available for*  
10        *any contract entered into after the date of enactment of this*  
11        *Act by the Department of Homeland Security with—*

12                *(1) an inverted domestic corporation (as defined*  
13        *in section 835 of the Homeland Security Act of 2002*  
14        *(Public Law 107–296; 6 U.S.C. 395)),*

15                *(2) any corporation which completed a plan (or*  
16        *series of transactions) described in such section before,*  
17        *on, or after the date of enactment of the Homeland*  
18        *Security Act of 2002 (Public Law 107–296; 6 U.S.C.*  
19        *395), or*

20                *(3) any subsidiary of a corporation described in*  
21        *paragraph (1) or (2).*

22        *SEC. 625. It is the sense of the Senate that the Depart-*  
23        *ment of Homeland Security’s Undersecretary for Science*  
24        *and Technology should take all appropriate steps to ensure*  
25        *the active participation of historically black colleges and*

1 *universities, tribal colleges, Hispanic-serving institutions,*  
2 *and Alaskan Native serving institutions in Department*  
3 *sponsored university research.*

4 *SEC. 626. (a) Not later than 120 days after the date*  
5 *of the enactment of this Act, the Secretary shall submit to*  
6 *the Committees on Appropriations of the Senate and the*  
7 *House of Representatives a plan for enhancements of the*  
8 *operations of the Information Analysis and Infrastructure*  
9 *Protection Directorate in order to—*

10 *(1) meet the personnel requirements of the Direc-*  
11 *torate;*

12 *(2) improve communications between the Direc-*  
13 *torate and the intelligence community; and*

14 *(3) improve coordination between the Directorate*  
15 *and State and local counterterrorism and law en-*  
16 *forcement officials.*

17 *(b) In addition to the matters specified in subsection*  
18 *(a), the plan shall include a description of the current assets*  
19 *and capabilities of the Information Analysis and Infra-*  
20 *structure Protection Directorate, a strategy for the Direc-*  
21 *torate for the coordination and dissemination of intelligence*  
22 *and other information, and a schedule for the implementa-*  
23 *tion of the plan required under subsection (a).*

24 *SEC. 627. Not later than 90 days after the date of en-*  
25 *actment of this Act, the Comptroller General shall conduct*

1 *a review and report to Congress on all of the data-mining*  
2 *programs relating to law enforcement and terrorism cur-*  
3 *rently under development and in use in the Department*  
4 *of Homeland Security.*

5 *SEC. 628. When establishing priorities for firefighting*  
6 *vehicles in the Firefighter Assistance Grants program, the*  
7 *Secretary shall take into consideration the unique geo-*  
8 *graphical needs of individual fire departments.*

9 *SEC. 629. Not later than 90 days after the date of the*  
10 *enactment of this Act, the Secretary of Homeland Security*  
11 *shall conduct a study and submit a report with rec-*  
12 *ommendations to the Committee on Appropriations of the*  
13 *House of Representatives and the Committee on Appropria-*  
14 *tions of the Senate regarding the status of the air traffic*  
15 *control communications voids and gaps in tethered aerostat*  
16 *coverage around the United States, such as those existing*  
17 *in the central Gulf of Mexico.*

18 *This Act may be cited as the “Department of Home-*  
19 *land Security Appropriations Act, 2004”.*

Attest:

*Secretary.*

108TH CONGRESS  
1ST SESSION

**H. R. 2555**

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**AMENDMENT**