

Union Calendar No. 84

108TH CONGRESS
1ST SESSION

H. R. 2555

[Report No. 108-169]

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2003

Mr. ROGERS of Kentucky, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

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

1 TITLE I—DEPARTMENTAL MANAGEMENT AND
2 OPERATIONS

3 DEPARTMENTAL ADMINISTRATION

4 SALARIES AND EXPENSES

5 For necessary expenses for management and oper-
6 ations of the Department of Homeland Security
7 \$221,493,000; of which not to exceed \$78,975,000 shall
8 be for the Office of the Secretary and Executive Manage-
9 ment; of which not to exceed \$116,139,000 shall be for
10 the Office of the Under Secretary for Management; of
11 which not to exceed \$8,106,000 shall be for the Immediate
12 Office of the Under Secretary for Border and Transpor-
13 tation Security; of which not to exceed \$10,044,000 shall
14 be for the Immediate Office of the Under Secretary for
15 Information Analysis and Infrastructure Protection and
16 the Command Center; of which not to exceed \$3,293,000
17 shall be for the Immediate Office of the Under Secretary
18 for Emergency Preparedness and Response; and of which
19 not to exceed \$4,936,000 shall be for the Immediate Office
20 of the Under Secretary for Science and Technology: *Pro-*
21 *vided*, That not to exceed \$2,000,000 may be used for un-
22 foreseen emergencies of a confidential nature, to be allo-
23 cated and expended under the direction of the Secretary
24 of Homeland Security: *Provided further*, That not to ex-
25 ceed \$40,000 shall be for allocation within the Department

1 for official reception and representation expenses as the
2 Secretary may determine.

3 COUNTERTERRORISM FUND

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

14 DEPARTMENT-WIDE TECHNOLOGY INVESTMENTS

15 For development and acquisition of information tech-
16 nology equipment, software, services, and related activities
17 for the Department of Homeland Security, and for the
18 costs of conversion to narrowband communications, in-
19 cluding the cost for operation of the Land Mobile Radio
20 legacy systems, \$206,000,000, to remain available until
21 expended: *Provided*, That none of the funds appropriated
22 shall be used to support or supplement the appropriations
23 provided for the United States Visitor and Immigrant Sta-
24 tus Indicator Technology system and the Automated Com-
25 mercial Environment.

1 OFFICE OF THE INSPECTOR GENERAL
2 SALARIES AND EXPENSES
3 (INCLUDING TRANSFER OF FUNDS)

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

14 TITLE II—BORDER AND TRANSPORTATION
15 SECURITY

16 CUSTOMS AND BORDER PROTECTION

17 BUREAU OF CUSTOMS AND BORDER PROTECTION

18 SALARIES AND EXPENSES
19 (INCLUDING TRANSFER OF FUNDS)

20 For necessary expenses of the Bureau of Customs
21 and Border Protection for enforcement of laws relating to
22 border security, immigration, customs, and agricultural
23 inspections and regulatory activities related to plant and
24 animal imports, including planning, construction, and nec-
25 essary related activities of buildings and facilities,
26 \$4,584,600,000; of which not to exceed \$25,000 shall be

1 for official reception and representation expenses; of which
2 not to exceed \$129,000,000 to remain available until Sep-
3 tember 30, 2005, shall be for inspection technology; of
4 which such sums as become available in the Customs User
5 Fee Account, except sums subject to section 13021(f)(3)
6 of the Consolidated Omnibus Budget Reconciliation Act
7 of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that
8 account; and of which not to exceed \$5,000,000 shall be
9 for payments or advances arising out of contractual or re-
10 imburseable agreements with State and local law enforce-
11 ment agencies while engaged in cooperative activities re-
12 lated to immigration: *Provided*, That none of the funds
13 available to the Directorate of Border and Transportation
14 Security may be used to pay any employee overtime pay
15 in an amount in excess of \$30,000 during the calendar
16 year beginning January 1, 2004, except that the Commis-
17 sioner of Customs and Border Protection may exceed such
18 limitation as necessary for national security purposes and
19 in cases of immigration emergencies: *Provided further*,
20 That uniforms may be purchased without regard to the
21 general purchase price limitation for the current fiscal
22 year: *Provided further*, That no funds shall be available
23 for the site acquisition, design, or construction of any Bor-
24 der Patrol checkpoint in the Tucson sector: *Provided fur-*
25 *ther*, That the Border Patrol shall relocate its checkpoints

1 in the Tucson sector at least once every 7 days in a man-
2 ner designed to prevent persons subject to inspection from
3 predicting the location of any such checkpoint.

4 In addition, for administrative expenses related to the
5 collection of the Harbor Maintenance Fee, pursuant to
6 Public Law 103–182, and notwithstanding section
7 1511(e)(1) of Public Law 107–296, \$3,000,000 to be de-
8 rived from the Harbor Maintenance Trust Fund and to
9 be transferred to and merged with this account.

10 AUTOMATION MODERNIZATION

11 For expenses not otherwise provided for Bureau of
12 Customs and Border Protection automated systems,
13 \$493,727,000, to remain available until expended, of
14 which not less than \$318,690,000 shall be for the develop-
15 ment of the Automated Commercial Environment: *Pro-*
16 *vided*, That none of the funds appropriated under this
17 heading may be obligated for the Automated Commercial
18 Environment until the Bureau of Customs and Border
19 Protection prepares and submits to the Committees on
20 Appropriations a plan for expenditure that (1) meets the
21 capital planning and investment control review require-
22 ments established by the Office of Management and Budg-
23 et, including OMB Circular A–11, part 3; (2) complies
24 with the Bureau of Customs and Border Protection’s En-
25 terprise Information Systems Architecture; (3) complies

1 with the acquisition rules, requirements, guidelines, and
2 systems acquisition management practices of the Federal
3 Government; (4) is reviewed and approved by the Bureau
4 of Customs and Border Protection Investment Review
5 Board, the Department of Homeland Security, and the Of-
6 fice of Management and Budget; and (5) is reviewed by
7 the General Accounting Office: *Provided further*, That
8 none of the funds appropriated under this heading may
9 be obligated for the Automated Commercial Environment
10 until such expenditure plan has been approved by the
11 Committees on Appropriations.

12 IMMIGRATION AND CUSTOMS ENFORCEMENT
13 BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT
14 SALARIES AND EXPENSES

15 For necessary expenses of the Bureau of Immigration
16 and Customs Enforcement for enforcement of immigration
17 and customs laws, detention and removals, investigations,
18 including planning, construction, and necessary related ac-
19 tivities of buildings and facilities, \$2,030,000,000; of
20 which not to exceed \$5,000,000, to remain available until
21 expended, shall be for conducting special operations pursu-
22 ant to Public Law 99–570 (19 U.S.C. 2081); of which
23 not to exceed \$15,000 shall be for official reception and
24 representation expenses; of which not less than \$100,000
25 shall be for promotion of public awareness of the child por-

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

17 FEDERAL PROTECTIVE SERVICE

18 (INCLUDING TRANSFER OF FUNDS)

19 For expenses, not otherwise provided for, necessary
20 for the operations of the Federal Protective Service,
21 \$424,211,000 shall be transferred from the revenues and
22 collections in the General Services Administration, Federal
23 Buildings Fund.

1 AUTOMATION AND INFRASTRUCTURE MODERNIZATION

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

1 until such expenditure plan has been approved by the
2 Committees on Appropriations.

3 AIR AND MARINE INTERDICTION

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

1 tion and Customs Enforcement requirements and aircraft
2 that have been damaged beyond repair, shall be trans-
3 ferred to any other Federal agency, department, or office
4 outside of the Department of Homeland Security, during
5 fiscal year 2004 without the prior approval of the Commit-
6 tees on Appropriations.

7 TRANSPORTATION SECURITY ADMINISTRATION
8 AVIATION SECURITY

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

1 collections are received during fiscal year 2004, so as to
2 result in a final fiscal year appropriation from the General
3 Fund estimated at not more than \$1,609,200,000: *Pro-*
4 *vided further*, That any security service fees collected in
5 excess of the amount appropriated under this heading
6 shall be treated as offsetting collections in fiscal year
7 2005: *Provided further*, That none of the funds in this Act
8 shall be used to recruit or hire personnel into the Trans-
9 portation Security Administration which would cause the
10 agency to exceed a staffing level of 45,000 full-time equiv-
11 alent screeners: *Provided further*, That of the total amount
12 provided herein, \$235,000,000 shall be available only for
13 physical modification of commercial service airports for
14 the purpose of installing checked baggage explosive detec-
15 tion systems and \$100,000,000 shall be available only for
16 procurement of checked baggage explosive detection sys-
17 tems.

18 FEDERAL AIR MARSHALS

19 For necessary expenses of the Federal air marshals,
20 \$634,600,000, to remain available until expended.

21 MARITIME AND LAND SECURITY

22 For necessary expenses of the Transportation Secu-
23 rity Administration related to maritime and land transpor-
24 tation security grants and services pursuant to Public Law
25 107-71, \$231,700,000, to remain available until ex-

1 pending: *Provided*, That of such amount, \$100,000,000
2 shall be available only to make port security grants, which
3 shall be distributed under the same terms and conditions
4 as provided for under Public Law 107–117.

5 INTELIGENCE

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

10 RESEARCH AND DEVELOPMENT

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

15 ADMINISTRATION

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

21 FEDERAL LAW ENFORCEMENT TRAINING

22 CENTER

23 SALARIES AND EXPENSES

24 For the necessary expenses of the Federal Law En-
25 forcement Training Center, \$136,629,000, of which

1 \$26,635,000 shall be for material and support costs of
2 Federal law enforcement basic training and shall remain
3 available until September 30, 2006, and of which not to
4 exceed \$12,000 shall be for official reception and represen-
5 tation expenses: *Provided*, That notwithstanding any other
6 provision of law, the Center is authorized to expend appro-
7 priations for the purchase of police-type pursuit vehicles
8 without regard to the general purchase price limitation;
9 student athletic and related recreational activities; con-
10 ducting and participating in firearms matches and the
11 presentation of awards for such matches; public awareness
12 and enhancing community support of law enforcement
13 training, including the advertisement and marketing of
14 available law enforcement training programs; room and
15 board for student interns; short-term medical services for
16 students undergoing training at Center training facilities;
17 travel expenses of non-Federal personnel attending course
18 development meetings; services authorized by section 3109
19 of title 5, United States Code; support of Federal law en-
20 forcement accreditation; and a flat monthly reimburse-
21 ment to employees authorized to use personal cell phones
22 for official duties: *Provided further*, That (1) funds appro-
23 priated to this account may be used at the discretion of
24 the Center's Director to train United States Postal Service
25 law enforcement personnel, State and local law enforce-

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

1 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
2 RELATED EXPENSES

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

17 OFFICE FOR DOMESTIC PREPAREDNESS

18 DOMESTIC PREPAREDNESS

19 For grants, contracts, cooperative agreements, and
20 other activities of the Office for Domestic Preparedness,
21 as authorized by the Homeland Security Act of 2002
22 (Public Law 107–296) and the USA PATRIOT Act of
23 2001 (Public Law 107–56), \$3,503,000,000, to remain
24 available until expended: *Provided*, That of the amount
25 provided under this heading—

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

3 (2) \$500,000,000 shall be for grants to State
4 and local law enforcement for terrorism prevention
5 activities;

6 (3) \$200,000,000 shall be for critical infra-
7 structure grants;

8 (4) \$500,000,000 shall be for discretionary
9 grants for use in high-density urban areas and high-
10 threat areas; and

11 (5) \$35,000,000 shall be for grants for Centers
12 for Emergency Preparedness:

13 *Provided further*, That the application for grants appro-
14 priated in subsections (1), (2), and (3) under this heading
15 shall be made available to States within 30 days of enact-
16 ment of this Act; States shall submit applications within
17 30 days of the grant announcement; and the Office for
18 Domestic Preparedness shall act on each application with-
19 in 15 days of receipt: *Provided further*, That 80 percent
20 of the funds appropriated in subsections (1), (2), (3), and
21 (4) under this heading to any State shall be allocated by
22 the State to units of local governments and shall be dis-
23 tributed by the State within 60 days of the receipt of
24 funds: *Provided further*, That section 1014(c)(3) of Public
25 Law 107–56 shall not apply to funds appropriated in sub-

1 sections (4) and (5) under this heading: *Provided further*,
2 That none of the funds appropriated under this heading
3 shall be used for construction or renovation of facilities:
4 *Provided further*, That funds appropriated in subsections
5 (3) and (4) under this heading shall be available for oper-
6 ational costs, including personnel overtime as needed.

7 TITLE III—EMERGENCY PREPAREDNESS AND
8 RESPONSE

9 ADMINISTRATIVE AND REGIONAL OPERATIONS

10 For necessary expenses for administrative and re-
11 gional operations of the Emergency Preparedness and Re-
12 sponse Directorate, \$168,589,000, including activities au-
13 thorized by the National Flood Insurance Act of 1968 (42
14 U.S.C. 4001 et seq.), the Flood Disaster Protection Act
15 of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford
16 Disaster Relief and Emergency Assistance Act (42 U.S.C.
17 5121 et seq.), the Earthquake Hazards Reduction Act of
18 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Preven-
19 tion and Control Act of 1974 (15 U.S.C. 2201 et seq.),
20 the Defense Production Act of 1950 (50 U.S.C. App. 2061
21 et seq.), sections 107 and 303 of the National Security
22 Act of 1947 (50 U.S.C. 404–405), Reorganization Plan
23 No. 3 of 1978, and the Homeland Security Act of 2002;
24 of which not to exceed \$3,000 shall be for official reception
25 and representation expenses.

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

7 PUBLIC HEALTH PROGRAMS

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

13 BIODEFENSE COUNTERMEASURES

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

21 GRANT PROGRAMS

22 For activities designed to reduce the risk of flood
23 damage to structures pursuant to the National Flood In-
24 surance Act of 1968 (42 U.S.C. 4001 et seq.), notwith-
25 standing sections 1366(b)(3) (B)–(C) and 1366(f) of such

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

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
19 expended: *Provided*, That total administrative costs shall
20 not exceed 3½ percent of the total appropriation.

21 FIREFIGHTER ASSISTANCE GRANTS

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses, not otherwise provided for,
24 for programs as authorized by section 33 of the Federal
25 Fire Prevention and Control Act of 1974 (15 U.S.C. 2201

1 et seq.), \$750,000,000 to remain available through Sep-
2 tember 30, 2005: *Provided*, That up to 5 percent of this
3 amount shall be transferred to “Preparedness, Mitigation,
4 Response, and Recovery” for program administration.

5 DISASTER RELIEF

6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses in carrying out the Robert
8 T. Stafford Disaster Relief and Emergency Assistance Act
9 (42 U.S.C. 5121 et seq.), \$1,800,000,000 and, notwith-
10 standing 42 U.S.C. 5203, to remain available until ex-
11 pended, of which not to exceed \$22,000,000 may be trans-
12 ferred to the Office of Inspector General for audits and
13 investigations.

14 FLOOD MAP MODERNIZATION FUND

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

21 NATIONAL FLOOD INSURANCE FUND

22 (INCLUDING TRANSFER OF FUNDS)

23 For activities under the National Flood Insurance
24 Act of 1968, and the Flood Disaster Protection Act of
25 1973, not to exceed \$32,761,000 for salaries and expenses

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

16 DISASTER ASSISTANCE DIRECT LOAN PROGRAM

17 ACCOUNT

18 For direct loans, as authorized by section 319 of the
19 Robert T. Stafford Disaster Relief and Emergency Assist-
20 ance Act: *Provided*, That these funds are available to sub-
21 sidize gross obligations for the principal amount of direct
22 loans not to exceed \$25,000,000: *Provided further*, That
23 the cost of modifying such loans shall be as defined in
24 section 502 of the Congressional Budget Act of 1974. In

1 addition, for administrative expenses to carry out the di-
2 rect loan program, \$558,000.

3 TITLE IV—OTHER DEPARTMENTAL ACTIVITIES

4 CITIZENSHIP AND IMMIGRATION SERVICES

5 OPERATING EXPENSES

6 For necessary expenses for citizenship and immigra-
7 tion services, including international services,
8 \$248,500,000.

9 UNITED STATES COAST GUARD

10 OPERATING EXPENSES

11 For necessary expenses for the operation and mainte-
12 nance of the Coast Guard, not otherwise provided for; pay-
13 ments pursuant to section 156 of Public Law 97–377 (42
14 U.S.C. 402 note); and recreation and welfare;
15 \$4,703,530,000, of which \$1,300,000,000 shall be for de-
16 fense-related activities; of which \$25,000,000 shall be de-
17 rived from the Oil Spill Liability Trust Fund; and of which
18 not to exceed \$3,000 shall be for official reception and
19 representation expenses: *Provided*, That none of the funds
20 appropriated in this or any other Act shall be available
21 for pay of administrative expenses in connection with ship-
22 ping commissioners in the United States: *Provided further*,
23 That none of the funds provided in this Act shall be avail-
24 able for expenses incurred for yacht documentation under
25 section 12109 of title 46, United States Code, except to

1 the extent fees are collected from yacht owners and cred-
2 ited to this appropriation.

3 ENVIRONMENTAL COMPLIANCE AND RESTORATION

4 For necessary expenses to carry out the Coast
5 Guard's environmental compliance and restoration func-
6 tions under chapter 19 of title 14, United States Code,
7 \$17,000,000, to remain available until expended.

8 RESERVE TRAINING

9 For all necessary expenses of the Coast Guard Re-
10 serve, as authorized by law; maintenance and operation
11 of facilities; and supplies, equipment, and services;
12 \$94,051,000.

13 ACQUISITIONS, CONSTRUCTION, AND IMPROVEMENTS

14 For necessary expenses of acquisition, construction,
15 renovation, and improvement of aids to navigation, shore
16 facilities, vessels, and aircraft, including equipment related
17 thereto, \$805,000,000, of which \$23,500,000 shall be de-
18 rived from the Oil Spill Liability Trust Fund; of which
19 \$66,500,000 shall be available until September 30, 2008
20 to acquire, repair, renovate, or improve vessels, small
21 boats, and related equipment; \$138,500,000 shall be avail-
22 able until September 30, 2006 for other equipment;
23 \$70,000,000 shall be available until September 30, 2005
24 for personnel compensation and benefits and related costs;
25 and \$530,000,000 shall be available until September 30,

1 2008 for the Integrated Deepwater Systems program: *Pro-*
2 *vided*, That the Commandant of the Coast Guard is au-
3 thorized to dispose of surplus real property, by sale or
4 lease, and the proceeds shall be credited to this appropria-
5 tion as offsetting collections and shall be available until
6 September 30, 2006 only for Rescue 21 (the National Dis-
7 tress and Response System Modernization program): *Pro-*
8 *vided further*, That upon initial submission to the Con-
9 gress of the fiscal year 2005 President's budget, the Sec-
10 retary of Homeland Security shall transmit to the Con-
11 gress a comprehensive capital investment plan for the
12 United States Coast Guard that includes funding for each
13 budget line item for fiscal years 2005 through 2009, with
14 total funding for each year of the plan constrained to the
15 funding targets for those years as estimated and approved
16 by the Office of Management and Budget.

17 **ALTERATION OF BRIDGES**

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

21 **RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

22 For necessary expenses, not otherwise provided for,
23 for applied scientific research, development, test, and eval-
24 uation; and maintenance, rehabilitation, lease and oper-
25 ation of facilities and equipment, as authorized by law;

1 \$22,000,000, to remain available until expended, of which
2 \$3,500,000 shall be derived from the Oil Spill Liability
3 Trust Fund: *Provided*, That there may be credited to and
4 used for the purposes of this appropriation funds received
5 from State and local governments, other public authori-
6 ties, private sources, and foreign countries, for expenses
7 incurred for research, development, testing, and evalua-
8 tion.

9 RETIRED PAY

10 For retired pay, including the payment of obligations
11 therefor otherwise chargeable to lapsed appropriations for
12 this purpose, payments under the Retired Serviceman's
13 Family Protection and Survivor Benefits Plans, payment
14 for career status bonuses under the National Defense Au-
15 thorization Act, and for payments for medical care of re-
16 tired personnel and their dependents under the Depend-
17 ents Medical Care Act (10 U.S.C. ch. 55),
18 \$1,020,000,000.

19 INFORMATION ANALYSIS AND 20 INFRASTRUCTURE PROTECTION

21 OPERATING EXPENSES

22 For necessary expenses of the Directorate of Infor-
23 mation Analysis and Infrastructure Protection of the De-
24 partment of Homeland Security as authorized by law,

1 \$776,000,000, to remain available until September 30,
2 2005.

3 SCIENCE AND TECHNOLOGY

4 RESEARCH, DEVELOPMENT, ACQUISITION, AND

5 OPERATIONS

6 For necessary expenses of activities of the Depart-
7 ment of Homeland Security in carrying out the purposes
8 of title III of the Homeland Security Act of 2002 (Public
9 Law 107–296), for basic and applied research, develop-
10 ment, test and evaluation, construction, procurement, pro-
11 duction, modification and modernization of systems, sub-
12 systems, spare parts, accessories, training devices, oper-
13 ation of the Science and Technology Directorate and its
14 organizations and activities, including the Homeland Se-
15 curity Advanced Research Projects Agency, for coopera-
16 tive programs with States and local governments to enable
17 the detection, destruction, disposal, or mitigation of the
18 effects of weapons of mass destruction and other terrorist
19 weapons, and for the construction, maintenance, rehabili-
20 tation, lease, and operation of buildings and other facili-
21 ties, and equipment, necessary for the activities of the Di-
22 rectorate, \$900,360,000, to remain available until Sep-
23 tember 30, 2006.

1 UNITED STATES SECRET SERVICE
2 SALARIES AND EXPENSES

3 For necessary expenses of the United States Secret
4 Service, \$1,148,700,000, including purchase of American-
5 made side-car compatible motorcycles; hire of aircraft;
6 services of expert witnesses at such rates as may be deter-
7 mined by the Director; rental of buildings in the District
8 of Columbia, and fencing, lighting, guard booths, and
9 other facilities on private or other property not in Govern-
10 ment ownership or control, as may be necessary to per-
11 form protective functions; for payment of per diem and
12 subsistence allowances to employees where a protective as-
13 signment during the actual day or days of the visit of a
14 protectee require an employee to work 16 hours per day
15 or to remain overnight at his or her post of duty; the con-
16 ducting of and participating in firearms matches; presen-
17 tation of awards; for travel of Secret Service employees
18 on protective missions without regard to the limitation on
19 such expenditures in this or any other Act; for research
20 and development; for making grants to conduct behavioral
21 research in support of protective research and operations;
22 not to exceed \$25,000 for official reception and represen-
23 tation expenses; not to exceed \$100,000 to provide tech-
24 nical assistance and equipment to foreign law enforcement
25 organizations in counterfeit investigations; for payment in

1 advance for commercial accommodations as may be nec-
2 essary to perform protective functions; and for uniforms
3 without regard to the general purchase limitation for the
4 current fiscal year: *Provided*, That \$1,633,000 shall be
5 available for forensic and related support of investigations
6 of missing and exploited children: *Provided further*, That
7 \$4,783,000 shall be available as a grant for activities re-
8 lated to the investigations of exploited children and shall
9 remain available until expended: *Provided further*, That up
10 to \$18,000,000 for protective travel shall remain available
11 until September 30, 2005: *Provided further*, That subject
12 to the reimbursement of actual costs to this account, funds
13 appropriated in this account shall be available, at the dis-
14 cretion of the Director, for the following: training United
15 States Postal Service law enforcement personnel and Post-
16 al police officers, training Federal law enforcement offi-
17 cers, training State and local government law enforcement
18 officers on a space-available basis, and training private
19 sector security officials on a space-available basis: *Pro-*
20 *vided further*, That the United States Secret Service is au-
21 thorized to obligate funds in anticipation of reimburse-
22 ments from agencies and entities, as defined in section
23 105 of title 5, United States Code, receiving training spon-
24 sored by the James J. Rowley Training Center, except
25 that total obligations at the end of the fiscal year shall

1 not exceed total budgetary resources available under this
2 heading at the end of the fiscal year: *Provided further*,
3 That the James J. Rowley Training Center is authorized
4 to provide short-term medical services for students under-
5 going training at the Center.

6 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
7 RELATED EXPENSES

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

11 TITLE V—GENERAL PROVISIONS

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

15 (TRANSFERS OF UNEXPENDED BALANCES)

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

24 (INCLUDING TRANSFER OF FUNDS)

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

1 in or transferred to the Department of Homeland Security
2 that remain available for obligation or expenditure in fiscal
3 year 2004, or provided from any accounts in the Treasury
4 of the United States derived by the collection of fees avail-
5 able to the agencies funded by this Act, shall be available
6 for obligation or expenditure through a reprogramming of
7 funds that: (1) creates a new program; (2) eliminates a
8 program, project, or activity; (3) increases funds for any
9 program, project, or activity for which funds have been
10 denied or restricted by the Congress; or (4) proposes to
11 use funds directed for a specific activity by either the
12 House or Senate Committees on Appropriations for a dif-
13 ferent purpose, unless both Committees on Appropriations
14 are notified 15 days in advance of such reprogramming
15 of funds.

16 (b) None of the funds provided by this Act, provided
17 by previous appropriation Acts to the agencies in or trans-
18 ferred to the Department of Homeland Security that re-
19 main available for obligation or expenditure in fiscal year
20 2004, or provided from any accounts in the Treasury of
21 the United States derived by the collection of fees available
22 to the agencies funded by this Act, shall be available for
23 obligation or expenditure for programs, projects, or activi-
24 ties through a reprogramming of funds in excess of
25 \$5,000,000 or 10 percent, whichever is less, that (1) aug-

1 ments existing programs, projects, or activities; (2) re-
2 duces by 10 percent funding for any existing program,
3 project, or activity, or numbers of personnel by 10 percent
4 as approved by the Congress; or (3) results from any gen-
5 eral savings from a reduction in personnel that would re-
6 sult in a change in existing programs, projects, or activi-
7 ties, as approved by the Congress; unless the Committees
8 on Appropriations are notified 15 days in advance of such
9 reprogramming of funds.

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

21 SEC. 504. Except as otherwise specifically provided
22 by law, not to exceed 50 percent of unobligated balances
23 remaining available at the end of fiscal year 2004 from
24 appropriations made available for salaries and expenses
25 for fiscal year 2004 in this Act, shall remain available

1 through September 30, 2005, for each such account for
2 the purposes authorized: *Provided*, That a request shall
3 be submitted to the Committees on Appropriations for ap-
4 proval prior to the expenditure of such funds: *Provided*
5 *further*, That these requests shall be made in compliance
6 with reprogramming guidelines.

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

13 SEC. 506. The Federal Emergency Management
14 Agency “Working Capital Fund” shall be available to the
15 Department of Homeland Security, as authorized by sec-
16 tions 503 and 1517 of the Homeland Security Act of
17 2002, for expenses and equipment necessary for mainte-
18 nance and operations of such administrative services as
19 the Secretary of Homeland Security determines may be
20 performed more advantageously as central services. Such
21 fund shall hereafter be known as the “Department of
22 Homeland Security Working Capital Fund”.

23 SEC. 507. The Federal Emergency Management
24 Agency “Bequests and Gifts” account shall be available
25 to the Department of Homeland Security, as authorized

1 by sections 503 and 1517 of the Homeland Security Act
2 of 2002, for the Secretary of Homeland Security to accept,
3 hold, administer, and utilize gifts and bequests, including
4 property, to facilitate the work of the Department of
5 Homeland Security: *Provided*, That such fund shall here-
6 after be known as “Department of Homeland Security,
7 Gifts and Donations”: *Provided further*, That any gift or
8 bequest shall be used in accordance with the terms of that
9 gift or bequest to the greatest extent practicable.

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

16 SEC. 509. The Federal Law Enforcement Training
17 Center is directed to establish an accrediting body that
18 will include representatives from the Federal law enforce-
19 ment community, as well as non-Federal accreditation ex-
20 perts involved in law enforcement training. The purpose
21 of this body will be to establish standards for measuring
22 and assessing the quality and effectiveness of Federal law
23 enforcement training programs, facilities, and instructors.

24 SEC. 510. None of the funds in this Act shall be avail-
25 able to plan, finalize, or implement regulations that would

1 establish a vessel traffic safety fairway less than 5 miles
2 wide between the Santa Barbara Traffic Separation
3 Scheme and the San Francisco Traffic Separation
4 Scheme.

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

17 SEC. 512. Notwithstanding any other provision of
18 law, no agency shall purchase, construct, and/or lease any
19 additional facilities, except within or contiguous to existing
20 locations, to be used for the purpose of conducting Federal
21 law enforcement training without the advance approval of
22 the Committees on Appropriations, except that the Fed-
23 eral Law Enforcement Training Center is authorized to
24 obtain the temporary use of additional facilities by lease,

1 contract, or other agreement for training which cannot be
2 accommodated in existing Center facilities.

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

14 SEC. 514. Section 114 of title 49, United States
15 Code, is amended by adding at the end the following:

16 “(t) FEE AUTHORITY FOR TRANSPORTATION CRE-
17 DENTIALS.—

18 “(1) Subject to the provisions of this sub-
19 section, the Secretary of Homeland Security may im-
20 pose reasonable fees and charges on an individual or
21 an individual's employer, where such an individual
22 requires a credential or background records check
23 under Federal law for an activity in the field of
24 transportation, to cover the costs of providing the

1 credential or performing the backgrounds records
2 check, including—

3 “(A) conducting or obtaining a criminal
4 history records check and a review of available
5 law enforcement databases and records of other
6 governmental and international agencies;

7 “(B) review and adjudication of requests
8 for waiver and appeals of agency decisions with
9 respect to providing the credential, performing
10 the background records check, and denials of
11 requests for waiver and appeals; and

12 “(C) any other costs of the Transportation
13 Security Administration related to providing the
14 credential or performing the backgrounds
15 records check.

16 “(2) The Secretary shall ensure that the fees
17 are reasonably related to the costs of the Transpor-
18 tation Security Administration for providing services
19 rendered. The amount of costs imposed under this
20 subsection shall be determined by the Secretary and
21 shall not be subject to judicial review.

22 “(3) Notwithstanding section 9701 of title 31
23 and the procedural requirements of section 553 of
24 title 5, the Secretary may impose a fee under this

1 subsection through the publication of notice in the
2 Federal Register.

3 “(4) Notwithstanding section 3302 of title 31,
4 any fee collected under this section—

5 “(A) shall be credited as an offsetting col-
6 lection to the account in the Treasury from
7 which the expenses were incurred and are avail-
8 able to the Secretary for these expenses; and

9 “(B) shall remain available until ex-
10 pended.”.

11 SEC. 515. None of the funds made available by this
12 Act may be used for the production of customs declara-
13 tions that do not inquire whether the passenger has been
14 in the proximity of livestock.

15 SEC. 516. None of the funds made available by this
16 Act shall be available for any activity or for paying the
17 salary of any Government employee where funding an ac-
18 tivity or paying a salary to a Government employee would
19 result in a determination, regulation, or policy that would
20 prohibit the enforcement of section 307 of the Tariff Act
21 of 1930.

22 SEC. 517. None of the funds made available in this
23 Act may be used to 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
2 child labor, as determined pursuant to section 307
3 of the Tariff 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, pursuant to such section
7 307, on the basis that the good, ware, article, or
8 merchandise may have been mined, produced, or
9 manufactured by forced or indentured child labor.

10 SEC. 518. Appropriations to the Department of
11 Homeland Security in this Act shall be available for pur-
12 chase of insurance for official motor vehicles operated in
13 foreign countries; purchase of motor vehicles without re-
14 gard to the general purchase price limitations for vehicles
15 purchased and used overseas for the current fiscal year;
16 entering into contracts with the Department of State for
17 the furnishing of health and medical services to employees
18 and their dependents serving in foreign countries; and
19 services authorized by section 3109 of title 5, United
20 States Code.

21 SEC. 519. None of the funds appropriated in this Act
22 may be used for expenses of any construction, repair, al-
23 teration, and acquisition project for which a prospectus,
24 if required by the Public Buildings Act of 1959, has not
25 been approved, except that necessary funds may be ex-

1 pended for each project for required expenses for the de-
2 velopment of a proposed prospectus.

3 SEC. 520. None of the funds in this Act shall be used
4 to pursue or adopt guidelines or regulations requiring air-
5 port sponsors to provide to the Transportation Security
6 Administration without cost building construction, mainte-
7 nance, utilities and expenses, or space in airport sponsor-
8 owned buildings for services relating to aviation security:
9 *Provided*, That the prohibition of funds in this section does
10 not apply to—

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

14 (2) space for necessary security checkpoints.

15 SEC. 521. Section 835 of the Homeland Security Act
16 of 2002 (Public Law 107–296; 6 U.S.C. 395) is amend-
17 ed—

18 (1) in subsection (a), by inserting before the pe-
19 riod “, or any subsidiary of such an entity”;

20 (2) in subsection (b)(1), by inserting “before,
21 on, or” after the “completes”;

22 (3) in subsection (e)(1)(B), by striking “which
23 is after the date of enactment of this Act and”;

24 (4) in subsection (d) by striking all after “in
25 the interest of” and inserting “national security.”.

1 SEC. 522. (a) None of the funds provided in this or
2 previous appropriation Acts may be obligated for testing
3 (other than simulations), deployment, or implementation
4 of CAPPS2, the Computer Assisted Passenger Pre-screen-
5 ing System that the Transportation Security Administra-
6 tion (“TSA”) plans to utilize to screen aviation pas-
7 sengers, until the General Accounting Office has reported
8 to the Committees on Appropriations that—

9 (1) a system of due process exists whereby avia-
10 tion passengers determined to pose a threat and ei-
11 ther delayed or prohibited from boarding their
12 scheduled flights by the TSA may appeal such deci-
13 sion and correct incorrect information contained in
14 CAPPS2;

15 (2) the underlying error rate of the government
16 and private data bases that will be used both to es-
17 tablish identity and assign a risk level to a pas-
18 senger will not produce a large number of false
19 positives that will result in a significant number of
20 passengers being treated mistakenly or security re-
21 sources being diverted;

22 (3) the TSA has stress-tested and demonstrated
23 the efficacy and accuracy of all search tools in
24 CAPPS2 and has demonstrated that CAPPS2 can
25 make an accurate predictive assessment of those

1 passengers who would constitute a threat to avia-
2 tion;

3 (4) the Secretary of Homeland Security has es-
4 tablished an internal oversight board to oversee and
5 monitor the manner in which CAPPS2 is being de-
6 veloped and prepared;

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

9 (6) substantial security measures are in place to
10 protect CAPPS2 from unauthorized access by hack-
11 ers or other intruders;

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

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

17 (b) Not later than December 31, 2003, the National
18 Academy of Sciences shall submit a report to the Commit-
19 tees on Appropriations that assesses the likely impact of
20 the CAPPS2 system on privacy and civil liberties and in-
21 cludes recommendations for practices, procedures, regula-
22 tions, or legislation to eliminate or minimize adverse effect
23 of such system on privacy, discrimination, and other civil
24 liberties.

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

Union Calendar No. 84

108TH CONGRESS
1ST SESSION

H. R. 2555

[Report No. 108-169]

A BILL

Making appropriations for the Department of
Homeland Security for the fiscal year ending
September 30, 2004, and for other purposes.

JUNE 23, 2003

Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed