

108TH CONGRESS
2D SESSION

H. R. 4462

Making appropriations for homeland security programs within the Departments of Energy, Health and Human Services, and Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2004

Mr. SANDLIN (for himself and Mr. OBEY) introduced the following bill; which was referred to the Committee on Appropriations

A BILL

Making appropriations for homeland security programs within the Departments of Energy, Health and Human Services, and Homeland Security for the fiscal year ending September 30, 2005, 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
5 homeland security programs within the Departments of
6 Energy, Health and Human Services, and Homeland Se-
7 curity for the fiscal year ending September 30, 2005, and
8 for other purposes, namely:

1 TITLE I—DEPARTMENT OF ENERGY

2 ATOMIC ENERGY DEFENSE ACTIVITIES

3 NATIONAL NUCLEAR SECURITY ADMINISTRATION

4 DEFENSE NUCLEAR NONPROLIFERATION

5 For Department of Energy expenses, including the
6 purchase, construction, acquisition of plant and capital
7 equipment and other incidental expenses necessary for
8 atomic energy defense, defense nuclear nonproliferation
9 activities, in carrying out the purposes of the Department
10 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
11 cluding the acquisition or condemnation of any real prop-
12 erty or any facility or for plant or facility acquisition, con-
13 struction, or expansion, \$1,400,000,000, to remain avail-
14 able until expended.

15 TITLE II—DEPARTMENT OF HEALTH AND

16 HUMAN SERVICES

17 OFFICE OF THE SECRETARY

18 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

19 FUND

20 For expenses necessary to support activities related
21 to countering potential biological, disease, nuclear, radio-
22 logical and chemical threats to civilian populations,
23 \$1,899,711,000: *Provided*, That this amount is distributed
24 as follows: Centers for Disease Control and Prevention,
25 \$1,245,223,000; Office of the Secretary, \$64,438,000;

1 National Institutes of Health, \$47,400; and Health Re-
2 sources and Services Administration, \$542,650,000: *Pro-*
3 *vided further*, That employees of the Centers for Disease
4 Control and Prevention or the Public Health Service, both
5 civilian and Commissioned Officers, detailed to States,
6 municipalities, or other organizations under authority of
7 section 214 of the Public Health Service Act for purposes
8 related to homeland security, shall be treated as non-Fed-
9 eral employees for reporting purposes only and shall not
10 be included within any personnel ceiling applicable to the
11 Agency, Service, or the Department of Health and Human
12 Services during the period of detail or assignment.

13 In addition, \$400,00,000, to remain available until
14 expended, for the Strategic National Stockpile.

15 In addition, for activities to ensure a year-round in-
16 fluenza vaccine production capacity and the development
17 and implementation of rapidly expandable influenza vac-
18 cine production technologies, \$100,000,000, to remain
19 available until expended.

1 TITLE III—DEPARTMENT OF HOMELAND
2 SECURITY

3 BORDER AND TRANSPORTATION SECURITY

4 CUSTOMS AND BORDER PROTECTION

5 SALARIES AND EXPENSES

6 For necessary expenses for enforcement of laws relat-
7 ing to border security, immigration, customs, and agricul-
8 tural inspections and regulatory activities related to plant
9 and animal imports; acquisition, lease, maintenance and
10 operation of aircraft; purchase and lease of up to 4,500
11 (3,935 for replacement only) police-type vehicles; and con-
12 tracting with individuals for personal services abroad;
13 \$5,080,000,000; of which \$3,000,000 shall be derived
14 from the Harbor Maintenance Trust Fund for administra-
15 tive expenses related to the collection of the Harbor Main-
16 tenance Fee pursuant to Public Law 103–182 and not-
17 withstanding section 1511(e)(1) of Public Law 107–296;
18 of which not to exceed \$40,000 shall be for official recep-
19 tion and representation expenses; of which not to exceed
20 \$400,000,000 shall remain available until September 30,
21 2006, for inspection and surveillance technology, un-
22 manned aerial vehicles, and equipment for the Container
23 Security Initiative; of which such sums as become avail-
24 able in the Customs User Fee Account, except sums sub-
25 ject to section 13031(f)(3) of the Consolidated Omnibus

1 Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)),
2 shall be derived from that account; of which not to exceed
3 \$150,000 shall be available for payment for rental space
4 in connection with preclearance operations; of which not
5 to exceed \$1,000,000 shall be for awards of compensation
6 to informants, to be accounted for solely under the certifi-
7 cate of the Under Secretary for Border and Transpor-
8 tation Security; and of which not to exceed \$5,000,000
9 shall be available for payments or advances arising out
10 of contractual or reimbursable agreements with State and
11 local law enforcement agencies while engaged in coopera-
12 tive activities related to immigration: *Provided*, That not-
13 withstanding any other provision of law, none of the funds
14 appropriated shall be available to compensate any em-
15 ployee for overtime in an annual amount in excess of
16 \$35,000 and the fiscal year aggregate overtime limitation
17 prescribed in subsection 5(c)(1) of the Act of February
18 13, 1911 (19 U.S.C. 261 and 267) shall be \$35,000, ex-
19 cept that the Commissioner of Customs and Border Pro-
20 tection, or his designee, may exceed that amount, for any
21 employee, as necessary for national security purposes or
22 to meet emergency requirements of Customs and Border
23 Protection.

1 IMMIGRATION AND CUSTOMS ENFORCEMENT

2 FEDERAL AIR MARSHALS

3 For necessary expenses of the Federal air marshals,
4 \$700,000,000, to remain available until expended.

5 AIR AND MARINE INTERDICTION, OPERATIONS,
6 MAINTENANCE, AND PROCUREMENT

7 For necessary expenses for the operations, mainte-
8 nance, and procurement of marine vessels, aircraft, and
9 other related equipment of the air and marine program,
10 including operational training and mission-related travel,
11 and rental payments for facilities occupied by the air or
12 marine interdiction and demand reduction programs, the
13 operations of which include the following: the interdiction
14 of narcotics and other goods; the provision of support to
15 Federal, State, and local agencies in the enforcement or
16 administration of laws enforced by the Bureau of Immi-
17 gration and Customs Enforcement; and at the discretion
18 of the Under Secretary for Border and Transportation Se-
19 curity, the provision of assistance to Federal, State, and
20 local agencies in other law enforcement and emergency hu-
21 manitarian efforts, \$305,000,000 to remain available until
22 expended: *Provided*, That no aircraft or other related
23 equipment, with the exception of aircraft that are one of
24 a kind and have been identified as excess to Bureau of
25 Immigration and Customs Enforcement requirements and
26 aircraft that have been damaged beyond repair, shall be

1 transferred to any other Federal agency, department, or
2 office outside of the Department of Homeland Security
3 during fiscal year 2005 without the prior approval of the
4 Committees on Appropriations of the Senate and the
5 House of Representatives.

6 TRANSPORTATION SECURITY ADMINISTRATION

7 AVIATION SECURITY

8 For necessary expenses of the Transportation Secu-
9 rity Administration related to providing civil aviation secu-
10 rity services pursuant to the Aviation and Transportation
11 Security Act (Public Law 107-71; 115 Stat. 597),
12 \$4,540,000,000, 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 the total
15 amount provided under this heading, not to exceed
16 \$2,008,000,000 shall be for passenger screening activities;
17 not to exceed \$1,628,000,000 shall be for baggage screen-
18 ing activities; and not to exceed \$904,000,000 shall be for
19 airport security direction and enforcement presence: *Pro-*
20 *vided further*, That security service fees authorized under
21 section 44940 of title 49, United States Code, shall be
22 credited to this appropriation as offsetting collections:
23 *Provided further*, That the sum herein appropriated from
24 the General Fund shall be reduced on a dollar-for-dollar
25 basis as such offsetting collections are received during fis-

1 cal year 2005, so as to result in a final fiscal year appro-
2 priation from the General Fund estimated at not more
3 than \$2,717,000,000: *Provided further*, That any security
4 service fees collected pursuant to section 118 of Public
5 Law 107–71 in excess of the amount appropriated under
6 this heading shall be treated as offsetting collections in
7 fiscal year 2005: *Provided further*, That none of the funds
8 herein appropriated may be used to approve, renew, or im-
9 plement any aviation cargo security plan that permits the
10 transporting of unscreened or uninspected cargo on pas-
11 senger planes.

12 MARITIME AND LAND SECURITY

13 For necessary expenses of the Transportation Secu-
14 rity Administration related to maritime and land transpor-
15 tation security grants and services pursuant to the Avia-
16 tion and Transportation Security Act (49 U.S.C. 40101
17 note), \$650,000,000, to remain available until September
18 30, 2006.

19 OFFICE FOR DOMESTIC PREPAREDNESS

20 STATE AND LOCAL PROGRAMS

21 For grants, contracts, cooperative agreements, and
22 other activities, including grants to State and local govern-
23 ments for terrorism prevention activities, notwithstanding
24 any other provision of law, \$3,875,000,000, which shall
25 be allocated as follows:

1 EMERGENCY PREPAREDNESS AND RESPONSE

2 PUBLIC HEALTH PROGRAMS

3 For necessary expenses for countering potential bio-
4 logical, disease, and chemical threats to civilian popu-
5 lations, \$94,000,000, to remain available until expended.

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. Staf-
11 ford Disaster Relief and Emergency Assistance Act (42
12 U.S.C. 5121 et seq.), the Earthquake Hazards Reductions
13 Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization
14 Plan No. 3 of 1978 (5 U.S.C. App.), \$180,000,000: *Pro-*
15 *vided*, That total administrative costs shall not exceed 3
16 percent of the total appropriation.

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