

Calendar No. 129

109TH CONGRESS
1ST SESSION**H.R. 2360****[Report No. 109-83]**

IN THE SENATE OF THE UNITED STATES

MAY 18, 2005

Received; read twice and referred to the Committee on Appropriations

JUNE 16, 2005

Reported by Mr. GREGG, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
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, 2006, and for other purposes, namely:~~

1 TITLE I—DEPARTMENTAL MANAGEMENT AND
2 OPERATIONS

3 OFFICE OF THE SECRETARY AND EXECUTIVE
4 MANAGEMENT

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

1 tified in this Act and the House report accompanying this
2 Act, by the dates specified: *Provided further*, That the con-
3 tent of all reports shall be in compliance with the direction
4 and instructions included in this Act and the House report
5 accompanying this Act by the dates specified: *Provided*
6 *further*, That, of the amounts appropriated under this
7 heading, \$20,000,000 may not be obligated until the Com-
8 mittee on Appropriations of the House of Representatives
9 has received all final reports in compliance with such di-
10 rection and instructions.

11 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

12 For necessary expenses of the Office of the Under
13 Secretary for Management, as authorized by sections 701-
14 705 of the Homeland Security Act of 2002 (6 U.S.C. 341-
15 345), \$146,084,000 (reduced by \$26,100,000) (reduced
16 by \$50,000,000): *Provided*, That not to exceed \$3,000
17 shall be for official reception and representation expenses:
18 *Provided further*, That of the total amount provided,
19 \$26,070,000 shall remain available until expended solely
20 for the alteration and improvement of facilities, tenant im-
21 provements, and relocation costs to consolidate Depart-
22 ment headquarters operations.

1 OFFICE OF THE CHIEF FINANCIAL OFFICER

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

5 OFFICE OF THE CHIEF INFORMATION OFFICER

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

1 anee with the terms and conditions specified in the House
2 report accompanying this Act.

3 ~~OFFICE OF INSPECTOR GENERAL~~

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

11 ~~TITLE II—SECURITY, ENFORCEMENT, AND~~
12 ~~INVESTIGATIONS~~

13 ~~BORDER AND TRANSPORTATION SECURITY~~
14 ~~OFFICE OF THE UNDER SECRETARY FOR BORDER AND~~
15 ~~TRANSPORTATION SECURITY~~

16 ~~SALARIES AND EXPENSES~~

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

23 ~~AUTOMATION MODERNIZATION~~

24 For necessary expenses of the United State Visitor
25 and Immigrant Status Indicator Technology project, as
26 authorized by section 110 of the Illegal Immigration Re-

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

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

8 (2) \$14,000,000 for NEXUS/SENTRI.

9 (3) \$390,232,000 for the United States Visitor
10 and Immigrant Status Indicator Technology project:
11 *Provided*, That of the funds provided for this
12 project, \$254,000,000 may not be obligated until the
13 Committees on Appropriations of the Senate and the
14 House of Representatives receive and approve a plan
15 for expenditure prepared by the Secretary of Home-
16 land Security that—

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

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

24 (C) complies with the acquisition rules, re-
25 quirements, guidelines, and systems acquisition

1 management practices of the Federal Govern-
2 ment;

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

8 (E) is reviewed by the Government Ac-
9 countability Office.

10 CUSTOMS AND BORDER PROTECTION

11 SALARIES AND EXPENSES

12 For necessary expenses for enforcement of laws relat-
13 ing to border security, immigration, customs, and agricul-
14 tural inspections and regulatory activities related to plant
15 and animal imports; acquisition, lease, maintenance and
16 operation of aircraft; purchase and lease of up to 4,500
17 (3,935 for replacement only) police-type vehicles; and con-
18 tracting with individuals for personal services abroad;
19 \$4,885,544,000; of which \$3,000,000 shall be derived
20 from the Harbor Maintenance Trust Fund for administra-
21 tive expenses related to the collection of the Harbor Main-
22 tenance Fee pursuant to section 9505(c)(3) of the Internal
23 Revenue Code of 1986 and notwithstanding section
24 1511(e)(1) of the Homeland Security Act of 2002 (6
25 U.S.C. 551(e)(1)); of which not to exceed \$35,000 shall

1 be for official reception and representation expenses; of
2 which not less than \$141,060,000 shall be for Air and Ma-
3 rine Operations; of which not to exceed \$174,800,000
4 shall remain available until September 30, 2007, for in-
5 spection and surveillance technology, unmanned aerial ve-
6 hicles, and replacement aircraft; of which such sums as
7 become available in the Customs User Fee Account, except
8 sums subject to section 13031(f)(3) of the Consolidated
9 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.
10 58c(f)(3)), shall be derived from that account; of which
11 not to exceed \$150,000 shall be available for payment for
12 rental space in connection with preclearance operations;
13 of which not to exceed \$1,000,000 shall be for awards of
14 compensation to informants, to be accounted for solely
15 under the certificate of the Under Secretary for Border
16 and Transportation Security; and of which not to exceed
17 \$5,000,000 shall be available for payments or advances
18 arising out of contractual or reimbursable agreements
19 with State and local law enforcement agencies while en-
20 gaged in cooperative activities related to immigration: *Pro-*
21 *vided,* That for fiscal year 2006, the overtime limitation
22 prescribed in section 5(e)(1) of the Act of February 13,
23 1911 (19 U.S.C. 267(e)(1)) shall be \$35,000; and not-
24 withstanding any other provision of law, none of the funds
25 appropriated in this Act may be available to compensate

1 any employee of the Bureau of Customs and Border Pro-
2 tection for overtime, from whatever source, in an amount
3 that exceeds such limitation, except in individual cases de-
4 termined by the Under Secretary for Border and Trans-
5 portation Security, or a designee, to be necessary for na-
6 tional security purposes, to prevent excessive costs, or in
7 cases of immigration emergencies: *Provided further,* That
8 of the total amount provided, \$10,000,000 may not be ob-
9 ligated until the Secretary submits to the Committee on
10 Appropriations of the House of Representatives all re-
11 quired reports related to air and marine operations: *Pro-*
12 *vided further,* That of the total amount provided,
13 \$2,000,000 may not be obligated until the Secretary sub-
14 mits to the Committee on Appropriations of the House
15 of Representatives a report on the performance of the Im-
16 migration Advisory Program as directed in House Report
17 No. 108-541: *Provided further,* That of the total amount
18 provided, \$70,000,000 may not be obligated until the Sec-
19 retary submits to the Committee on Appropriations of the
20 House of Representatives part two of the report on the
21 performance of the Container Security Initiative program,
22 as directed in House Report 180-541: *Provided further,*
23 That no funds shall be available for the site acquisition,
24 design, or construction of any Border Patrol checkpoint
25 in the Tucson sector: *Provided further,* That the Border

1 Patrol shall relocate its checkpoints in the Tucson sector
2 at least once every seven days in a manner designed to
3 prevent persons subject to inspection from predicting the
4 location of any such checkpoint.

5 AUTOMATION MODERNIZATION

6 For expenses for customs and border protection auto-
7 mated systems, \$458,009,000, to remain available until
8 expended, of which not less than \$221,690,000 shall be
9 for the development of the Automated Commercial Envi-
10 ronment: *Provided*, That none of the funds appropriated
11 under this heading may be obligated for the Automated
12 Commercial Environment until the Committees on Appro-
13 priations of the Senate and the House of Representatives
14 receive and approve a plan for expenditure prepared by
15 the Under Secretary for Border and Transportation Secu-
16 rity that—

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

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

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

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

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

7 AIR AND MARINE INTERDICTION, OPERATIONS,
8 MAINTENANCE, AND PROCUREMENT

9 For necessary expenses for the operations, mainte-
10 nance, and procurement of marine vessels, aircraft, and
11 other related equipment of the air and marine program;
12 including operational training and mission-related travel,
13 and rental payments for facilities occupied by the air or
14 marine interdiction and demand reduction programs, the
15 operations of which include the following: the interdiction
16 of narcotics and other goods; the provision of support to
17 Federal, State, and local agencies in the enforcement or
18 administration of laws enforced by the Department of
19 Homeland Security; and at the discretion of the Under
20 Secretary for Border and Transportation Security, the
21 provision of assistance to Federal, State, and local agen-
22 cies in other law enforcement and emergency humani-
23 tarian efforts, \$347,780,000, to remain available until ex-
24 pended: *Provided*, That no aircraft or other related equip-
25 ment, with the exception of aircraft that are one of a kind
26 and have been identified as excess to Bureau of Customs

1 and Border Protection requirements and aircraft that
2 have been damaged beyond repair, shall be transferred to
3 any other Federal agency, department, or office outside
4 of the Department of Homeland Security during fiscal
5 year 2006 without the prior approval of the Committees
6 on Appropriations of the Senate and the House of Rep-
7 resentatives.

8 CONSTRUCTION

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

14 IMMIGRATION AND CUSTOMS ENFORCEMENT

15 SALARIES AND EXPENSES

16 For necessary expenses for enforcement of immigra-
17 tion and customs laws, detention and removals, and inves-
18 tigation; and purchase and lease of up to 2,300 (2,000
19 for replacement only) police-type vehicles, ~~\$3,064,081,000~~
20 (reduced by \$5,000,000) (increased by \$5,000,000), of
21 which not to exceed \$10,000,000 shall be available until
22 expended for conducting special operations pursuant to
23 section 3131 of the Customs Enforcement Act of 1986 (19
24 U.S.C. 2081); of which not to exceed \$15,000 shall be for
25 official reception and representation expenses; of which
26 not to exceed \$1,000,000 shall be for awards of compensa-

1 tion to informants; to be accounted for solely under the
2 certificate of the Under Secretary for Border and Trans-
3 portation Security; of which not less than \$102,000 shall
4 be for promotion of public awareness of the child pornog-
5 raphy tipline; of which not less than \$203,000 shall be
6 for Project Alert; of which not less than \$5,000,000 shall
7 be for costs to implement section 287(g) of the Immigra-
8 tion and Nationality Act, as amended; and of which not
9 to exceed \$11,216,000 shall be available to fund or reim-
10 burse other Federal agencies for the costs associated with
11 the care, maintenance, and repatriation of smuggled illegal
12 aliens: *Provided*, That none of the funds appropriated
13 shall be available to compensate any employee for overtime
14 in an annual amount in excess of \$35,000, except that
15 the Under Secretary for Border and Transportation Secu-
16 rity may waive that amount as necessary for national secu-
17 rity purposes and in cases of immigration emergencies:
18 *Provided further*, That of the total amount provided,
19 \$3,045,000 shall be for activities to enforce laws against
20 forced child labor in fiscal year 2006, of which not to ex-
21 ceed \$2,000,000 shall remain available until expended:
22 *Provided further*, That of the amounts appropriated,
23 \$50,000,000 shall not be available for obligation until the
24 Assistant Secretary of Immigration and Customs Enforce-
25 ment submits to the Committee on Appropriations of the

1 House of Representatives a national detention manage-
2 ment plan including the use of regional detention con-
3 tracts and alternatives to detention: *Provided further*, That
4 the Assistant Secretary of Immigration and Customs En-
5 forcement, with concurrence of the Secretary of Homeland
6 Security, shall submit, by December 1, 2005, to the Com-
7 mittee on Appropriations of the House of Representatives
8 a plan for the expanded use of Immigration Enforcement
9 Agents to enforce administrative violations of United
10 States immigration laws.

11 FEDERAL AIR MARSHALS

12 For necessary expenses of the Federal Air Marshals,
13 ~~\$698,860,000~~, of which not to exceed \$5,000,000 shall re-
14 main available until expended.

15 FEDERAL PROTECTIVE SERVICE

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

21 AUTOMATION MODERNIZATION

22 For expenses of immigration and customs enforce-
23 ment automated systems, \$40,150,000, to remain avail-
24 able until expended: *Provided*, That none of the funds ap-
25 propriated under this heading may be obligated until the
26 Committees on Appropriations of the Senate and the

1 under this heading shall become available during fiscal
 2 year 2007: *Provided further*, That none of the funds in
 3 this Act shall be used to recruit or hire personnel into the
 4 Transportation Security Administration which would
 5 cause the agency to exceed a staffing level of 45,000 full-
 6 time equivalent screeners.

7 SURFACE TRANSPORTATION SECURITY

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

12 TRANSPORTATION VETTING AND CREDENTIALING

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

16 TRANSPORTATION SECURITY SUPPORT

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

1 on a priority basis to enhance security, reduce Transpor-
2 tation Security Administration staffing requirements, and
3 long-term costs; and (2) a detailed spend plan for explo-
4 sive detection systems procurement and installations on an
5 airport-by-airport basis for fiscal year 2006: *Provided fur-*
6 *ther,* That these plans shall be submitted no later than
7 60 days after enactment of this Act.

8 UNITED STATES COAST GUARD

9 OPERATING EXPENSES

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

1 by this Act shall be available for expenses incurred for
2 yacht documentation under section 12109 of title 46,
3 United States Code, except to the extent fees are collected
4 from yacht owners and credited to this appropriation.

5 ENVIRONMENTAL COMPLIANCE AND RESTORATION

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

10 RESERVE TRAINING

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

15 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

16 For necessary expenses of acquisition, construction,
17 renovation, and improvement of aids to navigation, shore
18 facilities, vessels, and aircraft, including equipment related
19 thereto; and maintenance, rehabilitation, lease and oper-
20 ation of facilities and equipment, as authorized by law,
21 \$798,152,000, of which \$20,000,000 shall be derived from
22 the Oil Spill Liability Trust Fund to carry out the pur-
23 poses of section 1012(a)(5) of the Oil Pollution Act of
24 1990 (33 U.S.C. 2712(a)(5)); of which \$22,000,000 shall
25 be available until September 30, 2010, to acquire, repair,
26 renovate, or improve vessels, small boats, and related

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

22 (1) a detailed justification for each new Deep-
23 water asset that is determined to be necessary to
24 fulfill homeland and national security functions or

1 multi-agency procurements as identified by the Joint
2 Requirements Council;

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

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

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

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

18 (6) a detailed progress report on command,
19 control, communications, computers, intelligence,
20 surveillance, and reconnaissance equipment upgrades
21 that includes what has been installed currently on
22 operational assets and when such equipment will be
23 installed on all remaining Deepwater legacy assets:
24 *Provided further*, That the Secretary shall annually
25 submit to the Committee on Appropriations of the

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

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

8 (2) the total estimated cost of completion;

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

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

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

19 *Provided further,* That the Secretary shall ensure that
20 amounts specified in the future-years capital investment
21 plan are consistent to the maximum extent practicable
22 with proposed appropriations necessary to support the
23 programs, projects, and activities of the Coast Guard in
24 the President's budget as submitted under section 1105(a)
25 of title 31 for that fiscal year. *Provided further,* That any

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

1 ~~\$3,546,000: *Provided,* That not to exceed \$2,000 shall be~~
2 ~~for official reception and representation expenses.~~

3 STATE AND LOCAL PROGRAMS

4 For grants, contracts, cooperative agreements, and
5 other activities, including grants to State and local govern-
6 ments for terrorism prevention activities, notwithstanding
7 any other provision of law, ~~\$2,781,300,000 (increased by~~
8 ~~\$100,000) (increased by \$50,000,000), which shall be allo-~~
9 ~~cated as follows:~~

10 (1) ~~\$750,000,000 for formula-based grants and~~
11 ~~\$400,000,000 for law enforcement terrorism preven-~~
12 ~~tion grants pursuant to section 1014 of the USA~~
13 ~~PATRIOT ACT (42 U.S.C. 3714): *Provided,* That~~
14 ~~the application for grants shall be made available to~~
15 ~~States within 45 days after enactment of this Act;~~
16 ~~that States shall submit applications within 90 days~~
17 ~~after the grant announcement; and that the Office~~
18 ~~of State and Local Government Coordination and~~
19 ~~Preparedness shall act within 90 days after receipt~~
20 ~~of an application: *Provided further,* That no less~~
21 ~~than 80 percent of any grant under this paragraph~~
22 ~~to a State shall be made available by the State to~~
23 ~~local governments within 60 days after the receipt of~~
24 ~~the funds.~~

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

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

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

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

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

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

1 ~~(F)~~ \$50,000,000 shall be for buffer zone
2 protection grants:

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

15 ~~(3)~~ \$50,000,000 shall be available for the Com-
16 mercial Equipment Direct Assistance Program:

17 ~~(4)~~ \$366,300,000 for training, exercises, tech-
18 nical assistance, and other programs:

19 ~~Provided,~~ That none of the grants provided under this
20 heading shall be used for the construction or renovation
21 of facilities; for minor perimeter security projects, not to
22 exceed \$1,000,000, as determined necessary by the Sec-
23 retary of Homeland Security: ~~Provided further,~~ That the
24 proceeding proviso shall not apply to grants under sub-
25 paragraphs (B) and (E) of paragraph (2) of this heading:

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

21 FIREFIGHTER ASSISTANCE GRANTS

22 For necessary expenses for programs authorized by
 23 the Federal Fire Prevention and Control Act of 1974 (15
 24 U.S.C. 2201 et seq.), \$600,000,000 (increased by
 25 \$50,000,000), of which \$550,000,000 (increased by
 26 \$25,000,000) shall be available to carry out section 33 (15

1 U.S.C. 2229) and \$50,000,000 (increased by
2 \$25,000,000) shall be available to carry out section 34 (15
3 U.S.C. 2229a) of the Act, to remain available until Sep-
4 tember 30, 2007: *Provided*, That not to exceed 5 percent
5 of this amount shall be available for program administra-
6 tion.

7 EMERGENCY MANAGEMENT PERFORMANCE GRANTS

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

17 COUNTERTERRORISM FUND

18 For necessary expenses, as determined by the Sec-
19 retary of Homeland Security, to reimburse any Federal
20 agency for the costs of providing support to counter, inves-
21 tigate, or respond to unexpected threats or acts of ter-
22 rorism, including payment of rewards in connection with
23 these activities, \$10,000,000, to remain available until ex-
24 pended: *Provided*, That the Secretary shall notify the
25 Committees on Appropriations of the Senate and the
26 House of Representatives 15 days prior to the obligation

1 of any amount of these funds in accordance with section
2 503 of this Act.

3 EMERGENCY PREPAREDNESS AND RESPONSE

4 OFFICE OF THE UNDER SECRETARY FOR EMERGENCY

5 PREPAREDNESS AND RESPONSE

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

10 PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

11 For necessary expenses for preparedness, mitigation,
12 response, and recovery activities of the Directorate of
13 Emergency Preparedness and Response, \$249,499,000,
14 including activities authorized by the National Flood In-
15 surance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert
16 T. Stafford Disaster Relief and Emergency Assistance Act
17 (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduc-
18 tion Act of 1977 (42 U.S.C. 7701 et seq.), the Federal
19 Fire Prevention and Control Act of 1974 (15 U.S.C. 2201
20 et seq.), the Defense Production Act of 1950 (50 U.S.C.
21 App. 2061 et seq.), sections 107 and 303 of the National
22 Security Act of 1947 (50 U.S.C. 404, 405), Reorganiza-
23 tion Plan No. 3 of 1978 (5 U.S.C. App.), and the Home-
24 land Security Act of 2002 (6 U.S.C. 101 et seq.).

1 ADMINISTRATIVE AND REGIONAL OPERATIONS

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

18 PUBLIC HEALTH PROGRAMS

19 For necessary expenses for countering potential bio-
20 logical, disease, and chemical threats to civilian popu-
21 lations, \$34,000,000.

22 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

23 The aggregate charges assessed during fiscal year
24 2006, as authorized in title III of the Departments of Vet-
25 erans Affairs and Housing and Urban Development, and
26 Independent Agencies Appropriations Act, 1999 (42

1 U.S.C. 5196e), shall not be less than 100 percent of the
2 amounts anticipated by the Department of Homeland Se-
3 curity necessary for its radiological emergency prepared-
4 ness program for the next fiscal year: *Provided*, That the
5 methodology for assessment and collection of fees shall be
6 fair and equitable and shall reflect costs of providing such
7 services, including administrative costs of collecting such
8 fees: *Provided further*, That fees received under this head-
9 ing shall be deposited in this account as offsetting collec-
10 tions and will become available for authorized purposes on
11 October 1, 2006, and remain available until expended.

12 **DISASTER RELIEF**

13 For necessary expenses in carrying out the Robert
14 T. Stafford Disaster Relief and Emergency Assistance Act
15 (42 U.S.C. 5121 et seq.), \$2,023,900,000 (reduced by
16 \$23,900,000), to remain available until expended.

17 **DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT**

18 For administrative expenses to carry out the direct
19 loan program, as authorized by section 319 of the Robert
20 T. Stafford Disaster Relief and Emergency Assistance Act
21 (42 U.S.C. 5162), \$567,000: *Provided*, That gross obliga-
22 tions for the principal amount of direct loans shall not
23 exceed \$25,000,000: *Provided further*, That the cost of
24 modifying such loans shall be as defined in section 502
25 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

1 FLOOD MAP MODERNIZATION FUND

2 For necessary expenses pursuant to section 1360 of
3 the National Flood Insurance Act of 1968 (42 U.S.C.
4 4101), \$200,000,000, and such additional sums as may
5 be provided by State and local governments or other polit-
6 ical subdivisions for cost-shared mapping activities under
7 section 1360(f)(2) of such Act, to remain available until
8 expended: *Provided*, That total administrative costs shall
9 not exceed 3 percent of the total appropriation.

10 NATIONAL FLOOD INSURANCE FUND

11 (INCLUDING TRANSFER OF FUNDS)

12 For activities under the National Flood Insurance
13 Act of 1968 (42 U.S.C. 4001 et seq.), not to exceed
14 \$36,496,000 for salaries and expenses associated with
15 flood mitigation and flood insurance operations; not to ex-
16 ceed \$40,000,000 for financial assistance under section
17 1361A of such Act to States and communities for taking
18 actions under such section with respect to severe repetitive
19 loss properties; to remain available until expended; not to
20 exceed \$10,000,000 for mitigation actions under section
21 1323 of such Act; and not to exceed \$99,358,000 for flood
22 hazard mitigation; to remain available until September 30,
23 2007, including up to \$40,000,000 for expenses under sec-
24 tion 1366 of the National Flood Insurance Act of 1968
25 (42 U.S.C. 4104e), which amount shall be available for
26 transfer to the National Flood Mitigation Fund until Sep-

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

10 NATIONAL FLOOD MITIGATION FUND

11 Notwithstanding subparagraphs (B) and (C) of sub-
 12 section (b)(3), and subsection (f), of section 1366 of the
 13 National Flood Insurance Act of 1968 (42 U.S.C. 4104e),
 14 \$40,000,000, to remain available until September 30,
 15 2007, for activities designed to reduce the risk of flood
 16 damage to structures pursuant to such Act, of which
 17 \$40,000,000 shall be derived from the National Flood In-
 18 surance Fund.

19 NATIONAL PRE-DISASTER MITIGATION FUND

20 For a pre-disaster mitigation grant program pursu-
 21 ant to title II of the Robert T. Stafford Disaster Relief
 22 and Emergency Assistance Act (42 U.S.C. 5131 et seq.),
 23 \$150,000,000, to remain available until expended: *Pro-*
 24 *vided*, That grants made for pre-disaster mitigation shall
 25 be awarded on a competitive basis subject to the criteria
 26 in section 203(g) of such Act (42 U.S.C. 5133(g)): *Pro-*

1 *vided further*, That total administrative costs shall not ex-
 2 ceed 3 percent of the total appropriation.

3 EMERGENCY FOOD AND SHELTER

4 To carry out an emergency food and shelter program
 5 pursuant to title III of the Stewart B. McKinney Home-
 6 less Assistance Act (42 U.S.C. 11331 et seq.);
 7 \$153,000,000; to remain available until expended: *Pro-*
 8 *vided*, That total administrative costs shall not exceed 3.5
 9 percent of the total appropriation.

10 TITLE IV—RESEARCH AND DEVELOPMENT,

11 TRAINING, ASSESSMENTS, AND SERVICES

12 CITIZENSHIP AND IMMIGRATION SERVICES

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

22 FEDERAL LAW ENFORCEMENT TRAINING CENTER

23 SALARIES AND EXPENSES

24 For necessary expenses of the Federal Law Enforce-
 25 ment Training Center, including materials and support
 26 costs of Federal law enforcement basic training; purchase

1 of not to exceed 117 vehicles for police-type use and hire
2 of passenger motor vehicles; expenses for student athletic
3 and related activities; the conduct of and participation in
4 firearms matches and presentation of awards; public
5 awareness and enhancement of community support of law
6 enforcement training; room and board for student interns;
7 a flat monthly reimbursement to employees authorized to
8 use personal mobile phones for official duties; and services
9 as authorized by section 3109 of title 5, United States
10 Code; \$194,000,000, of which up to \$36,174,000 for ma-
11 terials and support costs of Federal law enforcement basic
12 training shall remain available until September 30, 2007;
13 and of which not to exceed \$12,000 shall be for official
14 reception and representation expenses: *Provided*, That the
15 Center is authorized to obligate funds in anticipation of
16 reimbursements from agencies receiving training spon-
17 sored by the Center, except that total obligations at the
18 end of the fiscal year shall not exceed total budgetary re-
19 sources available at the end of the fiscal year: *Provided*
20 *further*, That in fiscal year 2006 and thereafter, the Cen-
21 ter is authorized to assess pecuniary liability against Cen-
22 ter employees and students for losses or destruction of
23 government property due to gross negligence or willful
24 misconduct and to set off any resulting debts due the
25 United States by Center employees and students, without

1 their consent, against current payments due the employees
2 and students for their services.

3 ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND
4 RELATED EXPENSES

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

13 INFORMATION ANALYSIS AND INFRASTRUCTURE
14 PROTECTION
15 MANAGEMENT AND ADMINISTRATION

16 For salaries and expenses of the immediate Office of
17 the Under Secretary for Information Analysis and Infra-
18 structure Protection and for management and administra-
19 tion of programs and activities, as authorized by title II
20 of the Homeland Security Act of 2002 (6 U.S.C. 121 et
21 seq.), \$198,200,000: *Provided*, That not to exceed \$5,000
22 shall be for official reception and representation expenses.

23 ASSESSMENTS AND EVALUATIONS

24 For necessary expenses for information analysis and
25 infrastructure protection as authorized by title II of the
26 Homeland Security Act of 2002 (6 U.S.C. 121 et seq.);

1 ~~\$663,240,000~~, to remain available until September 30,
2 2007.

3 SCIENCE AND TECHNOLOGY

4 MANAGEMENT AND ADMINISTRATION

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

12 RESEARCH, DEVELOPMENT, ACQUISITION AND

13 OPERATIONS

14 For necessary expenses for science and technology re-
15 search, including advanced research projects; development;
16 test and evaluation; acquisition; and operations; as author-
17 ized by title III of the Homeland Security Act of 2002
18 (6 U.S.C. 181 et seq.), ~~\$1,258,597,000~~, to remain avail-
19 able until expended: *Provided*, That of the total amount
20 provided under this heading, ~~\$23,000,000~~ is available to
21 find an alternative site for the National Bio and
22 Agrodefense Laboratory and other pre-construction activi-
23 ties to establish research labs to protect animal and public
24 health from high consequence animal and zoonotic dis-
25 eases, in support of the requirements of Homeland Secu-
26 rity Presidential Directives 9 and 10: *Provided further*,

1 That of the total amount provided under this heading,
2 \$10,000,000 shall be used to enhance activities toward im-
3 plementation of section 313 of the Homeland Security Act
4 of 2002 (6 U.S.C. 193).

5 TITLE V—GENERAL PROVISIONS

6 (INCLUDING RESCISSION OF FUNDS)

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

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

18 SEC. 503. (a) None of the funds provided by this Act,
19 provided by previous appropriations Acts to the agencies
20 in or transferred to the Department of Homeland Security
21 that remain available for obligation or expenditure in fiscal
22 year 2006, or provided from any accounts in the Treasury
23 of the United States derived by the collection of fees avail-
24 able to the agencies funded by this Act, shall be available
25 for obligation or expenditure through a reprogramming of

1 funds that: (1) creates a new program; (2) eliminates a
2 program, project, or activity; (3) increases funds for any
3 program, project, or activity for which funds have been
4 denied or restricted by the Congress; (4) proposes to use
5 funds directed for a specific activity by either the House
6 or Senate Committees on Appropriations for a different
7 purpose; or (5) contracts out any functions or activities
8 for which funds have been appropriated for Federal full-
9 time equivalent positions; unless the Committees on Ap-
10 propriations of the Senate and the House of Representa-
11 tives are notified 15 days in advance of such reprogram-
12 ming of funds.

13 (b) None of the funds provided by this Act, provided
14 by previous appropriation Acts to the agencies in or trans-
15 ferred to the Department of Homeland Security that re-
16 main available for obligation or expenditure in fiscal year
17 2006; or provided from any accounts in the Treasury of
18 the United States derived by the collection of fees available
19 to the agencies funded by this Act, shall be available for
20 obligation or expenditure for programs, projects, or activi-
21 ties through a reprogramming of funds in excess of
22 \$5,000,000 or 10 percent, whichever is less, that: (1) aug-
23 ments existing programs, projects, or activities; (2) re-
24 duces by 10 percent funding for any existing program,
25 project, or activity, or numbers of personnel by 10 percent

1 as approved by the Congress; or (3) results from any gen-
2 eral savings from a reduction in personnel that would re-
3 sult in a change in existing programs, projects, or activi-
4 ties as approved by the Congress; unless the Committees
5 on Appropriations of the Senate and the House of Rep-
6 resentatives are notified 15 days in advance of such re-
7 programming of funds.

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

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

1 SEC. 504. Except as otherwise specifically provided
2 by law, not to exceed 50 percent of unobligated balances
3 remaining available at the end of fiscal year 2006 from
4 appropriations for salaries and expenses for fiscal year
5 2006 in this Act shall remain available through September
6 30, 2007, in the account and for the purposes for which
7 the appropriations were provided: *Provided*, That prior to
8 the obligation of such funds, a request shall be submitted
9 to the Committees on Appropriations of the Senate and
10 the House of Representatives for approval in accordance
11 with section 503 of this Act.

12 SEC. 505. Funds made available by this Act for intel-
13 ligence activities are deemed to be specifically authorized
14 by the Congress for purposes of section 504 of the Na-
15 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
16 year 2006 until the enactment of an Act authorizing intel-
17 ligence activities for fiscal year 2006.

18 SEC. 506. The Federal Law Enforcement Training
19 Center shall establish an accrediting body, to include rep-
20 resentatives from the Federal law enforcement community
21 and non-Federal accreditation experts involved in law en-
22 forcement training, to establish standards for measuring
23 and assessing the quality and effectiveness of Federal law
24 enforcement training programs, facilities, and instructors.

1 SEC. 507. None of the funds in this Act may be used
2 to make a grant allocation, discretionary grant award, dis-
3 cretionary contract award, or to issue a letter of intent
4 totaling in excess of \$1,000,000 unless the Secretary of
5 Homeland Security notifies the Committees on Appropria-
6 tions of the Senate and House of Representatives at least
7 3 full business days in advance: *Provided*, That no notifi-
8 cation shall involve funds that are not available for obliga-
9 tion.

10 SEC. 508. Notwithstanding any other provision of
11 law, no agency shall purchase, construct, or lease any ad-
12 ditional facilities, except within or contiguous to existing
13 locations, to be used for the purpose of conducting Federal
14 law enforcement training without the advance approval of
15 the Committees on Appropriations of the Senate and the
16 House of Representatives, except that the Federal Law
17 Enforcement Training Center is authorized to obtain the
18 temporary use of additional facilities by lease, contract,
19 or other agreement for training which cannot be accommo-
20 dated in existing Center facilities.

21 SEC. 509. The Director of the Federal Law Enforce-
22 ment Training Center (FLETC) shall schedule basic and/
23 or advanced law enforcement training at all four training
24 facilities under FLETC's control to ensure that these

1 training centers are operated at the highest capacity
2 throughout the fiscal year.

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

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

14 SEC. 512. Funding for the Transportation Security
15 Administration's Office of Transportation Security Sup-
16 port, Office of the Administrator, shall be reduced by
17 \$100,000 per day for each day after enactment of this
18 Act that the second proviso of section 513 of Public Law
19 108-334 has not been implemented.

20 SEC. 513. The Commandant of the Coast Guard shall
21 provide to the Committee on Appropriations of the House
22 of Representatives each year, at the time that the Presi-
23 dent's budget is submitted under section 1105(a) of title
24 31, United States Code, a list of approved but unfunded
25 Coast Guard priorities and the funds needed for each such

1 priority in the same manner and with the same contents
2 as the unfunded priorities lists submitted by the chiefs of
3 other Armed Services.

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

17 SEC. 515. Beginning in fiscal year 2006 and there-
18 after, the acquisition management system of the Trans-
19 portation Security Administration shall apply to the acqui-
20 sition of services, as well as equipment, supplies, and ma-
21 terials.

22 SEC. 516. Notwithstanding any other provision of
23 law, the authority of the Office of Personnel Management
24 to conduct personnel security and suitability background
25 investigations, update investigations, and periodic reinves-

1 tigungen of applicants for, or appointees in, positions in
2 the Office of the Secretary and Executive Management,
3 the Office of the Under Secretary for Management, the
4 Bureau of Immigration and Customs Enforcement, the
5 Directorate of Science and Technology, and the Direc-
6 torate of Information Analysis and Infrastructure Protec-
7 tion of the Department of Homeland Security is trans-
8 ferred to the Department of Homeland Security: *Provided,*
9 That on request of the Department of Homeland Security,
10 the Office of Personnel Management shall cooperate with
11 and assist the Department in any investigation or reinves-
12 tigation under this section: *Provided further,* That this sec-
13 tion shall cease to be effective at such time as the Presi-
14 dent has selected a single agency to conduct security clear-
15 ance investigations pursuant to section 3001(e) of the In-
16 telligence Reform and Terrorism Prevention Act of 2004
17 (Public Law 108-458; 50 U.S.C. 435b) and the entity se-
18 lected under section 3001(b) of such Act has reported to
19 Congress that the agency selected pursuant to such section
20 3001(e) is capable of conducting all necessary investiga-
21 tions in a timely manner or has authorized the entities
22 within the Department of Homeland Security covered by
23 this section to conduct their own investigations pursuant
24 to section 3001 of such Act.

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

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

17 (b) The report required by subsection (a) shall be
18 submitted within 90 days after the certification required
19 by such subsection is provided, and periodically thereafter,
20 if necessary, until the Government Accountability Office
21 confirms that all ten elements have been successfully met.

22 (c) During the testing phase permitted by subsection
23 (a), no information gathered from passengers, foreign or
24 domestic air carriers, or reservation systems may be used
25 to screen aviation passengers, or delay or deny boarding

1 to such passengers, except in instances where passenger
2 names are matched to a government watch list.

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

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

10 ~~SEC. 519.~~ None of the funds made available in this
11 Act may be used to amend the oath of allegiance required
12 by section 337 of the Immigration and Nationality Act
13 (8 U.S.C. 1448).

14 ~~SEC. 520.~~ None of the funds appropriated by this Act
15 may be used to process or approve a competition under
16 Office of Management and Budget Circular A-76 for serv-
17 ices provided as of June 1, 2004, by employees (including
18 employees serving on a temporary or term basis) of Citi-
19 zenship and Immigration Services of the Department of
20 Homeland Security who are known as of that date as Im-
21 migration Information Officers, Contact Representatives,
22 or Investigative Assistants.

23 ~~SEC. 521.~~ None of the funds available in this Act or
24 provided hereafter shall be available to maintain the
25 United States Secret Service as anything but a distinct

1 entity within the Department of Homeland Security and
2 shall not be used to merge the United States Secret Serv-
3 ice with any other department function, cause any per-
4 sonnel and operational elements of the United States Se-
5 cret Service to report to an individual other than the Di-
6 rector of the United States Secret Service, or cause the
7 Director to report directly to any individual other than the
8 Secretary of Homeland Security.

9 SEC. 522. The Secretary of Homeland Security shall
10 develop screening standards and protocols to more thor-
11 oughly screen all types of air cargo on passenger and cargo
12 aircraft by March 1, 2006: *Provided*, That these screening
13 standards and protocols shall be developed in consultation
14 with the industry stakeholders: *Provided further*, That
15 these screening standards and protocols shall be developed
16 in conjunction with the research and development of tech-
17 nologies that will permit screening of all high-risk air
18 cargo: *Provided further*, That of the amounts appropriated
19 in this Act for the “Office of the Secretary and Executive
20 Management”, \$10,000,000 shall not be available for obli-
21 gation until new air cargo screening standards and proto-
22 cols are implemented.

23 SEC. 523. The Transportation Security Administra-
24 tion (TSA) shall utilize existing checked baggage explosive
25 detection equipment and screeners to screen cargo carried

1 on passenger aircraft to the greatest extent practicable at
2 each airport: *Provided*, That beginning with November
3 2005, TSA shall provide a monthly report to the Com-
4 mittee on Appropriations of the House of Representatives
5 detailing, by airport, the amount of cargo carried on pas-
6 senger aircraft that was screened by TSA in August 2005
7 and each month thereafter.

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

12 SEC. 525. None of the funds available for obligation
13 for the transportation worker identification credential pro-
14 gram shall be used to develop a personalization system
15 that is decentralized or a card production capability that
16 does not utilize an existing government card production
17 facility: *Provided*, That no funding can be obligated for
18 the next phase of production until the Committee on Ap-
19 propriations of the House of Representatives has been
20 fully briefed on the results of the prototype phase and
21 agrees that the program should move forward.

22 SEC. 526. (a) From the unexpended balances of the
23 United States Coast Guard "Acquisition, Construction
24 and Improvements" account specifically identified in state-
25 ment of managers language for Integrated Deepwater Sys-

1 ten patrol boats 110- to 123-foot conversion in fiscal
2 years 2004 and 2005, \$83,999,942 are rescinded.

3 (b) For the necessary expenses of the United States
4 Coast Guard for “Acquisition, Construction and Improve-
5 ments”, \$83,999,942 is made available to procure new
6 110-foot patrol boats or for major maintenance availability
7 for the current 110-foot patrol boat fleet: *Provided*, That
8 such funds shall remain available until expended.

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

22 SEC. 528. None of the funds made available in this
23 Act may be used by any person other than the privacy
24 officer appointed pursuant to section 222 of the Homeland
25 Security Act of 2002 (6 U.S.C. 142) to alter, direct that

1 changes be made to, delay or prohibit the transmission
2 to Congress of, any report prepared pursuant to para-
3 graph (5) of such section.

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

9 SEC. 530. Except as provided in section 44945 of title
10 49, United States Code, funds appropriated or transferred
11 to the Transportation Security Administration in fiscal
12 years 2002 and 2003, and to the Transportation Security
13 Administration, "Aviation Security" and "Administra-
14 tion" in fiscal years 2004 and 2005, that are recovered
15 or deobligated shall be available only for procurement and
16 installation of explosive detection systems.

17 SEC. 531. From the unobligated balances available
18 in the "Department of Homeland Security Working Cap-
19 ital Fund" established by section 506 of Public Law 108-
20 90, \$7,000,000 are hereby rescinded.

21 SEC. 532. Notwithstanding any other provision of
22 law, the Committee withholds from obligation
23 \$25,000,000 from the Directorate of Emergency Pre-
24 paredness and Response, Administrative and Regional Op-
25 erations, until the direction in the statement of managers

1 accompanying Public Law ~~108-324~~ and House Report
2 ~~108-541~~ is completed.

3 SEC. ~~533~~. None of the funds appropriated under this
4 Act or any other Act shall be available for processing peti-
5 tions under section 214(e) of the Immigration and Nation-
6 ality Act relating to nonimmigrant status under section
7 101(a)(15)(H)(i)(b) of such Act until the authority pro-
8 vided in section 214(g)(5)(C) of such Act is being imple-
9 mented such that, in any fiscal year in which the total
10 number of aliens who are issued visas or otherwise pro-
11 vided nonimmigrant status subject to the numerical limi-
12 tation under section 101(a)(15)(H)(i)(b) of such Act
13 reaches the numerical limitation contained in section
14 214(g)(1)(A) of such Act, up to 20,000 additional aliens
15 who have earned a master's or higher degree from an in-
16 stitution of higher education (as defined in section 101(a)
17 of the Higher Education Act of 1965 (20 U.S.C. 1001(a)))
18 may be issued visas or otherwise provided nonimmigrant
19 status under section 101(a)(15)(H)(i)(b) of the Immigra-
20 tion and Nationality Act.

21 SEC. ~~534~~. None of the funds provided in this Act
22 shall be used to pay the salaries of more than sixty Trans-
23 portation Security Administration employees who have the
24 authority to designate documents as Sensitive Security In-
25 formation (SSI). In addition, \$10,000,000 is not available

1 for the Department-wide Office of Security until the Sec-
2 retary submits to the Committee on Appropriations of the
3 House of Representatives: (1) the titles of all documents
4 currently designated as SSI; (2) Department-wide policies
5 on SSI designation; (3) Department-wide SSI designation
6 auditing policies and procedures; and (4) the total number
7 of staff and offices authorized to designate SSI documents
8 within the Department.

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

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

15 SEC. 537. For the Secretary of Homeland Security
16 to make grants pursuant to section 204 of the REAL ID
17 Act of 2005 (Public Law 109–13, division B) to assist
18 States in conforming with minimum drivers’ license stand-
19 ards there is hereby appropriated; and the amounts other-
20 wise provided by this Act for “Office of the Secretary and
21 Executive Management”, “Office of the Under Secretary
22 for Management”, “Office of the Under Secretary for Bor-
23 der and Transportation Security—Salaries and Ex-
24 penses”, “Information Analysis and Infrastructure Pro-
25 tection—Management and Administration”, and “Science

1 and Technology—Research, Development, Acquisition and
 2 Operations”, are hereby reduced by: \$100,000,000,
 3 \$20,000,000, \$20,000,000, \$2,000,000, \$8,000,000, and
 4 \$50,000,000, respectively.

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

7 *That the following sums are appropriated, out of any*
 8 *money in the Treasury not otherwise appropriated, for the*
 9 *Department of Homeland Security for the fiscal year end-*
 10 *ing September 30, 2006, and for other purposes, namely:*

11 *TITLE I—DEPARTMENTAL MANAGEMENT AND*

12 *OPERATIONS*

13 *OFFICE OF THE SECRETARY AND EXECUTIVE*

14 *MANAGEMENT*

15 *For necessary expenses of the Office of the Secretary*
 16 *of Homeland Security, as authorized by section 102 of the*
 17 *Homeland Security Act of 2002 (6 U.S.C. 112), and execu-*
 18 *tive management of the Department of Homeland Security,*
 19 *as authorized by law, \$124,620,000: Provided, That not to*
 20 *exceed \$40,000 shall be for official reception and representa-*
 21 *tion expenses.*

22 *OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT*

23 *For necessary expenses of the Office of the Under Sec-*
 24 *retary for Management, as authorized by sections 701–705*
 25 *of the Homeland Security Act of 2002 (6 U.S.C. 341–345),*

1 \$146,322,000: *Provided, That not to exceed \$3,000 shall be*
2 *for official reception and representation expenses: Provided*
3 *further, That of the total amount provided, \$26,070,000*
4 *shall remain available until expended solely for the alter-*
5 *ation and improvement of facilities, tenant improvements,*
6 *and relocation costs to consolidate Department head-*
7 *quarters operations.*

8 *DEPARTMENT OF HOMELAND SECURITY WORKING*
9 *CAPITAL FUND*
10 *(RESCISSION OF FUNDS)*

11 *Of the unobligated balances available in the “Depart-*
12 *ment of Homeland Security Working Capital Fund”,*
13 *\$12,000,000 are rescinded.*

14 *OFFICE OF THE CHIEF FINANCIAL OFFICER*

15 *For necessary expenses of the Office of the Chief Finan-*
16 *cial Officer, as authorized by section 103 of the Homeland*
17 *Security Act of 2002 (6 U.S.C. 113), \$18,325,000.*

18 *OFFICE OF THE CHIEF INFORMATION OFFICER*

19 *For necessary expenses of the Office of the Chief Infor-*
20 *mation Officer, as authorized by section 103 of the Home-*
21 *land Security Act of 2002 (6 U.S.C. 113), and Department-*
22 *wide technology investments, \$286,540,000; of which*
23 *\$75,756,000 shall be available for salaries and expenses;*
24 *and of which \$210,784,000 shall be available for develop-*
25 *ment and acquisition of information technology equipment,*

1 *software, services, and related activities for the Department*
2 *of Homeland Security, and for the costs of conversion to*
3 *narrowband communications, including the cost for oper-*
4 *ation of the land mobile radio legacy systems, to remain*
5 *available until expended: Provided, That of the funds made*
6 *available until expended under this heading, no more than*
7 *\$33,029,000 shall be for the Homeland Secure Data Net-*
8 *work: Provided further, That none of the funds appro-*
9 *priated shall be used to support or supplement the appro-*
10 *priations provided for the United States Visitor and Immi-*
11 *grant Status Indicator Technology project or the Automated*
12 *Commercial Environment: Provided further, That the Chief*
13 *Information Officer shall submit to the Committees on Ap-*
14 *propriations of the Senate and the House of Representa-*
15 *tives, not more than 60 days after enactment of the Act,*
16 *an expenditure plan for all information technology projects*
17 *that: (1) are funded by the “Office of the Chief Information*
18 *Officer”, or (2) are funded by multiple components of the*
19 *Department of Homeland Security through reimbursable*
20 *agreements: Provided further, That such expenditure plan*
21 *shall include each specific project funded, key milestones,*
22 *all funding sources for each project, details of annual and*
23 *lifecycle costs, and projected cost savings or cost avoidance*
24 *to be achieved by the project: Provided further, That the*
25 *expenditure plan shall include a complete list of all legacy*

1 *systems operational as of March 1, 2003; the current oper-*
2 *ational status of each system; and the plan for continued*
3 *operation or termination of each system.*

4 *OFFICE OF INSPECTOR GENERAL*

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

11 *TITLE II—SECURITY, ENFORCEMENT, AND*

12 *INVESTIGATIONS*

13 *BORDER AND TRANSPORTATION SECURITY*

14 *OFFICE OF THE UNDER SECRETARY FOR BORDER AND*

15 *TRANSPORTATION SECURITY*

16 *SALARIES AND EXPENSES*

17 *For necessary expenses of the Office of the Under Sec-*
18 *retary for Border and Transportation Security, as author-*
19 *ized by subtitle A of title IV of the Homeland Security Act*
20 *of 2002 (6 U.S.C. 201 et seq.), \$9,617,000: Provided, That*
21 *not to exceed \$3,000 shall be for official reception and rep-*
22 *resentation expenses.*

23 *UNITED STATES VISITOR AND IMMIGRANT STATUS*

24 *INDICATOR TECHNOLOGY*

25 *For necessary expenses for the development of the*
26 *United States Visitor and Immigrant Status Indicator*

1 *Technology project, as authorized by section 110 of the Ille-*
2 *gal Immigration Reform and Immigration Responsibility*
3 *Act of 1996 (8 U.S.C. 1221 note), \$340,000,000, to remain*
4 *available until expended: Provided, That of the total*
5 *amount made available under this heading, \$159,658,000*
6 *may not be obligated for the United States Visitor and Im-*
7 *migrant Status Indicator Technology project until the Com-*
8 *mittees on Appropriations of the Senate and the House of*
9 *Representatives receive and approve a plan for expenditure*
10 *prepared by the Secretary of Homeland Security that:*

11 (1) *meets the capital planning and investment*
12 *control review requirements established by the Office*
13 *of Management and Budget, including Circular A–11,*
14 *part 7;*

15 (2) *complies with the Department of Homeland*
16 *Security enterprise information systems architecture;*

17 (3) *complies with the acquisition rules, require-*
18 *ments, guidelines, and systems acquisition manage-*
19 *ment practices of the Federal Government;*

20 (4) *includes a certification by the Chief Informa-*
21 *tion Officer of the Department of Homeland Security*
22 *that an independent verification and validation agent*
23 *is currently under contract for the project;*

24 (5) *is reviewed and approved by the Department*
25 *of Homeland Security Investment Review Board, the*

1 *Secretary of Homeland Security, and the Office of*
2 *Management and Budget; and*
3 *(6) is reviewed by the Government Account-*
4 *ability Office.*

5 *CUSTOMS AND BORDER PROTECTION*

6 *SALARIES AND EXPENSES*

7 *(INCLUDING RESCISSION OF FUNDS)*

8 *For necessary expenses for enforcement of laws relating*
9 *to border security, immigration, customs, and agricultural*
10 *inspections and regulatory activities related to plant and*
11 *animal imports; acquisition, lease, maintenance and oper-*
12 *ation of aircraft; purchase and lease of up to 4,500 (3,935*
13 *for replacement only) police-type vehicles; and contracting*
14 *with individuals for personal services abroad;*
15 *\$4,922,600,000; of which \$3,000,000 shall be derived from*
16 *the Harbor Maintenance Trust Fund for administrative ex-*
17 *penses related to the collection of the Harbor Maintenance*
18 *Fee pursuant to section 9505(c)(3) of the Internal Revenue*
19 *Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding*
20 *section 1511(e)(1) of the Homeland Security Act of 2002*
21 *(6 U.S.C. 551(e)(1)); of which not to exceed \$35,000 shall*
22 *be for official reception and representation expenses; of*
23 *which not less than \$146,560,000 shall be for Air and Ma-*
24 *rine Operations; of which not to exceed \$49,980,000 shall*
25 *remain available until September 30, 2007, for inspection*
26 *and surveillance technology, unmanned aerial vehicles, and*

1 replacement aircraft; of which such sums as become avail-
2 able in the Customs User Fee Account, except sums subject
3 to section 13031(f)(3) of the Consolidated Omnibus Budget
4 Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be
5 derived from that account; of which not to exceed \$150,000
6 shall be available for payment for rental space in connec-
7 tion with preclearance operations; of which not to exceed
8 \$1,000,000 shall be for awards of compensation to inform-
9 ants, to be accounted for solely under the certificate of the
10 Secretary of Homeland Security; and of which not to exceed
11 \$5,000,000 shall be available for payments or advances
12 arising out of contractual or reimbursable agreements with
13 State and local law enforcement agencies while engaged in
14 cooperative activities related to immigration: Provided,
15 That for fiscal year 2006, the overtime limitation prescribed
16 in section 5(c)(1) of the Act of February 13, 1911 (19
17 U.S.C. 267(c)(1)) shall be \$35,000; and notwithstanding
18 any other provision of law, none of the funds appropriated
19 in this Act may be available to compensate any employee
20 of United States Customs and Border Protection for over-
21 time, from whatever source, in an amount that exceeds such
22 limitation, except in individual cases determined by the
23 Secretary of Homeland Security, or the designee of the Sec-
24 retary, to be necessary for national security purposes, to

1 *prevent excessive costs, or in cases of immigration emer-*
2 *gencies.*

3 *In addition, of the funds appropriated under the head-*
4 *ing “Customs and Border Protection” in chapter 6 of title*
5 *I of Public Law 108–11 (117 Stat. 581), \$14,400,000 are*
6 *rescinded.*

7 *AUTOMATION MODERNIZATION*

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

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

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

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

4 (4) *includes a certification by the Chief Informa-*
5 *tion Officer of the Department of Homeland Security*
6 *that an independent verification and validation agent*
7 *is currently under contract for the project;*

8 (5) *is reviewed and approved by the Department*
9 *of Homeland Security Investment Review Board, the*
10 *Secretary of Homeland Security, and the Office of*
11 *Management and Budget; and*

12 (6) *is reviewed by the Government Account-*
13 *ability Office.*

14 *AIR AND MARINE INTERDICTION, OPERATIONS,*
15 *MAINTENANCE, AND PROCUREMENT*

16 *For necessary expenses for the operations, mainte-*
17 *nance, and procurement of marine vessels, aircraft, and*
18 *other related equipment of the air and marine program,*
19 *including operational training and mission-related travel,*
20 *and rental payments for facilities occupied by the air or*
21 *marine interdiction and demand reduction programs, the*
22 *operations of which include the following: the interdiction*
23 *of narcotics and other goods; the provision of support to*
24 *Federal, State, and local agencies in the enforcement or ad-*
25 *ministration of laws enforced by the Department of Home-*
26 *land Security; and at the discretion of the Secretary of*

1 *Homeland Security, the provision of assistance to Federal,*
2 *State, and local agencies in other law enforcement and*
3 *emergency humanitarian efforts, \$320,580,000, to remain*
4 *available until expended: Provided, That no aircraft or*
5 *other related equipment, with the exception of aircraft that*
6 *are one of a kind and have been identified as excess to*
7 *United States Customs and Border Protection requirements*
8 *and aircraft that have been damaged beyond repair, shall*
9 *be transferred to any other Federal agency, department, or*
10 *office outside of the Department of Homeland Security dur-*
11 *ing fiscal year 2006 without the prior approval of the Com-*
12 *mittees on Appropriations of the Senate and the House of*
13 *Representatives.*

14 *CONSTRUCTION*

15 *For necessary expenses to plan, construct, renovate,*
16 *equip, and maintain buildings and facilities necessary for*
17 *the administration and enforcement of the laws relating to*
18 *customs and immigration, \$311,381,000, to remain avail-*
19 *able until expended: Provided, That of the total amount*
20 *provided under this heading, \$55,000,000 shall be available*
21 *solely for the completion of the San Diego Sector fence and*
22 *\$55,000,000 shall be available solely for Tuscon sector tac-*
23 *tical infrastructure.*

1 *IMMIGRATION AND CUSTOMS ENFORCEMENT*2 *SALARIES AND EXPENSES*

3 *For necessary expenses for enforcement of immigration*
4 *and customs laws, detention and removals, and investiga-*
5 *tions; and purchase and lease of up to 2,300 (2,000 for re-*
6 *placement only) police-type vehicles, \$3,050,416,000, of*
7 *which not to exceed \$5,000,000 shall be available until ex-*
8 *pended for conducting special operations pursuant to sec-*
9 *tion 3131 of the Customs Enforcement Act of 1986 (19*
10 *U.S.C. 2081); of which not to exceed \$15,000 shall be for*
11 *official reception and representation expenses; of which not*
12 *to exceed \$1,000,000 shall be for awards of compensation*
13 *to informants, to be accounted for solely under the certifi-*
14 *cate of the Secretary of Homeland Security; of which not*
15 *less than \$102,000 shall be for promotion of public aware-*
16 *ness of the child pornography tipline; of which not less than*
17 *\$203,000 shall be for Project Alert; and of which not to ex-*
18 *ceed \$11,216,000 shall be available to fund or reimburse*
19 *other Federal agencies for the costs associated with the care,*
20 *maintenance, and repatriation of smuggled illegal aliens:*
21 *Provided, That none of the funds made available under this*
22 *heading shall be available to compensate any employee for*
23 *overtime in an annual amount in excess of \$35,000, except*
24 *that the Secretary of Homeland Security, or the designee*
25 *of the Secretary, may waive that amount as necessary for*

1 *national security purposes and in cases of immigration*
2 *emergencies: Provided further, That of the total amount*
3 *provided, \$15,770,000 shall be for activities to enforce laws*
4 *against forced child labor in fiscal year 2006, of which not*
5 *to exceed \$6,000,000 shall remain available until expended.*

6 *FEDERAL AIR MARSHALS*

7 *For necessary expenses of the Federal Air Marshals,*
8 *\$678,994,000.*

9 *FEDERAL PROTECTIVE SERVICE*

10 *The revenues and collections of security fees credited*
11 *to this account, not to exceed \$487,000,000, shall be avail-*
12 *able until expended for necessary expenses related to the*
13 *protection of federally-owned and leased buildings and for*
14 *the operations of the Federal Protective Service.*

15 *AUTOMATION MODERNIZATION*

16 *For expenses of immigration and customs enforcement*
17 *automated systems, \$50,150,000, to remain available until*
18 *expended: Provided, That none of the funds made available*
19 *under this heading may be obligated until the Committees*
20 *on Appropriations of the Senate and the House of Rep-*
21 *resentatives receive and approve a plan for expenditure pre-*
22 *pared by the Secretary of Homeland Security that:*

23 *(1) meets the capital planning and investment*
24 *control review requirements established by the Office*
25 *of Management and Budget, including Circular A-11,*
26 *part 7;*

1 rity Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C.
2 40101 note), \$4,452,318,000, to remain available until Sep-
3 tember 30, 2007, of which not to exceed \$3,000 shall be for
4 official reception and representation expenses: Provided,
5 That of the total amount made available under this head-
6 ing, not to exceed \$3,391,948,000 shall be for screening oper-
7 ations, of which \$180,000,000 shall be available only for
8 procurement of checked baggage explosive detection systems
9 and \$14,000,000 shall be available only for installation of
10 checked baggage explosive detection systems; and not to ex-
11 ceed \$1,060,370,000 shall be for aviation security direction
12 and enforcement presence: Provided further, That security
13 service fees authorized under section 44940 of title 49,
14 United States Code, shall be credited to this appropriation
15 as offsetting collections: Provided further, That the sum
16 herein appropriated from the General Fund shall be reduced
17 on a dollar-for-dollar basis as such offsetting collections are
18 received during fiscal year 2006, so as to result in a final
19 fiscal year appropriation from the General Fund estimated
20 at not more than \$2,462,318,000: Provided further, That
21 any security service fees collected in excess of the amount
22 made available under this heading shall become available
23 during fiscal year 2007: Provided further, That if the Sec-
24 retary of Homeland Security exercises discretion to set the
25 fee under 44940(a)(2) of title 49 United States Code, such

1 *determination shall not be subject to judicial review: Pro-*
2 *vided further, That notwithstanding section 503 of this Act,*
3 *the Transportation Security Administration may reallocate*
4 *funding provided under this heading from passenger and*
5 *baggage screener pay, compensation, and benefits to pro-*
6 *curement and installation of screening technology with fif-*
7 *teen days advance notification to the Committees on Appro-*
8 *priations of the Senate and House of Representatives: Pro-*
9 *vided further, That notwithstanding section 44923 of title*
10 *49, United States Code, the share of the cost of the Federal*
11 *Government for a project under any letter of intent shall*
12 *be 75 percent for any medium or large hub airport: Pro-*
13 *vided further, That heads of Federal agencies and commis-*
14 *sions shall not be exempt from Federal passenger and bag-*
15 *gage screening: Provided further, That reimbursement for*
16 *security services and related equipment and supplies pro-*
17 *vided in support of general aviation access to the Ronald*
18 *Reagan Washington National Airport shall be credited to*
19 *this appropriation and shall be available until expended*
20 *solely for these purposes.*

21 *SURFACE TRANSPORTATION SECURITY*

22 *For necessary expenses of the Transportation Security*
23 *Administration related to providing surface transportation*
24 *activities, \$36,000,000.*

1 *TRANSPORTATION VETTING AND CREDENTIALING*

2 *For necessary expenses for the development and imple-*
3 *mentation of screening programs by the Office of Transpor-*
4 *tation Vetting and Credentialing, \$74,996,000.*

5 *TRANSPORTATION SECURITY SUPPORT*

6 *For necessary expenses of the Transportation Security*
7 *Administration related to providing security support and*
8 *intelligence pursuant to the Aviation and Transportation*
9 *Security Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C.*
10 *40101 note), \$491,873,000.*

11 *UNITED STATES COAST GUARD*

12 *OPERATING EXPENSES*

13 *(INCLUDING RESCISSION OF FUNDS)*

14 *For necessary expenses for the operation and mainte-*
15 *nance of the United States Coast Guard not otherwise pro-*
16 *vided for, purchase or lease of not to exceed 25 passenger*
17 *motor vehicles for replacement only, payments pursuant to*
18 *section 156 of Public Law 97-377 (42 U.S.C. 402 note) and*
19 *recreation and welfare, \$5,476,046,000, of which*
20 *\$1,200,000,000 shall be for defense-related activities; of*
21 *which \$24,500,000 shall be derived from the Oil Spill Li-*
22 *ability Trust Fund to carry out the purposes of section*
23 *1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.*
24 *2712(a)(5)); and of which not to exceed \$3,000 shall be for*
25 *official reception and representation expenses: Provided,*
26 *That none of the funds made available by this or any other*

1 *Act shall be available for administrative expenses in connec-*
2 *tion with shipping commissioners in the United States:*
3 *Provided further, That none of the funds made available*
4 *by this Act shall be for expenses incurred for yacht docu-*
5 *mentation under section 12109 of title 46, United States*
6 *Code, except to the extent fees are collected from yacht own-*
7 *ers and credited to this appropriation.*

8 *In addition, of the funds appropriated under this*
9 *heading in Public Law 108–11 (117 Stat. 583),*
10 *\$16,800,000 are rescinded.*

11 *ENVIRONMENTAL COMPLIANCE AND RESTORATION*

12 *For necessary expenses to carry out the environmental*
13 *compliance and restoration functions of the United States*
14 *Coast Guard under chapter 19 of title 14, United States*
15 *Code, \$12,000,000, to remain available until expended.*

16 *RESERVE TRAINING*

17 *For necessary expenses of the Coast Guard Reserve, as*
18 *authorized by law; operations and maintenance of the re-*
19 *serve program; personnel and training costs; and equipment*
20 *and services; \$119,000,000.*

21 *ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS*

22 *(INCLUDING RESCISSIONS OF FUNDS)*

23 *For necessary expenses of acquisition, construction,*
24 *renovation, and improvement of aids to navigation, shore*
25 *facilities, vessels, and aircraft, including equipment related*
26 *thereto; and maintenance, rehabilitation, lease and oper-*

1 *ation of facilities and equipment, as authorized by law,*
2 *\$1,224,800,000, of which \$20,000,000 shall be derived from*
3 *the Oil Spill Liability Trust Fund to carry out the purposes*
4 *of section 1012(a)(5) of the Oil Pollution Act of 1990 (33*
5 *U.S.C. 2712(a)(5)); of which \$18,500,000 shall be available*
6 *until September 30, 2010, to acquire, repair, renovate, or*
7 *improve vessels, small boats, and related equipment; of*
8 *which \$105,000,000 shall be available until September 30,*
9 *2008, for other equipment; of which \$39,700,000 shall be*
10 *available until September 30, 2008, for shore facilities and*
11 *aids to navigation facilities; of which \$73,000,000 shall be*
12 *available for personnel compensation and benefits and re-*
13 *lated costs; and of which \$988,600,000 shall be available*
14 *until September 30, 2010, for the Integrated Deepwater*
15 *Systems program: Provided, That the Commandant of the*
16 *Coast Guard is authorized to dispose of surplus real prop-*
17 *erty, by sale or lease, and the proceeds shall be credited to*
18 *this appropriation as offsetting collections and shall be*
19 *available until September 30, 2008.*

20 *In addition, of the funds made available under this*
21 *heading in Public Law 108–334 (118 Stat. 1306) for covert*
22 *aircraft, \$13,999,000 are rescinded; and of the funds appro-*
23 *riated under this heading in Public Laws 108–334 (118*
24 *Stat. 1306) and 108–90 (117 Stat. 1143) for patrol boat*
25 *(110 foot to 123 foot conversion) and Fast Response Cutter/*

1 110–123 foot patrol boat conversion, \$68,999,000 are re-
2 scinded.

3 *ALTERATION OF BRIDGES*

4 *For necessary expenses for alteration or removal of ob-*
5 *structive bridges as authorized by section 6 of the Truman-*
6 *Hobbs Act (33 U.S.C. 516), \$15,000,000, to remain avail-*
7 *able until expended.*

8 *RESEARCH, DEVELOPMENT, TEST, AND EVALUATION*

9 *For necessary expenses for applied scientific research,*
10 *development, test, and evaluation, and for maintenance, re-*
11 *habilitation, lease and operation of facilities and equip-*
12 *ment, as authorized by law, \$18,500,000, to remain avail-*
13 *able until expended, of which \$2,000,000 shall be derived*
14 *from the Oil Spill Liability Trust Fund to carry out the*
15 *purposes of section 1012(a)(5) of the Oil Pollution Act of*
16 *1990 (33 U.S.C. 2712(a)(5)): Provided, That there may be*
17 *credited to and used for the purposes of this appropriation*
18 *funds received from State and local governments, other pub-*
19 *lic authorities, private sources, and foreign countries, for*
20 *expenses incurred for research, development, testing, and*
21 *evaluation.*

22 *RETIRED PAY*

23 *For retired pay, including the payment of obligations*
24 *otherwise chargeable to lapsed appropriations for this pur-*
25 *pose, payments under the Retired Serviceman's Family*
26 *Protection and Survivor Benefits Plans, payment for career*

1 *status bonuses, concurrent receipts and combat-related spe-*
2 *cial compensation under the National Defense Authoriza-*
3 *tion Act, and payments for medical care of retired per-*
4 *sonnel and their dependents under chapter 55 of title 10,*
5 *United States Code, \$1,014,080,000.*

6 *UNITED STATES SECRET SERVICE*

7 *SALARIES AND EXPENSES*

8 *For necessary expenses of the United States Secret*
9 *Service, including purchase of not to exceed 614 vehicles*
10 *for police-type use, which shall be for replacement only, and*
11 *hire of passenger motor vehicles; purchase of American-*
12 *made motorcycles; hire of aircraft; services of expert wit-*
13 *nesses at such rates as may be determined by the Director*
14 *of the Secret Service; rental of buildings in the District of*
15 *Columbia, and fencing, lighting, guard booths, and other*
16 *facilities on private or other property not in Government*
17 *ownership or control, as may be necessary to perform pro-*
18 *TECTIVE functions; payment of per diem or subsistence allow-*
19 *ances to employees where a protective assignment during*
20 *the actual day or days of the visit of a protectee requires*
21 *an employee to work 16 hours per day or to remain over-*
22 *night at a post of duty; conduct of and participation in*
23 *firearms matches; presentation of awards; travel of Secret*
24 *Service employees on protective missions without regard to*
25 *the limitations on such expenditures in this or any other*

1 *Act if approval is obtained in advance from the Committees*
2 *on Appropriations of the Senate and the House of Rep-*
3 *resentatives; research and development; grants to conduct*
4 *behavioral research in support of protective research and*
5 *operations; and payment in advance for commercial accom-*
6 *modations as may be necessary to perform protective func-*
7 *tions; \$1,188,638,000, of which not to exceed \$25,000 shall*
8 *be for official reception and representation expenses; of*
9 *which not to exceed \$100,000 shall be to provide technical*
10 *assistance and equipment to foreign law enforcement orga-*
11 *nizations in counterfeit investigations; of which \$2,100,000*
12 *shall be for forensic and related support of investigations*
13 *of missing and exploited children; and of which \$5,000,000*
14 *shall be a grant for activities related to the investigations*
15 *of missing and exploited children and shall remain avail-*
16 *able until expended: Provided, That up to \$18,000,000 pro-*
17 *vided for protective travel shall remain available until Sep-*
18 *tember 30, 2007: Provided further, That the United States*
19 *Secret Service is authorized to obligate funds in anticipa-*
20 *tion of reimbursements from Federal agencies and entities,*
21 *as defined in section 105 of title 5, United States Code,*
22 *receiving training sponsored by the James J. Rowley*
23 *Training Center, except that total obligations at the end*
24 *of the fiscal year shall not exceed total budgetary resources*
25 *available under this heading at the end of the fiscal year.*

1 *gions based on risks; threats; vulnerabilities; and*
2 *unmet essential capabilities pursuant to Homeland*
3 *Security Presidential Directive 8 (HSPD–8).*

4 (2) *\$400,000,000 for law enforcement terrorism*
5 *prevention grants, of which \$155,000,000 shall be al-*
6 *located such that each State and territory shall re-*
7 *ceive the same dollar amount for the State minimum*
8 *as was distributed in fiscal year 2005 for law enforce-*
9 *ment terrorism prevention grants: Provided, That the*
10 *balance shall be allocated by the Secretary to States*
11 *based on risks; threats; vulnerabilities; and unmet es-*
12 *sential capabilities pursuant to HSPD–8.*

13 (3) *\$365,000,000 for discretionary transpor-*
14 *tation and infrastructure grants, as determined by*
15 *the Secretary, of which—*

16 (A) *\$200,000,000 shall be for port security*
17 *grants pursuant to the purposes of 46 United*
18 *States Code 70107(a) through (h), which shall be*
19 *awarded based on threat notwithstanding sub-*
20 *section (a), for eligible costs as defined in sub-*
21 *sections (b)(2)–(4);*

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

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

1 (D) \$100,000,000 shall be for intercity pas-
2 senger rail transportation (as defined in section
3 24102 of title 49, United States Code), freight
4 rail, and transit security grants; and

5 (E) \$50,000,000 shall be for buffer zone pro-
6 tection plan grants.

7 (4) \$50,000,000 for the technology transfer pro-
8 gram.

9 (5) \$40,000,000 for State grants pursuant to sec-
10 tion 204(a) of the REAL ID Act of 2005 (Division
11 B of Public Law 109–13), to remain available until
12 expended, as determined by the Secretary: Provided,
13 That none of the funds made available under this
14 paragraph may be obligated or allocated for grants
15 until the Committees on Appropriations of the Senate
16 and the House of Representatives receive and approve
17 an implementation plan for the responsibilities of the
18 Department of Homeland Security under the REAL
19 ID Act of 2005 (Division B of Public Law 109–13),
20 including the proposed uses of the grant monies.

21 (6) \$321,300,000 for training, exercises, technical
22 assistance, and other programs:

23 Provided, That not to exceed 3 percent of the amounts pro-
24 vided for grants under this heading shall be available for
25 program administration: Provided further, That the Gov-

1 *ernment Accountability Office shall review the validity of*
2 *the threat and risk factors used by the Secretary for the*
3 *purposes of allocating discretionary grants funded under*
4 *this heading, and the application of those factors in the allo-*
5 *cation of funds prior to the Department making final grant*
6 *determinations: Provided further, That the Government Ac-*
7 *countability Office shall have 20 days to complete its review*
8 *after it is notified by the Secretary that preliminary deter-*
9 *minations have been made, and the Government Account-*
10 *ability Office shall report to the Committees on Appropria-*
11 *tions of the Senate and the House of Representatives on the*
12 *findings of its review prior to the Department making final*
13 *grant determinations: Provided further, That none of the*
14 *grants provided under this heading shall be used for con-*
15 *struction or renovation of facilities, except for a minor pe-*
16 *rimeter security project, not to exceed \$1,000,000, as deter-*
17 *mined necessary by the Secretary: Provided further, That*
18 *the preceding proviso shall not apply to grants under sub-*
19 *paragraphs (A), (D), and (E) of paragraph (3) under this*
20 *heading: Provided further, That grantees shall provide ad-*
21 *ditional reports on their use of funds, as determined nec-*
22 *essary by the Secretary: Provided further, That funds ap-*
23 *propriated for discretionary grants under paragraph (1)*
24 *and law enforcement terrorism prevention grants under*
25 *paragraph (2) of this heading shall be available for oper-*

1 *ational costs, to include personnel overtime and overtime*
2 *associated with Office of State and Local Government Co-*
3 *ordination and Preparedness certified training, as needed:*
4 *Provided further, That notwithstanding any other provision*
5 *of law, funds appropriated under paragraphs (1), (2), and*
6 *(3) of this heading are exempt from section 6503(a) of title*
7 *31, United States Code: Provided further, That of the funds*
8 *provided under paragraph (1) of this heading, \$25,000,000*
9 *shall be available until expended for assistance to organiza-*
10 *tions (as described under section 501(c)(3) of the Internal*
11 *Revenue Code of 1986 and exempt from tax section 501(a)*
12 *of such Code) determined by the Secretary to be at high-*
13 *risk of international terrorist attack, and that these deter-*
14 *minations shall not be delegated to any Federal, State, or*
15 *local government official: Provided further, That the Sec-*
16 *retary shall certify to the Committees on Appropriations*
17 *of the Senate and the House of Representatives the threat*
18 *to each designated tax exempt grantee at least 3 full busi-*
19 *ness days in advance of the announcement of any grant*
20 *award.*

21 *FIREFIGHTER ASSISTANCE GRANTS*

22 *For necessary expenses for programs authorized by the*
23 *Federal Fire Prevention and Control Act of 1974 (15 U.S.C.*
24 *2201 et seq.), \$615,000,000, of which \$550,000,000 shall be*
25 *available to carry out section 33 (15 U.S.C. 2229) and*
26 *\$65,000,000 shall be available to carry out section 34 (15*

1 *U.S.C. 2229a) of such Act, to remain available until Sep-*
2 *tember 30, 2007: Provided, That not to exceed 5 percent*
3 *of this amount shall be available for program administra-*
4 *tion.*

5 *EMERGENCY MANAGEMENT PERFORMANCE GRANTS*

6 *For necessary expenses for emergency management*
7 *performance grants, as authorized by the National Flood*
8 *Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert*
9 *T. Stafford Disaster Relief and Emergency Assistance Act*
10 *(42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduc-*
11 *tion Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganiza-*
12 *tion Plan No. 3 of 1978 (5 U.S.C. App.), \$180,000,000: Pro-*
13 *vided, That total administrative costs shall not exceed 3*
14 *percent of the total appropriation.*

15 *COUNTERTERRORISM FUND*

16 *For necessary expenses, as determined by the Secretary*
17 *of Homeland Security, to reimburse any Federal agency for*
18 *the costs of providing support to counter, investigate, or re-*
19 *spond to unexpected threats or acts of terrorism, including*
20 *payment of rewards in connection with these activities,*
21 *\$5,000,000, to remain available until expended: Provided,*
22 *That the Secretary shall notify the Committees on Appro-*
23 *priations of the Senate and the House of Representatives*
24 *15 days prior to the obligation of any amount of these funds*
25 *in accordance with section 503 of this Act.*

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

4 *For necessary expenses for the Office of the Under Sec-*
5 *retary for Emergency Preparedness and Response, as au-*
6 *thorized by section 502 of the Homeland Security Act of*
7 *2002 (6 U.S.C. 312), \$4,306,000.*

8 *PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY*
9 *(INCLUDING RESCISSION OF FUNDS)*

10 *For necessary expenses for preparedness, mitigation,*
11 *response, and recovery activities of Emergency Prepared-*
12 *ness and Response, \$203,499,000, including activities au-*
13 *thorized by the National Flood Insurance Act of 1968 (42*
14 *U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief*
15 *and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the*
16 *Earthquake Hazards Reduction Act of 1977 (42 U.S.C.*
17 *7701 et seq.), the Federal Fire Prevention and Control Act*
18 *of 1974 (15 U.S.C. 2201 et seq.), the Defense Production*
19 *Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and*
20 *303 of the National Security Act of 1947 (50 U.S.C. 404,*
21 *405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.),*
22 *and the Homeland Security Act of 2002 (6 U.S.C. 101 et*
23 *seq.): Provided, That of the total amount made available*
24 *under this heading, \$30,000,000 shall be for Urban Search*
25 *and Rescue Teams, of which not to exceed \$1,600,000 may*
26 *be made available for administrative costs.*

1 *In addition, of the funds appropriated under this*
2 *heading in Public Law 108–334 (118 Stat. 1311),*
3 *\$9,600,000 are rescinded.*

4 *ADMINISTRATIVE AND REGIONAL OPERATIONS*

5 *For necessary expenses for administrative and regional*
6 *operations of Emergency Preparedness and Response,*
7 *\$216,441,000, including activities authorized by the Na-*
8 *tional Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.),*
9 *the Robert T. Stafford Disaster Relief and Emergency As-*
10 *sistance Act (42 U.S.C. 5121 et seq.), the Earthquake Haz-*
11 *ards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the*
12 *Federal Fire Prevention and Control Act of 1974 (15 U.S.C.*
13 *2201 et seq.), the Defense Production Act of 1950 (50 U.S.C.*
14 *App. 2061 et seq.), sections 107 and 303 of the National*
15 *Security Act of 1947 (50 U.S.C. 404, 405), Reorganization*
16 *Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland*
17 *Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That*
18 *not to exceed \$3,000 shall be for official reception and rep-*
19 *resentation expenses.*

20 *PUBLIC HEALTH PROGRAMS*

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

24 *RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM*

25 *The aggregate charges assessed during fiscal year 2006,*
26 *as authorized in title III of the Departments of Veterans*

1 *Affairs and Housing and Urban Development, and Inde-*
2 *pendent Agencies Appropriations Act, 1999 (42 U.S.C.*
3 *5196e), shall not be less than 100 percent of the amounts*
4 *anticipated by the Department of Homeland Security nec-*
5 *essary for its radiological emergency preparedness program*
6 *for the next fiscal year: Provided, That the methodology for*
7 *assessment and collection of fees shall be fair and equitable*
8 *and shall reflect costs of providing such services, including*
9 *administrative costs of collecting such fees: Provided fur-*
10 *ther, That fees received under this heading shall be deposited*
11 *in this account as offsetting collections and will become*
12 *available for authorized purposes on October 1, 2006, and*
13 *remain available until expended.*

14 *DISASTER RELIEF*

15 *For necessary expenses in carrying out the Robert T.*
16 *Stafford Disaster Relief and Emergency Assistance Act (42*
17 *U.S.C. 5121 et seq.), \$2,000,000,000, to remain available*
18 *until expended.*

19 *DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT*

20 *For administrative expenses to carry out the direct*
21 *loan program, as authorized by section 319 of the Robert*
22 *T. Stafford Disaster Relief and Emergency Assistance Act*
23 *(42 U.S.C. 5162), \$567,000: Provided, That gross obliga-*
24 *tions for the principal amount of direct loans shall not ex-*
25 *ceed \$25,000,000: Provided further, That the cost of modi-*

1 *fying such loans shall be as defined in section 502 of the*
2 *Congressional Budget Act of 1974 (2 U.S.C. 661a).*

3 *FLOOD MAP MODERNIZATION FUND*

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

12 *NATIONAL FLOOD INSURANCE FUND*

13 *(INCLUDING TRANSFER OF FUNDS)*

14 *For activities under the National Flood Insurance Act*
15 *of 1968 (42 U.S.C. 4001 et seq.), not to exceed \$36,496,000*
16 *for salaries and expenses associated with flood mitigation*
17 *and flood insurance operations; and not to exceed*
18 *\$87,358,000 for flood hazard mitigation, to remain avail-*
19 *able until September 30, 2007, including up to \$28,000,000*
20 *for expenses under section 1366 of the National Flood Insur-*
21 *ance Act of 1968 (42 U.S.C. 4104c), which amount shall*
22 *be available for transfer to the National Flood Mitigation*
23 *Fund until September 30, 2007, and which amount shall*
24 *be derived from offsetting collections assessed and collected*
25 *pursuant to section 1307 of that Act (42 U.S.C. 4014), and*
26 *shall be retained and used for necessary expenses under this*

1 *heading: Provided, That in fiscal year 2006, no funds in*
2 *excess of: (1) \$55,000,000 for operating expenses; (2)*
3 *\$660,148,000 for commissions and taxes of agents; and (3)*
4 *\$30,000,000 for interest on Treasury borrowings shall be*
5 *available from the National Flood Insurance Fund.*

6 *NATIONAL FLOOD MITIGATION FUND*

7 *Notwithstanding subparagraphs (B) and (C) of sub-*
8 *section (b)(3), and subsection (f), of section 1366 of the Na-*
9 *tional Flood Insurance Act of 1968 (42 U.S.C. 4104c),*
10 *\$28,000,000, to remain available until September 30, 2007,*
11 *for activities designed to reduce the risk of flood damage*
12 *to structures pursuant to such Act, of which \$28,000,000*
13 *shall be derived from the National Flood Insurance Fund.*

14 *NATIONAL PREDISASTER MITIGATION FUND*

15 *For a predisaster mitigation grant program under*
16 *title II of the Robert T. Stafford Disaster Relief and Emer-*
17 *gency Assistance Act (42 U.S.C. 5131 et seq.), \$37,000,000,*
18 *to remain available until expended: Provided, That grants*
19 *made for predisaster mitigation shall be awarded on a com-*
20 *petitive basis subject to the criteria in section 203(g) of such*
21 *Act (42 U.S.C. 5133(g)), and notwithstanding section*
22 *203(f) of such Act, shall be made without reference to State*
23 *allocations, quotas, or other formula-based allocation of*
24 *funds: Provided further, That total administrative costs*
25 *shall not exceed 3 percent of the total appropriation.*

1 *sonal mobile phones for official duties; and services as au-*
2 *thorized by section 3109 of title 5, United States Code;*
3 *\$194,000,000, of which up to \$36,174,000 for materials and*
4 *support costs of Federal law enforcement basic training*
5 *shall remain available until September 30, 2007; and of*
6 *which not to exceed \$12,000 shall be for official reception*
7 *and representation expenses: Provided, That the Center is*
8 *authorized to obligate funds in anticipation of reimburse-*
9 *ments from agencies receiving training sponsored by the*
10 *Center, except that total obligations at the end of the fiscal*
11 *year shall not exceed total budgetary resources available at*
12 *the end of the fiscal year: Provided further, That in fiscal*
13 *year 2006 and thereafter, the Director of the Federal Law*
14 *Enforcement Training Center is authorized to assess pecu-*
15 *niary liability against Center employees and students for*
16 *losses or destruction of Government property due to gross*
17 *negligence or willful misconduct and to set off any resulting*
18 *debts due the United States by Center employees and stu-*
19 *dents, without their consent, against current payments due*
20 *the employees and students for their services.*

21 *ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND*

22 *RELATED EXPENSES*

23 *For acquisition of necessary additional real property*
24 *and facilities, construction, and ongoing maintenance, fa-*
25 *cility improvements, and related expenses of the Federal*
26 *Law Enforcement Training Center, \$88,358,000, to remain*

1 *available until expended: Provided, That the Center is au-*
2 *thorized to accept reimbursement to this appropriation*
3 *from Government agencies requesting the construction of*
4 *special use facilities.*

5 *INFORMATION ANALYSIS AND INFRASTRUCTURE*

6 *PROTECTION*

7 *MANAGEMENT AND ADMINISTRATION*

8 *For salaries and expenses of the immediate Office of*
9 *the Under Secretary for Information Analysis and Infra-*
10 *structure Protection and for management and administra-*
11 *tion of programs and activities, as authorized by title II*
12 *of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.),*
13 *\$168,769,000: Provided, That not to exceed \$5,000 shall be*
14 *for official reception and representation expenses.*

15 *ASSESSMENTS AND EVALUATIONS*

16 *For necessary expenses for information analysis and*
17 *infrastructure protection as authorized by title II of the*
18 *Homeland Security Act of 2002 (6 U.S.C. 121 et seq.),*
19 *\$701,793,000, to remain available until September 30,*
20 *2007.*

21 *SCIENCE AND TECHNOLOGY*

22 *MANAGEMENT AND ADMINISTRATION*

23 *For salaries and expenses of the immediate Office of*
24 *the Under Secretary for Science and Technology and for*
25 *management and administration of programs and activi-*
26 *ties, as authorized by title III of the Homeland Security*

1 *Act of 2002 (6 U.S.C. 181 et seq.), \$81,099,000: Provided,*
2 *That not to exceed \$3,000 shall be for official reception and*
3 *representation expenses.*

4 *RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS*

5 *For necessary expenses for science and technology re-*
6 *search, including advanced research projects; development;*
7 *test and evaluation; acquisition; and operations; as author-*
8 *ized by title III of the Homeland Security Act of 2002 (6*
9 *U.S.C. 181 et seq.), \$1,372,399,000, to remain available*
10 *until expended: Provided, That of the total amount made*
11 *available under this heading, \$127,314,000 shall be for the*
12 *Domestic Nuclear Detection Office, of which \$112,314,000*
13 *shall not be available for obligation until the Secretary of*
14 *Homeland Security submits a staffing and management*
15 *plan and an expenditure plan for the office and the global*
16 *systems architecture, to include multi-year costs, that has*
17 *been reviewed by the Government Accountability Office and*
18 *approved by the Committees on Appropriations of the Sen-*
19 *ate and the House of Representatives: Provided further,*
20 *That of the total funds made available under this heading,*
21 *\$125,000,000 is solely for the purchase and deployment of*
22 *radiation portal monitors for United States ports-of-entry*
23 *and may not be transferred or reprogrammed.*

1 *TITLE V—GENERAL PROVISIONS*

2 *SEC. 501. No part of any appropriation contained in*
3 *this Act shall remain available for obligation beyond the*
4 *current fiscal year unless expressly so provided herein.*

5 *SEC. 502. None of the funds appropriated or otherwise*
6 *made available to the Department of Homeland Security*
7 *may be used to make payments to the “Department of*
8 *Homeland Security Working Capital Fund”, except for the*
9 *activities and amounts allowed in section 6024 of Public*
10 *Law 109–13, excluding the Homeland Secure Data Net-*
11 *work: Provided, That any additional activities and*
12 *amounts must be approved by the Committees on Appro-*
13 *priations of the Senate and the House of Representatives*
14 *30 days in advance of obligation.*

15 *SEC. 503. (a) None of the funds provided by this Act,*
16 *provided by previous appropriations Acts to the agencies*
17 *in or transferred to the Department of Homeland Security*
18 *that remain available for obligation or expenditure in fiscal*
19 *year 2006, or provided from any accounts in the Treasury*
20 *of the United States derived by the collection of fees avail-*
21 *able to the agencies funded by this Act, shall be available*
22 *for obligation or expenditure through a reprogramming of*
23 *funds that: (1) creates a new program; (2) eliminates a pro-*
24 *gram, project, or activity; (3) increases funds for any pro-*
25 *gram, project, or activity for which funds have been denied*

1 *or restricted by the Congress; (4) proposes to use funds di-*
2 *rected for a specific activity by either of the Committees*
3 *on Appropriations of the Senate or House of Representa-*
4 *tives for a different purpose; or (5) contracts out any func-*
5 *tions or activities for which funds have been appropriated*
6 *for Federal full-time equivalent positions; unless the Com-*
7 *mittees on Appropriations of the Senate and the House of*
8 *Representatives are notified 15 days in advance of such re-*
9 *programming of funds.*

10 *(b) None of the funds provided by this Act, provided*
11 *by previous appropriations Acts to the agencies in or trans-*
12 *ferred to the Department of Homeland Security that remain*
13 *available for obligation or expenditure in fiscal year 2006,*
14 *or provided from any accounts in the Treasury of the*
15 *United States derived by the collection of fees available to*
16 *the agencies funded by this Act, shall be available for obliga-*
17 *tion or expenditure for programs, projects, or activities*
18 *through a reprogramming of funds in excess of \$5,000,000*
19 *or 10 percent, whichever is less, that: (1) augments existing*
20 *programs, projects, or activities; (2) reduces by 10 percent*
21 *funding for any existing program, project, or activity, or*
22 *numbers of personnel by 10 percent as approved by the Con-*
23 *gress; or (3) results from any general savings from a reduc-*
24 *tion in personnel that would result in a change in existing*
25 *programs, projects, or activities as approved by the Con-*

1 *gress; unless the Committees on Appropriations of the Sen-*
2 *ate and the House of Representatives are notified 15 days*
3 *in advance of such reprogramming of funds.*

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

16 *(d) Notwithstanding subsections (a), (b), and (c) of*
17 *this section, no funds shall be reprogrammed within or*
18 *transferred between appropriations after June 30, except in*
19 *extraordinary circumstances which imminently threaten*
20 *the safety of human life or the protection of property.*

21 *(e) Notwithstanding any other provision of law, notifi-*
22 *cations pursuant to this section or any other authority for*
23 *reprogramming or transfer of funds shall be made solely*
24 *to the Committees on Appropriations of the Senate and the*
25 *House of Representatives.*

1 *SEC. 504. Except as otherwise specifically provided by*
2 *law, not to exceed 50 percent of unobligated balances re-*
3 *maining available at the end of fiscal year 2006 from ap-*
4 *propriations for salaries and expenses for fiscal year 2006*
5 *in this Act shall remain available through September 30,*
6 *2007, in the account and for the purposes for which the*
7 *appropriations were provided: Provided, That prior to the*
8 *obligation of such funds, a request shall be submitted to the*
9 *Committees on Appropriations of the Senate and the House*
10 *of Representatives for approval in accordance with section*
11 *503 of this Act.*

12 *SEC. 505. Funds made available by this Act for intel-*
13 *ligence activities are deemed to be specifically authorized*
14 *by the Congress for purposes of section 504 of the National*
15 *Security Act of 1947 (50 U.S.C. 414) during fiscal year*
16 *2006 until the enactment of an Act authorizing intelligence*
17 *activities for fiscal year 2006.*

18 *SEC. 506. None of the funds in this Act may be used*
19 *to make a grant allocation, discretionary grant award, dis-*
20 *cretionary contract award, or to issue a letter of intent to-*
21 *taling in excess of \$1,000,000, or to announce publicly the*
22 *intention to make such an award, unless the Secretary of*
23 *Homeland Security notifies the Committees on Appropria-*
24 *tions of the Senate and the House of Representatives at least*
25 *3 full business days in advance: Provided, That no notifica-*

1 *tion shall involve funds that are not available for obliga-*
2 *tion.*

3 *SEC. 507. Notwithstanding any other provision of law,*
4 *no agency shall purchase, construct, or lease any additional*
5 *facilities, except within or contiguous to existing locations,*
6 *to be used for the purpose of conducting Federal law enforce-*
7 *ment training without the advance approval of the Commit-*
8 *tees on Appropriations of the Senate and the House of Rep-*
9 *resentatives, except that the Federal Law Enforcement*
10 *Training Center is authorized to obtain the temporary use*
11 *of additional facilities by lease, contract, or other agreement*
12 *for training which cannot be accommodated in existing*
13 *Center facilities.*

14 *SEC. 508. The Director of the Federal Law Enforce-*
15 *ment Training Center shall schedule basic and/or advanced*
16 *law enforcement training at all four training facilities*
17 *under the control of the Federal Law Enforcement Training*
18 *Center to ensure that these training centers are operated*
19 *at the highest capacity throughout the fiscal year.*

20 *SEC. 509. None of the funds appropriated or otherwise*
21 *made available by this Act may be used for expenses of any*
22 *construction, repair, alteration, or acquisition project for*
23 *which a prospectus, if required by the Public Buildings Act*
24 *of 1959 (40 U.S.C. 3301), has not been approved, except*
25 *that necessary funds may be expended for each project for*

1 *required expenses for the development of a proposed pro-*
2 *spectus.*

3 *SEC. 510. None of the funds in this Act may be used*
4 *in contravention of the applicable provisions of the Buy*
5 *American Act (41 U.S.C. 10a et seq.).*

6 *SEC. 511. The Secretary of Homeland Security is di-*
7 *rected to research, develop, and procure certified systems to*
8 *inspect and screen air cargo on passenger aircraft at the*
9 *earliest date possible: Provided, That until such technology*
10 *is procured and installed, the Secretary shall take all pos-*
11 *sible actions to enhance the known shipper program to pro-*
12 *hibit high-risk cargo from being transported on passenger*
13 *aircraft and continue to increase the level of air cargo that*
14 *is inspected beyond the level mandated in section 513 of*
15 *Public Law 108–334.*

16 *SEC. 512. Notwithstanding section 3302 of title 31,*
17 *United States Code, for fiscal year 2006 and thereafter, the*
18 *Administrator of the Transportation Security Administra-*
19 *tion may impose a reasonable charge for the lease of real*
20 *and personal property to Transportation Security Admin-*
21 *istration employees and for use by Transportation Security*
22 *Administration employees and may credit amounts received*
23 *to the appropriation or fund initially charged for operating*
24 *and maintaining the property, which amounts shall be*
25 *available, without fiscal year limitation, for expenditure for*

1 *property management, operation, protection, construction,*
2 *repair, alteration, and related activities.*

3 *SEC. 513. For fiscal year 2006 and thereafter, the ac-*
4 *quisition management system of the Transportation Secu-*
5 *rity Administration shall apply to the acquisition of serv-*
6 *ices, as well as equipment, supplies, and materials.*

7 *SEC. 514. (a) None of the funds provided by this or*
8 *previous appropriations Acts may be obligated for deploy-*
9 *ment or implementation, on other than a test basis, of the*
10 *Secure Flight program or any other follow on or successor*
11 *passenger prescreening programs, until the Secretary of*
12 *Homeland Security certifies, and the Government Account-*
13 *ability Office reports, to the Committees on Appropriations*
14 *of the Senate and the House of Representatives, that all ten*
15 *of the elements contained in paragraphs (1) through (10)*
16 *of section 522(a) of Public Law 108–334 (118 Stat. 1319)*
17 *have been successfully met.*

18 *(b) The report required by subsection (a) shall be sub-*
19 *mitted within 90 days after the certification required by*
20 *such subsection is provided, and periodically thereafter, if*
21 *necessary, until the Government Accountability Office con-*
22 *firms that all ten elements have been successfully met.*

23 *(c) During the testing phase permitted by subsection*
24 *(a), no information gathered from passengers, foreign or do-*
25 *mestic air carriers, or reservation systems may be used to*

1 screen aviation passengers, or delay or deny boarding to
2 such passengers, except in instances where passenger names
3 are matched to a Government watch list.

4 (d) None of the funds provided in this or previous ap-
5 propriations Acts may be utilized to develop or test algo-
6 rithms assigning risk to passengers whose names are not
7 on Government watch lists.

8 (e) None of the funds provided in this or previous ap-
9 propriations Acts may be utilized for a database that is
10 obtained from or remains under the control of a non-Fed-
11 eral entity.

12 SEC. 515. None of the funds made available in this
13 Act may be used to amend the oath of allegiance required
14 by section 337 of the Immigration and Nationality Act (8
15 U.S.C. 1448).

16 SEC. 516. None of the funds appropriated by this Act
17 may be used to process or approve a competition under Of-
18 fice of Management and Budget Circular A-76 for services
19 provided as of June 1, 2004, by employees (including em-
20 ployees serving on a temporary or term basis) of United
21 States Citizenship and Immigration Services of the Depart-
22 ment of Homeland Security who are known as of that date
23 as Immigration Information Officers, Contact Representa-
24 tives, or Investigative Assistants.

1 *SEC. 517. None of the funds appropriated to the*
2 *United States Secret Service by this Act or by previous ap-*
3 *propriations Acts may be made available for the protection*
4 *of the head of a Federal agency other than the Secretary*
5 *of Homeland Security: Provided, That the Director of the*
6 *United States Secret Service may enter into an agreement*
7 *to perform such service on a fully reimbursable basis.*

8 *SEC. 518. The Department of Homeland Security*
9 *processing and data storage facilities at the John C. Stennis*
10 *Space Center shall hereafter be known as the “National*
11 *Center for Critical Information Processing and Storage”.*

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

Calendar No. 129

109TH CONGRESS
1ST Session

H.R. 2360

[Report No. 109-83]

AN ACT

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

MAY 18, 2005

Received; read twice and referred to the Committee on Appropriations

JUNE 16, 2005

Reported with an amendment