

In the Senate of the United States,

July 14, 2005.

Resolved, That the bill from the House of Representatives (H.R. 2360) entitled “An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

- 1 *That the following sums are appropriated, out of any*
- 2 *money in the Treasury not otherwise appropriated, for the*
- 3 *Department of Homeland Security for the fiscal year end-*
- 4 *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 Security,*
9 *as authorized by law, \$124,620,000: Provided, That not to*
10 *exceed \$40,000 shall be for official reception and representa-*
11 *tion expenses.*

12 *OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT*

13 *For necessary expenses of the Office of the Under Sec-*
14 *retary for Management, as authorized by sections 701–705*
15 *of the Homeland Security Act of 2002 (6 U.S.C. 341–345),*
16 *\$146,322,000: Provided, That not to exceed \$3,000 shall be*
17 *for official reception and representation expenses: Provided*
18 *further, That of the total amount provided, \$26,070,000*
19 *shall remain available until expended solely for the alter-*
20 *ation and improvement of facilities, tenant improvements,*
21 *and relocation costs to consolidate Department head-*
22 *quarters operations.*

1 *work: Provided further, That none of the funds appro-*
2 *priated shall be used to support or supplement the appro-*
3 *priations provided for the United States Visitor and Immi-*
4 *grant Status Indicator Technology project or the Automated*
5 *Commercial Environment: Provided further, That the Chief*
6 *Information Officer shall submit to the Committees on Ap-*
7 *propriations of the Senate and the House of Representa-*
8 *tives, not more than 60 days after enactment of the Act,*
9 *an expenditure plan for all information technology projects*
10 *that: (1) are funded by the “Office of the Chief Information*
11 *Officer”, or (2) are funded by multiple components of the*
12 *Department of Homeland Security through reimbursable*
13 *agreements: Provided further, That such expenditure plan*
14 *shall include each specific project funded, key milestones,*
15 *all funding sources for each project, details of annual and*
16 *lifecycle costs, and projected cost savings or cost avoidance*
17 *to be achieved by the project: Provided further, That the*
18 *expenditure plan shall include a complete list of all legacy*
19 *systems operational as of March 1, 2003; the current oper-*
20 *ational status of each system; and the plan for continued*
21 *operation or termination of each system.*

22 *OFFICE OF INSPECTOR GENERAL*

23 *For necessary expenses of the Office of Inspector Gen-*
24 *eral in carrying out the provisions of the Inspector General*
25 *Act of 1978 (5 U.S.C. App.), \$83,017,000, of which not to*

1 *exceed \$100,000 may be used for certain confidential oper-*
2 *ational expenses, including the payment of informants, to*
3 *be expended at the direction of the Inspector General.*

4 *TITLE II—SECURITY, ENFORCEMENT, AND*
5 *INVESTIGATIONS*

6 *BORDER AND TRANSPORTATION SECURITY*

7 *OFFICE OF THE UNDER SECRETARY FOR BORDER AND*

8 *TRANSPORTATION SECURITY*

9 *SALARIES AND EXPENSES*

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

16 *UNITED STATES VISITOR AND IMMIGRANT STATUS*

17 *INDICATOR TECHNOLOGY*

18 *For necessary expenses for the development of the*
19 *United States Visitor and Immigrant Status Indicator*
20 *Technology project, as authorized by section 110 of the Ille-*
21 *gal Immigration Reform and Immigration Responsibility*
22 *Act of 1996 (8 U.S.C. 1221 note), \$340,000,000, to remain*
23 *available until expended: Provided, That of the total*
24 *amount made available under this heading, \$159,658,000*
25 *may not be obligated for the United States Visitor and Im-*
26 *migrant Status Indicator Technology project until the Com-*

1 *mittees on Appropriations of the Senate and the House of*
2 *Representatives receive and approve a plan for expenditure*
3 *prepared by the Secretary of Homeland Security that:*

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

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

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

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

17 (5) *is reviewed and approved by the Department*
18 *of Homeland Security Investment Review Board, the*
19 *Secretary of Homeland Security, and the Office of*
20 *Management and Budget; and*

21 (6) *is reviewed by the Government Account-*
22 *ability Office.*

1 *CUSTOMS AND BORDER PROTECTION*2 *SALARIES AND EXPENSES*3 *(INCLUDING RESCISSION OF FUNDS)*

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

1 *ment aircraft; of which such sums as become available in*
2 *the Customs User Fee Account, except sums subject to sec-*
3 *tion 13031(f)(3) of the Consolidated Omnibus Budget Rec-*
4 *onciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be de-*
5 *rived 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, \$3,052,416,000, of*
7 *which not to exceed \$5,000,000 shall be available until ex-*
8 *pende d 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, of which not less than*
18 *\$5,000,000 may be used to facilitate agreements consistent*
19 *with 287(g) of the Immigration and Nationality Act (8*
20 *U.S.C. 1357(g)) and the training required under those*
21 *agreements; of which no less than \$1,000,000 may be used*
22 *for increasing the speed, accuracy and efficiency of the in-*
23 *formation currently being entered into the National Crime*
24 *Information Center database; of which no less than*
25 *\$2,000,000 may be for the Legal Orientation Program; and*

1 *of which not to exceed \$11,216,000 shall be available to fund*
2 *or reimburse other Federal agencies for the costs associated*
3 *with the care, maintenance, and repatriation of smuggled*
4 *illegal aliens: Provided, That none of the funds made avail-*
5 *able under this heading shall be available to compensate*
6 *any employee for overtime in an annual amount in excess*
7 *of \$35,000, except that the Secretary of Homeland Security,*
8 *or the designee of the Secretary, may waive that amount*
9 *as necessary for national security purposes and in cases of*
10 *immigration emergencies: Provided further, That of the*
11 *total amount provided, \$15,770,000 shall be for activities*
12 *to enforce laws against forced child labor in fiscal year*
13 *2006, of which not to exceed \$6,000,000 shall remain avail-*
14 *able until expended.*

15 *FEDERAL AIR MARSHALS*

16 *For necessary expenses of the Federal Air Marshals,*
17 *\$678,994,000.*

18 *FEDERAL PROTECTIVE SERVICE*

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

24 *AUTOMATION MODERNIZATION*

25 *For expenses of immigration and customs enforcement*
26 *automated systems, \$50,150,000, to remain available until*

1 *expended: Provided, That none of the funds made available*
2 *under this heading may be obligated until the Committees*
3 *on Appropriations of the Senate and the House of Rep-*
4 *resentatives receive and approve a plan for expenditure pre-*
5 *pared by the Secretary of Homeland Security that:*

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

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

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

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

19 (5) *is reviewed and approved by the Department*
20 *of Homeland Security Investment Review Board, the*
21 *Secretary of Homeland Security, and the Office of*
22 *Management and Budget; and*

23 (6) *is reviewed by the Government Account-*
24 *ability Office.*

1 *tration to develop a plan to research, test, and potentially*
2 *implement multi-compartment bins to screen passenger be-*
3 *longings at security checkpoints: Provided further, That se-*
4 *curity service fees authorized under section 44940 of title*
5 *49, United States Code, shall be credited to this appropria-*
6 *tion as offsetting collections: Provided further, That the sum*
7 *herein appropriated from the General Fund shall be reduced*
8 *on a dollar-for-dollar basis as such offsetting collections are*
9 *received during fiscal year 2006, so as to result in a final*
10 *fiscal year appropriation from the General Fund estimated*
11 *at not more than \$2,462,318,000: Provided further, That*
12 *any security service fees collected in excess of the amount*
13 *made available under this heading shall become available*
14 *during fiscal year 2007: Provided further, That if the Sec-*
15 *retary of Homeland Security exercises discretion to set the*
16 *fee under 44940(a)(2) of title 49 United States Code, such*
17 *determination shall not be subject to judicial review: Pro-*
18 *vided further, That notwithstanding section 503 of this Act,*
19 *the Transportation Security Administration may reallocate*
20 *funding provided under this heading from passenger and*
21 *baggage screener pay, compensation, and benefits to pro-*
22 *curement and installation of screening technology with fif-*
23 *teen days advance notification to the Committees on Appro-*
24 *priations of the Senate and House of Representatives: Pro-*
25 *vided further, That notwithstanding section 44923 of title*

1 49, United States Code, the share of the cost of the Federal
2 Government for a project under any letter of intent shall
3 be 75 percent for any medium or large hub airport: Pro-
4 vided further, That heads of Federal agencies and commis-
5 sions shall not be exempt from Federal passenger and bag-
6 gage screening: Provided further, That reimbursement for
7 security services and related equipment and supplies pro-
8 vided in support of general aviation access to the Ronald
9 Reagan Washington National Airport shall be credited to
10 this appropriation and shall be available until expended
11 solely for these purposes: Provided further, That
12 MidAmerica St. Louis Airport in Mascoutah, Illinois, shall
13 be designated as a port of entry.

14 *SURFACE TRANSPORTATION SECURITY*

15 *For necessary expenses of the Transportation Security*
16 *Administration related to providing surface transportation*
17 *activities, \$36,000,000.*

18 *TRANSPORTATION VETTING AND CREDENTIALING*

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

22 *TRANSPORTATION SECURITY SUPPORT*

23 *For necessary expenses of the Transportation Security*
24 *Administration related to providing security support and*
25 *intelligence pursuant to the Aviation and Transportation*

1 *Security Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C.*
2 *40101 note), \$491,873,000.*

3 *UNITED STATES COAST GUARD*

4 *OPERATING EXPENSES*

5 *(INCLUDING RESCISSION OF FUNDS)*

6 *For necessary expenses for the operation and mainte-*
7 *nance of the United States Coast Guard not otherwise pro-*
8 *vided for, purchase or lease of not to exceed 25 passenger*
9 *motor vehicles for replacement only, payments pursuant to*
10 *section 156 of Public Law 97-377 (42 U.S.C. 402 note) and*
11 *recreation and welfare, \$5,476,046,000, of which*
12 *\$1,200,000,000 shall be for defense-related activities; of*
13 *which \$24,500,000 shall be derived from the Oil Spill Li-*
14 *ability Trust Fund to carry out the purposes of section*
15 *1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.*
16 *2712(a)(5)); and of which not to exceed \$3,000 shall be for*
17 *official reception and representation expenses: Provided,*
18 *That none of the funds made available by this or any other*
19 *Act shall be available for administrative expenses in connec-*
20 *tion with shipping commissioners in the United States:*
21 *Provided further, That none of the funds made available*
22 *by this Act shall be for expenses incurred for yacht docu-*
23 *mentation under section 12109 of title 46, United States*
24 *Code, except to the extent fees are collected from yacht own-*
25 *ers and credited to this appropriation.*

1 *In addition, of the funds appropriated under this*
2 *heading in Public Law 108–11 (117 Stat. 583),*
3 *\$16,800,000 are rescinded.*

4 *ENVIRONMENTAL COMPLIANCE AND RESTORATION*

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

9 *RESERVE TRAINING*

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

14 *ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS*

15 *(INCLUDING RESCISSIONS OF FUNDS)*

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 *\$1,224,800,000, of which \$20,000,000 shall be derived from*
22 *the Oil Spill Liability Trust Fund to carry out the purposes*
23 *of section 1012(a)(5) of the Oil Pollution Act of 1990 (33*
24 *U.S.C. 2712(a)(5)); of which \$18,500,000 shall be available*
25 *until September 30, 2010, to acquire, repair, renovate, or*
26 *improve vessels, small boats, and related equipment; of*

1 *which \$105,000,000 shall be available until September 30,*
2 *2008, for other equipment; of which \$39,700,000 shall be*
3 *available until September 30, 2008, for shore facilities and*
4 *aids to navigation facilities; of which \$73,000,000 shall be*
5 *available for personnel compensation and benefits and re-*
6 *lated costs; and of which \$988,600,000 shall be available*
7 *until September 30, 2010, for the Integrated Deepwater*
8 *Systems program: Provided, That the Commandant of the*
9 *Coast Guard is authorized to dispose of surplus real prop-*
10 *erty, by sale or lease, and the proceeds shall be credited to*
11 *this appropriation as offsetting collections and shall be*
12 *available until September 30, 2008.*

13 *In addition, of the funds made available under this*
14 *heading in Public Law 108–334 (118 Stat. 1306) for covert*
15 *aircraft, \$13,999,000 are rescinded; and of the funds appro-*
16 *priated under this heading in Public Laws 108–334 (118*
17 *Stat. 1306) and 108–90 (117 Stat. 1143) for patrol boat*
18 *(110 foot to 123 foot conversion) and Fast Response Cutter/*
19 *110–123 foot patrol boat conversion, \$68,999,000 are re-*
20 *scinded.*

21 *ALTERATION OF BRIDGES*

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

1 *UNITED STATES SECRET SERVICE*2 *SALARIES AND EXPENSES*

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

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

21 *ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND*

22 *RELATED EXPENSES*

23 *For necessary expenses for acquisition, construction,*
24 *repair, alteration, and improvement of facilities,*
25 *\$3,699,000, to remain available until expended.*

1 *TITLE III—PREPAREDNESS AND RECOVERY*2 *OFFICE OF STATE AND LOCAL GOVERNMENT*3 *COORDINATION AND PREPAREDNESS*4 *MANAGEMENT AND ADMINISTRATION*

5 *For necessary expenses for the Office of State and*
6 *Local Government Coordination and Preparedness,*
7 *\$3,546,000: Provided, That not to exceed \$2,000 shall be*
8 *for official reception and representation expenses.*

9 *STATE AND LOCAL PROGRAMS*

10 *For grants, contracts, cooperative agreements, and*
11 *other activities, including grants to State and local govern-*
12 *ments for terrorism prevention activities, notwithstanding*
13 *any other provision of law, \$2,714,300,000, which shall be*
14 *allocated as follows:*

15 (1) *\$1,538,000,000 for State and local grants, of*
16 *which \$425,000,000 shall be allocated such that each*
17 *State and territory shall receive the same dollar*
18 *amount for the State minimum as was distributed in*
19 *fiscal year 2005 for formula-based grants, and of*
20 *which at least \$20,000,000 shall be available for*
21 *interoperable communications grants: Provided, That*
22 *the balance shall be allocated by the Secretary of*
23 *Homeland Security to States, urban areas, or regions*
24 *based on risks; threats; vulnerabilities; and unmet es-*
25 *sential capabilities pursuant to Homeland Security*
26 *Presidential Directive 8 (HSPD–8).*

1 (2) \$400,000,000 for law enforcement terrorism
2 prevention grants, of which \$155,000,000 shall be al-
3 located such that each State and territory shall re-
4 ceive the same dollar amount for the State minimum
5 as was distributed in fiscal year 2005 for law enforce-
6 ment terrorism prevention grants: Provided, That the
7 balance shall be allocated by the Secretary to States
8 based on risks; threats; vulnerabilities; and unmet es-
9 sential capabilities pursuant to HSPD-8: Provided
10 further, That funds made available under this para-
11 graph may be used for overtime costs associated with
12 providing enhanced law enforcement operations in
13 support of Federal agencies for increased border secu-
14 rity and border crossing enforcement.

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

18 (A) \$200,000,000 shall be for port security
19 grants pursuant to the purposes of 46 United
20 States Code 70107(a) through (h), which shall be
21 awarded based on risk and threat or the prox-
22 imity of existing or planned high impact targets,
23 including liquified natural gas facilities and
24 liquified petroleum vessels, notwithstanding sub-

1 *section (a), for eligible costs as defined in sub-*
2 *sections (b)(2)–(4);*

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

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

7 *(D) \$100,000,000 shall be for intercity pas-*
8 *senger rail transportation (as defined in section*
9 *24102 of title 49, United States Code), freight*
10 *rail, and transit security grants; and*

11 *(E) \$50,000,000 shall be for buffer zone pro-*
12 *tection plan grants.*

13 *(4) \$50,000,000 for the technology transfer pro-*
14 *gram.*

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

1 *ID Act of 2005 (Division B of Public Law 109–13),*
2 *including the proposed uses of the grant monies.*

3 (6) *\$321,300,000 for training, exercises, technical*
4 *assistance, and other programs:*

5 *Provided, That not to exceed 3 percent of the amounts pro-*
6 *vided for grants under this heading shall be available for*
7 *program administration: Provided further, That the Gov-*
8 *ernment Accountability Office shall review the validity of*
9 *the threat and risk factors used by the Secretary for the*
10 *purposes of allocating discretionary grants funded under*
11 *this heading, and the application of those factors in the allo-*
12 *cation of funds prior to the Department making final grant*
13 *determinations: Provided further, That the Government Ac-*
14 *countability Office shall have 20 days to complete its review*
15 *after it is notified by the Secretary that preliminary deter-*
16 *minations have been made, and the Government Account-*
17 *ability Office shall report to the Committees on Appropria-*
18 *tions of the Senate and the House of Representatives on the*
19 *findings of its review prior to the Department making final*
20 *grant determinations: Provided further, That none of the*
21 *grants provided under this heading shall be used for con-*
22 *struction or renovation of facilities, except for a minor pe-*
23 *rimeter security project, not to exceed \$1,000,000, as deter-*
24 *mined necessary by the Secretary: Provided further, That*
25 *the preceding proviso shall not apply to grants under sub-*

1 paragraphs (A), (D), and (E) of paragraph (3) under this
2 heading: Provided further, That grantees shall provide ad-
3 ditional reports on their use of funds, as determined nec-
4 essary by the Secretary: Provided further, That funds ap-
5 propriated for discretionary grants under paragraph (1)
6 and law enforcement terrorism prevention grants under
7 paragraph (2) of this heading shall be available for oper-
8 ational costs, to include personnel overtime and overtime
9 associated with Office of State and Local Government Co-
10 ordination and Preparedness certified training, as needed:
11 Provided further, That notwithstanding any other provision
12 of law, funds appropriated under paragraphs (1), (2), and
13 (3) of this heading are exempt from section 6503(a) of title
14 31, United States Code: Provided further, That of the funds
15 provided under paragraph (1) of this heading, \$25,000,000
16 shall be available until expended for assistance to organiza-
17 tions (as described under section 501(c)(3) of the Internal
18 Revenue Code of 1986 and exempt from tax section 501(a)
19 of such Code) determined by the Secretary to be at high-
20 risk of international terrorist attack, and that these deter-
21 minations shall not be delegated to any Federal, State, or
22 local government official: Provided further, That the Sec-
23 retary shall certify to the Committees on Appropriations
24 of the Senate and the House of Representatives the threat
25 to each designated tax exempt grantee at least 3 full busi-

1 *ness days in advance of the announcement of any grant*
2 *award: Provided further, That any recipient of Federal*
3 *funds granted through the State Homeland Security Grant*
4 *Program, the Law Enforcement Terrorism Prevention Pro-*
5 *gram, and the Urban Area Security Initiative Program,*
6 *or any predecessor or successor to these programs, as appro-*
7 *priated in fiscal year 2004 and fiscal year 2005, shall ex-*
8 *pend funds pursuant to the relevant, approved State plan*
9 *by September 30, 2007: Provided further, That any recipi-*
10 *ent of Federal funds granted through any program de-*
11 *scribed in the preceding proviso, as appropriated in fiscal*
12 *year 2006, shall expend funds pursuant to the relevant, ap-*
13 *proved State plan by September 30, 2008: Provided further,*
14 *That any funds not expended by September 30, 2007, or*
15 *September 30, 2008, respectively, as required by the pre-*
16 *ceding 2 provisos shall be returned to the Department of*
17 *Homeland Security to be reallocated to State and local enti-*
18 *ties based on risk and in conformance with the assessments*
19 *now being conducted by the States under Homeland Secu-*
20 *rity Presidential Directive 8.*

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.), \$665,000,000, of which \$500,000,000 shall be*
25 *available to carry out section 33 (15 U.S.C. 2229) and*
26 *\$115,000,000 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: Provided further, That of the total amount provided,*
5 *an additional \$50,000,000 shall be available to carry out*
6 *section 33 (15 U.S.C. 2229).*

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 Robert*
11 *T. Stafford Disaster Relief and Emergency Assistance Act*
12 *(42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduc-*
13 *tion Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganiza-*
14 *tion Plan No. 3 of 1978 (5 U.S.C. App.), \$190,000,000: Pro-*
15 *vided, That total administrative costs shall not exceed 3*
16 *percent of the total appropriation.*

17 *COUNTERTERRORISM FUND*

18 *For necessary expenses, as determined by the Secretary*
19 *of Homeland Security, to reimburse any Federal agency for*
20 *the costs of providing support to counter, investigate, or re-*
21 *spond to unexpected threats or acts of terrorism, including*
22 *payment of rewards in connection with these activities,*
23 *\$3,000,000, to remain available until expended: Provided,*
24 *That the Secretary shall notify the Committees on Appro-*
25 *priations of the Senate and the House of Representatives*

1 *15 days prior to the obligation of any amount of these funds*
 2 *in accordance with section 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 Sec-*
 7 *retary for Emergency Preparedness and Response, as au-*
 8 *thorized by section 502 of the Homeland Security Act of*
 9 *2002 (6 U.S.C. 312), \$4,306,000.*

10 *PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY*

11 *(INCLUDING RESCISSION OF FUNDS)*

12 *For necessary expenses for preparedness, mitigation,*
 13 *response, and recovery activities of Emergency Prepared-*
 14 *ness and Response, \$203,499,000, including activities au-*
 15 *thorized by the National Flood Insurance Act of 1968 (42*
 16 *U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief*
 17 *and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the*
 18 *Earthquake Hazards Reduction Act of 1977 (42 U.S.C.*
 19 *7701 et seq.), the Federal Fire Prevention and Control Act*
 20 *of 1974 (15 U.S.C. 2201 et seq.), the Defense Production*
 21 *Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and*
 22 *303 of the National Security Act of 1947 (50 U.S.C. 404,*
 23 *405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.),*
 24 *and the Homeland Security Act of 2002 (6 U.S.C. 101 et*
 25 *seq.): Provided, That of the total amount made available*
 26 *under this heading, \$30,000,000 shall be for Urban Search*

1 *and Rescue Teams, of which not to exceed \$1,600,000 may*
2 *be made available for administrative costs: Provided fur-*
3 *ther, That of the total amount made available under this*
4 *heading for the support and acquisition of mobile medical*
5 *units to be used by the Federal Emergency Management*
6 *Agency, Directorate of Emergency Preparedness and Re-*
7 *sponse, in response to domestic disasters, the Secretary of*
8 *Homeland Security is encouraged to acquire an integrated*
9 *mobile medical system for testing and evaluation in accord-*
10 *ance with subchapter V of chapter 35 of title 31, United*
11 *States Code (commonly known as the “Competition in Con-*
12 *tracting Act”): Provided further, That of the total amount*
13 *made available under this heading, \$52,600,000 shall be for*
14 *the United States Fire Administration.*

15 *In addition, of the funds appropriated under this*
16 *heading in Public Law 108–334 (118 Stat. 1311),*
17 *\$9,600,000 are rescinded.*

18 *ADMINISTRATIVE AND REGIONAL OPERATIONS*

19 *For necessary expenses for administrative and regional*
20 *operations of Emergency Preparedness and Response,*
21 *\$216,441,000, including activities authorized by the Na-*
22 *tional Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.),*
23 *the Robert T. Stafford Disaster Relief and Emergency As-*
24 *sistance Act (42 U.S.C. 5121 et seq.), the Earthquake Haz-*
25 *ards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the*
26 *Federal Fire Prevention and Control Act of 1974 (15 U.S.C.*

1 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C.
2 App. 2061 et seq.), sections 107 and 303 of the National
3 Security Act of 1947 (50 U.S.C. 404, 405), Reorganization
4 Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland
5 Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That
6 not to exceed \$3,000 shall be for official reception and rep-
7 resentation expenses.

8 *PUBLIC HEALTH PROGRAMS*

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

12 *RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM*

13 *The aggregate charges assessed during fiscal year 2006,*
14 *as authorized in title III of the Departments of Veterans*
15 *Affairs and Housing and Urban Development, and Inde-*
16 *pendent Agencies Appropriations Act, 1999 (42 U.S.C.*
17 *5196e), shall not be less than 100 percent of the amounts*
18 *anticipated by the Department of Homeland Security nec-*
19 *essary for its radiological emergency preparedness program*
20 *for the next fiscal year: Provided, That the methodology for*
21 *assessment and collection of fees shall be fair and equitable*
22 *and shall reflect costs of providing such services, including*
23 *administrative costs of collecting such fees: Provided fur-*
24 *ther, That fees received under this heading shall be deposited*
25 *in this account as offsetting collections and will become*

1 *available for authorized purposes on October 1, 2006, and*
2 *remain available until expended.*

3 *DISASTER RELIEF*

4 *For necessary expenses in carrying out the Robert T.*
5 *Stafford Disaster Relief and Emergency Assistance Act (42*
6 *U.S.C. 5121 et seq.), \$1,990,000,000, to remain available*
7 *until expended: Provided, That the aforementioned sum*
8 *shall be reduced by \$70,000,000.*

9 *DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT*

10 *For administrative expenses to carry out the direct*
11 *loan program, as authorized by section 319 of the Robert*
12 *T. Stafford Disaster Relief and Emergency Assistance Act*
13 *(42 U.S.C. 5162), \$567,000: Provided, That gross obliga-*
14 *tions for the principal amount of direct loans shall not ex-*
15 *ceed \$25,000,000: Provided further, That the cost of modi-*
16 *fying such loans shall be as defined in section 502 of the*
17 *Congressional Budget Act of 1974 (2 U.S.C. 661a).*

18 *FLOOD MAP MODERNIZATION FUND*

19 *For necessary expenses pursuant to section 1360 of the*
20 *National Flood Insurance Act of 1968 (42 U.S.C. 4101),*
21 *\$200,000,000, and such additional sums as may be pro-*
22 *vided by State and local governments or other political sub-*
23 *divisions for cost-shared mapping activities under section*
24 *1360(f)(2) of such Act, to remain available until expended:*
25 *Provided, That total administrative costs shall not exceed*
26 *3 percent of the total appropriation.*

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

3 *For activities under the National Flood Insurance Act*
4 *of 1968 (42 U.S.C. 4001 et seq.), not to exceed \$36,496,000*
5 *for salaries and expenses associated with flood mitigation*
6 *and flood insurance operations; and not to exceed*
7 *\$87,358,000 for flood hazard mitigation, to remain avail-*
8 *able until September 30, 2007, including up to \$28,000,000*
9 *for expenses under section 1366 of the National Flood Insur-*
10 *ance Act of 1968 (42 U.S.C. 4104c), which amount shall*
11 *be available for transfer to the National Flood Mitigation*
12 *Fund until September 30, 2007, and which amount shall*
13 *be derived from offsetting collections assessed and collected*
14 *pursuant to section 1307 of that Act (42 U.S.C. 4014), and*
15 *shall be retained and used for necessary expenses under this*
16 *heading: Provided, That in fiscal year 2006, no funds in*
17 *excess of: (1) \$55,000,000 for operating expenses; (2)*
18 *\$660,148,000 for commissions and taxes of agents; and (3)*
19 *\$30,000,000 for interest on Treasury borrowings shall be*
20 *available from the National Flood Insurance Fund.*

21 *NATIONAL FLOOD MITIGATION FUND*

22 *Notwithstanding subparagraphs (B) and (C) of sub-*
23 *section (b)(3), and subsection (f), of section 1366 of the Na-*
24 *tional Flood Insurance Act of 1968 (42 U.S.C. 4104c),*
25 *\$28,000,000, to remain available until September 30, 2007,*
26 *for activities designed to reduce the risk of flood damage*

1 *to structures pursuant to such Act, of which \$28,000,000*
2 *shall be derived from the National Flood Insurance Fund.*

3 *NATIONAL PREDISASTER MITIGATION FUND*

4 *For a predisaster mitigation grant program under*
5 *title II of the Robert T. Stafford Disaster Relief and Emer-*
6 *gency Assistance Act (42 U.S.C. 5131 et seq.), \$37,000,000,*
7 *to remain available until expended: Provided, That grants*
8 *made for predisaster mitigation shall be awarded on a com-*
9 *petitive basis subject to the criteria in section 203(g) of such*
10 *Act (42 U.S.C. 5133(g)), and notwithstanding section*
11 *203(f) of such Act, shall be made without reference to State*
12 *allocations, quotas, or other formula-based allocation of*
13 *funds: Provided further, That total administrative costs*
14 *shall not exceed 3 percent of the total appropriation.*

15 *EMERGENCY FOOD AND SHELTER*

16 *To carry out an emergency food and shelter program*
17 *pursuant to title III of the Stewart B. McKinney Homeless*
18 *Assistance Act (42 U.S.C. 11331 et seq.), \$153,000,000, to*
19 *remain available until expended: Provided, That total ad-*
20 *ministrative costs shall not exceed 3.5 percent of the total*
21 *appropriation.*

1 *authorized to obligate funds in anticipation of reimburse-*
2 *ments from agencies receiving training sponsored by the*
3 *Center, except that total obligations at the end of the fiscal*
4 *year shall not exceed total budgetary resources available at*
5 *the end of the fiscal year: Provided further, That in fiscal*
6 *year 2006 and thereafter, the Director of the Federal Law*
7 *Enforcement Training Center is authorized to assess pecu-*
8 *niary liability against Center employees and students for*
9 *losses or destruction of Government property due to gross*
10 *negligence or willful misconduct and to set off any resulting*
11 *debts due the United States by Center employees and stu-*
12 *dents, without their consent, against current payments due*
13 *the employees and students for their services.*

14 *ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND*
15 *RELATED EXPENSES*

16 *For acquisition of necessary additional real property*
17 *and facilities, construction, and ongoing maintenance, fa-*
18 *cility improvements, and related expenses of the Federal*
19 *Law Enforcement Training Center, \$88,358,000, to remain*
20 *available until expended: Provided, That the Center is au-*
21 *thorized to accept reimbursement to this appropriation*
22 *from Government agencies requesting the construction of*
23 *special use facilities.*

1 *RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS*

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

21 *TITLE V—GENERAL PROVISIONS*

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

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

11 *SEC. 503. (a) None of the funds provided by this Act,*
12 *provided by previous appropriations Acts to the agencies*
13 *in or transferred to the Department of Homeland Security*
14 *that remain available for obligation or expenditure in fiscal*
15 *year 2006, or provided from any accounts in the Treasury*
16 *of the United States derived by the collection of fees avail-*
17 *able to the agencies funded by this Act, shall be available*
18 *for obligation or expenditure through a reprogramming of*
19 *funds that: (1) creates a new program; (2) eliminates a pro-*
20 *gram, project, or activity; (3) increases funds for any pro-*
21 *gram, project, or activity for which funds have been denied*
22 *or restricted by the Congress; (4) proposes to use funds di-*
23 *rected for a specific activity by either of the Committees*
24 *on Appropriations of the Senate or House of Representa-*
25 *tives for a different purpose; or (5) contracts out any func-*

1 *tions or activities for which funds have been appropriated*
2 *for Federal full-time equivalent positions; unless the Com-*
3 *mittees on Appropriations of the Senate and the House of*
4 *Representatives are notified 15 days in advance of such re-*
5 *programming of funds.*

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

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

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

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

23 SEC. 504. Except as otherwise specifically provided by
24 law, not to exceed 50 percent of unobligated balances re-
25 maining available at the end of fiscal year 2006 from ap-

1 *appropriations for salaries and expenses for fiscal year 2006*
2 *in this Act shall remain available through September 30,*
3 *2007, in the account and for the purposes for which the*
4 *appropriations were provided: Provided, That prior to the*
5 *obligation of such funds, a request shall be submitted to the*
6 *Committees on Appropriations of the Senate and the House*
7 *of Representatives for approval in accordance with section*
8 *503 of this Act.*

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

15 *SEC. 506. None of the funds in this Act may be used*
16 *to make a grant allocation, discretionary grant award, dis-*
17 *cretionary contract award, or to issue a letter of intent to-*
18 *taling in excess of \$1,000,000, or to announce publicly the*
19 *intention to make such an award, unless the Secretary of*
20 *Homeland Security notifies the Committees on Appropria-*
21 *tions of the Senate and the House of Representatives at least*
22 *3 full business days in advance: Provided, That no notifica-*
23 *tion shall involve funds that are not available for obliga-*
24 *tion.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 *SEC. 517. None of the funds appropriated to the*
25 *United States Secret Service by this Act or by previous ap-*

1 *propriations Acts may be made available for the protection*
2 *of the head of a Federal agency other than the Secretary*
3 *of Homeland Security: Provided, That the Director of the*
4 *United States Secret Service may enter into an agreement*
5 *to perform such service on a fully reimbursable basis.*

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

10 *SEC. 519. SENSE OF THE SENATE REGARDING BOR-*
11 *DER SECURITY. (a) FINDINGS.—Congress finds the fol-*
12 *lowing:*

13 *(1) The illegal alien population has risen from*
14 *3,200,000 in 1986 to 10,300,000 in 2004.*

15 *(2) In fiscal year 2001, United States Border*
16 *Patrol agents apprehended almost 1,200,000 persons*
17 *for illegally entering the United States.*

18 *(3) Senate Report 109–083 states, “there are an*
19 *estimated 11,000,000 illegal aliens in the United*
20 *States, including more than 400,000 individuals who*
21 *have absconded, walking away with impunity from*
22 *Orders of Deportation and Removal”.*

23 *(4) Between 1,000 and 3,000 special interest*
24 *aliens from countries with an active terrorist presence*
25 *enter the United States each year.*

1 (5) *Of the 1,200,000 illegal aliens apprehended*
2 *on the border between the United States and Mexico,*
3 *643 were from countries with known terrorism ties,*
4 *including Syria, Iran, and Libya.*

5 (6) *Senate Report 109–083 states, “officials of*
6 *the Department of Homeland Security have conceded*
7 *the United States does not have operational control of*
8 *its borders”, including areas along the 1,989 mile*
9 *southwest border between the United States and Mex-*
10 *ico.*

11 (7) *The daily attempts to cross the border by*
12 *thousands of illegal aliens from countries around the*
13 *globe continue to present a threat to United States*
14 *national security.*

15 (b) *SENSE OF THE SENATE.—It is the sense of the Sen-*
16 *ate that—*

17 (1) *this Nation cannot thoroughly address the se-*
18 *curity of the United States without recognizing the*
19 *reality of terrorists taking advantage of inadequacies*
20 *in border security along the border between the*
21 *United States and Mexico;*

22 (2) *every effort should be made to increase the*
23 *technology and efficiency in preventing these individ-*
24 *uals from entering the United States across the Mexi-*
25 *can border;*

1 (3) *the Mexican Government has an obligation to*
2 *secure its side of the border between the United States*
3 *and Mexico; and*

4 (4) *the Mexican Government must commit to ad-*
5 *ressing inadequacies in its own domestic and border*
6 *security policies, which are contributing to the*
7 *present dilemma in border security.*

8 *SEC. 520. VETERANS HEALTH ADMINISTRATION. (a)*
9 *IN GENERAL.—From any money in the Treasury not other-*
10 *wise obligated or appropriated, there are appropriated to*
11 *the Department of Veterans Affairs \$1,500,000,000 for the*
12 *fiscal year ending September 30, 2005, for medical services*
13 *provided by the Veterans Health Administration, which*
14 *shall remain available until expended.*

15 (i) *EMERGENCY DESIGNATION.—The amount appro-*
16 *riated under subsection (a) is designated as an emergency*
17 *requirement pursuant to section 402 of H. Con. Res. 95*
18 *(109th Congress).*

19 (c) *This section shall take effect on the date of enact-*
20 *ment of this Act.*

21 *SEC. 521. Within 90 days after the date of enactment*
22 *of this Act, the Department of Homeland Security's Office*
23 *of Inspector General shall issue a report to the House and*
24 *Senate Committees on Appropriations, the House and Sen-*
25 *ate Committees on Homeland Security, and the Senate*

1 *Committee on Commerce, Science, and Transportation re-*
2 *garding the steps the Department has taken to comply with*
3 *the recommendations of the Inspector General’s Report on*
4 *the Port Security Grant Program (OIG–05–10).*

5 *SEC. 522. (a) Not later than September 30, 2006, the*
6 *Secretary of Homeland Security shall submit a report to*
7 *the Committees on Appropriations of the Senate and the*
8 *House of Representatives, the Committee on Homeland Se-*
9 *curity and Governmental Affairs of the Senate, and the*
10 *Committee on Homeland Security of the House of Rep-*
11 *resentatives that includes—*

12 *(1) the results of the survey under subsection (c);*
13 *and*
14 *(2) a plan to implement changes to address prob-*
15 *lems identified in the survey.*

16 *(b) Not later than June 30, 2006, the Secretary of*
17 *Homeland Security shall submit an interim report to the*
18 *Committees on Appropriations of the Senate and the House*
19 *of Representatives, the Committee on Homeland Security*
20 *and Governmental Affairs of the Senate, and the Committee*
21 *on Homeland Security of the House of Representatives on*
22 *the specific design of the survey under subsection (c).*

23 *(c) In preparing the report under subsection (a), the*
24 *Secretary of Homeland Security shall conduct a survey of*
25 *State and local government emergency officials that—*

1 (1) *involve enough respondents to get an ade-*
2 *quate, representational response from police, fire,*
3 *medical, and emergency planners on the regional,*
4 *State, county, and municipal levels, and other State*
5 *and local homeland security officials as determined*
6 *by the Secretary; and*

7 (2) *identifies problems relating to the effective-*
8 *ness and user-friendliness of programs in which the*
9 *Department of Homeland Security interacts with*
10 *State and local officials, including grant manage-*
11 *ment, intelligence sharing, training, incident manage-*
12 *ment, regional coordination, critical infrastructure*
13 *prioritization, and long-term homeland security plan-*
14 *ning.*

15 SEC. 523. QUADRENNIAL HOMELAND DEFENSE RE-
16 VIEW. (a) IN GENERAL.—

17 (1) *FREQUENCY AND SCOPE.*—*Beginning in fis-*
18 *cal year 2008, and every 4 years thereafter, the Sec-*
19 *retary of Homeland Security shall conduct every 4*
20 *years, during a year following a year evenly divisible*
21 *by 4, a comprehensive examination of the national*
22 *homeland defense strategy, inter-agency cooperation,*
23 *preparedness of Federal response assets, infrastruc-*
24 *ture, budget plan, and other elements of the homeland*
25 *defense program and policies of the United States*

1 *with a view toward determining and expressing the*
2 *homeland defense strategy of the United States and*
3 *establishing a homeland defense program for the next*
4 *20 years. Each review under this paragraph shall be*
5 *known as the “quadrennial homeland defense review”.*

6 (2) *CONSULTATION.—Each quadrennial home-*
7 *land defense review under paragraph (1) shall be con-*
8 *ducted in consultation with the Attorney General of*
9 *the United States and the Secretaries of State, De-*
10 *fense, Health and Human Services, and the Treasury.*

11 (b) *CONTENTS OF REVIEW.—Each quadrennial home-*
12 *land defense review shall—*

13 (1) *delineate a national homeland defense strat-*
14 *egy consistent with the most recent National Response*
15 *Plan prepared under Homeland Security Presidential*
16 *Directive 5 or any directive meant to replace or aug-*
17 *ment that directive;*

18 (2) *describe the inter-agency cooperation, pre-*
19 *paredness of Federal response assets, infrastructure,*
20 *budget plan, and other elements of the homeland de-*
21 *fense program and policies of the United States asso-*
22 *ciated with that national homeland defense strategy*
23 *required to execute successfully the full range of mis-*
24 *sions called for in the national homeland defense*
25 *strategy delineated under paragraph (1); and*

1 (3) identify—

2 (A) the budget plan required to provide suf-
3 ficient resources to successfully execute the full
4 range of missions called for in that national
5 homeland defense strategy at a low-to-moderate
6 level of risk, and

7 (B) any additional resources required to
8 achieve such a level of risk.

9 (c) *LEVEL OF RISK.*—The assessment of the level of
10 risk for purposes of subsection (b)(3) shall be conducted by
11 the Secretary of Homeland Security in consultation with
12 the Director of National Intelligence.

13 (d) *REPORTING.*—

14 (1) *IN GENERAL.*—The Secretary of Homeland
15 Security shall submit a report regarding each quad-
16 rennial homeland defense review to the Committee on
17 Homeland Security and Governmental Affairs of the
18 Senate and the Committee on Homeland Security of
19 the House of Representatives. The report shall be sub-
20 mitted not later than September 30 of the year in
21 which the review is conducted.

22 (2) *CONTENTS OF REPORT.*—The report sub-
23 mitted under paragraph (1) shall include—

24 (A) the results of the quadrennial homeland
25 defense review;

1 (B) *the threats to the assumed or defined*
2 *national homeland security interests of the*
3 *United States that were examined for the pur-*
4 *poses of the review and the scenarios developed*
5 *in the examination of those threats;*

6 (C) *the status of cooperation among Federal*
7 *agencies in the effort to promote national home-*
8 *land security;*

9 (D) *the status of cooperation between the*
10 *Federal Government and State governments in*
11 *preparing for emergency response to threats to*
12 *national homeland security, and*

13 (E) *any other matter the Secretary of*
14 *Homeland Security considers appropriate.*

15 SEC. 524. RAIL TUNNEL SECURITY RESEARCH. (a)

16 FINDINGS.—*The Senate finds that—*

17 (1) *railroad tunnels, and underground stations*
18 *have been identified as particularly high risk terrorist*
19 *targets because of the potential for large passenger*
20 *volumes, confined spaces, relatively unrestricted ac-*
21 *cess, and the potential for network disruptions and*
22 *significant economic, political and social impact;*

23 (2) *many rail tunnels have safety problems in-*
24 *cluding structural deficiencies, ventilation problems,*

1 *lack of communications equipment and insufficient*
2 *emergency access and exits;*

3 (3) *there are more than 898 miles of rail tunnels*
4 *in transit systems across the country;*

5 (4)(A) *security experts have identified a number*
6 *of technology and training needs to prevent attacks on*
7 *tunnels and to mitigate and remediate the impact of*
8 *such attacks;*

9 (B) *technological needs include detection systems,*
10 *dispersal control, and decontamination techniques;*
11 *and*

12 (C) *training for emergency response to a variety*
13 *of scenarios is also needed; and*

14 (b) *SENSE OF THE SENATE.—It is the sense of the Sen-*
15 *ate that—*

16 (1) *the Department of Homeland Security is*
17 *urged to invest in research to promote tunnel rail*
18 *safety as well as training to ensure first responders*
19 *are prepared to respond to rail tunnel emergencies;*
20 *and*

21 (2) *employing existing Federal facilities in this*
22 *effort can result in efficiencies and permit this impor-*
23 *tant research to proceed at decreased cost to the tax-*
24 *payer and with minimal interference with ongoing*
25 *passenger and freight rail traffic.*

1 *SEC. 525. Upon completion of the Department of*
2 *Homeland Security’s operational testing of man portable*
3 *air defense system (MANPAD) countermeasure systems for*
4 *commercial aircraft, the Secretary of Homeland Security*
5 *is encouraged to designate an agency within the Depart-*
6 *ment as having responsibility for managing the procure-*
7 *ment and installation of such systems, and may use any*
8 *unobligated funds provided under title I to establish an of-*
9 *fice within the designated agency for that purpose.*

10 *SEC. 526. (a) Not later than 15 days after the date*
11 *of enactment of this Act, the Secretary of Homeland Secu-*
12 *rity, acting through the Director of the Federal Emergency*
13 *Management Agency (including the Emergency Prepared-*
14 *ness and Response Directorate and all other staff under the*
15 *direction of the Secretary) (referred to in this section as*
16 *the “Secretary”), shall provide to the Subcommittee on*
17 *Homeland Security of the Committee on Appropriations of*
18 *the Senate—*

19 *(1) a detailed list that describes, as of the date*
20 *of enactment of this Act, all associated costs (as deter-*
21 *mined by the Secretary) incurred by New York City,*
22 *the State of New York, and any other entity or orga-*
23 *nization established by New York City or the State of*
24 *New York, as a result of the terrorist attacks of Sep-*

1 *tember 11, 2001, that were paid using funds made*
2 *available by Congress; and*

3 *(2) a detailed description of—*

4 *(A) the amounts of funds made available*
5 *after the terrorist attacks of September 11, 2001,*
6 *that remain unexpended as of the date of enact-*
7 *ment of this Act;*

8 *(B) the accounts containing those unex-*
9 *pended funds; and*

10 *(C) a detailed description of any plans for*
11 *expenditure or obligation of those unexpended*
12 *funds.*

13 *(b) Not later than 15 days after the date of receipt*
14 *of a request from the Subcommittee on Homeland Security*
15 *of the Committee on Appropriations of the Senate for any*
16 *information directly related to information described in*
17 *subsection (a), the Secretary, and such staff located in a*
18 *regional office of the Department of Homeland Security or*
19 *the Federal Emergency Management Agency as the Sec-*
20 *retary determines to be appropriate, shall provide the infor-*
21 *mation to the Subcommittee.*

22 *SEC. 527. (a) Not later than 90 days after the date*
23 *of enactment of this Act, the Secretary of Homeland Secu-*
24 *rity, in consultation with the Secretary of Transportation,*
25 *shall assess and report in writing to the Committee on Ap-*

1 *propriations, the Committee on Homeland Security and*
2 *Government Affairs, and the Committee on Commerce,*
3 *Science, and Transportation of the Senate on the following:*

4 (1) *The vulnerability posed to high risk areas*
5 *and facilities from general aviation aircraft that*
6 *could be stolen or used as a weapon or armed with*
7 *a weapon.*

8 (2) *The security vulnerabilities existing at gen-*
9 *eral aviation airports that would permit general*
10 *aviation aircraft to be stolen.*

11 (3) *Low-cost, high-performance technology that*
12 *could be used to easily track general aviation aircraft*
13 *that could otherwise fly undetected.*

14 (4) *The feasibility of implementing security*
15 *measures that would disable general aviation aircraft*
16 *while on the ground and parked to prevent theft.*

17 (5) *The feasibility of performing requisite back-*
18 *ground checks on individuals working at general*
19 *aviation airports that have access to aircraft or flight*
20 *line activities.*

21 (6) *An assessment of the threat posed to high*
22 *population areas, nuclear facilities, key infrastruc-*
23 *ture, military bases, and transportation infrastruc-*
24 *ture that stolen or hijacked general aviation aircraft*
25 *pose especially if armed with weapons or explosives.*

1 (7) *An assessment of existing security pre-*
2 *cautions in place at general aviation airports to pre-*
3 *vent breaches of the flight line and perimeter.*

4 (8) *An assessment of whether unmanned air traf-*
5 *fic control towers provide a security or alert weakness*
6 *to the security of general aviation aircraft.*

7 (9) *An assessment of the additional measures*
8 *that should be adopted to ensure the security of gen-*
9 *eral aviation aircraft.*

10 (b) *The report required by subsection (a) shall include*
11 *cost estimates associated with implementing each of the*
12 *measures recommended in the report.*

13 SEC. 528. (a) *DEFINITIONS.—In this section:*

14 (1) *DATA-MINING.—The term “data-mining”*
15 *means a query or search or other analysis of 1 or*
16 *more electronic databases, whereas—*

17 (A) *at least 1 of the databases was obtained*
18 *from or remains under the control of a non-Fed-*
19 *eral entity, or the information was acquired ini-*
20 *tially by another department or agency of the*
21 *Federal Government for purposes other than in-*
22 *telligence or law enforcement;*

23 (B) *a department or agency of the Federal*
24 *Government or a non-Federal entity acting on*
25 *behalf of the Federal Government is conducting*

1 *the query or search or other analysis to find a*
2 *predictive pattern indicating terrorist or crimi-*
3 *nal activity; and*

4 *(C) the search does not use a specific indi-*
5 *vidual's personal identifiers to acquire informa-*
6 *tion concerning that individual.*

7 (2) *DATABASE.*—*The term “database” does not*
8 *include telephone directories, news reporting, infor-*
9 *mation publicly available via the Internet or avail-*
10 *able by any other means to any member of the public*
11 *without payment of a fee, or databases of judicial and*
12 *administrative opinions.*

13 (b) *REPORTS ON DATA-MINING ACTIVITIES BY THE*
14 *DEPARTMENT OF HOMELAND SECURITY.*—

15 (1) *REQUIREMENT FOR REPORT.*—*The head of*
16 *each department or agency in the Department of*
17 *Homeland Security that is engaged in any activity to*
18 *use or develop data-mining technology shall each sub-*
19 *mit a report to Congress on all such activities of the*
20 *agency under the jurisdiction of that official. The re-*
21 *port shall be made available to the public.*

22 (2) *CONTENT OF REPORT.*—*A report submitted*
23 *under paragraph (1) shall include, for each activity*
24 *to use or develop data-mining technology that is re-*

1 *quired to be covered by the report, the following infor-*
2 *mation:*

3 *(A) A thorough description of the data-min-*
4 *ing technology and the data that is being or will*
5 *be used.*

6 *(B) A thorough description of the goals and*
7 *plans for the use or development of such tech-*
8 *nology and, where appropriate, the target dates*
9 *for the deployment of the data-mining tech-*
10 *nology.*

11 *(C) An assessment of the efficacy or likely*
12 *efficacy of the data-mining technology in pro-*
13 *viding accurate information consistent with and*
14 *valuable to the stated goals and plans for the use*
15 *or development of the technology.*

16 *(D) An assessment of the impact or likely*
17 *impact of the implementation of the data-mining*
18 *technology on the privacy and civil liberties of*
19 *individuals.*

20 *(E) A list and analysis of the laws and reg-*
21 *ulations that govern the information being or to*
22 *be collected, reviewed, gathered, analyzed, or used*
23 *with the data-mining technology.*

24 *(F) A thorough discussion of the policies,*
25 *procedures, and guidelines that are in place or*

1 that are to be developed and applied in the use
2 of such technology for data-mining in order to—

3 (i) protect the privacy and due process
4 rights of individuals; and

5 (ii) ensure that only accurate informa-
6 tion is collected, reviewed, gathered, ana-
7 lyzed, or used.

8 (G) Any necessary classified information in
9 an annex that shall be available to the Com-
10 mittee on Homeland Security and Governmental
11 Affairs, the Committee on the Judiciary, and the
12 Committee on Appropriations of the Senate and
13 the Committee on Homeland Security, the Com-
14 mittee on the Judiciary, and the Committee on
15 Appropriations of the House of Representatives.

16 (3) *TIME FOR REPORT.*—Each report required
17 under paragraph (1) shall be submitted not later than
18 90 days after the end of fiscal year 2006.

19 *SEC. 529. SPENDING OVERSIGHT*—None of the funds
20 made available in this Act shall be used for items identified
21 in the Inspector General’s Report of March 2005 “Irregular-
22 ities in the Development of the Transportation Security Op-
23 erations Center” as wasteful.

24 *SEC. 530. (a)* Not later than 60 days after the date
25 of the enactment of this Act, the Secretary of Homeland Se-

1 *curity shall designate the Natrona International Airport in*
2 *Casper, Wyoming, as an airport at which private aircraft*
3 *described in subsection (b) may land for processing by the*
4 *United States Customs and Border Protection in accord-*
5 *ance with section 122.24(b) of title 19, Code of Federal Reg-*
6 *ulations, and such airport shall not be treated as a user*
7 *fee airport for purposes of section 122.15 of title 19, Code*
8 *of Federal Regulations.*

9 *(b) PRIVATE AIRCRAFT.—Private aircraft described in*
10 *this subsection are private aircraft that—*

11 *(1) arrive in the United States from a foreign*
12 *area and have a final destination in the United*
13 *States of Natrona International Airport in Casper,*
14 *Wyoming; and*

15 *(2) would otherwise be required to land for proc-*
16 *essing by the United States Customs and Border Pro-*
17 *tection at an airport listed in section 122.24(b) of*
18 *title 19, Code of Federal Regulations, in accordance*
19 *with such section.*

20 *(c) DEFINITION.—In this section, the term “private*
21 *aircraft” has the meaning given such term in section*
22 *122.23(a)(1) of title 19, Code of Federal Regulations.*

23 *SEC. 531. It is the sense of the Senate that the Federal*
24 *Emergency Management Agency or any other organization*
25 *within the Department of Homeland Security should con-*

1 *tinue to coordinate with the American Red Cross in devel-*
2 *oping a mass care plan for the United States in response*
3 *to a catastrophic event.*

4 *SEC. 532. (a) FINDINGS.—The Senate makes the fol-*
5 *lowing findings:*

6 *(1) The Joint Explanatory Statement to accom-*
7 *pany the Emergency Supplemental Appropriations*
8 *Act for Defense, the Global War on Terror, and Tsu-*
9 *nami Relief, 2005 (Public Law 109–13) requires the*
10 *Department of Defense to set forth in a report to Con-*
11 *gress a comprehensive set of performance indicators*
12 *and measures for progress toward military and polit-*
13 *ical stability in Iraq.*

14 *(2) The report requires performance standards*
15 *and goals for security, economic, and security force*
16 *training objectives in Iraq together with a notional*
17 *timetable for achieving these goals.*

18 *(3) In specific, the report required, at a min-*
19 *imum, the following:*

20 *(A) With respect to stability and security in*
21 *Iraq, the following:*

22 *(i) Key measures of political stability,*
23 *including the important political milestones*
24 *that must be achieved over the next several*
25 *years.*

1 (ii) *The primary indicators of a stable*
2 *security environment in Iraq, such as num-*
3 *ber of engagements per day, numbers of*
4 *trained Iraqi forces, and trends relating to*
5 *numbers and types of ethnic and religious-*
6 *based hostile encounters.*

7 (iii) *An assessment of the estimated*
8 *strength of the insurgency in Iraq and the*
9 *extent to which it is composed of non-Iraqi*
10 *fighters.*

11 (iv) *A description of all militias oper-*
12 *ating in Iraq, including the number, size,*
13 *equipment strength, military effectiveness,*
14 *sources of support, legal status, and efforts*
15 *to disarm or reintegrate each militia.*

16 (v) *Key indicators of economic activity*
17 *that should be considered the most impor-*
18 *tant for determining the prospects of sta-*
19 *bility in Iraq, including—*

20 (I) *unemployment levels;*

21 (II) *electricity, water, and oil*
22 *production rates; and*

23 (III) *hunger and poverty levels.*

24 (vi) *The criteria the Administration*
25 *will use to determine when it is safe to*

1 *begin withdrawing United States forces*
2 *from Iraq.*

3 *(B) With respect to the training and perform-*
4 *ance of security forces in Iraq, the following:*

5 *(i) The training provided Iraqi mili-*
6 *tary and other Ministry of Defense forces*
7 *and the equipment used by such forces.*

8 *(ii) Key criteria for assessing the capa-*
9 *bilities and readiness of the Iraqi military*
10 *and other Ministry of Defense forces, goals*
11 *for achieving certain capability and readi-*
12 *ness levels (as well as for recruiting, train-*
13 *ing, and equipping these forces), and the*
14 *milestones and notional timetable for*
15 *achieving these goals.*

16 *(iii) The operational readiness status*
17 *of the Iraqi military forces, including the*
18 *type, number, size, and organizational*
19 *structure of Iraqi battalions that are—*

20 *(I) capable of conducting*
21 *counterinsurgency operations inde-*
22 *pendently;*

23 *(II) capable of conducting*
24 *counterinsurgency operations with the*

1 *support of United States or coalition*
2 *forces; or*

3 (III) *not ready to conduct*
4 *counterinsurgency operations.*

5 (iv) *The rates of absenteeism in the*
6 *Iraqi military forces and the extent to*
7 *which insurgents have infiltrated such*
8 *forces.*

9 (v) *The training provided Iraqi police*
10 *and other Ministry of Interior forces and*
11 *the equipment used by such forces.*

12 (vi) *Key criteria for assessing the ca-*
13 *pabilities and readiness of the Iraqi police*
14 *and other Ministry of Interior forces, goals*
15 *for achieving certain capability and readi-*
16 *ness levels (as well as for recruiting, train-*
17 *ing, and equipping), and the milestones and*
18 *notional timetable for achieving these goals,*
19 *including—*

20 (I) *the number of police recruits*
21 *that have received classroom training*
22 *and the duration of such instruction;*

23 (II) *the number of veteran police*
24 *officers who have received classroom in-*

1 *struction and the duration of such in-*
2 *struction;*

3 *(III) the number of police can-*
4 *didates screened by the Iraqi Police*
5 *Screening Service, the number of can-*
6 *didates derived from other entry proce-*
7 *dures, and the success rates of those*
8 *groups of candidates;*

9 *(IV) the number of Iraqi police*
10 *forces who have received field training*
11 *by international police trainers and*
12 *the duration of such instruction; and*

13 *(V) attrition rates and measures*
14 *of absenteeism and infiltration by in-*
15 *surgents.*

16 *(vii) The estimated total number of*
17 *Iraqi battalions needed for the Iraqi secu-*
18 *rity forces to perform duties now being un-*
19 *dertaken by coalition forces, including de-*
20 *fending the borders of Iraq and providing*
21 *adequate levels of law and order throughout*
22 *Iraq.*

23 *(viii) The effectiveness of the Iraqi*
24 *military and police officer cadres and the*
25 *chain of command.*

1 *(ix) The number of United States and*
2 *coalition advisors needed to support the*
3 *Iraqi security forces and associated min-*
4 *istries.*

5 *(x) An assessment, in a classified*
6 *annex if necessary, of United States mili-*
7 *tary requirements, including planned force*
8 *rotations, through the end of calendar year*
9 *2006.*

10 *(3) The deadline for submittal of the report to*
11 *Congress was 60 days after the date of the enactment*
12 *of the Emergency Supplemental Appropriations Act*
13 *for Defense, the Global War on Terror, and Tsunami*
14 *Relief, 2005, that is July 11, 2005, and every 90 days*
15 *thereafter through the end of fiscal year 2006.*

16 *(4) The report has not yet been received by Con-*
17 *gress.*

18 *(5) The availability of accurate data on key per-*
19 *formance indicators is critical to understanding*
20 *whether the United States strategy in Iraq is suc-*
21 *ceeding, and the substantial resources provided by*
22 *Congress, which total more than \$200,000,000,000*
23 *and an approximate monthly expenditure of*
24 *\$5,000,000,000, with substantial resource expendi-*
25 *tures still to come, are being utilized effectively.*

1 **(b) SENSE OF SENATE.**—*It is the sense of the Senate*
2 *that—*

3 **(1) the information requested in the report de-**
4 *scribed by subsection (a) is critical—*

5 **(A) to fulfilling the oversight obligations of**
6 *Congress;*

7 **(B) to ensuring the success of United States**
8 *strategy in Iraq;*

9 **(C) to maximizing the effectiveness of the**
10 *substantial resources provided by Congress and*
11 *the American people for United States efforts in*
12 *Iraq;*

13 **(D) to identifying when the Iraqi security**
14 *forces will be able to assume responsibility for se-*
15 *curity in Iraq; and*

16 **(E) to obtaining an estimate of the level of**
17 *United States troops that will be necessary in*
18 *Iraq during 2005 and 2006, and in any years*
19 *thereafter;*

20 **(2) the report should be provided by the Depart-**
21 *ment of Defense, as required by the Emergency Sup-*
22 *plemental Appropriations Act for Defense, the Global*
23 *War on Terror, and Tsunami Relief, 2005 as soon as*
24 *possible; and*

1 (3) *the Secretary of Defense should communicate*
2 *to Congress and the American people why the report*
3 *was not submitted to Congress by the original dead-*
4 *line for its submittal.*

5 *SEC. 533. SENSE OF THE SENATE. (a) FINDINGS.—*
6 *The Senate finds that:*

7 (1) *On February 6, 2002, Director of Central In-*
8 *telligence George Tenet testified that “[A]l Qaeda or*
9 *other terrorist groups might also try to launch con-*
10 *ventional attacks against the chemical or nuclear in-*
11 *ustrial infrastructure of the United States to cause*
12 *widespread toxic or radiological damage.”*

13 (2) *On April 27, 2005, the GAO found that “Ex-*
14 *perts agree that the nation’s chemical facilities*
15 *present an attractive target for terrorists intent on*
16 *causing massive damage. For example, the Depart-*
17 *ment of Justice has concluded that the risk of an at-*
18 *tempt in the foreseeable future to cause an industrial*
19 *chemical release is both real and credible. Terrorist*
20 *attacks involving the theft or release of certain chemi-*
21 *cals could significantly impact the health and safety*
22 *of millions of Americans, disrupt the local or regional*
23 *economy, or impact other critical infrastructures that*
24 *rely on chemicals, such as drinking water and waste-*
25 *water treatment systems.”*

1 (3) *As of May 2005, according to data collected*
2 *pursuant to the Risk Management Plan (RMP) of the*
3 *Environmental Protection Agency (EPA), a worst-*
4 *case release of chemicals from 2237 facilities would*
5 *potentially affect between 10,000 and 99,999 people,*
6 *a release from 493 facilities would potentially affect*
7 *between 100,000 and 999,000, and a release from 111*
8 *facilities would potentially affect over 1,000,000.*

9 (4) *On April 27, 2005, the GAO found that EPA*
10 *and RMP data was based on a release from a single*
11 *vessel or pipe rather than the entire quantity on site*
12 *and that “[A]n attack that breached multiple chem-*
13 *ical vessels simultaneously could result in a larger re-*
14 *lease with potentially more severe consequences than*
15 *those outlined in ‘worst-case’ scenarios.”*

16 (5) *On April 27, 2005, the GAO found that “De-*
17 *spite efforts by DHS to assess facility vulnerabilities*
18 *and suggest security improvements, no one has com-*
19 *prehensively assessed security at facilities that house*
20 *chemicals nationwide.” GAO further testified that*
21 *“EPA officials estimated in 2003, that voluntary ini-*
22 *tiatives led by industry associations only reach a por-*
23 *tion of the 15,000 RMP facilities. Further, EPA and*
24 *DHS have stated publicly that voluntary efforts alone*

1 *are not sufficient to assure the public of the industry’s*
2 *preparedness.”*

3 (6) *On June 15, 2005, Thomas P. Dunne, Dep-*
4 *uty Assistant Administrator for the Office of Solid*
5 *Waste and Emergency Response of the EPA testified*
6 *that “[O]nly a fraction of U.S. hazardous chemical*
7 *facilities are currently subject to Federal security re-*
8 *quirements” and that “we cannot be sure that every*
9 *high-risk chemical facility has taken voluntary action*
10 *to secure itself against terrorism.”*

11 (7) *On June 15, 2005, Robert Stephan, Acting*
12 *Undersecretary for Information Analysis and Infra-*
13 *structure Protection and Assistant Secretary for In-*
14 *frastructure Protection at the Department of Home-*
15 *land Security testified that that the Department “has*
16 *concluded that from the regulatory perspective, the ex-*
17 *isting patchwork of authorities does not permit us to*
18 *regulate the industry effectively.” Stephen further tes-*
19 *tified that “[I]t has become clear that the entirely vol-*
20 *untary efforts of [chemical facility] companies alone*
21 *will not sufficiently address security for the entire*
22 *sector” and that “The Department should develop en-*
23 *forceable performance standards. . .”*

24 (8) *The Senate Committee on Homeland Secu-*
25 *urity and Governmental Affairs, through a series of*

1 *valuable and wide-ranging hearings, has dem-*
2 *onstrated bipartisan commitment to effective Congres-*
3 *sional action to protect Americans against a possible*
4 *terrorist attack against chemical facilities.*

5 *(b) SENSE OF THE SENATE.—It is the sense of the Sen-*
6 *ate that the Congress should pass legislation establishing en-*
7 *forceable Federal standards to protect against a terrorist*
8 *attack on chemical facilities within the United States.*

9 *SEC. 534. In light of concerns regarding inconsistent*
10 *policy memoranda and guidelines issued to counties and*
11 *communities affected by the 2004 hurricane season, the Sec-*
12 *retary of Homeland Security, acting through the Under*
13 *Secretary for Emergency Preparedness and Response, shall*
14 *provide clear, concise, and uniform guidelines for the reim-*
15 *bursement to any county or government entity affected by*
16 *a hurricane of the costs of hurricane debris removal.*

17 *SEC. 535. Not later than 60 days after the date of en-*
18 *actment of this Act, the Secretary of Homeland Security,*
19 *acting through the Under Secretary for Emergency Pre-*
20 *paredness and Response, shall submit to the Committee on*
21 *Homeland Security and Governmental Affairs of the Senate*
22 *and the Committee on Transportation and Infrastructure*
23 *of the House of Representatives a report describing any*
24 *changes to Federal emergency preparedness and response*
25 *policies and practices made as a result of the report of the*

1 *Inspector General of the Department of Homeland Security,*
2 *dated May 20, 2005, relating to the individual and house-*
3 *hold program of the Federal Emergency Management Agen-*
4 *cy in Miami-Dade County, Florida, in response to Hurri-*
5 *cane Frances.*

6 *SEC. 536. It is the sense of the Senate that the Sec-*
7 *retary of Homeland Security should conduct a study of the*
8 *feasibility of leveraging existing FM broadcast radio infra-*
9 *structure to provide a first alert, encrypted, multi-point*
10 *emergency messaging system for emergency response using*
11 *proven technology.*

12 *SEC. 537. Not later than 90 days after the date of en-*
13 *actment of this Act, the Secretary of Homeland Security*
14 *acting through the Under Secretary for Emergency Pre-*
15 *paredness shall propose new inspection guidelines that pro-*
16 *hibit inspectors from entering into a contract with any in-*
17 *dividual or entity for whom the inspector performs an in-*
18 *spection for purposes of determining eligibility for assist-*
19 *ance from the Federal Emergency Management Agency.*

20 *SEC. 538. None of the funds appropriated under this*
21 *Act may be used to promulgate regulations to implement*
22 *the plan developed pursuant to section 7209(b) of the 9/11*
23 *Commission Implementation Act of 2004 (8 U.S.C. 1185*
24 *note) to limit United States citizens to a passport as the*

1 *exclusive document to be presented upon entry into the*
2 *United States from Canada by land.*

3 *SEC. 539. (a) Congress makes the following findings:*

4 *(1) The Homeland Security Advisory System*
5 *had been raised to threat level Code Orange, a level*
6 *which indicates a high risk of terrorist attack, on six*
7 *occasions since the Advisory System was created in*
8 *March 2002, prior to the raising of the threat level to*
9 *Code Orange following the bombings that occurred in*
10 *London on July 7, 2005.*

11 *(2) The Code Orange threat level remained in*
12 *place for an average of 13 days on each of the first*
13 *five occasions that it was raised to that level.*

14 *(3) The sixth elevation of the threat level to Code*
15 *Orange occurred in August 2004 and ended 98 days*
16 *later, making it four times longer than any other such*
17 *alert and constituting half of the days that the United*
18 *States has been under a high risk of terrorist attack.*

19 *(4) The Conference of Mayors estimates that cit-*
20 *ies in the United States spend some \$70,000,000 per*
21 *week to implement security measures associated with*
22 *the Code Orange threat level.*

23 *(5) The recommendation to elevate the threat*
24 *level is made by the Homeland Security Council, a*
25 *group of Cabinet officials and senior advisors to the*

1 *President and Vice President, (in this section referred*
2 *to as the “Council”).*

3 *(6) In May 2005, Secretary of Homeland Secu-*
4 *rity Tom Ridge revealed that there was often consid-*
5 *erable disagreement among the members of the Coun-*
6 *cil as to whether or not the threat level should be*
7 *raised.*

8 *(7) There remains considerable confusion among*
9 *the public and State and local government officials as*
10 *to the decision-making process and criteria used by*
11 *the Council in deciding whether the threat level should*
12 *be raised to Code Orange.*

13 *(b) Not later than 180 days after the date of the enact-*
14 *ment of this Act, the Comptroller General of the United*
15 *States shall conduct a study examining the six occasions*
16 *in which the Homeland Security Advisory System was*
17 *raised to Code Orange prior to July 2005 and submit to*
18 *Congress a report on such study.*

19 *(c) The report required by subsection (b) shall include*
20 *an explanation and analysis of the decision-making process*
21 *used by the Council to raise the threat level to Code Orange*
22 *in each of the six instances prior to July 2005, including—*

23 *(1) the criteria and standards used by the Coun-*
24 *cil in reaching its decision;*

1 (2) *a description of deliberations and votes of the*
2 *Council were conducted, and whether any of the delib-*
3 *erations and votes have been transcribed or were oth-*
4 *erwise recorded in some manner;*

5 (3) *an explanation for the decision, on the sixth*
6 *occasion, for the threat level to remain elevated for 98*
7 *days, and what role, if any, staff of the White House*
8 *played in the decision to raise the level on that occa-*
9 *sion;*

10 (4) *a description of the direct and indirect costs*
11 *incurred by cities, States, or the Federal Government*
12 *after the threat level was raised to Code Orange on*
13 *each of the six occasions; and*

14 (5) *the recommendations of the Comptroller Gen-*
15 *eral of the United States, if any, for improving the*
16 *Homeland Security Advisory System, including rec-*
17 *ommendations regarding—*

18 (A) *measures that could be carried out to*
19 *build greater public awareness and confidence in*
20 *the work of the Council;*

21 (B) *whether the Council and the Secretary*
22 *of Homeland Security could benefit from greater*
23 *transparency and the development of more clear-*
24 *ly articulated public standards in the threat level*
25 *decision-making process;*

1 (C) *whether the current composition of the*
2 *Council should be modified to include representa-*
3 *tives from the States; and*

4 (D) *the measures that could be carried out*
5 *to minimize the costs to States and municipali-*
6 *ties during periods when the Homeland Security*
7 *Advisory System is raised to level to Code Or-*
8 *ange.*

9 (d) *The report required by subsection (b) shall be sub-*
10 *mitted in an unclassified form.*

11 SEC. 540. STRENGTHENING SECURITY AT NUCLEAR
12 POWER PLANTS. (a) FINDINGS.—*The Senate finds that—*

13 (1) *A taped interview shown on al-Jazeera tele-*
14 *vision on September 10, 2002, included a statement*
15 *that al-Qaeda initially planned to include a nuclear*
16 *power plant in its 2001 attacks on the United States.*

17 (2) *In the 108th Congress, the Senate Environ-*
18 *ment and Public Works Committee approved bipar-*
19 *tisan legislation to improve nuclear plant security.*
20 *No action was taken by the full Senate.*

21 (3) *Last month, the Senate Environment and*
22 *Public Works Committee again approved bipartisan*
23 *legislation to improve nuclear plant security.*

24 (b) SENSE OF THE SENATE.—*It is the sense of the Sen-*
25 *ate that the Congress should pass bipartisan legislation to*

1 *address nuclear power plant security prior to the August*
2 *recess.*

3 *SEC. 541. SENSE OF THE SENATE REGARDING*
4 *THREAT ASSESSMENT OF MAJOR TOURIST ATTRACTIONS.*

5 *(a) FINDINGS.—The Senate finds that:*

6 *(1) Whereas terrorists target areas of high popu-*
7 *lation and national significance in order to inflict the*
8 *most damage to a free society.*

9 *(2) Whereas preparedness is vital in emergency*
10 *planning, prevention and response to a terrorist at-*
11 *tack.*

12 *(3) Whereas first responders in cities with na-*
13 *tionally significant tourist populations face increased*
14 *strain in training and preparation for terrorism.*

15 *(4) Whereas cities with nationally significant*
16 *tourist populations have been previously targeted by*
17 *terrorist groups in an effort to disrupt the economy*
18 *and spread fear and anxiety.*

19 *(5) Whereas tens of millions of Americans travel*
20 *to tourist destinations annually and many of those*
21 *destinations lie outside of major cities and therefore*
22 *are not adequately addressed by threat assessments*
23 *that only include permanent city residents.*

24 *(b) SENSE OF THE SENATE.—It is the sense of the Sen-*
25 *ate that in the assessment of threat as it relates to the dis-*

1 *persal of Department of Homeland Security funding the*
 2 *Secretary should consider tourism destinations that attract*
 3 *tens of millions of visitors annually as potentially high risk*
 4 *targets.*

5 *TITLE VI—HOMELAND SECURITY GRANT*
 6 *ENHANCEMENT*

7 *SEC. 601. SHORT TITLE. This title may be cited as*
 8 *the “Homeland Security Grant Enhancement Act of 2005”.*

9 *SEC. 602. INTERAGENCY COMMITTEE TO COORDINATE*
 10 *AND STREAMLINE HOMELAND SECURITY GRANT PRO-*
 11 *GRAMS. (a) IN GENERAL.—Title VIII of the Homeland Se-*
 12 *curity Act of 2002 (6 U.S.C. 361 et seq.) is amended by*
 13 *inserting after section 801 the following:*

14 **“SEC. 802. INTERAGENCY COMMITTEE TO COORDINATE AND**
 15 **STREAMLINE HOMELAND SECURITY GRANT**
 16 **PROGRAMS.**

17 *“(a) ESTABLISHMENT.—*

18 *“(1) IN GENERAL.—Consistent with section 871,*
 19 *the Secretary, in coordination with the Attorney Gen-*
 20 *eral, the Secretary of Health and Human Services,*
 21 *the Secretary of Transportation, the Administrator of*
 22 *the Environmental Protection Agency, and other*
 23 *agencies providing assistance for emergency response*
 24 *provider preparedness, as identified by the President,*
 25 *shall establish the Interagency Committee to Coordi-*

1 *nate and Streamline Homeland Security Grant Pro-*
2 *grams (referred to in this subtitle as the ‘Interagency*
3 *Committee’).*

4 “(2) *COMPOSITION.—The Interagency Committee*
5 *shall be composed of—*

6 “(A) *at least 2 representatives of the De-*
7 *partment, including a representative of the*
8 *United States Fire Administration;*

9 “(B) *a representative of the Department of*
10 *Health and Human Services;*

11 “(C) *a representative of the Department of*
12 *Transportation;*

13 “(D) *a representative of the Department of*
14 *Justice;*

15 “(E) *a representative of the Environmental*
16 *Protection Agency;*

17 “(F) *at least 2 State Governors, or their*
18 *designees, or other local or tribal officials; and*

19 “(G) *a representative of any other depart-*
20 *ment or agency determined to be necessary by*
21 *the President.*

22 “(3) *RESPONSIBILITIES.—The Interagency Com-*
23 *mittee shall—*

1 “(A) provide any findings to the Informa-
2 tion Clearinghouse established under section
3 801(c);

4 “(B) consult with State and local govern-
5 ments and emergency response providers regard-
6 ing their homeland security needs and capabili-
7 ties;

8 “(C) advise the Secretary on the develop-
9 ment of performance measures for homeland se-
10 curity and other first responder assistance pro-
11 grams;

12 “(D) compile a list of homeland security
13 and other first responder assistance programs;

14 “(E) not later than 1 year after the date of
15 enactment of the Homeland Security Grant En-
16 hancement Act of 2005—

17 “(i) develop a proposal to coordinate,
18 to the maximum extent practicable, the
19 planning, reporting, application, and other
20 guidance documents contained in homeland
21 security assistance programs to—

22 “(I) eliminate all redundant and
23 duplicative requirements and onerous
24 application and ongoing reporting re-
25 quirements;

1 “(II) ensure accountability of the
2 programs to the intended purposes of
3 such programs;

4 “(III) coordinate expenditures of
5 grant funds to avoid duplicative or in-
6 consistent purchases; and

7 “(IV) make the programs as user
8 friendly as possible for applicants, in-
9 cluding reducing lapsed time between
10 grant applications, decisions and pay-
11 ments, easing fund matching require-
12 ments, and improving application
13 guidance; and

14 “(i) submit the proposal developed
15 under clause (i) to—

16 “(I) the President;

17 “(II) the Committee on Homeland
18 Security and Governmental Affairs of
19 the Senate; and

20 “(III) the Committee on Home-
21 land Security of the House of Rep-
22 resentatives; and

23 “(F) otherwise promote the coordination of
24 homeland security grant programs throughout
25 the Federal government.

1 “(b) *ADMINISTRATION.*—*The Department shall provide*
 2 *administrative support to the Interagency Committee,*
 3 *which shall include—*

4 “(1) *scheduling meetings;*

5 “(2) *preparing agenda;*

6 “(3) *maintaining minutes and records; and*

7 “(4) *producing reports.*

8 “(c) *CHAIRPERSON.*—*The Secretary shall designate a*
 9 *chairperson of the Interagency Committee.*

10 “(d) *MEETINGS.*—*The Interagency Committee shall*
 11 *meet—*

12 “(1) *at the call of the Secretary; or*

13 “(2) *not less frequently than once every month.”.*

14 “(b) *TECHNICAL AND CONFORMING AMENDMENT.*—*The*
 15 *table of contents for the Homeland Security Act of 2002*
 16 *(6 U.S.C. 101 et seq.) is amended by inserting after the*
 17 *item relating to section 801 the following:*

“Sec. 802. Interagency Committee to Coordinate and Streamline Homeland Security Grant Programs.”.

18 *SEC. 603. STREAMLINING FEDERAL HOMELAND SECURITY*
 19 *RITY GRANT ADMINISTRATION. (a) DIRECTOR OF STATE*
 20 *AND LOCAL GOVERNMENT COORDINATION AND PREPARED-*
 21 *NESS.*—*Section 801(a) of the Homeland Security Act of*
 22 *2002 (6 U.S.C. 361(a)) is amended to read as follows:*

23 “(a) *ESTABLISHMENT.*—

1 “(1) *IN GENERAL.*—*There is established within*
2 *the Office of the Secretary the Office for State and*
3 *Local Government Coordination and Preparedness,*
4 *which shall oversee and coordinate departmental pro-*
5 *grams for, and relationships with, State and local*
6 *governments.*

7 “(2) *EXECUTIVE DIRECTOR.*—*The Office estab-*
8 *lished under paragraph (1) shall be headed by the Ex-*
9 *ecutive Director of State and Local Government Co-*
10 *ordination and Preparedness, who shall be appointed*
11 *by the President, by and with the advice and consent*
12 *of the Senate.”.*

13 (b) *OFFICE FOR DOMESTIC PREPAREDNESS.*—*The*
14 *Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is*
15 *amended—*

16 (1) *by redesignating section 430 as section 803*
17 *and transferring that section to the end of subtitle A*
18 *of title VIII, as amended by section 602; and*

19 (2) *in section 803, as redesignated by paragraph*
20 *(1)—*

21 (A) *in subsection (a), by striking “the Di-*
22 *rectorate of Border and Transportation Secu-*
23 *rity” and inserting “the Office for State and*
24 *Local Government Coordination and Prepared-*
25 *ness”;*

1 (B) in subsection (b), by striking “who shall
2 be appointed by the President” and all that fol-
3 lows and inserting “who shall report directly to
4 the Executive Director of State and Local Gov-
5 ernment Coordination and Preparedness.”; and

6 (C) in subsection (c)—

7 (i) in paragraph (7)—

8 (I) by striking “other” and insert-
9 ing “the”; and

10 (II) by striking “consistent with
11 the mission and functions of the Direc-
12 torate”;

13 (ii) in paragraph (8)—

14 (I) by inserting “carrying out”
15 before “those elements”; and

16 (II) by striking “and” at the end;

17 (iii) in paragraph (9), by striking the
18 period at the end and inserting “; and”;

19 and

20 (iv) by adding at the end the following:

21 “(10) managing the Homeland Security Infor-
22 mation Clearinghouse established under section
23 801(c).”.

24 (c) *TECHNICAL AND CONFORMING AMENDMENTS.*—

1 “(1) *ESTABLISHMENT.*—*There is established*
2 *within the Office for State and Local Government Co-*
3 *ordination and Preparedness a Homeland Security*
4 *Information Clearinghouse (referred to in this section*
5 *as the ‘Clearinghouse’), which shall assist States, local*
6 *governments, and emergency response providers in ac-*
7 *cordance with paragraphs (2) through (6).*

8 “(2) *HOMELAND SECURITY GRANT INFORMA-*
9 *TION.*—*The Clearinghouse shall create a new website*
10 *or enhance an existing website, establish a toll-free*
11 *number, and produce a single publication that each*
12 *contain information regarding the homeland security*
13 *grant programs administered by the Department.*

14 “(3) *TECHNICAL ASSISTANCE.*—*The Clearing-*
15 *house, in consultation with the Interagency Com-*
16 *mittee established under section 802, shall provide in-*
17 *formation regarding technical assistance provided by*
18 *any Federal agency to States and local governments*
19 *relating to homeland security matters, including tem-*
20 *plates for conducting threat analyses and vulner-*
21 *ability assessments.*

22 “(4) *BEST PRACTICES.*—*The Clearinghouse shall*
23 *work with States, local governments, emergency re-*
24 *sponse providers, the National Domestic Preparedness*
25 *Consortium, the National Memorial Institute for the*

1 *Prevention of Terrorism, and private organizations to*
2 *gather, validate, and disseminate information regard-*
3 *ing successful State and local homeland security pro-*
4 *grams and practices.*

5 “(5) *USE OF FEDERAL FUNDS.—The Clearing-*
6 *house shall compile information regarding equipment,*
7 *training, and other services that can be purchased*
8 *with Federal funds provided under homeland security*
9 *grant programs and make such information, and in-*
10 *formation regarding voluntary standards of training,*
11 *equipment, and exercises, available to States, local*
12 *governments, and emergency response providers.*

13 “(6) *OTHER INFORMATION.—The Clearinghouse*
14 *shall provide States, local governments, and emer-*
15 *gency response providers with any other information*
16 *that the Secretary determines necessary.”*

17 *SEC. 604. ESSENTIAL CAPABILITIES FOR FIRST RE-*
18 *SPONDERS AND THREAT-BASED HOMELAND SECURITY*
19 *GRANT PROGRAM. (a) IN GENERAL.—The Homeland Secu-*
20 *urity Act of 2002 (6 U.S.C. 101 et seq.) is amended by add-*
21 *ing at the end the following:*

1 **“TITLE XVIII—ESSENTIAL CAPA-**
2 **BILITIES FOR FIRST RE-**
3 **SPONDERS AND THREAT-**
4 **BASED HOMELAND SECURITY**
5 **GRANT PROGRAM**

6 **“SEC. 1801. DEFINITIONS.**

7 *“In this title, the following definitions shall apply:*

8 *“(1) DIRECTLY ELIGIBLE TRIBE.—The term ‘di-*
9 *rectly eligible tribe’ means—*

10 *“(A) any Indian tribe, as that term is de-*
11 *finied in section 4(e) of the Indian Self-Deter-*
12 *mination and Education Assistance Act (25*
13 *U.S.C. 450b(e)), that—*

14 *“(i) is located in the continental*
15 *United States;*

16 *“(ii) operates a law enforcement or*
17 *emergency response agency with the capac-*
18 *ity to respond to calls for law enforcement*
19 *or emergency services;*

20 *“(iii) is located—*

21 *“(I) on, or within 10 miles of, an*
22 *international border or a coastline bor-*
23 *dering an ocean or international wa-*
24 *ters;*

1 “(II) within 5 miles of critical in-
2 frastructure or having critical infra-
3 structure within its territory; or

4 “(III) within or contiguous to 1 of
5 the 50 largest metropolitan statistical
6 areas in the United States; and

7 “(iv) certifies to the Secretary that a
8 State or eligible metropolitan region is not
9 making funds distributed under this title
10 available to the Indian tribe or consortium
11 of Indian tribes for the purpose for which
12 the Indian tribe or consortium of Indian
13 tribes is seeking grant funds; and

14 “(B) a consortium of Indian tribes if each
15 tribe satisfies the requirements of subparagraph
16 (A).

17 “(2) *ELIGIBLE METROPOLITAN REGION.*—The
18 term ‘eligible metropolitan region’ means the fol-
19 lowing:

20 “(A) *IN GENERAL.*—A combination of 2 or
21 more incorporated municipalities, counties, par-
22 ishes, or Indian tribes within a metropolitan re-
23 gion that includes the city in that metropolitan
24 region with the largest population. Such eligible
25 metropolitan region may include additional local

1 *governments outside the metropolitan region that*
2 *are likely to be affected by, or be called upon to*
3 *respond to, a terrorist attack or other cata-*
4 *strophic event within the metropolitan region.*

5 “(B) *OTHER COMBINATIONS.*—*Any other*
6 *combination of contiguous local governments that*
7 *are formally certified by the Secretary as an eli-*
8 *gible metropolitan region for purposes of this*
9 *title with the consent of the State or States in*
10 *which such local governments are located.*

11 “(3) *ESSENTIAL CAPABILITIES.*—*The term ‘es-*
12 *sential capabilities’ means the levels, availability, and*
13 *competence of emergency personnel, planning, train-*
14 *ing, and equipment across a variety of disciplines*
15 *needed to effectively and efficiently prevent, prepare*
16 *for, and respond to threatened or actual domestic ter-*
17 *rorist attacks and other catastrophic events.*

18 “(4) *INDIAN TRIBE.*—*The term ‘Indian tribe’*
19 *means an entity described under section 2(10)(B).*

20 “(5) *METROPOLITAN REGION.*—*The term ‘metro-*
21 *politan region’ means—*

22 “(A) *any of the 100 largest metropolitan*
23 *statistical areas in the United States, as defined*
24 *by the Office of Management and Budget; or*

1 “(B) any combined statistical area, as de-
2 fined by the Office of Management and Budget,
3 of which any metropolitan statistical area cov-
4 ered by subparagraph (A) is a part.

5 “(6) *POPULATION*.—The term ‘population’
6 means population according to the most recent United
7 States census population estimates available at the
8 start of the relevant fiscal year.

9 “(7) *POPULATION DENSITY*.—The term ‘popu-
10 lation density’ means population divided by land
11 area in square miles.

12 “(8) *SLIDING SCALE BASELINE ALLOCATION*.—
13 The term ‘sliding scale baseline allocation’ means
14 0.001 multiplied by the sum of—

15 “(A) the value of a State’s population rel-
16 ative to that of the most populous of the 50
17 States of the United States, where the population
18 of such States has been normalized to a max-
19 imum value of 100; and

20 “(B) one-fourth of the value of a State’s
21 population density relative to that of the most
22 densely populated of the 50 States of the United
23 States, where the population density of such
24 States has been normalized to a maximum value
25 of 100.

1 “(9) *THREAT-BASED HOMELAND SECURITY*
2 *GRANT PROGRAM.—The term ‘Threat-Based Home-*
3 *land Security Grant Program’ means the program es-*
4 *tablished under section 1804.*

5 **“SEC. 1802. PRESERVATION OF PRE-9/11 GRANT PROGRAMS**
6 **FOR TRADITIONAL FIRST RESPONDER MIS-**
7 **SIONS.**

8 “(a) *IN GENERAL.—This title shall not be construed*
9 *to affect any authority to award grants under any Federal*
10 *grant program listed under subsection (b), which existed on*
11 *September 10, 2001, to enhance traditional missions of*
12 *State and local law enforcement, firefighters, ports, emer-*
13 *gency medical services, or public health missions.*

14 “(b) *PROGRAMS NOT AFFECTED.—The programs re-*
15 *ferred to in subsection (a) are the following:*

16 “(1) *The Firefighter Assistance Program author-*
17 *ized under section 33 of the Federal Fire Prevention*
18 *and Control Act of 1974 (15 U.S.C. 2229) and pro-*
19 *grams under section 34 of that Act (15 U.S.C.*
20 *2229a).*

21 “(2) *All grant programs authorized under the*
22 *Robert T. Stafford Disaster Relief and Emergency As-*
23 *sistance Act (42 U.S.C. 5121 et seq.), including the*
24 *Emergency Management Performance Grant Program*
25 *and the Urban Search and Rescue Grant program.*

1 “(3) *The Justice Assistance Grants authorized*
2 *under part E of title I of the Omnibus Crime Control*
3 *and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.)*
4 *(commonly known as the Edward Byrne Memorial*
5 *State and Local Law Enforcement Assistance Pro-*
6 *grams).*

7 “(4) *The Public Safety and Community Policing*
8 *(COPS ON THE BEAT) Grant Program authorized*
9 *under part Q of title I of the Omnibus Crime Control*
10 *and Safe Streets Act of 1968 (42 U.S.C. 3796dd et*
11 *seq.).*

12 “(5) *Grant programs under the Public Health*
13 *Service Act regarding preparedness for bioterrorism*
14 *and other public health emergencies and the Emer-*
15 *gency Response Assistance Program authorized under*
16 *section 1412 of the Defense Against Weapons of Mass*
17 *Destruction Act of 1996 (50 U.S.C. 2312).*

18 **“SEC. 1803. ESSENTIAL CAPABILITIES FOR FIRST RESPOND-**

19 **ERS.**

20 **“(a) ESTABLISHMENT OF ESSENTIAL CAPABILITIES.—**

21 **“(1) IN GENERAL.—***Building upon the national*
22 *preparedness guidance issued by the Secretary, the*
23 *Secretary shall establish clearly defined essential ca-*
24 *pabilities for State and local governments, in con-*
25 *sultation with—*

1 “(A) *the Task Force on Essential Capabili-*
2 *ties for First Responders established under sub-*
3 *section (d);*

4 “(B) *the Under Secretaries for Emergency*
5 *Preparedness and Response (including represent-*
6 *atives of the United States Fire Administration),*
7 *Border and Transportation Security, Informa-*
8 *tion Analysis and Infrastructure Protection, and*
9 *Science and Technology, and the Executive Di-*
10 *rector of the Office for State and Local Govern-*
11 *ment Coordination and Preparedness;*

12 “(C) *the Secretary of Health and Human*
13 *Services;*

14 “(D) *other appropriate Federal agencies;*

15 “(E) *State and local emergency response*
16 *providers;*

17 “(F) *State and local officials; and*

18 “(G) *consensus-based standard making or-*
19 *ganizations responsible for setting standards rel-*
20 *evant to the first responder community.*

21 “(2) *DEADLINES.—The Secretary shall—*

22 “(A) *establish essential capabilities under*
23 *paragraph (1) within 30 days after receipt of the*
24 *first report under subsection (d)(3); and*

1 “(B) regularly update such essential capa-
2 bilities as necessary, but not less than every 3
3 years.

4 “(3) *PROVISION OF ESSENTIAL CAPABILITIES.*—
5 *The Secretary shall ensure that a detailed description*
6 *of the essential capabilities established under para-*
7 *graph (1) is provided promptly to the States and to*
8 *Congress. The States shall make the description of the*
9 *essential capabilities available as appropriate to local*
10 *governments within their jurisdictions.*

11 “(b) *OBJECTIVES.*—*The Secretary shall ensure that es-*
12 *sential capabilities established under subsection (a)(1) meet*
13 *the following objectives:*

14 “(1) *SPECIFICITY.*—*The determination of essen-*
15 *tial capabilities shall describe specifically the train-*
16 *ing, planning, personnel, and equipment that dif-*
17 *ferent types of communities in the Nation should pos-*
18 *sess, or to which they should have access, in order to*
19 *meet the Department’s goals for preparedness based*
20 *upon—*

21 “(A) *the national preparedness goal, the*
22 *target capabilities list, and the national pre-*
23 *paredness guidance;*

24 “(B) *the most current risk assessment avail-*
25 *able by the Directorate for Information Analysis*

1 *and Infrastructure Protection of the threats of*
2 *terrorism against the United States;*

3 “(C) *the risks faced by different types of*
4 *communities, including communities of various*
5 *sizes, geographies, and other distinguishing char-*
6 *acteristics; and*

7 “(D) *the principles of regional coordination*
8 *and mutual aid among State and local govern-*
9 *ments.*

10 “(2) *FLEXIBILITY.—The establishment of essen-*
11 *tial capabilities shall be sufficiently flexible to allow*
12 *State and local government officials to set priorities*
13 *based on local or regional needs, while reaching na-*
14 *tionally determined preparedness levels within a spec-*
15 *ified time period.*

16 “(3) *MEASURABILITY.—The establishment of es-*
17 *sential capabilities shall be designed to enable meas-*
18 *urement of progress toward specific terrorism pre-*
19 *paredness goals.*

20 “(4) *COMPREHENSIVENESS.—The determination*
21 *of essential capabilities shall be made within the con-*
22 *text of a comprehensive State emergency management*
23 *system.*

24 “(c) *FACTORS TO BE CONSIDERED.—In establishing*
25 *essential capabilities for different types of communities*

1 *under subsection (a)(1), the Secretary specifically shall con-*
2 *sider the variables of threat, vulnerability, and consequences*
3 *with respect to population (including transient commuting*
4 *and tourist populations), areas of high population density,*
5 *critical infrastructure, coastline, and international borders.*
6 *Such consideration shall be based upon the most current*
7 *risk assessment available by the Directorate for Information*
8 *Analysis and Infrastructure Protection of the threats of ter-*
9 *rorism against the United States and the needs described*
10 *in the national preparedness guidance and the target capa-*
11 *bilities list.*

12 “(d) *TASK FORCE ON ESSENTIAL CAPABILITIES FOR*
13 *FIRST RESPONDERS.—*

14 “(1) *ESTABLISHMENT.—*

15 “(A) *IN GENERAL.—To assist the Secretary*
16 *in establishing essential capabilities under sub-*
17 *section (a)(1), the Secretary shall establish an*
18 *advisory body under section 871(a) not later*
19 *than 60 days after the date of enactment of this*
20 *section, which shall be known as the Task Force*
21 *on Essential Capabilities for First Responders.*

22 “(B) *TERMINATION.—Notwithstanding sec-*
23 *tion 871(b), the Task Force shall terminate 5*
24 *years after the date of its establishment, unless*
25 *the Secretary makes a written determination to*

1 *extend the Task Force to a specified date, which*
2 *shall not be more than 5 years after the date on*
3 *which such determination is made. The Sec-*
4 *retary may make any number of subsequent ex-*
5 *tensions consistent with this subsection.*

6 “(2) *PUBLIC COMMENT.*—*Not later than 90 days*
7 *after the date of enactment of this section, the Task*
8 *Force shall solicit comment on the establishment of es-*
9 *sential capabilities for State and local government*
10 *preparedness.*

11 “(3) *REPORT.*—

12 “(A) *IN GENERAL.*—*Not later than 9*
13 *months after the establishment of the Task Force*
14 *by the Secretary, and every 3 years thereafter,*
15 *the Task Force shall submit to the Secretary a*
16 *report on its recommendations for essential ca-*
17 *pabilities for preparedness for terrorism.*

18 “(B) *CONTENTS.*—*Each report shall—*

19 “(i) *provide a thorough assessment of*
20 *the national preparedness guidance and*
21 *target capabilities list and recommenda-*
22 *tions for revisions;*

23 “(ii) *include a priority ranking of es-*
24 *sential capabilities in order to provide*
25 *guidance to the Secretary and to Congress*

1 *on determining the appropriate allocation*
2 *of, and funding levels for, first responder*
3 *needs;*

4 “(iii) *set forth a methodology by which*
5 *any State or local government will be able*
6 *to determine the extent to which it possesses*
7 *or has access to the essential capabilities*
8 *that States and local governments having*
9 *similar risks should obtain; and*

10 “(iv) *describe the availability of na-*
11 *tional voluntary consensus standards, and*
12 *whether there is a need for new national*
13 *voluntary consensus standards, with respect*
14 *to first responder training and equipment.*

15 “(C) *COMPREHENSIVENESS.—The Task*
16 *Force shall ensure that, when recommending es-*
17 *sential capabilities for terrorism preparedness,*
18 *such recommendations are made within the con-*
19 *text of a comprehensive State emergency manage-*
20 *ment system.*

21 “(4) *MEMBERSHIP.—*

22 “(A) *IN GENERAL.—The Task Force shall*
23 *consist of 25 members appointed by the Sec-*
24 *retary, and shall, to the extent practicable, rep-*
25 *resent a geographic and substantive cross section*

1 *of first responder disciplines from the State and*
2 *local government levels, including as*
3 *appropriate—*

4 “(i) *members selected from the emer-*
5 *gency response field, including fire service*
6 *and law enforcement, hazardous materials*
7 *response, emergency medical services, and*
8 *emergency management personnel;*

9 “(ii) *health scientists, emergency and*
10 *inpatient medical providers, and public*
11 *health professionals, including experts in*
12 *emergency health care response to chemical,*
13 *biological, radiological, and nuclear ter-*
14 *rorism, and experts in providing mental*
15 *health care during emergency response oper-*
16 *ations;*

17 “(iii) *experts from Federal, State, and*
18 *local governments, and the private sector,*
19 *representing standards-setting organiza-*
20 *tions, including representatives from the*
21 *voluntary consensus codes and standards*
22 *development community, particularly those*
23 *with expertise in first responder disciplines;*
24 *and*

1 “(iv) *State and local officials with ex-*
2 *pertise in terrorism preparedness and other*
3 *emergency preparedness.*

4 “(B) *COORDINATION WITH THE DEPART-*
5 *MENT OF HEALTH AND HUMAN SERVICES.—In*
6 *the selection of members of the Task Force who*
7 *are health professionals, including emergency*
8 *medical professionals, the Secretary shall coordi-*
9 *nate the selection with the Secretary of Health*
10 *and Human Services.*

11 “(C) *EX OFFICIO MEMBERS.—The Secretary*
12 *shall designate 1 or more officers of the Depart-*
13 *ment to serve as ex officio members of the Task*
14 *Force. One of the ex officio members from the De-*
15 *partment shall be the designated officer of the*
16 *Federal Government for purposes of subsection*
17 *(e) of section 10 of the Federal Advisory Com-*
18 *mittee Act (5 U.S.C. App.).*

19 “(5) *APPLICABILITY OF FEDERAL ADVISORY COM-*
20 *MITTEE ACT.—Notwithstanding section 871(a), the*
21 *Federal Advisory Committee Act (5 U.S.C. App.), in-*
22 *cluding subsections (a), (b), and (d) of section 10 of*
23 *the Federal Advisory Committee Act, and section*
24 *552b(c) of title 5, United States Code, shall apply to*
25 *the Task Force.*

1 **“SEC. 1804. THREAT-BASED HOMELAND SECURITY GRANT**
2 **PROGRAM.**

3 “(a) *ESTABLISHMENT.*—

4 “(1) *IN GENERAL.*—*There is established the*
5 *Threat-Based Homeland Security Grant Program,*
6 *which includes—*

7 “(A) *formula-based grants for State and*
8 *local programs administered by the Office of*
9 *State and Local Government Coordination and*
10 *Preparedness, including the State Homeland Se-*
11 *curity Grant Program, and the Law Enforce-*
12 *ment Terrorism Prevention Program under sec-*
13 *tion 1014 of the USA PATRIOT ACT (42*
14 *U.S.C. 3714);*

15 “(B) *discretionary grants for State and*
16 *local programs administered by the Office of*
17 *State and Local Government Coordination and*
18 *Preparedness for use in high-threat, high-density*
19 *urban areas, including the Urban Area Security*
20 *Initiative Program; and*

21 “(C) *any successor program to any program*
22 *described in subparagraph (A) or (B).*

23 “(2) *GRANTS AUTHORIZED.*—*The Secretary may*
24 *award grants to States and eligible metropolitan re-*
25 *gions under the Threat-Based Homeland Security*
26 *Grant Program to enhance homeland security.*

1 “(3) *RELATIONSHIP TO OTHER LAWS.*—*The*
2 *Threat-Based Homeland Security Grant Program*
3 *shall be deemed to satisfy the requirements of section*
4 *1014 of the USA PATRIOT ACT (42 U.S.C. 3714).*
5 *The allocation of grants authorized under this section*
6 *shall be governed by the terms of this section and not*
7 *by any other provision of law.*

8 “(b) *USE OF FUNDS.*—

9 “(1) *IN GENERAL.*—*Grants awarded under this*
10 *section—*

11 “(A) *shall be used to address homeland secu-*
12 *rity matters related to acts of terrorism or cata-*
13 *strophic events, related capacity building, or oth-*
14 *erwise addressing shortfalls in essential capabili-*
15 *ties; and*

16 “(B) *shall not be used to supplant ongoing*
17 *emergency response expenses or general protective*
18 *measures.*

19 “(2) *ALLOWABLE USES.*—*Grants awarded under*
20 *this section may be used to achieve essential capabili-*
21 *ties through—*

22 “(A) *developing State or regional plans or*
23 *risk assessments (including the development of*
24 *the homeland security plan under subsection (e))*
25 *to respond to terrorist attacks or other cata-*

1 *strophic events and community wide plans for*
2 *responding to terrorist or catastrophic events*
3 *that are coordinated with the capacities of appli-*
4 *cable Federal, State, and local governments,*
5 *emergency response providers, and State and*
6 *local government health agencies;*

7 *“(B) developing State, regional, or local*
8 *mutual aid agreements;*

9 *“(C) purchasing, upgrading, storing, or*
10 *maintaining equipment based on State and local*
11 *needs as identified under a State homeland secu-*
12 *rity plan, consistent with essential capability*
13 *needs;*

14 *“(D) conducting exercises to strengthen*
15 *emergency preparedness of State and local first*
16 *responders including law enforcement, fire-*
17 *fighting personnel, and emergency medical serv-*
18 *ice workers, and other emergency responders*
19 *identified in a State homeland security plan;*

20 *“(E) paying for expenses relating to—*

21 *“(i) overtime regarding training ac-*
22 *tivities consistent with the goals outlined in*
23 *a State homeland security plan; and*

24 *“(ii) as determined by the Secretary,*
25 *overtime activities relating to an increase*

1 *in the threat level under the Homeland Se-*
2 *curity Advisory System;*

3 “(F) *promoting training relating to home-*
4 *land security preparedness including—*

5 “*(i) emergency preparedness responses*
6 *to a use or threatened use of a weapon of*
7 *mass destruction; and*

8 “*(ii) training in the use of equipment,*
9 *including detection, monitoring, and decon-*
10 *tamination equipment, and personal protec-*
11 *tive gear;*

12 “(G) *conducting any activity permitted*
13 *under the Law Enforcement Terrorism Preven-*
14 *tion Grant Program under section 1014 of the*
15 *USA PATRIOT ACT (42 U.S.C. 3714); and*

16 “(H) *any other activity relating to achiev-*
17 *ing essential capabilities approved by the Sec-*
18 *retary.*

19 “(3) *PROHIBITED USES.—Grants awarded under*
20 *this section may not be used to construct buildings or*
21 *other physical facilities, except those described in sec-*
22 *tion 611 of the Robert T. Stafford Disaster Relief and*
23 *Emergency Assistance Act (42 U.S.C. 5196) and ap-*
24 *proved by the Secretary in the homeland security*
25 *plan certified under subsection (e), or to acquire land.*

1 “(c) *EQUIPMENT STANDARDS.*—If an applicant for a
2 grant under this section proposes to upgrade or purchase,
3 with assistance provided under the grant, new equipment
4 or systems that do not meet or exceed any applicable na-
5 tional voluntary consensus standards established by the Sec-
6 retary under section 1807(a), the applicant shall include
7 in the application an explanation of why such equipment
8 or systems will serve the needs of the applicant better than
9 equipment or systems that meet or exceed such standards.

10 “(d) *APPLICATION.*—

11 “(1) *STATES.*—

12 “(A) *SUBMISSION.*—A State may apply for
13 a grant under this section by submitting to the
14 Secretary an application detailing how requested
15 funds would be used to achieve essential capabili-
16 ties and containing such other information the
17 Secretary may reasonably require.

18 “(B) *REVISIONS.*—A State may revise a
19 homeland security plan certified under sub-
20 section (e) at the time an application is sub-
21 mitted under subparagraph (A) after receiving
22 approval from the Secretary.

23 “(C) *APPROVAL.*—The Secretary shall not
24 award a grant under this section unless—

1 “(i) the State submitting the applica-
2 tion has previously submitted a homeland
3 security plan meeting the requirements of
4 subsection (e); and

5 “(ii) the Secretary finds that the report
6 submitted by the recipient under subsection
7 (g) demonstrates significant progress toward
8 achieving essential capabilities and meeting
9 the goals in the homeland security plan of
10 the State.

11 “(D) *RELEASE OF FUNDS.*—The Secretary
12 shall release grant funds to States with approved
13 plans after the approval of an application sub-
14 mitted under this paragraph.

15 “(2) *ELIGIBLE METROPOLITAN REGIONS.*—

16 “(A) *SUBMISSION.*—An eligible metropoli-
17 tan region may apply for a grant under this sec-
18 tion by submitting an application through the
19 Governor of each State within which any part of
20 the relevant metropolitan region is located.

21 “(B) *CONTENTS.*—An application under
22 this paragraph shall include—

23 “(i) a description of how requested
24 funds would be used to achieve essential ca-
25 pabilities;

1 “(ii) an explanation of how the pro-
2 posed use of funds would be consistent with
3 the homeland security plans of all relevant
4 States;

5 “(iii) a geographic description of the
6 eligible metropolitan region, including a list
7 of all local governments participating in the
8 application;

9 “(iv) an explanation of how the appli-
10 cant intends to expend funds under the
11 grant, to administer such funds, and to al-
12 locate such funds among the participating
13 local governments;

14 “(v) if not all of the incorporated mu-
15 nicipalities, counties, parishes, or Indian
16 tribes in a metropolitan region are partici-
17 pating in the application, or if additional
18 local governments outside the metropolitan
19 region are participating, an explanation of
20 why the eligible metropolitan region, as con-
21 stituted, is an appropriate unit to receive
22 grants to prevent, prepare for, and respond
23 to acts of terrorism and other catastrophic
24 events; and

1 “(vi) such other information the Sec-
2 retary may reasonably require.

3 “(C) STATE REVIEW AND SUBMISSION.—

4 “(i) IN GENERAL.—To ensure consist-
5 ency with State homeland security plans,
6 an eligible metropolitan region or a directly
7 eligible tribe applying for a grant under
8 this paragraph shall submit its application
9 to each State within which any part of the
10 eligible metropolitan region or directly eli-
11 gible tribe is located for review before sub-
12 mission of such application to the Sec-
13 retary.

14 “(ii) DEADLINE.—Not later than 30
15 days after receiving an application from an
16 eligible metropolitan region or directly eli-
17 gible tribe, each such State shall transmit
18 the application to the Secretary.

19 “(iii) STATE DISAGREEMENT.—If the
20 Governor of any such State determines that
21 a regional or tribal application is incon-
22 sistent with the State homeland security
23 plan of that State, or otherwise does not
24 support the application, the Governor
25 shall—

1 “(I) notify the Secretary, in writ-
2 ing, of that fact; and

3 “(II) provide an explanation of
4 the reasons for not supporting the ap-
5 plication at the time of transmission of
6 the application.

7 “(e) *HOMELAND SECURITY PLAN.*—

8 “(1) *IN GENERAL.*—A State applying for a grant
9 under this section shall have a 3-year State homeland
10 security plan (referred to in this subsection as the
11 ‘plan’) to respond to terrorist attacks and other cata-
12 strophic events that has been approved by the Sec-
13 retary.

14 “(2) *CONTENTS.*—The plan shall contain—

15 “(A) a 3-year strategy to—

16 “(i) ensure that the funds allocated to
17 local governments are used exclusively to
18 meet the needs and capabilities described
19 under paragraph (3)(C);

20 “(ii) provide for interoperable commu-
21 nications;

22 “(iii) provide for local coordination of
23 response and recovery efforts, including pro-
24 cedures for effective incident command in

1 *conformance with the National Incident*
2 *Management System;*

3 “(iv) ensure that first responders and
4 other emergency personnel have adequate
5 training and appropriate equipment for the
6 threats that may occur;

7 “(v) provide for improved coordination
8 and collaboration among law enforcement,
9 fire, and public health authorities at Fed-
10 eral, State, local, and tribal government lev-
11 els;

12 “(vi) coordinate emergency response
13 and public health plans;

14 “(vii) mitigate risks to critical infra-
15 structure that may be vulnerable to terrorist
16 attacks;

17 “(viii) promote regional coordination
18 among contiguous local governments;

19 “(ix) identify necessary protective
20 measures by private owners of critical in-
21 frastructure;

22 “(x) promote orderly evacuation proce-
23 dures when necessary;

24 “(xi) ensure support from the public
25 health community for measures needed to

1 *prevent, detect, and treat bioterrorism, and*
2 *radiological and chemical incidents;*

3 *“(xii) increase the number of local ju-*
4 *risdictions participating in local and state-*
5 *wide exercises; and*

6 *“(xiii) meet preparedness goals as de-*
7 *termined by the Secretary;*

8 *“(B) objective measures for assessing the ex-*
9 *tent to which the goals and objectives set forth in*
10 *paragraph (A) have been achieved;*

11 *“(C) priorities for the allocation of funding*
12 *to local governments based on the risk, capabili-*
13 *ties, and needs described under paragraph*
14 *(3)(C); and*

15 *“(D) a report from the relevant advisory*
16 *committee established under paragraph (3)(D)*
17 *that documents the areas of support, disagree-*
18 *ment, or recommended changes to the plan before*
19 *its submission to the Secretary.*

20 *“(3) DEVELOPMENT PROCESS.—*

21 *“(A) IN GENERAL.—In preparing the plan*
22 *under this section, a State shall—*

23 *“(i) provide for the consideration of all*
24 *homeland security needs;*

1 “(ii) follow a process that is con-
2 tinuing, inclusive, cooperative, and com-
3 prehensive, as appropriate; and

4 “(iii) coordinate the development of the
5 plan with the homeland security planning
6 activities of local governments.

7 “(B) COORDINATION WITH LOCAL PLANNING
8 ACTIVITIES.—The coordination under subpara-
9 graph (A)(iii) shall contain input from local
10 stakeholders, including—

11 “(i) local officials, including represent-
12 atives of rural, high-population, and high-
13 threat jurisdictions and of Indian tribes;

14 “(ii) emergency response providers;
15 and

16 “(iii) private sector companies that
17 own or operate critical infrastructure.

18 “(C) SCOPE OF PLANNING.—Each State
19 preparing a plan under this section shall, in
20 conjunction with the local stakeholders under
21 subparagraph (B), address all the information
22 requested by the Secretary, and complete a com-
23 prehensive assessment of—

24 “(i) risk, including a—

1 “(I) *vulnerability and consequence*
2 *assessment;*

3 “(II) *threat assessment; and*

4 “(III) *public health assessment, in*
5 *coordination with the State bioter-*
6 *rorism plan; and*

7 “(i) *capabilities and needs, consistent*
8 *with the essential capabilities established by*
9 *the Secretary, including—*

10 “(I) *an evaluation of current pre-*
11 *paredness, mitigation, and response ca-*
12 *pabilities based on such assessment*
13 *mechanisms as shall be determined by*
14 *the Secretary;*

15 “(II) *an evaluation of capabilities*
16 *needed to address the risks described*
17 *under clause (i); and*

18 “(III) *an assessment of the short-*
19 *fall between the capabilities described*
20 *under subclause (I) and the required*
21 *capabilities described under subclause*
22 *(II).*

23 “(D) *ADVISORY COMMITTEE.—*

24 “(i) *IN GENERAL.—Each State pre-*
25 *paring a plan under this section shall estab-*

1 *lish an advisory committee to receive com-*
2 *ments from the public and the local stake-*
3 *holders identified under subparagraph (B).*

4 “(ii) *COMPOSITION.—*

5 *“(I) IN GENERAL.—The Advisory*
6 *Committee shall include—*

7 *“(aa) local officials; and*

8 *“(bb) emergency response*
9 *providers, which shall include rep-*
10 *resentatives of the fire service, law*
11 *enforcement, emergency medical*
12 *response, and emergency man-*
13 *agers.*

14 *“(II) GEOGRAPHIC REPRESENTA-*
15 *TION.—The members of the Advisory*
16 *Committee shall be a representative*
17 *group of individuals from the counties,*
18 *cities, towns, and Indian tribes within*
19 *the State, including representatives of*
20 *rural, high-population, and high-threat*
21 *jurisdictions.*

22 *“(4) PLAN APPROVAL.—The Secretary shall ap-*
23 *prove a plan upon finding that the plan meets the re-*
24 *quirements of—*

25 *“(A) paragraphs (2) and (3); and*

1 “(B) any other criteria the Secretary deter-
2 mines necessary to the approval of a State plan.

3 “(5) REVIEW OF ADVISORY COMMITTEE RE-
4 PORT.—The Secretary shall review the recommenda-
5 tions of the advisory committee report incorporated
6 into a plan under subsection (e)(2)(D), including any
7 dissenting views submitted by advisory committee
8 members, to ensure cooperation and coordination be-
9 tween State and local government jurisdictions in
10 planning for the use of grant funds under this section.

11 “(f) ALLOCATION.—

12 “(1) SLIDING SCALE BASELINE DISTRIBUTION.—

13 “(A) STATES.—Each State whose applica-
14 tion is approved under subsection (d) shall re-
15 ceive, for each fiscal year, the greater of—

16 “(i) 0.55 percent of the amounts ap-
17 propriated for the Threat-Based Homeland
18 Security Grant Program; or

19 “(ii) the State’s sliding scale baseline
20 allocation of 28.62 percent of the amounts
21 appropriated for the Threat-Based Home-
22 land Security Grant Program.

23 “(B) OTHER ENTITIES.—Notwithstanding
24 subparagraph (A)—

1 “(i) the District of Columbia shall re-
2 ceive for each fiscal year 0.55 percent of the
3 amounts appropriated for the Threat-Based
4 Homeland Security Grant Program;

5 “(ii) the Commonwealth of Puerto Rico
6 shall receive for each fiscal year 0.35 per-
7 cent of the amounts appropriated for the
8 Threat-Based Homeland Security Grant
9 Program;

10 “(iii) American Samoa, the Common-
11 wealth of the Northern Mariana Islands,
12 Guam, and the Virgin Islands shall each re-
13 ceive 0.055 percent of the amounts appro-
14 priated for the Threat-Based Homeland Se-
15 curity Grant Program; and

16 “(iv) no possession of the United States
17 shall receive a baseline distribution under
18 subparagraph (A).

19 “(2) URBAN AREA SECURITY INITIATIVE DIS-
20 TRIBUTION.—

21 “(A) DISTRIBUTION.—After the distribution
22 under paragraph (1), the Secretary may allocate
23 up to 50 percent of the funds remaining to pro-
24 vide grants to eligible metropolitan regions and
25 directly eligible tribes.

1 “(B) *CRITERIA.*—

2 “*(i) IN GENERAL.*—*The Secretary shall*
3 *allocate the grants under this paragraph to*
4 *assist eligible metropolitan regions and di-*
5 *rectly eligible tribes to achieve essential ca-*
6 *pabilities to effectively prevent, prepare for,*
7 *and respond to acts of terrorism or other*
8 *catastrophic events.*

9 “*(ii) PRIORITIZATION.*—*In prioritizing*
10 *among the applications of eligible metro-*
11 *politan regions and directly eligible tribes*
12 *for such funds, the Secretary shall consider*
13 *the relative threat, vulnerability, and con-*
14 *sequences faced by an eligible metropolitan*
15 *region or directly eligible tribe from a ter-*
16 *rorist attack, including consideration of—*

17 “*(I) whether there has been a*
18 *prior terrorist attack in the eligible*
19 *metropolitan region or in the area in*
20 *which the directly eligible tribe is lo-*
21 *cated;*

22 “*(II) whether any part of the eli-*
23 *gible metropolitan region or the area*
24 *in which the directly eligible tribe is*
25 *located has ever had a higher threat*

1 *level under the Homeland Security Ad-*
2 *visory System than the threat level for*
3 *the United States as a whole;*

4 *“(III) the population of the eligi-*
5 *ble metropolitan region or directly eli-*
6 *gible tribe, except that the Secretary*
7 *shall not establish a minimum popu-*
8 *lation requirement that would dis-*
9 *qualify from consideration a locality*
10 *that otherwise faces significant threats,*
11 *vulnerabilities, or consequences from*
12 *acts of terrorism;*

13 *“(IV) the population density of*
14 *the eligible metropolitan region or the*
15 *area in which the directly eligible tribe*
16 *is located;*

17 *“(V) the degree of threat, vulner-*
18 *ability, and consequence to the eligible*
19 *metropolitan region or directly eligible*
20 *tribe related to critical infrastructure*
21 *or key assets identified by the Sec-*
22 *retary or State homeland security*
23 *plan, including threats, vulnerabilities,*
24 *and consequences from critical infra-*
25 *structure in nearby jurisdictions;*

1 “(VI) whether the eligible metro-
2 politan region or the area in which the
3 directly eligible tribe is located is at or
4 near an international border;

5 “(VII) whether the eligible metro-
6 politan region or the area in which the
7 directly eligible tribe is located has a
8 coastline bordering ocean or inter-
9 national waters;

10 “(VIII) threats, vulnerabilities,
11 and consequences faced by the eligible
12 metropolitan region or directly eligible
13 tribe related to at-risk sites or activi-
14 ties in nearby jurisdictions, including
15 the need to respond to terrorist attacks
16 arising in those jurisdictions;

17 “(IX) the extent to which the eli-
18 gible metropolitan region or directly el-
19 igible tribe has unmet essential capa-
20 bilities;

21 “(X) the extent to which the ap-
22 plication of the eligible metropolitan
23 region includes all incorporated mu-
24 nicipalities, counties, parishes, and In-

1 *dian tribes within the relevant metro-*
2 *politan region; and*

3 “(XI) *such other factors as are*
4 *specified in writing by the Secretary.*

5 “(C) *DISTRIBUTION OF AWARDS TO METRO-*
6 *POLITAN REGIONS.—*

7 “(i) *IN GENERAL.—If the Secretary*
8 *approves the application of an eligible met-*
9 *ropolitan region for a grant under this sec-*
10 *tion, the Secretary shall distribute the re-*
11 *gional grant funds to the State or States in*
12 *which the eligible metropolitan region is lo-*
13 *cated.*

14 “(ii) *STATE DISTRIBUTION OF*
15 *FUNDS.—Each State shall provide the eligi-*
16 *ble metropolitan region not less than 80*
17 *percent of the grant funds. Any funds re-*
18 *tained by a State shall be expended on*
19 *items or services approved by the Secretary*
20 *and that benefit the eligible metropolitan re-*
21 *gion.*

22 “(iii) *MULTISTATE REGIONS.—If parts*
23 *of an eligible metropolitan region awarded*
24 *a grant are located in 2 or more States, the*
25 *Secretary shall distribute to each such State*

1 *a portion of the grant funds in proportion*
2 *to that State's share of the population of the*
3 *eligible metropolitan region, unless the Gov-*
4 *ernors of each State (or in the case of the*
5 *District of Columbia, the Mayor) agree oth-*
6 *erwise.*

7 “(D) *DIRECTLY ELIGIBLE TRIBES.*—

8 “(i) *IN GENERAL.*—*Notwithstanding*
9 *subsection (a)(2), the Secretary may award*
10 *grants to directly eligible tribes under the*
11 *Threat-Based Homeland Security Grant*
12 *Program as part of the Urban Area Secu-*
13 *rity Initiative Distribution.*

14 “(ii) *TRIBAL APPLICATIONS.*—*A di-*
15 *rectly eligible tribe may apply for a grant*
16 *under this section by submitting an appli-*
17 *cation to the Secretary that includes the in-*
18 *formation required for an application by an*
19 *eligible region under clauses (i), (ii), (iii),*
20 *(iv), and (vi) of subsection (d)(2)(B).*

21 “(iii) *DISTRIBUTION OF AWARDS TO*
22 *DIRECTLY ELIGIBLE TRIBES.*—*If the Sec-*
23 *retary approves the application of a di-*
24 *rectly eligible tribe for a grant under this*
25 *section, the Secretary shall distribute the*

1 *grant funds directly to the directly eligible*
2 *tribe. The funds shall not be distributed to*
3 *the State or States in which the directly eli-*
4 *gible tribe is located.*

5 “(iv) *TRIBAL LIAISON.*—*A directly eli-*
6 *gible tribe applying for a grant under this*
7 *section shall designate a specific individual*
8 *to serve as the tribal liaison who shall—*

9 “(I) *coordinate with Federal,*
10 *State, local, regional, and private offi-*
11 *cial* *s concerning terrorism prepared-*
12 *ness;*

13 “(II) *develop a process for receiv-*
14 *ing input from Federal, State, local,*
15 *regional, and private officials to assist*
16 *in the development of the application*
17 *of such tribe and to improve the tribe’s*
18 *access to grants; and*

19 “(III) *administer, in consultation*
20 *with State, local, regional, and private*
21 *officials, grants awarded to such tribe.*

22 “(v) *TRIBES RECEIVING DIRECT*
23 *GRANTS.*—*An Indian tribe that receives a*
24 *grant directly under this section is eligible*
25 *to receive funds for other purposes under a*

1 *grant from the State or States within the*
2 *boundaries of which any part of such tribe*
3 *is located, consistent with the homeland se-*
4 *curity plan of the State, as described in*
5 *subsection (e).*

6 “(E) *RULE OF CONSTRUCTION.*—*Nothing in*
7 *this section shall be construed to affect the exist-*
8 *ing authority of an Indian tribe that receives*
9 *funds under this section.*

10 “(3) *THREAT-BASED DISTRIBUTION TO*
11 *STATES.*—

12 “(A) *IN GENERAL.*—*After the distribution of*
13 *funds under paragraphs (1) and (2), the Sec-*
14 *retary shall, from the remaining funds for the*
15 *Threat-Based Homeland Security Grant Pro-*
16 *gram, distribute amounts to each State to assist*
17 *that State in achieving essential capabilities to*
18 *effectively prevent, prepare for, and respond to*
19 *acts of terrorism and other catastrophic events.*

20 “(B) *PRIORITIZATION.*—*In prioritizing*
21 *among State applications for such funds, the*
22 *Secretary shall—*

23 “(i) *consider the relative threat, vul-*
24 *nerability, and consequences faced by a*

1 *State from a terrorist attack, including con-*
2 *sideration of—*

3 “(I) *whether there has been a*
4 *prior terrorist attack in a metropolitan*
5 *region that is wholly or partly in the*
6 *State, or in the State itself;*

7 “(II) *whether any part of the*
8 *State has ever had a higher threat level*
9 *under the Homeland Security Advisory*
10 *System than the threat level for the*
11 *United States as a whole;*

12 “(III) *the percent of a State’s*
13 *population residing in metropolitan*
14 *statistical areas, as defined by the Of-*
15 *fice of Management and Budget;*

16 “(IV) *the degree of threat, vulner-*
17 *ability, and consequence related to crit-*
18 *ical infrastructure or key assets identi-*
19 *fied by the Secretary or State home-*
20 *land security plan;*

21 “(V) *whether the State has an*
22 *international border;*

23 “(VI) *whether the State has a*
24 *coastline bordering ocean or inter-*
25 *national waters;*

1 “(VII) *threats, vulnerabilities,*
2 *and consequences faced by a State re-*
3 *lated to at-risk sites or activities in ad-*
4 *jacent States, including the need to re-*
5 *pond to terrorist attacks arising in*
6 *adjacent States;*

7 “(VIII) *the extent to which the*
8 *State has unmet essential capabilities;*
9 *and*

10 “(IX) *such other factors as are*
11 *specified in writing by the Secretary;*
12 *and*

13 “(ii) *balance the goal of ensuring that*
14 *the essential capabilities of the highest-risk*
15 *areas are achieved quickly and the goal of*
16 *ensuring that basic levels of preparedness,*
17 *as measured by the attainment of essential*
18 *capabilities, are achieved nationwide.*

19 “(C) *MULTI-STATE PARTNERSHIPS.—*

20 “(i) *IN GENERAL.—Instead of, or in*
21 *addition to, any application for funds*
22 *under subparagraph (A), 2 or more States*
23 *may submit applications under this para-*
24 *graph for multi-State efforts to prevent, pre-*

1 *pare for, or respond to acts of terrorism or*
2 *other catastrophic events.*

3 “(ii) *GRANTEES.—Multi-State grants*
4 *may be awarded to either—*

5 “(I) *an individual State acting*
6 *on behalf of a consortium or partner-*
7 *ship of States with the consent of all*
8 *member States; or*

9 “(II) *a group of States applying*
10 *as a consortium or partnership.*

11 “(iii) *ADMINISTRATION OF GRANT.—If*
12 *a group of States apply as a consortium or*
13 *partnership such States shall submit to the*
14 *Secretary at the time of application a plan*
15 *describing—*

16 “(I) *the division of responsibilities*
17 *for administering the grant; and*

18 “(II) *the distribution of funding*
19 *among the various States and entities*
20 *that are party to the application.*

21 “(4) *FUNDING FOR LOCAL GOVERNMENTS AND*
22 *FIRST RESPONDERS.—*

23 “(A) *IN GENERAL.—The Secretary shall re-*
24 *quire recipients of the sliding scale baseline dis-*
25 *tribution and the threat-based distribution to*

1 *States to make available to local governments*
2 *and emergency response providers, consistent*
3 *with the applicable State homeland security*
4 *plan, not less than 80 percent of the grant funds,*
5 *the resources purchased with such grant funds,*
6 *or a combination thereof, not later than 60 days*
7 *after receiving grant funding.*

8 “(B) *INDIAN TRIBES.*—*States shall be re-*
9 *sponsible for allocating Federal resources to trib-*
10 *al communities in order to help those tribal com-*
11 *munities achieve essential capabilities. Indian*
12 *tribes shall be eligible for funding directly from*
13 *the States, and shall not be required to seek*
14 *funding from any local government.*

15 “(C) *EXCEPTION.*—*Subparagraph (A) shall*
16 *not apply to the District of Columbia, the Com-*
17 *monwealth of Puerto Rico, American Samoa, the*
18 *Commonwealth of the Northern Mariana Islands,*
19 *Guam, and the Virgin Islands.*

20 “(5) *SUPPLEMENT NOT SUPPLANT.*—*Amounts*
21 *appropriated for grants under this subsection shall be*
22 *used to supplement and not supplant other State and*
23 *local government public funds obligated for the pur-*
24 *poses provided under this title.*

1 “(6) *LAW ENFORCEMENT TERRORISM PREVEN-*
2 *TION PROGRAM.*—

3 “(A) *IN GENERAL.*—*The Secretary shall*
4 *designate 25 percent of the amounts appro-*
5 *propriated for the Threat-Based Homeland Security*
6 *Grant Program to be used for the Law Enforce-*
7 *ment Terrorism Prevention Program under sec-*
8 *tion 1014 of the USA PATRIOT ACT (42*
9 *U.S.C. 3714) to provide grants to law enforce-*
10 *ment agencies to enhance capabilities for ter-*
11 *rorism prevention.*

12 “(B) *USE OF FUNDS.*—*Notwithstanding*
13 *subsection (b), grants awarded under this para-*
14 *graph may be used for—*

15 “(i) *information sharing to preempt*
16 *terrorist attacks;*

17 “(ii) *target hardening to reduce the*
18 *vulnerability of selected high value targets;*

19 “(iii) *threat recognition to recognize*
20 *the potential or development of a threat;*

21 “(iv) *intervention activities to inter-*
22 *dict terrorists before they can execute a*
23 *threat;*

24 “(v) *interoperable communication sys-*
25 *tems;*

1 “(vi) overtime expenses related to the
2 homeland security plan approved by the
3 Secretary, including overtime costs associ-
4 ated with providing enhanced law enforce-
5 ment operations in support of Federal agen-
6 cies for increased border security and border
7 crossing enforcement; and

8 “(vii) any other terrorism prevention
9 activity authorized by the Secretary.

10 “(g) *REPORT ON HOMELAND SECURITY SPENDING.*—

11 *Each recipient of a grant under this section shall annually*
12 *submit a report to the Secretary that contains—*

13 “(1) *an accounting of the amount of State and*
14 *local government funds spent on homeland security*
15 *activities under the applicable State homeland secu-*
16 *rity plan;*

17 “(2) *information regarding the use of grant*
18 *funds by the State and by units of local government*
19 *as required by the Secretary; and*

20 “(3) *progress of the recipient and subgrantees in*
21 *achieving essential capabilities.*

22 “(h) *ACCOUNTABILITY.*—

23 “(1) *GOVERNMENT ACCOUNTABILITY OFFICE AC-*
24 *CESS TO INFORMATION.*—*Each recipient of a grant*
25 *under this section and the Department shall provide*

1 *the Government Accountability Office with full access*
2 *to information regarding the activities carried out*
3 *under this section.*

4 “(2) *AUDIT.—Grant recipients that expend*
5 *\$500,000 or more in Federal funds during any fiscal*
6 *year shall submit to the Secretary an organization*
7 *wide financial and compliance audit report in con-*
8 *formance with the requirements of chapter 75 of title*
9 *31, United States Code.*

10 “(i) *REMEDIES FOR NON-COMPLIANCE.—*

11 “(1) *IN GENERAL.—If the Secretary finds, after*
12 *reasonable notice and an opportunity for a hearing,*
13 *that a recipient of a grant under this section has*
14 *failed to substantially comply with any provision of*
15 *this section, or with any regulations or guidelines of*
16 *the Department regarding eligible expenditures, the*
17 *Secretary shall—*

18 “(A) *terminate any payment of grant funds*
19 *to be made to the recipient under this section;*

20 “(B) *reduce the amount of payment of*
21 *grant funds to the recipient by an amount equal*
22 *to the amount of grants funds that were not ex-*
23 *pended by the recipient in accordance with this*
24 *section; or*

1 “(C) *limit the use of grant funds received*
2 *under this section to programs, projects, or ac-*
3 *tivities not affected by the failure to comply.*

4 “(2) *DURATION OF PENALTY.—The Secretary*
5 *shall apply an appropriate penalty under paragraph*
6 *(1) until such time as the Secretary determines that*
7 *the grant recipient is in full compliance with this sec-*
8 *tion or with applicable guidelines or regulations of*
9 *the Department.*

10 “(3) *DIRECT FUNDING.—If a State fails to sub-*
11 *stantially comply with any provision of this section*
12 *or with applicable guidelines or regulations of the De-*
13 *partment, including failing to provide local govern-*
14 *ments with grant funds or resources purchased with*
15 *grant funds in a timely fashion, a local government*
16 *entitled to receive such grant funds or resources may*
17 *petition the Secretary, at such time and in such man-*
18 *ner as determined by the Secretary, to request that*
19 *grant funds or resources be provided directly to the*
20 *local government.*

21 “(j) *REPORTS TO CONGRESS.—The Secretary shall*
22 *submit an annual report to Congress that provides—*

23 “(1) *the status of preparedness goals and objec-*
24 *tives;*

1 “(2) an evaluation of how States and local gov-
2 ernments are making progress in achieving essential
3 capabilities;

4 “(3) the total amount of resources provided to the
5 States;

6 “(4) the total amount of resources provided to
7 local governments and metropolitan regions; and

8 “(5) an accounting of how these resources were
9 expended.

10 “(k) *AUTHORIZATION OF APPROPRIATIONS.*—There
11 are authorized to be appropriated to carry out this
12 section—

13 “(1) \$2,925,000,000 for fiscal year 2006;

14 “(2) \$2,925,000,000 for fiscal year 2007; and

15 “(3) such sums as are necessary for each fiscal
16 year thereafter.

17 “**SEC. 1805. ELIMINATING HOMELAND SECURITY FRAUD,**
18 **WASTE, AND ABUSE.**

19 “(a) *ANNUAL GOVERNMENT ACCOUNTABILITY OFFICE*
20 *AUDIT AND REPORT.*—

21 “(1) *AUDIT.*—The Comptroller General of the
22 United States shall conduct an annual audit of the
23 Threat-Based Homeland Security Grant Program.

24 “(2) *REPORT.*—The Comptroller General of the
25 United States shall provide a report to Congress on

1 *the results of the audit conducted under paragraph*
2 *(1), which includes—*

3 “(A) *an analysis of whether the grant re-*
4 *ipients allocated funding consistent with the*
5 *State homeland security plan and the guidelines*
6 *established by the Department; and*

7 “(B) *the amount of funding devoted to over-*
8 *time and administrative expenses.*

9 “(b) *REVIEWS OF THREAT-BASED HOMELAND SECU-*
10 *RITY FUNDING.—The Secretary shall conduct periodic re-*
11 *views of grants made through the Threat Based Homeland*
12 *Security Grant Program to ensure that recipients allocate*
13 *funds consistent with the guidelines established by the De-*
14 *partment.*

15 “**SEC. 1806. FLEXIBILITY IN UNSPENT HOMELAND SECURITY**
16 **FUNDS.**

17 “(a) *REALLOCATION OF FUNDS.—The Director of the*
18 *Office for Domestic Preparedness shall allow any State to*
19 *request approval to reallocate funds received pursuant to*
20 *appropriations for the State Homeland Security Grant*
21 *Program under Public Laws 105–277 (112 Stat. 2681 et*
22 *seq.), 106–113 (113 Stat. 1501A–3 et seq.), 106–553 (114*
23 *Stat. 2762A–3 et seq.), 107–77 (115 Stat. 78 et seq.), or*
24 *the Consolidated Appropriations Resolution of 2003 (Public*

1 *Law 108–7), among the 4 categories of equipment, training,*
2 *exercises, and planning.*

3 “(b) *APPROVAL OF REALLOCATION REQUESTS.—The*
4 *Director shall approve reallocation requests under sub-*
5 *section (a) in accordance with the State homeland security*
6 *plan and any other relevant factors that the Secretary de-*
7 *termines to be necessary.*

8 “(c) *LIMITATION.—A waiver under this section shall*
9 *not affect the obligation of a State to make available 80*
10 *percent of the amount appropriated for equipment to units*
11 *of local government.*

12 **“SEC. 1807. NATIONAL STANDARDS FOR FIRST RESPONDER**
13 **EQUIPMENT AND TRAINING.**

14 “(a) *EQUIPMENT STANDARDS.—*

15 “(1) *IN GENERAL.—The Secretary, in consulta-*
16 *tion with the Under Secretaries for Emergency Pre-*
17 *paredness and Response and Science and Technology*
18 *(including a representative of the United States Fire*
19 *Administration) and the Executive Director of the Of-*
20 *fice for State and Local Government Coordination*
21 *and Preparedness, shall support the development of,*
22 *promulgate, and update as necessary national vol-*
23 *untary consensus standards for the performance, use,*
24 *and validation of first responder equipment for pur-*
25 *poses of section 1804(c).*

1 “(2) *STANDARDS.*—Standards under this sub-
2 section shall—

3 “(A) be, to the maximum extent practicable,
4 consistent with any existing voluntary consensus
5 standards;

6 “(B) take into account, as appropriate, new
7 types of terrorism threats that may not have
8 been contemplated when such existing standards
9 were developed;

10 “(C) be focused on maximizing interoper-
11 ability, interchangeability, durability, flexibility,
12 efficiency, efficacy, portability, sustainability,
13 and safety; and

14 “(D) cover all appropriate uses of the equip-
15 ment.

16 “(b) *TRAINING STANDARDS.*—

17 “(1) *IN GENERAL.*—The Secretary, in consulta-
18 tion with the Under Secretaries for Emergency Pre-
19 paredness and Response and Science and Technology
20 (including a representative of the United States Fire
21 Administration) and the Director of the Office for Do-
22 mestic Preparedness, shall support the development of,
23 promulgate, and regularly update as necessary na-
24 tional voluntary consensus standards for first re-
25 sponder training that will enable State and local gov-

1 *ernment first responders to achieve optimal levels of*
2 *terrorism preparedness as quickly as practicable.*

3 “(c) *CONSULTATION WITH STANDARDS ORGANIZA-*
4 *TIONS.—In establishing national voluntary consensus*
5 *standards for first responder equipment and training under*
6 *this section, the Secretary shall consult with relevant public*
7 *and private sector groups, including—*

8 *“(1) the National Institute of Standards and*
9 *Technology;*

10 *“(2) the National Fire Protection Association;*

11 *“(3) the American National Standards Institute;*

12 *“(4) the National Institute of Justice;*

13 *“(5) the National Institute for Occupational*
14 *Safety and Health; and*

15 *“(6) to the extent the Secretary considers appro-*
16 *priate, other national voluntary consensus standards*
17 *development organizations, other interested Federal,*
18 *State, and local agencies, and other interested per-*
19 *sons.*

20 “(d) *COORDINATION WITH SECRETARY OF HHS.—In*
21 *establishing any national voluntary consensus standards*
22 *under this section for first responder equipment or training*
23 *that involve or relate to health professionals, including*
24 *emergency medical professionals, the Secretary shall coordi-*

1 *nate activities under this section with the Secretary of*
2 *Health and Human Services.*

3 **“SEC. 1808. CERTIFICATION RELATIVE TO THE SCREENING**
4 **OF MUNICIPAL SOLID WASTE TRANSPORTED**
5 **INTO THE UNITED STATES.**

6 “(a) *DEFINITION.*—*In this section, the term ‘municipal solid waste’ includes sludge (as defined in section 1004*
7 *of the Solid Waste Disposal Act (42 U.S.C. 6903)).*

9 “(b) *REPORTS TO CONGRESS.*—*Not later than 90 days*
10 *after the date of enactment of this section, the Bureau of*
11 *Customs and Border Protection shall submit a report to*
12 *Congress that—*

13 “(1) *indicates whether the methodologies and*
14 *technologies used by the Bureau to screen for and de-*
15 *tect the presence of chemical, nuclear, biological, and*
16 *radiological weapons in municipal solid waste are as*
17 *effective as the methodologies and technologies used by*
18 *the Bureau to screen for such materials in other items*
19 *of commerce entering into the United States by com-*
20 *mercial motor vehicle transport; and*

21 “(2) *if the methodologies and technologies used to*
22 *screen solid waste are less effective than those used to*
23 *screen other commercial items, identifies the actions*
24 *that the Bureau will take to achieve the same level of*

1 *effectiveness in the screening of solid waste, including*
2 *the need for additional screening technologies.*

3 “(c) *IMPACT ON COMMERCIAL MOTOR VEHICLES.—If*
4 *the Bureau of Customs and Border Protection fails to fully*
5 *implement the actions described in subsection (b)(2) before*
6 *the earlier of 6 months after the date on which the report*
7 *is due under subsection (b) or 6 months after the date on*
8 *which such report is submitted, the Secretary shall deny*
9 *entry into the United States of any commercial motor vehi-*
10 *cle (as defined in section 31101(1) of title 49, United States*
11 *Code) carrying municipal solid waste until the Secretary*
12 *certifies to Congress that the methodologies and technologies*
13 *used by the Bureau to screen for and detect the presence*
14 *of chemical, nuclear, biological, and radiological weapons*
15 *in such waste are as effective as the methodologies and tech-*
16 *nologies used by the Bureau to screen for such materials*
17 *in other items of commerce entering into the United States*
18 *by commercial motor vehicle transport.”.*

19 (b) *THREAT-BASED HOMELAND SECURITY GRANT*
20 *PROGRAM.—*

21 (1) *FISCAL YEAR 2006 ADMINISTRATION.—Not-*
22 *withstanding any provision of title III of this Act,*
23 *section 1804 of the Homeland Security Act of 2002*
24 *(as added by this section) shall apply in the adminis-*
25 *tration of the Threat-Based Homeland Security*

1 *Grant Program established under section 1804 of that*
 2 *Act.*

3 (2) *FUNDING.*—*All funds appropriated under*
 4 *paragraphs (1) and (2) under the subheading “STATE*
 5 *AND LOCAL PROGRAMS” under the heading “OFFICE*
 6 *OF STATE AND LOCAL GOVERNMENT COORDINATION*
 7 *AND PREPAREDNESS” under title III of this Act are*
 8 *appropriated for the Threat-Based Homeland Secu-*
 9 *rity Grant Program established under section 1804 of*
 10 *the Homeland Security Act of 2002 (as added by this*
 11 *section).*

12 (c) *FIRE SERVICES.*—*Section 2(6) of the Homeland*
 13 *Security Act of 2002 (6 U.S.C. 101(6)) is amended by in-*
 14 *serting “(including fire services)” after “local emergency*
 15 *public safety”.*

16 (d) *TECHNICAL AND CONFORMING AMENDMENT.*—*The*
 17 *table of contents in section 1(b) of the Homeland Security*
 18 *Act of 2002 (6 U.S.C. 101 note) is amended by adding at*
 19 *the end the following:*

*“TITLE XVIII—ESSENTIAL CAPABILITIES FOR FIRST RESPONDERS
 AND THREAT-BASED HOMELAND SECURITY GRANT PROGRAM*

“Sec. 1801. Definitions.

“Sec. 1802. Preservation of pre-9/11 grant programs for traditional first re-
sponder missions.

“Sec. 1803. Essential capabilities for first responders.

“Sec. 1804. Threat-Based Homeland Security Grant Program.

“Sec. 1805. Eliminating homeland security fraud, waste, and abuse.

“Sec. 1806. Flexibility in unspent homeland security funds.

“Sec. 1807. National standards for first responder equipment and training.

“Sec. 1808. Certification relative to the screening of municipal solid waste
transported into the United States.”.

1 *SEC. 605. COMMUNICATION SYSTEM GRANTS. (a) IN*
2 *GENERAL.—*

3 (1) *ESTABLISHMENT.—There is established in*
4 *the Department of Homeland Security an Inter-*
5 *national Border Community Interoperable Commu-*
6 *nications Demonstration Project (referred to in this*
7 *section as “demonstration projects”).*

8 (2) *MINIMUM NUMBER OF COMMUNITIES.—The*
9 *Secretary of Homeland Security shall select no fewer*
10 *than 6 communities to participate in a demonstra-*
11 *tion project.*

12 (3) *LOCATION OF COMMUNITIES.—No fewer than*
13 *3 of the communities selected under paragraph (2)*
14 *shall be located on the northern border of the United*
15 *States and no fewer than 3 of the communities se-*
16 *lected under paragraph (2) shall be located on the*
17 *southern border of the United States.*

18 (b) *PROGRAM REQUIREMENTS.—The demonstration*
19 *projects shall—*

20 (1) *address the interoperable communications*
21 *needs of police officers, firefighters, emergency medical*
22 *technicians, National Guard, and other emergency re-*
23 *sponse providers, as defined in the Homeland Secu-*
24 *rity Act of 2002;*

25 (2) *foster interoperable communications—*

1 (A) among Federal, State, local, and tribal
2 government agencies in the United States in-
3 volved in preventing or responding to terrorist
4 attacks or other catastrophic events; and

5 (B) with similar agencies in Canada or
6 Mexico;

7 (3) identify common international cross-border
8 frequencies for communications equipment, including
9 radio or computer messaging equipment;

10 (4) foster the standardization of interoperable
11 communications equipment;

12 (5) identify solutions that will facilitate commu-
13 nications interoperability across national borders ex-
14 peditiously;

15 (6) ensure that emergency response providers can
16 communicate with one another and the public at dis-
17 aster sites or in the event of a terrorist attack or other
18 catastrophic event;

19 (7) provide training and equipment to enable
20 emergency response providers to deal with threats and
21 contingencies in a variety of environments; and

22 (8) identify and secure appropriate joint-use
23 equipment to ensure communications access.

24 (c) *DISTRIBUTION OF FUNDS.*—

1 (1) *IN GENERAL.*—*The Secretary of Homeland*
2 *Security shall distribute funds under this section to*
3 *each community participating in a demonstration*
4 *project under this section through the State or States*
5 *in which each community is located.*

6 (2) *OTHER PARTICIPANTS .*—*A State receiving*
7 *funds under this section shall make the funds avail-*
8 *able to the local governments and emergency response*
9 *providers participating in a demonstration project se-*
10 *lected by the Secretary of Homeland Security not*
11 *later than 60 days after receiving funds.*

12 (d) *REPORTING.*—*Not later than December 31, 2005,*
13 *and each year thereafter in which funds are appropriated*
14 *for a demonstration project, the Secretary of Homeland Se-*
15 *curity shall provide to the Committee on Homeland Secu-*
16 *rity and Governmental Affairs of the Senate and the Com-*
17 *mittee on Homeland Security of the House of Representa-*
18 *tives a report on the demonstration projects under this sec-*
19 *tion.*

20 (e) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
21 *authorized to be appropriated such sums as are necessary*
22 *in each of fiscal years 2006, 2007, and 2008 to carry out*
23 *this section.*

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

Attest:

Secretary.

109TH CONGRESS
1ST SESSION

H. R. 2360

AMENDMENT