

2nd Degree Substitute
amendment to Stevens
amendment #4.

Lieberman

AMENDMENT NO. 3

Calendar No. _____

Purpose: To preserve statutory and administrative requirements to ensure that funds made available to the Department of Homeland Security are used effectively and efficiently.

IN THE SENATE OF THE UNITED STATES—107th Cong., 2d Sess.

S. 2452

To establish the Department of National Homeland Security
and the National Office for Combating Terrorism.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by
_____ to the amendment (No. _____) pro-
posed by Mr. LIEBERMAN

Viz:

- 1 On page 117, after line 22, insert the following:
- 2 SEC. 179. USE OF APPROPRIATED FUNDS.
- 3 (a) APPLICABILITY OF THIS SECTION.—Notwith-
- 4 standing any other provision of this Act or any other law,
- 5 this section shall apply to the use of any funds, disposal
- 6 of property, and acceptance, use, and disposal of gifts, or
- 7 donations of services or property, of, for, or by the Depart-

1 ment of Homeland Security, including any agencies, enti-
2 ties, or other organizations transferred to the Department
3 of Homeland Security pursuant to this Act, the National
4 Office for Combating Terrorism, and the National Com-
5 bating Terrorism Strategy Panel.

6 (b) USE OF TRANSFERRED FUNDS.—

7 (1) IN GENERAL.—Except as may be provided
8 in an appropriations Act under subsection (d), bal-
9 ances of appropriations and any other funds or as-
10 sets transferred under this Act shall—

11 (A) be available only for the purposes for
12 which they were originally available; and

13 (B) remain subject to the same conditions
14 and limitations provided by the law originally
15 appropriating or otherwise making available the
16 amount, including limitations and notification
17 requirements related to the reprogramming of
18 appropriated funds.

and

(C) not be used to fund any new position established under
this Act.

1 (c) NOTIFICATION REGARDING TRANSFERS.—The
2 President shall notify Congress not less than 15 days be-
3 fore any transfer of appropriations balances, other funds,
4 or assets under this Act.

5 (d) ADDITIONAL USES OF FUNDS DURING TRANSI-
6 TION.—Subject to subsection (c), amounts transferred to
7 or otherwise made available to the Department may be
8 used during the transition period for purposes in addition
9 to those for which they were originally available (including
10 by transfer among accounts of the Department), but only
11 to the extent such transfer or use is specifically permitted
12 in advance in an appropriations Act and only under the
13 conditions and for the purposes specified in such appro-
14 priations Act.

15 (e) DISPOSAL OF PROPERTY.—

16 (1) STRICT COMPLIANCE.—If specifically au-
17 thorized to dispose of real property in this or any
18 other Act, the Secretary shall exercise this authority
19 in strict compliance with section 204 of the Federal
20 Property and Administrative Services Act of 1949
21 (40 U.S.C. 485).

22 (2) DEPOSIT OF PROCEEDS.—The Secretary
23 shall deposit the proceeds of any exercise of property
24 disposal authority into the miscellaneous receipts of

1 the Treasury in accordance with section 3302(b) of
2 title 31, United States Code.

3 (f) GIFTS.—Gifts or donations of services or property
4 of or for the Department of Homeland Security, the Na-
5 tional Office for Combating Terrorism, or the National
6 Combating Terrorism Strategy Panel may not be accept-
7 ed, used, or disposed of unless specifically permitted in
8 advance in an appropriations Act and only under the con-
9 ditions and for the purposes specified in such appropria-
10 tions Act.

(h) BUDGET REQUEST.—Pursuant to section 1105 of
title 31, United States Code, the President shall submit
to Congress a detailed budget request for the Department
for fiscal year 2004.

4 A

On page 112, beginning with line 21, strike until page 113, line 4.

Add the following to the end of the modified Lieberman amendment # 3, which is being offered as a second degree amendment to Stevens amendment # 4:

On page 253, strike lines 20 through 25.