109TH CONGRESS  
2D Session  
H. R. 5441  

AN ACT  

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.  

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007, for the Department of Homeland Security and for other purposes, namely:

TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $95,884,000 (reduced by $3,000,000) (reduced by $5,000,000): Provided, That not to exceed $40,000 shall be for official reception and representation expenses: Provided further, That of the funds provided under this heading, $10,000,000 shall not be available for obligation until the Secretary of Homeland Security submits a comprehensive port, container, and cargo security strategic plan to the Committee on Appropriations and Committee on Homeland Security of the House of Representatives that requires screening all inbound cargo, doubles the percentage of inbound cargo currently inspected, sets minimum standards for securing in-
bound cargo, and includes the fiscal year 2007 performance requirements for port, container, and cargo security as specified in the report accompanying this Act: Provided further, That the Secretary is directed to submit the Secure Border Initiative multi-year strategic plan to the Committee on Appropriations and the Committee on Homeland Security of the House of Representatives no later than November 1, 2006 that includes: a comprehensive mission statement; an identification of long-term goals; an explanation of how long-term goals will be achieved; schedule and resource requirements for goal achievement; an identification of annual performance goals and how they link to long-term goals; an identification of annual performance measures used to gauge effectiveness towards goal achievement by goal; and an identification of major capital assets critical to program success.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341–345), $159,489,000 (reduced by $15,000,000) (reduced by $50,000,000) (reduced by $24,000,000): Provided, That not to exceed $3,000 shall be for official reception and representation expenses: Provided further, That of the total amount provided,
$8,206,000 shall remain available until expended solely for
the alteration and improvement of facilities, tenant im-
provements, and relocation costs to consolidate Depart-
ment headquarters operations.

**Office of the Chief Financial Officer**

For necessary expenses of the Office of the Chief Fi-
nancial Officer, as authorized by section 103 of the Hom-
eland Security Act of 2002 (6 U.S.C. 113), $43,480,000,
of which $18,000,000 is for the eMerge² Program: Pro-
vided, That $10,000,000 shall be withheld from obligation
until the Office of the Chief Financial Officer submits
monthly budget execution reports to the Committees on
Appropriations of the Senate and the House of Represent-
atives as required by section 529 of this Act.

**Office of the Chief Information Officer**

For necessary expenses of the Office of the Chief In-
formation Officer, as authorized by section 103 of the
Homeland Security Act of 2002 (6 U.S.C. 113), and De-
partment-wide technology investments, $364,765,000; of
which $79,521,000 shall be available for salaries and ex-
penses; and of which $285,244,000 shall be available for
development and acquisition of information technology
equipment, software, services, and related activities for the
Department of Homeland Security, and for the costs of
conversion to narrowband communications, including the
cost for operation of the land mobile radio legacy systems,
to remain available until expended: Provided, That none of the funds appropriated shall be used to support or supple-
ment the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment.

ANALYSIS AND OPERATIONS

For necessary expenses for information analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $298,663,000, to remain available until September 30, 2008, of which not to exceed $5,000 shall be for official reception and representation expenses.

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

For necessary expenses of the Office of the Federal Coordinator for Gulf Coast Rebuilding, $3,000,000: Provided, That $1,000,000 shall not be available for obligation until the Federal Coordinator submits to the Committee on Appropriations of the House of Representatives a report related to Federal rebuilding efforts.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $96,185,000, of
which not to exceed $100,000 may be used for certain con-
confidential operational expenses, including the payment of
informants, to be expended at the direction of the Inspec-
tor General.

TITLE II—SECURITY, ENFORCEMENT, AND
INVESTIGATIONS

UNITED STATES VISITOR AND IMMIGRANT STATUS

INDICATOR TECHNOLOGY

For necessary expenses for the development of the
United States Visitor and Immigrant Status Indicator
Technology project, as authorized by section 110 of the
Illegal Immigration Reform and Immigrant Responsibility
Act of 1996 (8 U.S.C. 1365a), $362,494,000, to remain
available until expended: Provided, That of the total
amount made available under this heading, $312,494,000
may not be obligated for the United States Visitor and
Immigrant Status Indicator Technology project until the
Committees on Appropriations of the Senate and the
House of Representatives receive and approve a plan for
expenditure prepared by the Secretary of Homeland Secu-

(1) meets the capital planning and investment
control review requirements established by the Office
of Management and Budget, including Circular A–
11, part 7;
(2) complies with the Department of Homeland Security information systems enterprise architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) includes a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;

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

(6) is reviewed by the Government Accountability Office.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports; purchase and lease of up to 4,500 (3,500 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $5,435,310,000 (reduced by $2,000,000); of which
$3,026,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $45,000 shall be for official reception and representation expenses; of which not less than $162,976,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; and of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: Provided, That for fiscal year 2007, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of the Bureau of Customs and Border Pro-
tection for overtime, from whatever source, in an amount
that exceeds such limitation, except in individual cases de-
termined by the Secretary of Homeland Security, or the
designee of the Secretary, to be necessary for national se-
curity purposes, to prevent excessive costs, or in cases of
immigration emergencies: Provided further, That no funds
shall be available for the site acquisition, design, or con-
struction of any Border Patrol checkpoint in the Tucson
sector: Provided further, That the Border Patrol shall relo-
cate its checkpoints in the Tucson sector at least once
every seven days in a manner designed to prevent persons
subject to inspection from predicting the location of any
such checkpoint: Provided further, That of the total
amount made available under this heading, $115,000,000
shall be for the Secure Border Initiative Technology and
Tactical Infrastructure (SBInet) program, project, and
activity, to remain available until expended, of which
$25,000,000 shall not be available for obligation until the
Committees on Appropriations of the Senate and the
House of Representatives receive and approve a plan for
expenditure prepared by the Secretary of Homeland Secu-
rity that—

(1) defines activities, milestones, and costs for
implementing the program;
(2) demonstrates how activities will further the goals and objectives of the SBI, as defined in the SBI multi-year strategic plan;

(3) identifies funding and the organizational staffing (including full-time employee equivalents, contractors, and detailees) requirements by activity;

(4) reports on costs incurred, the activities completed, and the progress made by the program;

(5) includes a certification by the Chief Procurement Officer of the Department of Homeland Security that procedures to prevent conflicts of interest between the prime integrator and major subcontractors are established and that an independent verification and validation agent is currently under contract for the project;

(6) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget;

(7) complies with the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

(8) complies with all applicable acquisition rules, requirements, guidelines, and best systems ac-
quisition management practices of the Federal Gov-
ernment; and

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

AUTOMATION MODERNIZATION

For expenses for customs and border protection auto-
mated systems, $451,440,000, to remain available until
expended, of which not less than $316,800,000 shall be
for the development of the Automated Commercial Envi-
ronment: Provided, That of the total amount made avail-
able under this heading, $216,800,000 may not be obli-
gated for the Automated Commercial Environment until
the Committees on Appropriations of the Senate and the
House of Representatives receive and approve a plan for
expenditure prepared by the Secretary of Homeland Secu-

rity that—

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

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

(3) complies with the acquisition rules, require-
ments, guidelines, and systems acquisition manage-
ment practices of the Federal Government;
(4) includes a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;

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

(6) is reviewed by the Government Accountability Office.

CBP AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aerial vehicles, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary of Homeland Security, the provi-
sion of assistance to Federal, State, and local agencies in
other law enforcement and emergency humanitarian ef-
forts, $373,199,000, to remain available until expended:
Provided, That no aircraft or other related equipment,
with the exception of aircraft that are one of a kind and
have been identified as excess to the Bureau of Customs
and Border Protection requirements and aircraft that
have been damaged beyond repair, shall be transferred to
any other Federal agency, department, or office outside
of the Department of Homeland Security during fiscal
year 2007 without the prior approval of the Committees
on Appropriations of the Senate and the House of Rep-
resentatives: Provided further, That of the total amount
made available under this heading, $6,800,000 shall not
be available for obligation until the Committee on Approp-
riations, the Committee on Transportation and Infra-
structure, and the Committee on Homeland Security of
the House of Representatives receive a report on the April
25, 2006, unmanned aerial vehicle mishap.

CONSTRUCTION

For necessary expenses to plan, construct, renovate,
equip, and maintain buildings and facilities necessary for
the administration and enforcement of the laws relating
to customs and immigration, $175,154,000, to remain
available until expended.
For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 2,740 (2,000 for replacement only) police-type vehicles, $3,843,257,000 (increased by $5,000,000) (increased by $2,000,000), of which not to exceed $7,500,000 shall be available until expended for conducting special operations pursuant to section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than $102,000 shall be for promotion of public awareness of the child pornography tipline; of which not less than $203,000 shall be for Project Alert; of which not less than $5,400,000 may be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That none of the funds made available
under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided, $15,770,000 shall be for activities to enforce laws against forced child labor in fiscal year 2007, of which not to exceed $6,000,000 shall remain available until expended.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account, not to exceed $516,011,000, shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $26,281,000, to remain available until expended.
TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $4,704,414,000, to remain available until September 30, 2008, of which not to exceed $3,000 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, not to exceed $3,740,866,000 shall be for screening operations, of which $136,000,000 shall be available only for procurement of checked baggage explosive detection systems and $94,000,000 shall be available only for installation of checked baggage explosive detection systems; and not to exceed $963,548,000 shall be for aviation security direction and enforcement: Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: Provided further, That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2007, so as to result in a final fiscal year appropriation from the General
Fund estimated at not more than $2,284,414,000: Provided further, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2008: Provided further, That notwithstanding section 44923 of title 49, United States Code, the share of the cost of the Federal Government for a project under any letter of intent shall be 75 percent for any medium or large hub airport and not more than 90 percent for any other airport, and all funding provided by section 44923(h) of title 49, United States Code, or from appropriations authorized under section 44923(i)(1) of title 49, United States Code, may be distributed in any manner deemed necessary to ensure aviation security and to fulfill the Government’s planned cost share under existing letters of intent: Provided further, That no funding may be obligated for air cargo security, other than that for air cargo inspectors, canines, and screeners, until a detailed air cargo security action plan addressing each of the recommendations contained in the 2005 Government Accountability Office Report (GAO–06–76) on domestic air cargo security is provided to the Committee on Appropriations and Committee on Homeland Security of the House of Representatives: Provided further, That beginning in fiscal year 2007 and thereafter, reimbursement for security services and related equipment
and supplies provided in support of general aviation access
to the Ronald Reagan Washington National Airport shall
be credited to this appropriation and shall be available
until expended solely for those purposes: Provided further,
That none of the funds in this Act shall be used to recruit
or hire personnel into the Transportation Security Admin-
istration which would cause the agency to exceed a staff-
ing level of 45,000 full-time equivalent screeners.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Secu-
rity Administration related to providing surface transpor-
tation security activities, $37,200,000, to remain available
until September 30, 2008.

TRANSPORTATION THREAT ASSESSMENT AND
CREDENTIALING

For necessary expenses for the development and im-
plementation of screening programs of the Office of
Transportation Threat Assessment and Credentialing,
$74,700,000, to remain available until September 30,
2008.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Secu-
rity Administration related to providing transportation se-
curity support and intelligence pursuant to the Aviation
and Transportation Security Act (Public Law 107–71;
115 Stat. 597; 49 U.S.C. 40101 note), $523,283,000 (re-
duced by $20,000,000), to remain available until Sep-
tember 30, 2008: Provided, That of the funds appro-
priated under this heading, $5,000,000 may not be obli-
gated until the Secretary of Homeland Security submits
to the Committees on Appropriations of the Senate and
the House of Representatives a detailed expenditure plan
for explosive detection systems refurbishment, procure-
ment, and installations on an airport-by-airport basis for
fiscal year 2007: Provided further, That this plan shall be
submitted no later than 60 days from the date of enact-
ment of this Act.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals,
$699,294,000.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and mainte-
nance of the United States Coast Guard not otherwise
provided for; purchase or lease of not to exceed 25 pas-
senger motor vehicles, which shall be for replacement only;
payments pursuant to section 156 of Public Law 97–377
(42 U.S.C. 402 note); and recreation and welfare;
$5,481,643,000, of which $340,000,000 shall be for de-
fense-related activities; of which $24,255,000 shall be de-
uced from the Oil Spill Liability Trust Fund to carry out
the purposes of section 1012(a)(5) of the Oil Pollution Act
of 1990 (33 U.S.C. 2712(a)(5)); and of which not to ex-
ceed $3,000 shall be for official reception and representa-
tion expenses: Provided, That none of the funds made
available by this or any other Act shall be available for
administrative expenses in connection with shipping com-
missioners in the United States: Provided further, That
none of the funds made available by this Act shall be for
expenses incurred for yacht documentation under section
12109 of title 46, United States Code, except to the extent
fees are collected from yacht owners and credited to this
appropriation.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environ-
mental compliance and restoration functions of the United
States Coast Guard under chapter 19 of title 14, United
States Code, $11,880,000, to remain available until ex-
pended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve,
as authorized by law; operations and maintenance of the
reserve program; personnel and training costs; and equip-
ment and services; $122,348,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction,
renovation, and improvement of aids to navigation, shore
facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $1,139,663,000, of which $19,800,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $24,750,000 shall be available until September 30, 2011, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which $15,000,000 shall be available until September 30, 2011, to increase aviation capability; of which $101,823,000 shall be available until September 30, 2009, for other equipment; of which $24,450,000 shall be available until September 30, 2009, for shore facilities and aids to navigation facilities; of which $81,000,000 shall be available for personnel compensation and benefits and related costs; and of which $892,640,000 shall be available until September 30, 2011, for the Integrated Deepwater Systems program: Provided, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available until September 30, 2009: Provided further, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the
Senate and the House of Representatives, in conjunction with the President’s fiscal year 2008 budget, a review of the Revised Deepwater Implementation Plan that identifies any changes to the plan for the fiscal year; an annual performance comparison of Deepwater assets to pre-Deepwater legacy assets; a status report of legacy assets; a description of the competitive process conducted in all contracts and subcontracts exceeding $5,000,000 within the Deepwater program; and the earned value management system gold card data for each Deepwater asset: Provided further, That the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a comprehensive review of the Revised Deepwater Implementation Plan every five years, beginning in fiscal year 2011, that includes a complete projection of the acquisition costs and schedule for the duration of the plan through fiscal year 2027: Provided further, That the Secretary shall annually submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President’s budget is submitted under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

(1) the proposed appropriation included in that budget;
(2) the total estimated cost of completion;

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

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

(5) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Committees on Appropriations of the Senate and the House of Representatives:

Provided further, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent to the maximum extent practicable with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President’s budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: Provided further, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: Provided further, That no funding may be obligated for the Rescue 21 vessel subsystem until a vessel solution has been provided to the Committee on Appropriations of the House of Representatives.
ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, as authorized by section 6 of the Truman-Hobbs Act (33 U.S.C. 516), $17,000,000, to remain available until expended.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; $13,860,000, to remain available until expended, of which $495,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman’s Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense

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Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,063,323,000.

UNITED STATES SECRET SERVICE

PROTECTION, ADMINISTRATION, AND TRAINING

For necessary expenses of the United States Secret Service, including purchase of not to exceed 755 vehicles for police-type use, of which 624 shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made motorcycles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations.
tions of the Senate and the House of Representatives; re-
search and development; grants to conduct behavioral re-
search in support of protective research and operations;
and payment in advance for commercial accommodations
as may be necessary to perform protective functions;
$954,399,000, of which not to exceed $25,000 shall be for
official reception and representation expenses: Provided,
That up to $18,000,000 provided for protective travel
shall remain available until September 30, 2008: Provided
further, That of the total amount provided under this
heading, $2,000,000 shall not be available for obligation
until the Director of the Secret Service submits a com-
prehensive workload re-balancing report to the Commit-
tees on Appropriations of the Senate and the House of
Representatives that includes funding and position re-
quirements for current investigative and protective oper-
ations: Provided further, That the United States Secret
Service is authorized to obligate funds in anticipation of
reimbursements from Executive agencies and entities, as
defined in section 105 of title 5, United States Code, re-
ceiving training sponsored by the James J. Rowley Train-
ing Center, except that total obligations at the end of the
fiscal year shall not exceed total budgetary resources avail-
able under this heading at the end of the fiscal year.
INVESTIGATIONS AND FIELD OPERATIONS

For necessary expenses for investigations and field operations of the United States Secret Service, not otherwise provided for, including costs related to office space and services of expert witnesses at such rates as may be determined by the Director of the Secret Service, $312,499,000, of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $5,445,000 shall be a grant for activities related to the investigations of missing and exploited children and shall remain available until expended.

SPECIAL EVENT FUND

For necessary expenses of the United States Secret Service to perform protective functions related to special events, $20,900,000, to remain available until expended, of which $18,400,000 shall be for protection activities related to presidential campaigns in the United States, and of which $2,500,000 shall be for extraordinary costs of National Special Security Events.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities,
$3,725,000, to remain available until expended: Provided further, That of the total amount provided under this heading, $1,000,000 shall not be available for obligation until the Director of the Secret Service submits a revised master plan to the Committees on Appropriations of the Senate and the House of Representatives for the James J. Rowley Training Center.

TITLE III—PREPAREDNESS AND RECOVERY

Preparedness

Under Secretary for Preparedness

For salaries and expenses of the Office of the Under Secretary for Preparedness, the Office of the Chief Medical Officer, and the Office of National Capital Region Coordination, $39,468,000 (increased by $9,000,000) (reduced by $9,000,000), of which $15,000,000 shall be for the National Preparedness Integration Program: Provided, That not to exceed $7,000 shall be for official reception and representation expenses: Provided further, That of the amounts appropriated under this heading, $4,400,000 shall not be available for obligation until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives the final National Preparedness Goal.
OFFICE OF GRANTS AND TRAINING

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $2,524,000,000 (increased by $50,000,000) (increased by $20,000,000), which shall be allocated as follows:

(1) $545,000,000 for formula-based grants and $400,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): Provided, That the application for grants shall be made available to States within 45 days from the date of enactment of this Act; States shall submit applications within 90 days after the grant announcement; and the Office of Grants and Training shall act within 90 days after receipt of an application: Provided further, That no less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds.

(2) $1,165,000,000 (increased by $50,000,000) (increased by $20,000,000) for discretionary grants,
as determined by the Secretary of Homeland Secu-

rity, of which—

(A) $750,000,000 (increased by

$20,000,000) shall be for use in high-threat, high-density urban areas;

(B) $200,000,000 shall be for port security grants pursuant to the purposes of section 70107(a) through (h) of title 46, United States Code, which shall be awarded based on risk and threat notwithstanding subsection (a), for eligible costs as described in subsections (b)(2) through (4);

(C) $5,000,000 shall be for trucking indus-

try security grants;

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

(E) $150,000,000 (increased by

$50,000,000) shall be for intercity rail pas-

senger transportation (as defined in section 24102 of title 49, United States Code), freight rail, and transit security grants; and

(F) $50,000,000 shall be for buffer zone protection grants:

Provided, That for grants under subparagraph (A), the application for grants shall be made available to
States within 45 days after the date of enactment of this Act; States shall submit applications within 90 days after the grant announcement; and the Office of Grants and Training shall act within 90 days after receipt of an application: Provided further, That no less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds.

(3) $75,000,000 shall be available for the Commercial Equipment Direct Assistance Program.

(4) $339,000,000 for training, exercises, technical assistance, and other programs:

Provided, That none of the grants provided under this heading shall be used for the construction or renovation of facilities, except for a minor perimeter security project, not to exceed $1,000,000, as determined necessary by the Secretary of Homeland Security: Provided further, That the preceding proviso shall not apply to grants under subparagraphs (B), (E), and (F) of paragraph (2) of this heading: Provided further, That grantees shall provide additional reports on their use of funds, as determined necessary by the Secretary of Homeland Security: Provided further, That funds appropriated for law enforcement terrorism prevention grants under paragraph (1) of this
heading and discretionary grants under paragraph (2)(A) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with the Office of Grants and Training certified training, as needed.

**FIREFIGHTER ASSISTANCE GRANTS**

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $540,000,000 (increased by $111,000,000), of which $500,000,000 (increased by $41,000,000) shall be available to carry out section 33 of such Act (15 U.S.C. 2229) and $40,000,000 (increased by $70,000,000) shall be available to carry out section 34 of such Act (15 U.S.C. 2229a), to remain available until September 30, 2008: *Provided,* That not to exceed 5 percent of this amount shall be available for program administration.

**EMERGENCY MANAGEMENT PERFORMANCE GRANTS**

$186,000,000: Provided, That total administrative costs shall not exceed 3 percent of the total appropriation.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2007, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security to be necessary for its radiological emergency preparedness program for such fiscal year: Provided, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: Provided further, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2007, and remain available until expended.

UNITED STATES FIRE ADMINISTRATION AND TRAINING

INFRASTRUCTURE PROTECTION AND INFORMATION

SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $549,140,000, of which $464,490,000 shall remain available until September 30, 2008: Provided, That of the amount made available under this heading, $10,000,000 shall not be available for obligation for management and administration until the Department of Homeland Security has released the National Infrastructure Protection Plan: Provided further, That of the amount made available under this heading, $10,000,000 shall not be available for obligation for management and administration until the Department has submitted its national security strategy for the chemical sector report.

FEDERAL EMERGENCY MANAGEMENT AGENCY

ADMINISTRATIVE AND REGIONAL OPERATIONS


READINESS, MITIGATION, RESPONSE, AND RECOVERY

For necessary expenses for readiness, mitigation, response, and recovery activities, $238,199,000 (increased by $1,000,000) (reduced by $1,000,000), including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That of the total amount made available under this heading, $20,000,000 shall be for Urban Search and Rescue Teams, of which not to exceed $1,600,000 may be made available for administrative costs: Provided further, That of the amounts appropriated under this heading, $20,000,000 shall not be available for obligation until the Secretary of Homeland Security sub-
mits to the Committees on Appropriations of the Senate
and the House of Representatives a catastrophic planning
expenditure plan.

PUBLIC HEALTH PROGRAMS

For necessary expenses for countering potential bio-
logical, disease, and chemical threats to civilian popu-
lations, $33,885,000.

DISASTER RELIEF

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,662,891,000 (increased by $14,000,000), to remain available until expended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), $569,000: Provided, That gross obliga-
tions for the principal amount of direct loans shall not exceed $25,000,000: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD MAP MODERNIZATION FUND

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $198,980,000, and such additional sums as may be provided by State and local governments or other polit-
icle subdivisions for cost-shared mapping activities under
section 1360(f)(2) of such Act, to remain available until
expended: Provided, That total administrative costs shall
not exceed 3 percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND
(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance
Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Dis-
aster Protection Act of 1973 (42 U.S.C. 4001 et seq.),
$128,588,000, which shall be available as follows: (1) not
to exceed $38,230,000 for salaries and expenses associ-
ated with flood mitigation and flood insurance operations;
and (2) not to exceed $90,358,000 for flood hazard miti-
gation, which shall be derived from offsetting collections
assessed and collected pursuant to section 1307 of the Na-
tional Flood Insurance Act of 1968 (42 U.S.C. 4014), to
remain available until September 30, 2008, including up
to $31,000,000 for flood mitigation expenses under section
1366 of such Act (42 U.S.C. 4104c), which amount shall
be available for transfer to the National Flood Mitigation
Fund until September 30, 2008: Provided, That in fiscal
year 2007, no funds shall be available from the National
Flood Insurance Fund in excess of: (1) $70,000,000 for
operating expenses; (2) $692,999,000 for commissions
and taxes of agents; (3) such sums as are necessary for
interest on Treasury borrowings; and (4) $50,000,000 for 
flood mitigation actions with respect to severe repetitive 
loss properties under section 1361A of such Act (42 
U.S.C. 4102a) and repetitive insurance claims properties 
under section 1323 of such Act (42 U.S.C. 4030), which 
shall remain available until expended: Provided further, 
That total administrative costs shall not exceed 3 percent 
of the total appropriation.

NATIONAL FLOOD MITIGATION FUND
(INCLUDING TRANSFER OF FUNDS)

Notwithstanding subparagraphs (B) and (C) of sub-
section (b)(3), and subsection (f), of section 1366 of the 
National Flood Insurance Act of 1968 (42 U.S.C. 4104c), 
$31,000,000, to remain available until September 30, 
2008, for activities designed to reduce the risk of flood 
damage to structures pursuant to such Act, of which 
$31,000,000 shall be derived from the National Flood In-
surance Fund.

NATIONAL PRE-DISASTER MITIGATION FUND

For a predisaster mitigation grant program under 
title II of the Robert T. Stafford Disaster Relief and 
Emergency Assistance Act (42 U.S.C. 5131 et seq.), 
$100,000,000, to remain available until expended: Pro-
vided, That grants made for predisaster mitigation shall 
be awarded on a competitive basis subject to the criteria
in section 203(g) of such Act (42 U.S.C. 5133(g)): Provided further, That total administrative costs shall not exceed 3 percent of the total appropriation.

EMERGENCY FOOD AND SHELTER

To carry out an emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), $151,470,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total appropriation.

TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, $161,990,000 (increased by $20,000,000): Provided, That $47,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a strategic transformation plan for United States Citizenship and Immigration Services that has been reviewed and approved by the Secretary of Homeland Security and reviewed by the Government Accountability Office.
FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $210,507,000, of which up to $43,910,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2008; of which $300,000 shall remain available until expended for Federal law enforcement agencies participating in training accreditation, to be distributed as determined by the Federal Law Enforcement Training Center for the needs of participating agencies; and of which not to exceed $12,000 shall be for official reception and representation expenses: Provided, That the Center is authorized to obligate funds in anticipation of reimbursements from agen-
cies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further,* That section 1202(a) of Public Law 107–206 (42 U.S.C. 3771 note) is amended by striking “5 years after the date of the enactment of this Act” and inserting “December 31, 2009”, and by striking “250” and inserting “350”.

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

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $42,246,000, to remain available until expended: *Provided,* That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

**SCIENCE AND TECHNOLOGY MANAGEMENT AND ADMINISTRATION**

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $180,901,000: *Provided,*
That not to exceed $3,000 shall be for official reception and representation expenses: Provided further, That of the amounts made available under this heading, $98,000,000 may not be obligated until the Under Secretary submits a detailed expenditure plan for fiscal year 2007 programs and operations to the Committees on Appropriations of the Senate and the House of Representatives.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.); and the purchase or lease of not to exceed 5 vehicles, $775,370,000 (reduced by $107,000,000), to remain available until expended: Provided, That of the amounts made available under this heading, $400,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a report prepared by the Under Secretary that describes Science and Technology's progress to address financial management deficiencies; improve its management controls; and implement performance measures and evaluations.
DOMESTIC NUCLEAR DETECTION OFFICE

For necessary expenses of the Domestic Nuclear Detection Office, including nuclear detection research, development, testing and evaluation, acquisition, operations, management and administration, $500,000,000, to remain available until expended, of which not to exceed $178,000,000 shall be for the purchase and deployment of radiation detection equipment in accordance with the global nuclear detection architecture; and of which not to exceed $85,200,000 shall be for radiological and nuclear transformational research and development; and of which not to exceed $30,468,000 shall be for the management and administration of these programs and activities: Provided, That no funds provided in this Act shall be used to create a Sodium-Iodide Manufacturing Program until the Office demonstrates that Advanced Spectroscopic Portal monitors will significantly speed commerce, reduce the costs of secondary inspection, or significantly increase sensitivity over current generation Radiation Portal Monitors.

TITLE V—GENERAL PROVISIONS

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

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

SEC. 503. (a) None of the funds provided by this Act,
provided by previous appropriations Acts to the agencies
in or transferred to the Department of Homeland Security
that remain available for obligation or expenditure in fiscal
year 2007, or provided from any accounts in the Treasury
of the United States derived by the collection of fees avail-
able to the agencies funded by this Act, shall be available
for obligation or expenditure through a reprogramming of
funds that: (1) creates a new program; (2) eliminates a
program, project, or activity; (3) increases funds for any
program, project, or activity for which funds have been
denied or restricted by the Congress; (4) proposes to use
funds directed for a specific activity by either of the Com-
mittees on Appropriations of the Senate or House of Rep-
resentatives for a different purpose; or (5) contracts out
any functions or activities for which funds have been ap-
propriated for Federal full-time equivalent positions; un-
less the Committees on Appropriations of the Senate and
the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2007, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

e) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by
previous appropriations Acts may be transferred between such appropriations, but no such appropriations, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) of this section and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

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

SEC. 504. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2007 from appropriations for salaries and expenses for fiscal year 2007 in this Act shall remain available through September 30, 2008, in the account and for the purposes for which the appropriations were provided: Provided, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and
the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 505. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2007 until the enactment of an Act authorizing intelligence activities for fiscal year 2007.

SEC. 506. The Federal Law Enforcement Training Center shall lead the Federal law enforcement training accreditation process, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 507. None of the funds in this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, or to issue a letter of intent totaling in excess of $1,000,000, or to announce publicly the intention to make such an award, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance: Provided, That
no notification shall involve funds that are not available
for obligation.

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

Sec. 509. The Director of the Federal Law Enforce-
ment Training Center shall schedule basic and/or ad-
vanced law enforcement training at all four training facili-
ties under the control of the Federal Law Enforcement
Training Center to ensure that these training centers are
operated at the highest capacity throughout the fiscal
year.

Sec. 510. None of the funds appropriated or other-
wise made available by this Act may be used for expenses
of any construction, repair, alteration, or acquisition
project for which a prospectus, if required by chapter 33
of title 40, United States Code, has not been approved,
except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

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

SEC. 512. Notwithstanding any other provision of law, the authority of the Office of Personnel Management to conduct personnel security and suitability background investigations, update investigations, and periodic reinvestigations of applicants for, or appointees in, positions in the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, Analysis and Operations, Immigration and Customs Enforcement, the Directorate for Preparedness, and the Directorate of Science and Technology of the Department of Homeland Security is transferred to the Department of Homeland Security: Provided, That on request of the Department of Homeland Security, the Office of Personnel Management shall cooperate with and assist the Department in any investigation or reinvestigation under this section: Provided further, That this section shall cease to be effective at such time as the President has selected a single agency to conduct security clearance investigations pursuant to section 3001(c) of the Intelligence Reform
and Terrorism Prevention Act of 2004 (Public Law 108– 458; 50 U.S.C. 435b(e)) and the entity selected under sec-
tion 3001(b) of such Act has reported to the Congress that
the agency selected pursuant to such section 3001(c) is
capable of conducting all necessary investigations in a
timely manner or has authorized the entities within the
Department of Homeland Security covered by this section
to conduct their own investigations pursuant to section
3001 of such Act.

Sec. 513. (a) None of the funds provided by this or
previous appropriations Acts may be obligated for deploy-
ment or implementation, on other than a test basis, of the
Secure Flight program or any other follow on or successor
passenger prescreening program, until the Secretary of
Homeland Security certifies, and the Government Ac-
countability Office reports, to the Committees on Appro-
priations of the Senate and the House of Representatives,
that all ten of the elements contained in paragraphs (1)
through (10) of section 522(a) of Public Law 108–334
(118 Stat. 1319) have been successfully met.

(b) The report required by subsection (a) shall be
submitted within 90 days after the Secretary provides the
requisite certification, and periodically thereafter, if nec-
essary, until the Government Accountability Office con-
irms that all ten elements have been successfully met.
(c) Within 90 days of enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and House of Representatives a detailed plan that describes (1) the dates for achieving key milestones, including the date or timeframes that the Secretary will certify the program under subsection (a); and (2) the methodology to be followed to support the Secretary’s certification, as required under subsection (a).

(d) During the testing phase permitted by subsection (a), no information gathered from passengers, foreign or domestic air carriers, or reservation systems may be used to screen aviation passengers, or delay or deny boarding to such passengers, except in instances where passenger names are matched to a Government watch list.

(e) None of the funds provided in this or previous appropriations Acts may be utilized to develop or test algorithms assigning risk to passengers whose names are not on Government watch lists.

(f) None of the funds provided in this or previous appropriations Acts may be utilized for data or a database that is obtained from or remains under the control of a non-Federal entity: Provided, That this restriction shall not apply to Passenger Name Record data obtained from air carriers.
SEC. 514. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 515. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 516. None of the funds appropriated by this Act shall be available to maintain the United States Secret Service as anything but a distinct entity within the Department of Homeland Security and shall not be used to merge the United States Secret Service with any other department function, cause any personnel and operational elements of the United States Secret Service to report to an individual other than the Director of the United States Secret Service, or cause the Director to report directly to any individual other than the Secretary of Homeland Security.
SEC. 517. None of the funds appropriated to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: Provided, That the Director of the United States Secret Service may enter into an agreement to perform such service on a fully reimbursable basis.

SEC. 518. The Secretary of Homeland Security, in consultation with industry stakeholders, shall develop standards and protocols for increasing the use of explosive detection equipment to screen air cargo when appropriate.

SEC. 519. The Transportation Security Administration (TSA) shall utilize existing checked baggage explosive detection equipment and screeners to screen cargo carried on passenger aircraft to the greatest extent practicable at each airport: Provided, That TSA shall report air cargo inspection statistics quarterly to the Committee on Appropriations of the House of Representatives, by airport and air carrier, within 45 days after the end of the quarter: Provided further, That the appropriation for “Aviation Security” in this Act is reduced by $100,000 for each day beyond such deadline that such quarterly report is not provided.
SEC. 520. None of the funds available for obligation for the transportation worker identification credential program shall be used to develop a personalization system that is decentralized or a card production capability that does not utilize an existing government card production facility.

SEC. 521. (a) RESCISSION.—From the unexpended balances of the United States Coast Guard “Acquisition, Construction, and Improvements” account specifically identified in the Joint Explanatory Statement (House Report 109–241) accompanying Public Law 109–90 for the Fast Response Cutter, the service life extension program of the current 110-foot Island Class patrol boat fleet, and accelerated design and production of the Fast Response Cutter, $79,347,002 are rescinded.

(b) ADDITIONAL APPROPRIATION.—For necessary expenses of the United States Coast Guard for “Acquisition, Construction, and Improvements”, there is appropriated an additional $79,347,002, to remain available until September 30, 2009, for the service life extension program of the current 110-foot Island Class patrol boat fleet and the acquisition of traditional patrol boats (“parent craft”).

SEC. 522. None of the funds made available in this Act may be used by any person other than the privacy...
officer appointed pursuant to section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) to alter, direct that changes be made to, delay, or prohibit the transmission to the Congress of any report prepared pursuant to paragraph (6) of such section.

SEC. 523. No funding provided by this or previous appropriation Acts shall be available to pay the salary of any employee serving as a contracting officer’s technical representative (COTR), or anyone acting in a similar or like capacity, who has not received COTR training.

SEC. 524. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration “Aviation Security” and “Administration” for fiscal years 2004, 2005, and 2006 that are recovered or deobligated shall be available only for procurement and installation of explosive detection systems for air cargo, baggage, and checkpoint screening systems: Provided, That these funds shall be subject to section 503 of this Act.

SEC. 525. Using funds made available in this Act, and within 60 days of enactment of this Act, the Secretary of the Department of Homeland Security shall revise DHS MD 11056 to include the following: (1) that information that is three years old and not incorporated in a current, active transportation security directive or security plan
shall be determined automatically to be releaseable unless, for each specific document, the Secretary makes a written determination that identifies a compelling reason why the information must remain SSI; (2) incorporation of common and extensive examples of the individual categories of SSI information cited under 49 CFR 1520(b)(1) through (16) in order to minimize and standardize judgment by covered persons in the application of SSI marking; and (3) that in all judicial proceedings where the judge overseeing the proceeding has adjudicated that a party needs to have access to SSI information, the party shall be deemed a DHS Covered Person for purposes of access to the SSI information at issue in the case unless TSA or DHS demonstrates a compelling reason why the specific individual presents a risk of harm to the nation.


SEC. 527. RESCISSION.—Of the unobligated balances from prior year appropriations made available for the “Counterterrorism Fund”, $16,000,000 are rescinded.

SEC. 528. The weekly report required by Public Law 109–62 detailing the allocation and obligation of funds for “Disaster Relief” shall include: (1) detailed information
on each allocation, obligation, or expenditure that totals more than $50,000,000, categorized by increments of not larger than $50,000,000; (2) the amount of credit card purchases by agency and mission assignment; (3) obligations, allocations, and expenditures, categorized by agency, by State, for New Orleans, and by purpose and mission assignment; (4) status of the Disaster Relief Fund; and (5) specific reasons for all waivers granted and a description of each waiver: Provided, That the detailed information required by paragraph (1) shall include the purpose of each allocation, obligation, or expenditure; whether the work will be performed by a governmental agency or a contractor; and, if the work is to be performed by a contractor, the name of the contractor, the type of contract, and whether the contract is sole-source, full and open competition, or limited competition.

Sec. 529. Within 45 days after the close of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget execution report that sets forth the total obligational authority appropriated (new budget authority plus unobligated carryover), undistributed obligational authority, amount allotted, current year obligations, unobligated authority (the difference between
total obligational authority and current year obligations),
beginning unexpended obligations, year-to-date costs, and
year end unexpended obligations, of the Department of
Homeland Security: Provided, That such information shall
be provided for each Departmental component and the
Working Capital Fund at the level of detail shown in the
table of detailed funding recommendations displayed at
the end of the report accompanying this Act.

SEC. 530. (a) UNITED STATES SECRET SERVICE USE
OF PROCEEDS DERIVED FROM CRIMINAL INVESTIGA-
TIONS.—During fiscal years 2007 through 2009, with re-
spect to any undercover investigative operation of the
United States Secret Service (hereafter referred to in this
section as the “Secret Service”) that is necessary for the
detection and prosecution of crimes against the United
States—

(1) sums appropriated for the Secret Service,
including unobligated balances available from prior
fiscal years, may be used for purchasing property,
buildings, and other facilities, and for leasing space,
within the United States, the District of Columbia,
and the territories and possessions of the United
States, without regard to sections 1341 and 3324 of
title 31, United States Code, section 8141 of title
40, United States Code, sections 3732(a) and 3741
of the Revised Statutes of the United States (41 U.S.C. 11(a) and 22), and sections 304(a) and 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C 254(a) and 255);

(2) sums appropriated for the Secret Service, including unobligated balances available from prior fiscal years, may be used to establish or to acquire proprietary corporations or business entities as part of such undercover operation, and to operate such corporations or business entities on a commercial basis, without regard to sections 9102 and 9103 of title 31, United States Code;

(3) sums appropriated for the Secret Service, including unobligated balances available from prior fiscal years and the proceeds from such undercover operation, may be deposited in banks or other financial institutions, without regard to section 648 of title 18, and section 3302 of title 31, United States Code; and

(4) proceeds from such undercover operation may be used to offset necessary and reasonable expenses incurred in such operation, without regard to section 3302 of title 31, United States Code.

(b) WRITTEN CERTIFICATION.—The authority set forth in subsection (a) may be exercised only upon the
written certification of the Director of the Secret Service or designee that any action authorized by any paragraph of such subsection is necessary for the conduct of an undercover investigative operation. Such certification shall continue in effect for the duration of such operation, without regard to fiscal years.

(c) Deposit of Proceeds in Treasury.—As soon as practicable after the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under paragraphs (3) and (4) of subsection (a) are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited in the Treasury of the United States as miscellaneous receipts.

(d) Reporting and Deposit of Proceeds Upon Disposition of Certain Business Entities.—If a corporation or business entity established or acquired as part of an undercover investigative operation under paragraph (2) of subsection (a) with a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Secret Service, as much in advance as the Director or designee determines is practicable, shall report the circumstance to the Secretary of Homeland Security. The proceeds of the liquidation, sale, or other disposition, after obligations are
met, shall be deposited in the Treasury of the United
States as miscellaneous receipts.

(c) **Financial Audits and Reports.**—

(1) The Secret Service shall conduct detailed fi-
nancial audits of closed undercover investigative op-
erations for which a written certification was made
pursuant to subsection (b) on a quarterly basis and
shall report the results of the audits in writing to
the Secretary of Homeland Security.

(2) The Secretary of Homeland Security shall
annually submit to the Committees on Appropria-
tions of the Senate and House of Representatives, at
the time that the President’s budget is submitted
under section 1105(a) of title 31, a summary of
such audits.

Sec. 531. The Director of the Domestic Nuclear De-
tection Office shall operate extramural and intramural re-
search, development, demonstrations, testing and evalu-
tion programs so as to distribute funding through grants,
cooperative agreements, other transactions and contracts.

Sec. 532. None of the funds made available in this
Act for United States Customs and Border Protection
may be used to prevent an individual not in the business
of importing a prescription drug (within the meaning of
section 801(g) of the Federal Food, Drug, and Cosmetic
Act) from importing a prescription drug that complies with sections 501, 502, and 505 of such Act.

Sec. 533. From the unobligated balances of Transportation Security Administration “Aviation Security” and “Headquarters Administration”, $4,776,000 are rescinded.

Sec. 534. Notwithstanding the requirements of section 404(b)(2)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Army Corps of Engineers may use Lot 19, Block 1 of the Meadowview Acres Addition and Lot 8, Block 5 of the Meadowview Acres Addition in Augusta, Kansas, for building portions of the flood-control levee.

Sec. 535. Notwithstanding any time limitation established for a grant awarded under title I, chapter 6, Public Law 106–31, in the item relating to Federal Emergency Management Agency—Disaster Assistance for Unmet Needs, the City of Cuero, Texas, may use funds received under such grant program until June 30, 2007.

Sec. 536. None of the funds in this Act shall be used to recruit, hire, or employ nonscreener personnel into the Transportation Security Administration’s Federal Security Director office at each airport participating in the security partnership program under section 44920 of title 49, United States Code, whose job title and job description
would duplicate those of nonscreener personnel employed
by the screening company that is under contract with the
Transportation Security Administration to provide secu-

SEC. 537. None of the funds made available by this
Act shall be used in contravention of the Federal buildings
performance and reporting requirements of Executive
Order No. 13123, part 3 of title V of the National Energy
Conservation Policy Act (42 U.S.C. 8251 et seq.), or sub-
title A of title I of the Energy Policy Act of 2005 (includ-
ing the amendments made thereby).

SEC. 538. None of the funds made available in this
Act may be used in contravention of section 303 of the

SEC. 539. None of the funds made available in this
Act may be used to award any contract for major disaster
or emergency assistance activities under the Robert T.
Stafford Disaster Relief and Emergency Assistance Act
except in accordance with section 307 of such Act (42

SEC. 540. None of the funds made available in the
Act may be used to reimburse L.B.& B. Associates, Inc.
or Olgoonik Logistics, LLC (or both) for attorneys fees
related to pending litigation against Local 30 of the Inter-
national Union of Operating Engineers.
Sec. 541. The amounts otherwise provided by this Act are revised by reducing the amount made available for “DEPARTMENTAL MANAGEMENT AND OPERATIONS—Office of the Secretary and Executive Management”, and increasing the amount made available for “Office of Grants and Training—Firefighter Assistance Grants” (for increasing the amount under such heading to carry out section 33 of the Federal Fire Prevention Control Act of 1974 by $2,100,000, and increasing the amount under such heading to carry out section 34 of such Act by $2,100,000), by $4,200,000.

Sec. 542. The amounts otherwise provided by this Act are revised by increasing the amount made available for “United States Secret Service—Protection, Administration, and Training” and the amount made available for “Federal Emergency Management Agency—Readiness, Mitigation, Response, and Recovery” by $2,000,000 respectively.

Sec. 543. None of the the funds appropriated or otherwise made available in this Act may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).
SEC. 544. None of the funds made available by this Act may be used to provide a foreign government information relating to the activities of an organized volunteer civilian action group, as defined by DHS OIG–06–4, operating in the State of California, Texas, New Mexico, or Arizona, unless required by international treaty.

This Act may be cited as the “Department of Homeland Security Appropriations Act, 2007”.

Passed the House of Representatives June 6, 2006.

Attest:

Clerk.
109TH CONGRESS
2D SESSION
H. R. 5441
AN ACT
Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AN ACT
H. R. 5441
109TH CONGRESS