

110TH CONGRESS
1ST SESSION

H. R. 2638

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2007

Ordered to be printed with the amendment of the Senate

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

AN ACT

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 ~~That the following sums are appropriated, out of any~~
4 ~~money in the Treasury not otherwise appropriated, for the~~
5 ~~Department of Homeland Security for the fiscal year end-~~
6 ~~ing September 30, 2008, and for other purposes, namely:~~

1 TITLE I—DEPARTMENTAL MANAGEMENT AND
2 OPERATIONS

3 OFFICE OF THE SECRETARY AND EXECUTIVE
4 MANAGEMENT

5 For necessary expenses of the Office of the Secretary
6 of Homeland Security, as authorized by section 102 of the
7 Homeland Security Act of 2002 (6 U.S.C. 112), and execu-
8 tive management of the Department of Homeland Secu-
9 rity, as authorized by law, ~~\$102,930,000~~ (reduced by
10 ~~\$15,000,000~~) (reduced by ~~\$1,000,000~~) (reduced by
11 ~~\$79,000~~) (reduced by ~~\$300,000~~) (reduced by ~~\$1,241,000~~)
12 (reduced by ~~\$138,000~~): *Provided*, That not to exceed
13 \$40,000 shall be for official reception and representation
14 expenses.

15 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

16 For necessary expenses of the Office of the Under
17 Secretary for Management, as authorized by sections 701
18 through 705 of the Homeland Security Act of 2002 (6
19 U.S.C. ~~341~~ through ~~345~~), ~~\$237,765,000~~ (reduced by
20 ~~\$35,000,000~~) (reduced by ~~\$11,000,000~~) (reduced by
21 ~~\$10,400,000~~) (reduced by ~~\$35,000,000~~) (reduced by
22 ~~\$89,125,000~~) (reduced by ~~\$15,000,000~~) (reduced by
23 ~~\$50,000,000~~), of which not to exceed \$3,000 shall be for
24 official reception and representation expenses: *Provided*,
25 That of the total amount provided, \$6,000,000 shall re-

1 main available until expended solely for the alteration and
2 improvement of facilities, tenant improvements, and relo-
3 cation costs to consolidate Department headquarters oper-
4 ations and \$300,000 shall remain available until expended
5 by the Federal Law Enforcement Training Accreditation
6 Board for the needs of Federal law enforcement agencies
7 participating in training accreditation: *Provided further,*
8 That no funding provided under this heading may be used
9 to design, build, or relocate any Departmental activity to
10 the Saint Elizabeths campus until the Department sub-
11 mits to the Committees on Appropriations of the Senate
12 and the House of Representatives: (1) the published U-
13 Visa rule; and (2) a detailed expenditure plan for check-
14 point support and explosive detection systems refurbish-
15 ment, procurement, and installations on an airport-by-air-
16 port basis for fiscal year 2008.

17 OFFICE OF THE CHIEF FINANCIAL OFFICER

18 For necessary expenses of the Office of the Chief Fi-
19 nancial Officer, as authorized by section 103 of the Home-
20 land Security Act of 2002 (6 U.S.C. 113), \$32,000,000
21 (reduced by \$1,000,000) (reduced by \$500,000).

22 OFFICE OF THE CHIEF INFORMATION OFFICER

23 For necessary expenses of the Office of the Chief In-
24 formation Officer, as authorized by section 103 of the
25 Homeland Security Act of 2002 (6 U.S.C. 113), and De-

1 department-wide technology investments, \$258,621,000; of
2 which \$79,921,000 shall be available for salaries and ex-
3 penses; and of which \$178,700,000 shall be available for
4 development and acquisition of information technology
5 equipment, software, services, and related activities for the
6 Department of Homeland Security, to remain available
7 until expended: *Provided*, That none of the funds appro-
8 priated shall be used to support or supplement the appro-
9 priations provided for the United States Visitor and Immi-
10 grant Status Indicator Technology project or the Auto-
11 mated Commercial Environment: *Provided further*, That
12 the Chief Information Officer shall submit to the Commit-
13 tees on Appropriations of the Senate and the House of
14 Representatives, not more than 60 days after the date of
15 enactment of this Act, an expenditure plan for all informa-
16 tion technology acquisition projects with an estimated cost
17 of \$2,500,000 or more: *Provided further*, That such ex-
18 penditure plan shall include each specific project funded,
19 key milestones, all funding sources for each project, details
20 of annual and lifecycle costs, and projected cost savings
21 or cost avoidance to be achieved by the project: *Provided*
22 *further*, That notwithstanding any other provision of law,
23 none of the funds made available in this or any other Act
24 may be obligated to provide for the oversight or manage-

1 ment of the Integrated Wireless Network program by any
2 employee of the Office of the Chief Information Officer.

3 ANALYSIS AND OPERATIONS

4 For necessary expenses for information analysis and
5 operations coordination activities, as authorized by title II
6 of the Homeland Security Act of 2002 (6 U.S.C. 121 et
7 seq.), \$291,619,000 (increased by \$10,000,000), to re-
8 main available until September 30, 2009, of which not to
9 exceed \$5,000 shall be for official reception and represen-
10 tation expenses.

11 OFFICE OF THE FEDERAL COORDINATOR FOR GULF

12 COAST REBUILDING

13 For necessary expenses of the Office of the Federal
14 Coordinator for Gulf Coast Rebuilding, \$3,000,000: *Pro-*
15 *vided,* That \$1,000,000 shall not be available for obliga-
16 tion until the Committees on Appropriations of the Senate
17 and the House of Representatives receive an expenditure
18 plan for fiscal year 2008.

19 INSPECTOR GENERAL

20 OPERATING EXPENSES

21 For necessary expenses of the Inspector General in
22 carrying out the provisions of the Inspector General Act
23 of 1978 (5 U.S.C. App.), \$99,111,000 (increased by
24 \$500,000), of which not to exceed \$150,000 may be used
25 for certain confidential operational expenses, including the

1 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.
2 58e(f)(3)), shall be derived from that account; of which
3 not to exceed \$150,000 shall be available for payment for
4 rental space in connection with preclearance operations;
5 and of which not to exceed \$1,000,000 shall be for awards
6 of compensation to informants, to be accounted for solely
7 under the certificate of the Secretary of Homeland Secu-
8 rity: *Provided*, That for fiscal year 2008, the overtime lim-
9 itation prescribed in section 5(e)(1) of the Act of February
10 13, 1911 (19 U.S.C. 267(e)(1)) shall be \$35,000; and not-
11 withstanding any other provision of law, none of the funds
12 appropriated by this Act may be available to compensate
13 any employee of United States Customs and Border Pro-
14 tection for overtime, from whatever source, in an amount
15 that exceeds such limitation, except in individual cases de-
16 termined by the Secretary of Homeland Security, or the
17 designee of the Secretary, to be necessary for national se-
18 curity purposes, to prevent excessive costs, or in cases of
19 immigration emergencies: *Provided further*, That of the
20 amount made available under this heading, \$202,816,000
21 shall remain available until September 30, 2009, to sup-
22 port software development, equipment, contract services,
23 and the implementation of inbound lanes and modification
24 to vehicle primary processing lanes at ports of entry, of
25 which \$100,000 is to promote information and education

1 exchange with nations friendly to the United States in
2 order to promote sharing of best practices and tech-
3 nologies relating to homeland security, as authorized by
4 section 879 of Public Law 107-296 and \$100,000,000
5 may not be obligated until the Committees on Appropria-
6 tions of the Senate and the House of Representatives re-
7 ceive a report on the results of pilot programs used to de-
8 velop and implement the plan required by section
9 7209(b)(1) of the Intelligence Reform and Terrorism Pre-
10 vention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185
11 note); which includes the following information: (1) infra-
12 structure and staffing required, with associated costs; by
13 port of entry; (2) updated milestones for plan implementa-
14 tion; (3) a detailed explanation of how requirements of
15 such section have been satisfied; (4) confirmation that a
16 vicinity-read radio frequency identification card has been
17 adequately tested to ensure operational success; and (5)
18 a description of steps taken to ensure the integrity of pri-
19 vacy safeguards.

20 **AUTOMATION MODERNIZATION**

21 For expenses for customs and border protection auto-
22 mated systems, \$476,609,000, to remain available until
23 expended, of which not less than \$216,969,000 shall be
24 for the development of the Automated Commercial Envi-
25 ronment: *Provided*, That of the total amount made avail-
26 able under this heading, \$216,969,000 may not be obli-

1 gated for the Automated Commercial Environment pro-
2 gram until 30 days after the Committees on Appropria-
3 tions of the Senate and the House of Representatives re-
4 ceive a report on the results to date and plans for the
5 program from the Department of Homeland Security that
6 includes:

7 (1) a detailed accounting of the program's
8 progress up to the date of the report in meeting
9 prior commitments made to the Committees relative
10 to system capabilities or services, system perform-
11 ance levels, mission benefits and outcomes, mile-
12 stones, cost targets, and program management capa-
13 bilities;

14 (2) an explicit plan of action defining how all
15 unobligated funds for the program from prior appro-
16 priations and all fiscal year 2008 funds are to be
17 spent to meet future program commitments, with
18 sufficient detail to link the planned expenditure of
19 funds to the milestone-based delivery of specific ca-
20 pabilities, services, performance levels, mission bene-
21 fits and outcomes, and program management capa-
22 bilities;

23 (3) a listing of all open Government Account-
24 ability Office and Office of Inspector General rec-
25 ommendations related to the program, with the sta-

1 tus of the Department's efforts to address the rec-
2 ommendations, including milestones for fully ad-
3 dressing them;

4 (4) a written certification by the Chief Finan-
5 cial Officer of the Department of Homeland Security
6 that the program has been reviewed and approved in
7 accordance with the Department's investment man-
8 agement process, and that this process fulfills all
9 capital planning and investment control require-
10 ments and reviews established by the Office of Man-
11 agement and Budget, including Circular A-11, part
12 7, as well as copies of all investment decision memo-
13 randa and supporting analyses generated by and
14 used in the Department's process;

15 (5) a written certification by the Chief Informa-
16 tion Officer of the Department of Homeland Secu-
17 rity that an independent validation and verification
18 agent has and will continue to actively review the
19 program, as well as summaries of reviews conducted
20 by the agent during the preceding 12 months;

21 (6) a written certification by the Chief Informa-
22 tion Officer of the Department of Homeland Secu-
23 rity that: the system architecture is sufficiently
24 aligned with the department's information systems
25 enterprise architecture to minimize future rework;

1 including: a description of all aspects of the architec-
2 tures that were and were not assessed in making the
3 alignment determination; the date of the alignment
4 determination; any known areas of misalignment;
5 any associated risks; and corrective actions to ad-
6 dress any such areas;

7 (7) a written certification by the Chief Informa-
8 tion Officer of the Department of Homeland Secu-
9 rity that the program has a risk management proc-
10 ess that regularly and proactively identifies, evalu-
11 ates, mitigates, and monitors risks throughout the
12 system life cycle, and communicates high-risk condi-
13 tions to United States Customs and Border Protec-
14 tion and Department of Homeland Security invest-
15 ment decision makers, as well as a listing of the pro-
16 gram's high risks and the status of efforts to ad-
17 dress them;

18 (8) a written certification by the Chief Procure-
19 ment Officer of the Department of Homeland Secu-
20 rity that the plans for the program comply with the
21 Federal acquisition rules, requirements, guidelines,
22 and practices, and a description of the actions being
23 taken to address areas of non-compliance, the risks
24 associated with them along with any plans for ad-

1 of the maximum investment related to the Secure
2 Border Initiative network (SBI~~net~~) or successor con-
3 tract, estimation of lifecycle costs, and description of
4 the methodology used to obtain these cost figures;

5 (2) demonstrates how activities will further the
6 objectives of the Secure Border Initiative (SBI), as
7 defined in the SBI multi-year strategic plan, and
8 how the plan allocates funding to the highest pri-
9 ority border security needs;

10 (3) identifies funding and staffing (including
11 full-time equivalents, contractors, and detailees) re-
12 quirements by activity;

13 (4) describes how the plan addresses security
14 needs at the Northern Border and the ports of
15 entry, including infrastructure, technology, design
16 and operations requirements;

17 (5) reports on costs incurred, the activities com-
18 pleted, and the progress made by the program in
19 terms of obtaining operational control of the entire
20 border of the United States;

21 (6) includes an analysis by the Secretary, for
22 each segment of fencing or tactical infrastructure, of
23 the selected approach compared to other, alternative
24 means of achieving operational control; such analysis
25 should include cost, level of operational control, pos-

1 sible unintended effects on communities, and other
2 factors critical to the decision-making process;

3 (7) includes a certification by the Chief Pro-
4 curement Officer of the Department of Homeland
5 Security that procedures to prevent conflicts of in-
6 terest between the prime integrator and major sub-
7 contractors are established and that the SBI Pro-
8 gram Office has adequate staff and resources to ef-
9 fectively manage the SBI program, SBInet contract,
10 and any related contracts, including the exercise of
11 technical oversight, and a certification by the Chief
12 Information Officer of the Department of Homeland
13 Security that an independent verification and valida-
14 tion agent is currently under contract for the
15 projects funded under this heading;

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

20 (9) complies with the capital planning and in-
21 vestment control review requirements established by
22 the Office of Management and Budget, including
23 Circular A-11, part 7;

24 (10) is reviewed and approved by the Depart-
25 ment of Homeland Security Investment Review

1 Board, the Secretary of Homeland Security, and the
2 Office of Management and Budget; and

3 ~~(11)~~ is reviewed by the Government Account-
4 ability Office:

5 *Provided further*, That the Secretary shall report to the
6 Committees on Appropriations of the Senate and the
7 House of Representatives on program progress to date,
8 and specific objectives to be achieved through the award
9 of current and remaining task orders planned for the bal-
10 ance of available appropriations: ~~(1)~~ at least 30 days prior
11 to the award of any task order requiring the obligation
12 in excess of \$100,000,000; and ~~(2)~~ prior to the award of
13 a task order that would cause cumulative obligations to
14 exceed 50 percent of the total amount appropriated: *Pro-*
15 *vided further*, That of the funds provided under this head-
16 ing, not more than \$2,000,000 shall be used to reimburse
17 the Defense Acquisition University for the costs of con-
18 ducting a review of the SBInet contract and determining
19 how and whether the Department is employing the best
20 procurement practices: *Provided further*, That none of the
21 funds under this heading may be obligated for fencing or
22 tactical infrastructure on lands administered by the Na-
23 tional Park Service, the United States Fish and Wildlife
24 Service, the Forest Service, the Bureau of Indian Affairs,
25 or the Bureau of Land Management unless the Secretary

1 of Homeland Security coordinates such decision with that
2 agency, and makes every effort to minimize impacts on
3 wildlife and natural resources: *Provided further*, That none
4 of the funds under this heading may be obligated for a
5 fencing or tactical infrastructure project or activity unless
6 the Secretary formally consults with affected State and
7 local communities to solicit their advice and support of
8 such project or activity: *Provided further*, That no funds
9 under this heading may be obligated for any project or
10 activity for which the Secretary has exercised waiver au-
11 thority pursuant to section 102(e) of the Illegal Immigra-
12 tion Reform and Immigrant Responsibility Act of 1996
13 (8 U.S.C. 1103 note) until 15 days have elapsed from the
14 date of the publication of the decision in the Federal Reg-
15 ister.

16 AIR AND MARINE INTERDICTION, OPERATIONS,
17 MAINTENANCE, AND PROCUREMENT

18 For necessary expenses for the operations, mainte-
19 nance, and procurement of marine vessels, aircraft, un-
20 manned aircraft systems, and other related equipment of
21 the air and marine program, including operational train-
22 ing and mission-related travel, and rental payments for
23 facilities occupied by the air or marine interdiction and
24 demand reduction programs, the operations of which in-
25 clude the following: the interdiction of narcotics and other
26 goods; the provision of support to Federal, State, and local

1 agencies in the enforcement or administration of laws en-
2 forced by the Department of Homeland Security; and at
3 the discretion of the Secretary of Homeland Security; the
4 provision of assistance to Federal, State, and local agen-
5 cies in other law enforcement and emergency humani-
6 tarian efforts, \$477,287,000, to remain available until ex-
7 pended: *Provided*, That no aircraft or other related equip-
8 ment, except aircraft that are one-of-a-kind and have been
9 identified as excess to United States Customs and Border
10 Protection requirements and aircraft that have been dam-
11 aged beyond repair, shall be transferred to any other Fed-
12 eral agency, department, or office outside of the Depart-
13 ment of Homeland Security during fiscal year 2008 with-
14 out the prior approval of the Committees on Appropria-
15 tions of the Senate and the House of Representatives: *Pro-*
16 *vided further*, That none of the funds under this heading
17 may be obligated for procurement of additional unmanned
18 aerial systems until the Commissioner of United States
19 Customs and Border Protection certifies to the Commit-
20 tees on Appropriations of the Senate and House of Rep-
21 resentatives that they are of higher priority and more cost
22 effective than other items included in the Air and Marine
23 Strategic Recapitalization and Modernization plan:

24 CONSTRUCTION

25 For necessary expenses to plan, construct, renovate,
26 equip, and maintain buildings and facilities necessary for

1 the administration and enforcement of the laws relating
2 to customs and immigration, ~~\$249,663,000~~, to remain
3 available until expended.

4 UNITED STATES IMMIGRATION AND CUSTOMS

5 ENFORCEMENT

6 SALARIES AND EXPENSES

7 For necessary expenses for enforcement of immigra-
8 tion and customs laws, detention and removals, and inves-
9 tigation; and purchase and lease of up to ~~3,790~~ (~~2,350~~
10 for replacement only) police-type vehicles; ~~\$4,146,300,000~~
11 (increased by ~~\$9,100,000~~) (reduced by ~~\$5,000,000~~) (in-
12 creased by ~~\$5,000,000~~), of which not to exceed
13 ~~\$10,000,000~~ shall be available until expended for con-
14 ducting special operations under section ~~3131~~ of the Cus-
15 toms Enforcement Act of 1986 (~~19 U.S.C. 2081~~); of which
16 not to exceed ~~\$15,000~~ shall be for official reception and
17 representation expenses; of which not to exceed
18 ~~\$1,000,000~~ shall be for awards of compensation to inform-
19 ants, to be accounted for solely under the certificate of
20 the Secretary of Homeland Security; and of which not to
21 exceed ~~\$11,216,000~~ shall be available to fund or reimburse
22 other Federal agencies for the costs associated with the
23 care, maintenance, and repatriation of smuggled illegal
24 aliens: *Provided*, That none of the funds made available
25 under this heading shall be available to compensate any

1 employee for overtime in an annual amount in excess of
2 \$35,000, except that the Secretary of Homeland Security,
3 or a designee of the Secretary, may waive that amount
4 as necessary for national security purposes and in cases
5 of immigration emergencies: *Provided further*, That of the
6 total amount provided, \$15,770,000 shall be for activities
7 to enforce laws against forced child labor in fiscal year
8 2008, of which not to exceed \$6,000,000 shall remain
9 available until expended: *Provided further*, That at least
10 once per month the Secretary of Homeland Security or
11 a designee of the Secretary shall obtain information from
12 every prison, jail, and correctional facility in the United
13 States to identify incarcerated aliens who may be deport-
14 able and make every reasonable effort to remove such
15 aliens judged deportable upon their release from custody.

16 FEDERAL PROTECTIVE SERVICE

17 The revenues and collections of security fees credited
18 to this account shall be available until expended for nec-
19 essary expenses related to the protection of federally-
20 owned and leased buildings and for the operations of the
21 Federal Protective Service: *Provided*, That none of the
22 funds provided in this or any other Act, and none of the
23 revenues or collections of security fees credited to this ac-
24 count, may be obligated for any activity that reduces the
25 number of in-service Federal Protective Service police offi-

1 eers below the number of such officers as of October 1,
2 2006, unless—

3 (1) the Director of the Federal Protective Serv-
4 ice provides to the head of the relevant lead State
5 and local law enforcement agencies for the jurisdic-
6 tion concerned a report on the number and type of
7 cases handled by the Federal Protective Service po-
8 lice in that jurisdiction for the previous two fiscal
9 years;

10 (2) the Director of the Federal Protective Serv-
11 ice negotiates a Memorandum of Agreement with the
12 head of each relevant State and local law enforce-
13 ment agency for the jurisdiction concerned that ex-
14 plains how the work identified in the report de-
15 scribed in section (1) will be addressed in the future;
16 and

17 (3) the Director of the Federal Protective Serv-
18 ice submits copies of each report under paragraph
19 (1) and each memorandum under paragraph (2) to
20 the Committees on Appropriations of the Senate and
21 the House of Representatives by not later than 15
22 days before the number of in-service Federal Protec-
23 tive Service police officers is reduced for the con-
24 cerned jurisdiction.

1 Board, the Secretary of Homeland Security, and the
2 Office of Management and Budget; and

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

5 CONSTRUCTION

6 For necessary expenses to plan, construct, renovate,
7 equip, and maintain buildings and facilities necessary for
8 the administration and enforcement of the laws relating
9 to customs and immigration, \$6,000,000, to remain avail-
10 able until expended: *Provided*, That none of the funds
11 made available in this or any other Act may be used to
12 solicit or consider any request to privatize facilities cur-
13 rently owned by the United States Government and used
14 to detain illegal aliens until the Committees on Appropria-
15 tions of the Senate and the House of Representatives re-
16 ceive and approve a plan for carrying out that privatiza-
17 tion.

18 TRANSPORTATION SECURITY ADMINISTRATION

19 AVIATION SECURITY

20 For necessary expenses of the Transportation Secu-
21 rity Administration related to providing civil aviation secu-
22 rity services pursuant to the Aviation and Transportation
23 Security Act (Public Law 107-71, 115 Stat. 597; 49
24 U.S.C. 40101 note), \$5,198,535,000, to remain available
25 until September 30, 2009, of which not to exceed \$10,000
26 shall be for official reception and representation expenses:

1 *Provided,* That of the total amount made available under
2 this heading, not to exceed \$4,218,194,000 shall be for
3 screening operations, of which \$560,000,000 shall be
4 available only for procurement and installation of checked
5 baggage explosive detection systems; and not to exceed
6 \$980,116,000 shall be for aviation security direction and
7 enforcement. *Provided further,* That security service fees
8 authorized under section 44940 of title 49, United States
9 Code, shall be credited to this appropriation as offsetting
10 collections and shall be available only for aviation security.
11 *Provided further,* That the sum appropriated under this
12 heading from the general fund shall be reduced on a dol-
13 lar-for-dollar basis as such offsetting collections are re-
14 ceived during fiscal year 2008, so as to result in a final
15 fiscal year appropriation from the general fund estimated
16 at not more than \$2,488,310,000. *Provided further,* That
17 any security service fees collected in excess of the amount
18 made available under this heading shall become available
19 during fiscal year 2009.

20 SURFACE TRANSPORTATION SECURITY

21 For necessary expenses of the Transportation Secu-
22 rity Administration related to providing surface transpor-
23 tation security activities, \$41,413,000, to remain available
24 until September 30, 2009.

1 date of enactment of this Act a detailed expenditure plan
2 for checkpoint support and explosive detection systems re-
3 furbishment, procurement, and installations on an airport-
4 by-airport basis for fiscal year 2008: *Provided, further,*
5 That notwithstanding any other provision of law, the ac-
6 quisition management system shall be subject to the provi-
7 sions of the Small Business Act (15 U.S.C. 631 et seq.).

8
9 FEDERAL AIR MARSHALS

9 For necessary expenses of the Federal Air Marshals,
10 \$722,000,000.

11 COAST GUARD

12 OPERATING EXPENSES

13 For necessary expenses for the operation and mainte-
14 nance of the Coast Guard not otherwise provided for; pur-
15 chase or lease of not to exceed 25 passenger motor vehi-
16 cles; which shall be for replacement only; payments pursu-
17 ant to section 156 of Public Law 97-377 (42 U.S.C. 402
18 note; 96 Stat. 1920); and recreation and welfare;
19 \$5,885,242,000, of which \$340,000,000 shall be for de-
20 fense-related activities; of which \$24,500,000 shall be de-
21 rived from the Oil Spill Liability Trust Fund to carry out
22 the purposes of section 1012(a)(5) of the Oil Pollution Act
23 of 1990 (33 U.S.C. 2712(a)(5)); and of which not to ex-
24 ceed \$20,000 shall be for official reception and representa-
25 tion expenses: *Provided,* That none of the funds made
26 available by this or any other Act shall be available for

1 administrative expenses in connection with shipping com-
2 missioners in the United States: *Provided further*, That
3 none of the funds made available by this Act shall be for
4 expenses incurred for yacht documentation under section
5 12114 of title 46, United States Code, except to the extent
6 fees are collected from yacht owners and credited to this
7 appropriation.

8 ENVIRONMENTAL COMPLIANCE AND RESTORATION

9 For necessary expenses to carry out the environ-
10 mental compliance and restoration functions of the Coast
11 Guard under chapter 19 of title 14, United States Code,
12 \$15,000,000, to remain available until expended.

13 RESERVE TRAINING

14 For necessary expenses of the Coast Guard Reserve,
15 as authorized by law; operations and maintenance of the
16 reserve program; personnel and training costs; and equip-
17 ment and services; \$126,883,000.

18 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

19 (INCLUDING RESCISSIONS OF FUNDS)

20 For necessary expenses of acquisition, construction,
21 renovation, and improvement of aids to navigation, shore
22 facilities, vessels, and aircraft, including equipment related
23 thereto; and maintenance, rehabilitation, lease and oper-
24 ation of facilities and equipment, as authorized by law;
25 \$941,767,000, of which \$20,000,000 shall be derived from
26 the Oil Spill Liability Trust Fund to carry out the pur-

1 poses of section 1012(a)(5) of the Oil Pollution Act of
2 1990 (~~33 U.S.C. 2712(a)(5)~~); of which \$9,200,000 shall
3 be available until September 30, 2012, to acquire, repair,
4 renovate, or improve vessels, small boats, and related
5 equipment; of which \$113,600,000 shall be available until
6 September 30, 2010, for other equipment; of which
7 \$37,897,000 shall be available until September 30, 2010,
8 for shore facilities and aids to navigation facilities; of
9 which \$82,720,000 shall be available for personnel com-
10 pensation and benefits and related costs; and of which
11 \$698,350,000 shall be available until September 30, 2012,
12 for the Integrated Deepwater Systems program: *Provided,*
13 That of the funds made available for the Integrated Deep-
14 water Systems program, \$257,400,000 is for aircraft and
15 \$219,500,000 is for surface ships: *Provided further,* That
16 \$400,000,000 of the funds provided for the Integrated
17 Deepwater Systems program may not be obligated until
18 the Committees on Appropriations of the Senate and the
19 House of Representatives receive and approve a plan for
20 expenditure directly from the Coast Guard that—

21 (1) defines activities, milestones, yearly costs,
22 and lifecycle costs for each procurement of a major
23 asset, including an independent cost estimate for
24 each;

1 (2) identifies lifecycle staffing and training
2 needs of Coast Guard project managers and of pro-
3 curement and contract staff;

4 (3) identifies competition to be conducted in
5 each procurement;

6 (4) describes procurement plans that do not
7 rely on a single industry entity or contract;

8 (5) contains very limited indefinite delivery/in-
9 definite quantity contracts and explains the need for
10 any indefinite delivery/indefinite quantity contracts;

11 (6) complies with all applicable acquisition
12 rules, requirements, and guidelines, and incorporates
13 the best systems acquisition management practices
14 of the Federal Government;

15 (7) complies with the capital planning and in-
16 vestment control requirements established by the Of-
17 fice of Management and Budget, including circular
18 A-11, part 7;

19 (8) includes a certification by the Head of Con-
20 tracting Activity for the Coast Guard and the Chief
21 Procurement Officer of the Department of Home-
22 land Security that the Coast Guard has established
23 sufficient controls and procedures and has sufficient
24 staffing to comply with all contracting requirements

1 and that any apparent conflicts of interest have been
2 sufficiently addressed;

3 ~~(9)~~ includes a description of the process used to
4 act upon deviations from the contractually specified
5 performance requirements and clearly explains the
6 actions taken on such deviations;

7 ~~(10)~~ includes a certification that the Assistant
8 Commandant of the Coast Guard for Engineering
9 and Logistics is designated as the technical author-
10 ity for all engineering, design, and logistics decisions
11 pertaining to the Integrated Deepwater Systems pro-
12 gram;

13 ~~(11)~~ identifies use of the Defense Contract Au-
14 diting Agency; and

15 ~~(12)~~ is reviewed by the Government Account-
16 ability Office.

17 *Provided further,* That the Commandant of the Coast
18 Guard is authorized to dispose of surplus real property,
19 by sale or lease, and the proceeds shall be credited to this
20 appropriation as offsetting collections and shall be avail-
21 able until September 30, 2010: *Provided further,* That of
22 amounts made available under this heading in Public Law
23 109–90 for the Offshore Patrol Cutter, \$68,841,000 is re-
24 scinded: *Provided further,* That of amounts made available
25 under this heading in Public Law 109–90 and Public Law

1 ~~109–295~~ for unmanned aerial vehicles, \$38,608,000 is re-
2 scinded: *Provided further*, That the Secretary of Homeland
3 Security shall submit to the Committees on Appropria-
4 tions of the Senate and the House of Representatives, in
5 conjunction with the President’s fiscal year 2009 budget,
6 a review of the Revised Deepwater Implementation Plan
7 that identifies any changes to the plan for the fiscal year;
8 an annual performance comparison of Deepwater assets
9 to pre-Deepwater legacy assets; a status report of legacy
10 assets; a detailed explanation of how the costs of legacy
11 assets are being accounted for within the Deepwater pro-
12 gram; and the earned value management system gold card
13 data for each Deepwater asset: *Provided further*, That the
14 Secretary shall submit to the Committees on Appropria-
15 tions of the Senate and the House of Representatives a
16 comprehensive review of the Revised Deepwater Imple-
17 mentation Plan every five years, beginning in fiscal year
18 2011, that includes a complete projection of the acquisi-
19 tion costs and schedule for the duration of the plan
20 through fiscal year 2027: *Provided further*, That the Sec-
21 retary shall annually submit to the Committees on Appro-
22 priations of the Senate and the House of Representatives,
23 at the time that the President’s budget is submitted under
24 section 1105(a) of title 31, United States Code, a future-

1 years capital investment plan for the Coast Guard that
2 identifies for each capital budget line item—

3 (1) the proposed appropriation included in that
4 budget;

5 (2) the total estimated cost of completion;

6 (3) projected funding levels for each fiscal year
7 for the next five fiscal years or until project comple-
8 tion, whichever is earlier;

9 (4) an estimated completion date at the pro-
10 jected funding levels; and

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

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

ALTERATION OF BRIDGES

1
2 For necessary expenses for alteration or removal of
3 obstructive bridges, as authorized by section 6 of the Act
4 of July 16, 1952 (chapter 409, 33 U.S.C. 516),
5 \$16,000,000, to remain available until expended.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

6
7 For necessary expenses for applied scientific re-
8 search, development, test, and evaluation; and for mainte-
9 nance, rehabilitation, lease, and operation of facilities and
10 equipment; as authorized by law; \$22,583,000 (reduced by
11 \$5,000,000), to remain available until expended, of which
12 \$500,000 shall be derived from the Oil Spill Liability
13 Trust Fund to carry out the purposes of section
14 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.
15 2712(a)(5)): *Provided*, That there may be credited to and
16 used for the purposes of this appropriation funds received
17 from State and local governments, other public authori-
18 ties, private sources, and foreign countries for expenses
19 incurred for research, development, testing, and evalua-
20 tion.

RETIRED PAY

21
22 For retired pay, including the payment of obligations
23 otherwise chargeable to lapsed appropriations for this pur-
24 pose; payments under the Retired Serviceman's Family
25 Protection and Survivor Benefits Plans; payment for ea-
26 reer status bonuses; concurrent receipts and combat-re-

1 lated special compensation under the National Defense
2 Authorization Act, and payments for medical care of re-
3 tired personnel and their dependents under chapter 55 of
4 title 10, United States Code, \$1,184,720,000, to remain
5 available until expended.

6 UNITED STATES SECRET SERVICE

7 SALARIES AND EXPENSES

8 For necessary expenses of the United States Secret
9 Service, including purchase of not to exceed 645 vehicles
10 for police-type use for replacement only, and hire of pas-
11 senger motor vehicles; purchase of motorcycles made in
12 the United States; hire of aircraft; services of expert wit-
13 nesses at such rates as may be determined by the Director
14 of the Secret Service; rental of buildings in the District
15 of Columbia; and fencing; lighting; guard booths; and
16 other facilities on private or other property not in Govern-
17 ment ownership or control; as may be necessary to per-
18 form protective functions; payment of per diem or subsist-
19 ence allowances to employees where a protective assign-
20 ment during the actual day or days of the visit of a
21 protectee requires an employee to work 16 hours per day
22 or to remain overnight at a post of duty; conduct of and
23 participation in firearms matches; presentation of awards;
24 travel of United States Secret Service employees on pro-
25 tective missions without regard to the limitations on such

1 expenditures in this or any other Act if approval is ob-
2 tained in advance from the Committees on Appropriations
3 of the Senate and the House of Representatives; research
4 and development; grants to conduct behavioral research in
5 support of protective research and operations; and pay-
6 ment in advance for commercial accommodations as may
7 be necessary to perform protective functions;
8 \$1,392,171,000, of which \$853,690,000 is for protective
9 missions and not to exceed \$25,000 shall be for official
10 reception and representation expenses: *Provided*, That up
11 to \$18,000,000 provided for protective travel shall remain
12 available until September 30, 2009: *Provided further*, That
13 the United States Secret Service is authorized to obligate
14 funds in anticipation of reimbursements from Executive
15 agencies, as defined in section 105 of title 5, United States
16 Code, receiving training sponsored by the James J.
17 Rowley Training Center, except that total obligations at
18 the end of the fiscal year shall not exceed total budgetary
19 resources available under this heading at the end of the
20 fiscal year: *Provided further*, That none of the funds made
21 available under this heading shall be available to com-
22 pensate any employee for overtime in an annual amount
23 in excess of \$35,000, except that the Secretary of Home-
24 land Security, or the designee of the Secretary, may waive
25 that amount as necessary for national security purposes:

1 TITLE III—PROTECTION, PREPAREDNESS,
2 RESPONSE AND RECOVERY

3 NATIONAL PROTECTION AND PROGRAMS DIRECTORATE
4 MANAGEMENT AND ADMINISTRATION

5 For salaries and expenses of the immediate Office of
6 the Under Secretary for National Protection and Pro-
7 grams, the National Protection Planning Office, support
8 for operations, information technology, and Risk Manage-
9 ment and Analysis, \$40,346,000: *Provided*, That not to
10 exceed \$5,000 shall be for official reception and represen-
11 tation expenses.

12 INFRASTRUCTURE PROTECTION AND INFORMATION
13 SECURITY

14 For necessary expenses for infrastructure protection
15 and information security programs and activities, as au-
16 thorized by title II of the Homeland Security Act of 2002
17 (6 U.S.C. 121 et seq.), \$532,881,000, of which
18 \$471,787,000 shall remain available until September 30,
19 2009.

20 UNITED STATES VISITOR AND IMMIGRANT STATUS
21 INDICATOR TECHNOLOGY

22 For necessary expenses for the development of the
23 United States Visitor and Immigrant Status Indicator
24 Technology project, as authorized by section 110 of the
25 Illegal Immigration Reform and Immigrant Responsibility
26 Act of 1996 (8 U.S.C. 1365a), \$462,000,000, to remain

1 available until expended: *Provided*, That of the total
2 amount made available under this heading, \$232,000,000
3 may not be obligated for the United States Visitor and
4 Immigrant Status Indicator Technology project until the
5 Committees on Appropriations of the Senate and the
6 House of Representatives receive and approve a plan for
7 expenditure prepared by the Secretary of Homeland Secu-
8 rity that—

9 (1) meets the capital planning and investment
10 control review requirements established by the Office
11 of Management and Budget, including Circular A-
12 11, part 7;

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

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

18 (4) includes a certification by the Chief Infor-
19 mation Officer of the Department of Homeland Se-
20 curity that an independent verification and valida-
21 tion agent is currently under contract for the
22 project;

23 (5) is reviewed and approved by the Depart-
24 ment of Homeland Security Investment Review

1 Board, the Secretary of Homeland Security, and the
2 Office of Management and Budget;

3 (6) is reviewed by the Government Account-
4 ability Office;

5 (7) includes a comprehensive strategic plan for
6 the United States Visitor and Immigrant Status In-
7 dicator Technology project;

8 (8) includes a complete schedule for the full im-
9 plementation of a biometric exit program or a cer-
10 tification that such program is not possible within
11 five years; and

12 (9) includes a detailed accounting of operation
13 and maintenance, contractor services, and program
14 costs associated with the management of identity
15 services:

16 *Provided further,* That quarterly status reports on the
17 US-VISIT program submitted to the Committees on Ap-
18 propriations of the Senate and House of Representatives
19 shall include reporting on coordination with Western
20 Hemisphere Travel Initiative planning and implementa-
21 tion, the Secure Border Initiative, and other Departmental
22 efforts that relate to US-VISIT goals and activities:

23 OFFICE OF HEALTH AFFAIRS

24 For the necessary expenses of the Office of Health
25 Affairs, \$117,933,000; of which \$25,750,000 is for sala-

1 ries and expenses; and of which \$92,183,000 is for bio-
 2 surveillance, BioWatch, medical readiness planning, chem-
 3 ical response, and other activities, to remain available until
 4 September 30, 2009: *Provided*, That not to exceed \$3,000
 5 shall be for official reception and representation expenses.

6 FEDERAL EMERGENCY MANAGEMENT AGENCY

7 MANAGEMENT AND ADMINISTRATION

8 For necessary expenses for management and admin-
 9 istration of the Federal Emergency Management Agency,
 10 \$685,000,000, including activities authorized by the Na-
 11 tional Flood Insurance Act of 1968 (42 U.S.C. 4001 et
 12 seq.); the Robert T. Stafford Disaster Relief and Emer-
 13 gency Assistance Act (42 U.S.C. 5121 et seq.); the Earth-
 14 quake Hazards Reduction Act of 1977 (42 U.S.C. 7701
 15 et seq.); the Defense Production Act of 1950 (50 U.S.C.
 16 App. 2061 et seq.); sections 107 and 303 of the National
 17 Security Act of 1947 (50 U.S.C. 404, 405); Reorganiza-
 18 tion Plan No. 3 of 1978 (5 U.S.C. App.); and the Home-
 19 land Security Act of 2002 (6 U.S.C. 101 et seq.): *Pro-*
 20 *vided*, That not to exceed \$3,000 shall be for official recep-
 21 tion and representation expenses: *Provided further*, That
 22 of the total amount made available under this heading,
 23 \$35,000,000 shall be for Urban Search and Rescue, of
 24 which not to exceed \$1,600,000 may be made available
 25 for administrative costs: *Provided further*, That no less

1 than \$6,000,000 shall be for the Office of the National
2 Capital Region Coordination.

3 STATE AND LOCAL PROGRAMS

4 For grants, contracts, cooperative agreements, and
5 other activities, including grants to State and local govern-
6 ments for terrorism prevention activities, notwithstanding
7 any other provision of law, ~~\$3,101,000,000~~ (increased by
8 ~~\$50,000,000~~) (increased by ~~\$1,000,000~~) (increased by
9 ~~\$50,000,000~~), which shall be allocated as follows:

10 (1) ~~\$550,000,000~~ for formula-based grants and
11 ~~\$400,000,000~~ for law enforcement terrorism preven-
12 tion grants pursuant to section 1014 of the USA
13 PATRIOT ACT (42 U.S.C. 3714): *Provided*, That
14 the application for grants shall be made available to
15 States within 45 days after the date of enactment of
16 this Act; that States shall submit applications within
17 90 days after the grant announcement; and the Fed-
18 eral Emergency Management Agency shall act with-
19 in 90 days after receipt of an application: *Provided*
20 *further*, That not less than 80 percent of any grant
21 under this paragraph to a State or to Puerto Rico
22 shall be made available by the State or Puerto Rico
23 to local governments within 60 days after the receipt
24 of the funds.

25 (2) ~~\$1,858,000,000~~ (increased by ~~\$50,000,000~~)
26 (increased by ~~\$50,000,000~~) for discretionary grants;

1 as determined by the Secretary of Homeland Security,
2 of which—

3 (A) \$800,000,000 (increased by
4 \$50,000,000) shall be for use in high-threat,
5 high-density urban areas;

6 (B) \$400,000,000 shall be for port security
7 grants pursuant to section 70107 of title 46,
8 United States Code;

9 (C) \$10,000,000 shall be for trucking in-
10 dustry security grants;

11 (D) \$11,000,000 shall be for intercity bus
12 security grants;

13 (E) \$400,000,000 shall be for intercity rail
14 passenger transportation (as defined in section
15 24102 of title 49, United States Code), freight
16 rail, and transit security grants;

17 (F) \$50,000,000 (increased by
18 \$50,000,000) shall be for buffer zone protection
19 grants;

20 (G) \$20,000,000 shall be for Commercial
21 Equipment Direct Assistance grants;

22 (H) \$50,000,000 shall be for Metropolitan
23 Medical Response System grants;

24 (I) \$17,000,000 shall be for Citizen Corps
25 grants;

1 ~~(J)~~ \$50,000,000 shall be for interoperable
2 communications grants; and

3 ~~(K)~~ \$50,000,000 shall be for Real ID
4 grants pursuant to Public Law 109-13:

5 ~~Provided,~~ That for grants under subparagraph ~~(A)~~,
6 the application for grants shall be made available to
7 States within 45 days after the date of enactment of
8 this Act; that States shall submit applications within
9 90 days after the grant announcement; and that the
10 Federal Emergency Management Agency shall act
11 within 90 days after receipt of an application: ~~Pro-~~
12 ~~vided further,~~ That no less than 80 percent of any
13 grant under this paragraph to a State shall be made
14 available by the State to local governments within 60
15 days after the receipt of the funds: ~~Provided further,~~
16 That for grants under subparagraphs ~~(B)~~ through
17 ~~(K)~~, the applications for such grants shall be made
18 available for competitive award to eligible applicants
19 not later than 75 days after the date of enactment
20 of this Act, that eligible applicants shall submit ap-
21 plications not later than 45 days after the date of
22 the grant announcement; and that the Federal
23 Emergency Management Agency shall act on such
24 applications not later than 60 days after the date on
25 which such an application is received.

1 cent of the amount available under this heading shall be
2 available for program administration.

3 EMERGENCY MANAGEMENT PERFORMANCE GRANTS

4 For necessary expenses for emergency management
5 performance grants, as authorized by the National Flood
6 Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-
7 ert T. Stafford Disaster Relief and Emergency Assistance
8 Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards
9 Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Re-
10 organization Plan No. 3 of 1978 (5 U.S.C. App.),
11 \$300,000,000: *Provided*, That grants provided under this
12 heading shall be distributed based on the formula used
13 by the Department of Homeland Security in fiscal year
14 2007: *Provided further*, That total administrative costs
15 shall not exceed 3 percent of the total amount appro-
16 priated under this heading.

17 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

18 The aggregate charges assessed during fiscal year
19 2008, as authorized in title III of the Departments of Vet-
20 erans Affairs and Housing and Urban Development, and
21 Independent Agencies Appropriations Act, 1999 (42
22 U.S.C. 5196e), shall not be less than 100 percent of the
23 amount the Secretary of Homeland Security anticipates
24 is necessary for the radiological emergency preparedness
25 program of the Department of Homeland Security for the
26 next fiscal year: *Provided*, That the methodology for the

1 assessment and collection of fees shall be fair and equi-
 2 table and shall reflect the cost of providing such services,
 3 including the administrative cost of collecting such fees:
 4 *Provided further,* That fees received under this heading
 5 shall be deposited in this account as offsetting collections
 6 and shall become available for authorized purposes on Oc-
 7 tober 1, 2008, and remain available until expended.

8 UNITED STATES FIRE ADMINISTRATION

9 For necessary expenses of the United States Fire Ad-
 10 ministration and for other purposes, as authorized by the
 11 Federal Fire Prevention and Control Act of 1974 (15
 12 U.S.C. 2201 et seq.) and the Homeland Security Act of
 13 2002 (6 U.S.C. 101 et seq.), \$43,300,000.

14 DISASTER RELIEF

15 For necessary expenses in carrying out the Robert
 16 T. Stafford Disaster Relief and Emergency Assistance Act
 17 (42 U.S.C. 5121 et seq.), \$1,700,000,000, to remain avail-
 18 able until expended.

19 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

20 For activities under section 319 of the Robert T.
 21 Stafford Disaster Relief and Emergency Assistance Act
 22 (42 U.S.C. 5162), \$875,000, of which \$580,000 is for ad-
 23 ministrative expenses to carry out the direct loan program
 24 under that section and \$295,000 is for the cost of direct
 25 loans: *Provided,* That gross obligations for the principal
 26 amount of direct loans under that section shall not exceed

1 ~~\$25,000,000: *Provided further,* That the cost of a modi-~~
 2 ~~fication of such a loan shall be as defined in section~~
 3 ~~502(5)(D) of the Congressional Budget Act of 1974 (2~~
 4 ~~U.S.C. 661a).~~

5 FLOOD MAP MODERNIZATION FUND

6 For necessary expenses under section 1360 of the
 7 National Flood Insurance Act of 1968 (42 U.S.C. 4101),
 8 ~~\$230,000,000~~, and such additional sums as may be pro-
 9 vided by State and local governments or other political
 10 subdivisions for cost-shared mapping activities under sub-
 11 section (f) of such section, to remain available until ex-
 12 pended: *Provided,* That total administrative costs shall not
 13 exceed ~~3~~ percent of the total amount appropriated under
 14 this heading.

15 NATIONAL FLOOD INSURANCE FUND

16 (INCLUDING TRANSFER OF FUNDS)

17 For activities under the National Flood Insurance
 18 Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Dis-
 19 aster Protection Act of 1973 (42 U.S.C. 4001 et seq.),
 20 ~~\$145,000,000~~, which is available as follows: (1) not to ex-
 21 ceed ~~\$45,642,000~~ for salaries and expenses associated
 22 with flood mitigation and flood insurance operations; and
 23 (2) no less than ~~\$99,358,000~~ for flood hazard mitigation,
 24 which shall be derived from offsetting collections assessed
 25 and collected under section 1307 of the National Flood
 26 Insurance Act of 1968 (42 U.S.C. 4014), to remain avail-

1 able until September 30, 2009, including up to
2 \$34,000,000 for flood mitigation expenses under section
3 1366 of that Act (42 U.S.C. 4104e), which shall be avail-
4 able for transfer to the National Flood Mitigation Fund
5 under section 1367 of that Act (42 U.S.C. 4104) until
6 September 30, 2009: *Provided*, That any additional fees
7 collected pursuant to section 1307 of that Act shall be
8 credited as an offsetting collection to this account, to be
9 available for flood hazard mitigation expenses: *Provided*
10 *further*, That in fiscal year 2008, no funds shall be avail-
11 able from the National Flood Insurance Fund under sec-
12 tion 1310 of that Act (42 U.S.C. 4017) in excess of: (1)
13 \$70,000,000 for operating expenses; (2) \$773,772,000 for
14 commissions and taxes of agents; (3) such sums as are
15 necessary for interest on Treasury borrowings; and (4)
16 \$90,000,000 for flood mitigation actions with respect to
17 severe repetitive loss properties under section 1361A of
18 that Act (42 U.S.C. 4102a) and repetitive insurance
19 claims properties under section 1323 of that Act (42
20 U.S.C. 4030), which shall remain available until expended:
21 *Provided further*, That total administrative costs shall not
22 exceed 4 percent of the total appropriation.

23 NATIONAL FLOOD MITIGATION FUND

24 (INCLUDING TRANSFER OF FUNDS)

25 Notwithstanding subparagraphs (B) and (C) of sub-
26 section (b)(3), and subsection (f), of section 1366 of the

1 National Flood Insurance Act of 1968 (42 U.S.C. 4104e),
2 \$34,000,000, to remain available until September 30,
3 2009, for activities designed to reduce the risk of flood
4 damage to structures pursuant to such Act, of which
5 \$34,000,000 shall be derived from the National Flood In-
6 surance Fund under section 1310 of that Act (42 U.S.C.
7 4017).

8 NATIONAL PRE-DISASTER MITIGATION FUND

9 For a predisaster mitigation grant program under
10 title II of the Robert T. Stafford Disaster Relief and
11 Emergency Assistance Act (42 U.S.C. 5131 et seq.),
12 \$120,000,000, to remain available until expended: *Pro-*
13 *vided*, That grants made for predisaster mitigation shall
14 be awarded on a competitive basis subject to the criteria
15 in section 203(g) of such Act (42 U.S.C. 5133(g)): *Pro-*
16 *vided further*, That the total administrative costs associ-
17 ated with such grants shall not exceed 3 percent of the
18 total amount made available under this heading.

19 EMERGENCY FOOD AND SHELTER

20 To carry out an emergency food and shelter program
21 pursuant to title III of the McKinney-Vento Homeless As-
22 sistance Act (42 U.S.C. 11331 et seq.), \$153,000,000, to
23 remain available until expended: *Provided*, That total ad-
24 ministrative costs shall not exceed 3.5 percent of the total
25 amount made available under this heading.

1 ~~TITLE IV—RESEARCH AND DEVELOPMENT,~~
2 ~~TRAINING, AND SERVICES~~
3 ~~UNITED STATES CITIZENSHIP AND IMMIGRATION~~
4 ~~SERVICES~~

5 ~~For necessary expenses for citizenship and immigra-~~
6 ~~tion services, \$30,000,000: *Provided,* That collections~~
7 ~~made pursuant to 8 U.S.C. 1356(u) may not be obligated~~
8 ~~until the Committees on Appropriations of the Senate and~~
9 ~~the House of Representatives, and the Committee on the~~
10 ~~Judiciary of the House of Representatives, receive a stra-~~
11 ~~tegic transformation plan for United States Citizenship~~
12 ~~and Immigration Services that has been reviewed and ap-~~
13 ~~proved by the Secretary of Homeland Security and re-~~
14 ~~viewed by the Government Accountability Office.~~

15 ~~FEDERAL LAW ENFORCEMENT TRAINING CENTER~~
16 ~~SALARIES AND EXPENSES~~

17 ~~For necessary expenses of the Federal Law Enforce-~~
18 ~~ment Training Center under section 884 of the Homeland~~
19 ~~Security Act of 2002 (6 U.S.C. 464), including materials~~
20 ~~and support costs of Federal law enforcement basic train-~~
21 ~~ing; purchase of not to exceed 117 vehicles for police-type~~
22 ~~use and hire of passenger motor vehicles; expenses for stu-~~
23 ~~dent athletic and related activities; the conduct of and par-~~
24 ~~ticipation in firearms matches and presentation of awards;~~
25 ~~public awareness and enhancement of community support~~

1 of law enforcement training; room and board for student
2 interns; a flat monthly reimbursement to employees au-
3 thorized to use personal mobile phones for official duties;
4 and services as authorized by section 3109 of title 5,
5 United States Code, \$219,786,000, of which up to
6 \$43,910,000 shall remain available until September 30,
7 2008 for materials and support costs of Federal law en-
8 forcement basic training; of which \$300,000 shall remain
9 available until expended for Federal law enforcement
10 agencies participating in training accreditation; to be dis-
11 tributed as determined by the Federal Law Enforcement
12 Training Center for the needs of participating agencies;
13 and of which not to exceed \$12,000 shall be for official
14 reception and representation expenses: *Provided*, That sec-
15 tion 1202(a) of Public Law 107-206 (42 U.S.C. 3771
16 note) is amended by striking “December 31, 2007” and
17 inserting “December 31, 2008”.

18 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
19 RELATED EXPENSES

20 For acquisition of necessary additional real property
21 and facilities, construction, and ongoing maintenance, fa-
22 cility improvements, and related expenses of the Federal
23 Law Enforcement Training Center, \$43,270,000, to re-
24 main available until expended: *Provided*, That the Center
25 is authorized to accept reimbursement to this appropria-

1 tion from Government agencies requesting the construc-
2 tion of special use facilities.

3 SCIENCE AND TECHNOLOGY

4 MANAGEMENT AND ADMINISTRATION

5 For salaries and expenses of the Office of the Under
6 Secretary for Science and Technology and for manage-
7 ment and administration of programs and activities, as
8 authorized by title III of the Homeland Security Act of
9 2002 (6 U.S.C. 181 et seq.), \$130,787,000: *Provided,*
10 That not to exceed \$10,000 shall be for official reception
11 and representation expenses.

12 RESEARCH, DEVELOPMENT, ACQUISITION AND

13 OPERATIONS

14 For necessary expenses for science and technology re-
15 search, including advanced research projects; development;
16 test and evaluation; acquisition; and operations; as author-
17 ized by title III of the Homeland Security Act of 2002
18 (6 U.S.C. 181 et seq.); \$646,325,000, to remain available
19 until expended: *Provided,* That none of the funds made
20 available under this heading shall be obligated for the
21 Analysis, Dissemination, Visualization, Insight, and Se-
22 mantic Enhancement program until the Secretary of
23 Homeland Security completes a Privacy Impact Assess-
24 ment.

1 DOMESTIC NUCLEAR DETECTION OFFICE
2 MANAGEMENT AND ADMINISTRATION

3 For salaries and expenses of the Domestic Nuclear
4 Detection Office as authorized by the second title XVIII
5 of the Homeland Security Act of 2002 and for manage-
6 ment and administration of programs and activities,
7 ~~\$31,176,000: *Provided,* That not to exceed \$3,000 shall~~
8 ~~be for official reception and representation expenses.~~

9 RESEARCH, DEVELOPMENT, AND OPERATIONS

10 For necessary expenses for radiological and nuclear
11 research, development, testing, evaluation and operations,
12 ~~\$316,900,000, to remain available until expended.~~

13 SYSTEMS ACQUISITION

14 For expenses for the Domestic Nuclear Detection Of-
15 fice acquisition and deployment of radiological detection
16 systems in accordance with the global nuclear detection
17 architecture, ~~\$168,000,000 (increased by \$40,000,000), to~~
18 ~~remain available until September 30, 2010: *Provided,*~~
19 ~~That none of the funds appropriated under this heading~~
20 ~~shall be obligated for full-scale procurement of Advanced~~
21 ~~Spectroscopic Portal Monitors until the Secretary of~~
22 ~~Homeland Security submits to the Committees on Appro-~~
23 ~~priations of the Senate and the House of Representatives~~
24 ~~a report certifying that a significant increase in oper-~~
25 ~~ational effectiveness will be achieved by that procurement.~~

1 TITLE V—GENERAL PROVISIONS

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

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

13 SEC. 503. (a) None of the funds provided by this Act,
14 provided by previous appropriations Acts to the agencies
15 in or transferred to the Department of Homeland Security
16 that remain available for obligation or expenditure in fiscal
17 year 2008, or provided from any accounts in the Treasury
18 of the United States derived by the collection of fees avail-
19 able to the agencies funded by this Act, shall be available
20 for obligation or expenditure through a reprogramming of
21 funds that: (1) creates a new program; (2) eliminates a
22 program, project, office, or activity; (3) increases funds
23 for any program, project, or activity for which funds have
24 been denied or restricted by the Congress; (4) proposes
25 to use funds directed for a specific activity by either of

1 the Committees on Appropriations of the Senate or House
2 of Representatives for a different purpose; or (5) enters
3 into a contract for the performance of any function or ac-
4 tivity for which funds have been appropriated for Federal
5 full-time equivalent positions; unless the Committees on
6 Appropriations of the Senate and the House of Represent-
7 atives are notified 15 days in advance of such reprogram-
8 ming of funds.

9 (b) None of the funds provided by this Act, provided
10 by previous appropriations Acts to the agencies in or
11 transferred to the Department of Homeland Security that
12 remain available for obligation or expenditure in fiscal
13 year 2008, or provided from any accounts in the Treasury
14 of the United States derived by the collection of fees avail-
15 able to the agencies funded by this Act, shall be available
16 for obligation or expenditure for programs, projects, or ac-
17 tivities through a reprogramming of funds in excess of
18 \$5,000,000 or 10 percent, whichever is less, that: (1) aug-
19 ments existing programs, projects, or activities; (2) re-
20 duces by 10 percent or more the total amount of funding
21 for any existing program, project, or activity, or numbers
22 of personnel by 10 percent or more as approved by the
23 Congress; or (3) results from any general savings from
24 a reduction in personnel that would result in a change in
25 existing programs, projects, or activities as approved by

1 the Congress; unless the Committees on Appropriations of
2 the Senate and the House of Representatives are notified
3 15 days in advance of such reprogramming of funds.

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

16 (d) Notwithstanding subsections (a), (b), and (c), no
17 funds shall be reprogrammed within or transferred be-
18 tween appropriations after June 30, 2008, except in ex-
19 traordinary circumstances which imminently threaten the
20 safety of human life or the protection of property.

21 SEC. 504. None of the funds appropriated or other-
22 wise made available to the Department of Homeland Secu-
23 rity may be used to make payments to the “Department
24 of Homeland Security Working Capital Fund”, except for
25 the activities and amounts allowed in the President’s fiscal

1 year 2008 budget, excluding sedan service, shuttle service,
2 transit subsidy, mail operations, parking, and competitive
3 sourcing: *Provided*, That any additional activities and
4 amounts shall be approved by the Committees on Appro-
5 priations of the Senate and the House of Representatives
6 30 days in advance of obligation.

7 SEC. 505. Except as otherwise specifically provided
8 by law, not to exceed 50 percent of unobligated balances
9 remaining available at the end of fiscal year 2008 from
10 appropriations for salaries and expenses for fiscal year
11 2008 in this Act shall remain available through September
12 30, 2009, in the account and for the purposes for which
13 the appropriations were provided: *Provided*, That prior to
14 the obligation of such funds, a request shall be submitted
15 to the Committees on Appropriations of the Senate and
16 the House of Representatives for approval in accordance
17 with section 503 of this Act.

18 SEC. 506. Funds made available by this Act for intel-
19 ligence activities are deemed to be specifically authorized
20 by the Congress for purposes of section 504 of the Na-
21 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
22 year 2008 until the enactment of an Act authorizing intel-
23 ligence activities for fiscal year 2008.

24 SEC. 507. The Federal Law Enforcement Training
25 Accreditation Board shall lead the Federal law enforce-

1 ment training accreditation process, to include representa-
2 tives from the Federal law enforcement community and
3 non-Federal accreditation experts involved in law enforce-
4 ment training; to continue the implementation of meas-
5 uring and assessing the quality and effectiveness of Fed-
6 eral law enforcement training programs, facilities, and in-
7 structors.

8 SEC. 508. None of the funds in this Act may be used
9 to make grant allocations, discretionary grant awards, dis-
10 cretionary contract awards, or to issue a letter of intent
11 totaling in excess of \$1,000,000, or to announce publicly
12 the intention to make such awards, unless the Secretary
13 of Homeland Security notifies the Committees on Appro-
14 priations of the Senate and the House of Representatives
15 at least three full business days in advance: *Provided*, That
16 no notification shall involve funds that are not available
17 for obligation: *Provided further*, That the Administrator
18 of the Federal Emergency Management Agency shall brief
19 the Committees on Appropriations of the Senate and the
20 House of Representatives 5 full business days in advance
21 of announcing publicly the intention of making an award
22 of formula-based grants, law enforcement terrorism pre-
23 vention grants, or high-threat, high-density urban areas
24 grants: *Provided further*, That such notification shall in-

1 clude a description of the project or projects to be funded
2 including the city, county, and State.

3 SEC. 509. Notwithstanding any other provision of
4 law, no agency shall purchase, construct, or lease any ad-
5 ditional facilities, except within or contiguous to existing
6 locations, to be used for the purpose of conducting Federal
7 law enforcement training without the advance approval of
8 the Committees on Appropriations of the Senate and the
9 House of Representatives, except that the Federal Law
10 Enforcement Training Center is authorized to obtain the
11 temporary use of additional facilities by lease, contract,
12 or other agreement for training which cannot be accommo-
13 dated in existing Center facilities.

14 SEC. 510. The Director of the Federal Law Enforce-
15 ment Training Center shall schedule basic or advanced law
16 enforcement training at all four training facilities under
17 the control of the Federal Law Enforcement Training
18 Center to ensure that these training centers are operated
19 at the highest capacity throughout the fiscal year.

20 SEC. 511. None of the funds appropriated or other-
21 wise made available by this Act may be used for expenses
22 for any construction, repair, alteration, or acquisition
23 project for which a prospectus, if required under chapter
24 33 of title 40, United States Code, has not been approved,
25 except that necessary funds may be expended for each

1 project for required expenses for the development of a pro-
2 posed prospectus.

3 SEC. 512. None of the funds in this Act may be used
4 in contravention of the applicable provisions of the Bay
5 American Act (41 U.S.C. 10a et seq.).

6 SEC. 513. (a) None of the funds provided by this or
7 previous appropriations Acts may be obligated for deploy-
8 ment or implementation, on other than a test basis, of the
9 Secure Flight program or any other follow on or successor
10 passenger prescreening program, until the Secretary of
11 Homeland Security certifies, and the Government Ac-
12 countability Office reports, to the Committees on Appro-
13 priations of the Senate and the House of Representatives,
14 that all 10 conditions under paragraphs (1) through (10)
15 of section 522(a) of the Department of Homeland Security
16 Appropriations Act, 2005 (Public Law 108-334, 118 Stat.
17 1319) have been successfully met.

18 (b) The report required by subsection (a) shall be
19 submitted within 90 days after the Secretary provides the
20 requisite certification, and periodically thereafter, if nec-
21 essary, until the Government Accountability Office con-
22 firms that all ten conditions have been successfully met.

23 (c) Within 90 days after the date of enactment of
24 this Act, the Secretary of Homeland Security shall submit
25 to the Committees on Appropriations of the Senate and

1 the House of Representatives a detailed plan that de-
2 scribes: (1) the dates for achieving key milestones, includ-
3 ing the date or timeframes that the Secretary will certify
4 the program under subsection (a); and (2) the method-
5 ology to be followed to support the Secretary's certifi-
6 cation, as required under subsection (a).

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

13 (e) None of the funds provided in this or any other
14 Act to any part of the Department of Homeland Security
15 may be utilized to develop or test algorithms assigning risk
16 to passengers whose names are not on Government watch
17 lists.

18 (f) None of the funds provided in this or any other
19 Act may be used for data or a database that is obtained
20 from or remains under the control of a non-Federal entity:
21 *Provided*, That this restriction shall not apply to Pas-
22 senger Name Record data obtained from air carriers.

23 SEC. 514. None of the funds appropriated by this Act
24 may be used to process or approve a competition under
25 Office of Management and Budget Circular A-76 for serv-

1 ices provided as of June 1, 2004, by employees (including
2 employees serving on a temporary or term basis) of United
3 States Citizenship and Immigration Services of the De-
4 partment of Homeland Security who are known as of that
5 date as Immigration Information Officers, Contact Rep-
6 resentatives, or Investigative Assistants.

7 SEC. 515. None of the funds appropriated to the
8 United States Secret Service by this or any other Act may
9 be made available for the protection of the head of a Fed-
10 eral agency other than the Secretary of Homeland Secu-
11 rity: *Provided*, That the Director of the United States Se-
12 cret Service may enter into an agreement to perform such
13 a service on a fully reimbursable basis.

14 SEC. 516. (a) Section 513 of the Department of
15 Homeland Security Appropriations Act, 2005, is amended
16 by striking “triple” and inserting “double”.

17 (b) The amendment made by subsection (a) shall
18 apply to the percentage of cargo inspected as required by
19 Security Directives in effect as of the date of enactment
20 of this Act.

21 SEC. 517. (a) The Secretary of Homeland Security
22 shall research, develop, and procure new technologies to
23 inspect and screen air cargo carried on passenger aircraft
24 at the earliest date possible.

1 (b) Existing checked baggage explosive detection
2 equipment and screeners shall be used to screen air cargo
3 carried on passenger aircraft to the greatest extent prac-
4 ticable at each airport until technologies developed under
5 subsection (a) are available.

6 (c) Not later than 45 days after the end of the quar-
7 ter, the Transportation Security Administration shall sub-
8 mit to the Committees on Appropriations of the Senate
9 and the House of Representatives a report on air cargo
10 inspection statistics by airport and air carrier, including
11 any reason for non-compliance with section 516.

12 SEC. 518. None of the funds made available in this
13 Act may be used by any person other than the Privacy
14 Officer appointed under section 222 of the Homeland Se-
15 curity Act of 2002 (6 U.S.C. 142) to alter, direct that
16 changes be made to, delay, or prohibit the transmission
17 to Congress of any report prepared under paragraph (6)
18 of such section.

19 SEC. 519. No funding provided in this or any other
20 Act shall be available to pay the salary of any employee
21 serving as a contracting officer's technical representative
22 (COTR), or anyone acting in a similar capacity, who has
23 not received COTR training.

24 SEC. 520. Except as provided in section 44945 of title
25 49, United States Code, funds appropriated or transferred

1 to Transportation Security Administration “Aviation Se-
2 curity”, “Administration” and “Transportation Security
3 Support” for fiscal years 2004, 2005, 2006, and 2007
4 that are recovered or deobligated shall be available only
5 for the procurement or installation of explosive detection
6 systems, for air cargo, baggage, and checkpoint screening
7 systems, subject to notification: *Provided*, That quarterly
8 reports shall be submitted to the Committees on Appro-
9 priations of the Senate and the House of Representatives
10 on any funds that are recovered or deobligated.

11 SEC. 521. Section 525 of the Department of Home-
12 land Security Appropriations Act, 2007 (Public Law 109-
13 295), is amended—

14 (1) in subsection (a)(2)(A) by inserting “identi-
15 fies and describes the specific risk to the national
16 transportation system and therefore” after “infor-
17 mation”;

18 (2) in subsection (d) by striking “like that” and
19 inserting “identical to those”; and

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

21 “(e) For the purposes of this section, the term ‘par-
22 ty’s counsel’ includes any employee who assists counsel in
23 legal proceedings and who is so designated by counsel and
24 approved by the judge overseeing the legal proceedings.”.

1 ~~SEC. 522.~~ The Department of Homeland Security
2 Working Capital Fund, established pursuant to section
3 ~~403 of Public Law 103-356 (31 U.S.C. 501 note)~~, shall
4 continue operations during fiscal year 2008.

5 ~~SEC. 523.~~ (a) The report required by Public Law
6 ~~109-62 and Public Law 109-90~~ detailing the allocation
7 and obligation of funds for “Disaster Relief” shall here-
8 after be submitted monthly and include: (1) status of the
9 Disaster Relief Fund including obligations, allocations,
10 and amounts undistributed/unallocated; (2) allocations,
11 obligations, and expenditures for Hurricanes Katrina,
12 Rita, and Wilma; (3) information on national flood insur-
13 ance claims; (4) information on manufactured housing
14 data; (5) information on hotel and motel data; (6) obliga-
15 tions, allocations, and expenditures by State for unemploy-
16 ment, crisis counseling, inspections, housing assistance,
17 manufactured housing, public assistance, and individual
18 assistance; (7) mission assignment obligations by agency,
19 including: (A) the amounts reimbursed to other agencies
20 that are in suspense because the Federal Emergency Man-
21 agement Agency has not yet reviewed and approved the
22 documentation supporting the expenditure; and (B) a dis-
23 claimer if the amounts of reported obligations and expend-
24 itures do not reflect the status of such obligations and ex-
25 penditures from a government-wide perspective; (8) the

1 amount of credit card purchases by agency and mission
2 assignment; (9) specific reasons for all waivers granted
3 and a description of each waiver; and (10) a list of all
4 contracts that were awarded on a sole source or limited
5 competition basis, including the dollar amount, the pur-
6 pose of the contract and the reason for the lack of com-
7 petitive award.

8 (b) The Secretary of Homeland Security shall, at
9 least quarterly, obtain and report from each agency per-
10 forming mission assignments each such agency's actual
11 obligation and expenditure data and include such data in
12 the report referred to in subsection (a).

13 (c) For any request for reimbursement from a Fed-
14 eral agency to the Department of Homeland Security to
15 cover expenditures under the Robert T. Stafford Disaster
16 Relief and Emergency Assistance Act (42 U.S.C. 5121 et
17 seq.); or any mission assignment orders issued by the De-
18 partment of Homeland Security for such purposes, the
19 Secretary of Homeland Security shall take appropriate
20 steps to ensure that each agency is periodically reminded
21 of Department of Homeland Security policies on—

22 (1) the detailed information required in sup-
23 porting documentation for reimbursements; and

24 (2) the necessity for timeliness of agency bil-
25 lings.

1 ~~SEC. 524.~~ Within 45 days after the close of each
2 month, the Chief Financial Officer of the Department of
3 Homeland Security shall submit to the Committees on Ap-
4 propriations of the Senate and the House of Representa-
5 tives a monthly budget and staffing report that includes
6 total obligations and on-board versus funded full-time
7 equivalent staffing levels.

8 ~~SEC. 525.~~ Section 532(a) of Public Law 109–295 is
9 amended by striking “2007” and inserting “2008”.

10 ~~SEC. 526.~~ None of the funds made available by this
11 Act shall be used in contravention of the Federal buildings
12 performance and reporting requirements of Executive
13 Order No. 13123, part 3 of title V of the National Energy
14 Conservation Policy Act (42 U.S.C. 8251 et seq.), or sub-
15 title A of title I of the Energy Policy Act of 2005 (includ-
16 ing the amendments made thereby).

17 ~~SEC. 527.~~ The functions of the Federal Law Enforce-
18 ment Training Center instructor staff shall be classified
19 as inherently governmental for the purpose of the Federal
20 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
21 note).

22 ~~SEC. 528.~~ None of the funds made available in this
23 Act may be used in contravention of section 303 of the
24 Energy Policy Act of 1992 (42 U.S.C. 13212).

1 SEC. 529. None of the funds made available by this
2 Act may be used to take an action that would violate Exec-
3 utive Order No. 13149 (65 Fed. Reg. 24607; relating to
4 greening the Government through Federal fleet and trans-
5 portation efficiency).

6 SEC. 530. (a) IN GENERAL.—Any contract, sub-
7 contract, task or delivery order described in subsection (b)
8 shall contain the following:

9 (1) A requirement for a technical review of all
10 designs, design changes, and engineering change
11 proposals, and a requirement to specifically address
12 all engineering concerns identified in the review be-
13 fore the obligation of further funds may occur.

14 (2) A requirement that the Coast Guard main-
15 tain technical warrant holder authority, or the equiv-
16 alent, for major assets.

17 (3) A requirement that no procurement subject
18 to subsection (b) for lead asset production or the im-
19 plementation of a major design change shall be en-
20 tered into unless an independent third party with no
21 financial interest in the development, construction,
22 or modification of any component of the asset, se-
23 lected by the Commandant of the Coast Guard, de-
24 termines that such action is advisable.

1 (4) A requirement for independent life-cycle
2 cost estimates of lead assets and major design and
3 engineering changes.

4 (5) A requirement for the measurement of con-
5 tractor and subcontractor performance based on the
6 status of all work performed. For contracts under
7 the Integrated Deepwater Systems program, such
8 requirement shall include a provision that links
9 award fees to successful acquisition outcomes (which
10 shall be defined in terms of cost, schedule, and per-
11 formance).

12 (6) A requirement that the Commandant of the
13 Coast Guard assign an appropriate officer or em-
14 ployee of the Coast Guard to act as chair of each in-
15 tegrated product team and higher-level team as-
16 signed to the oversight of each integrated product
17 team.

18 (7) A requirement that the Commandant of the
19 Coast Guard may not award or issue any contract,
20 task or delivery order, letter contract modification
21 thereof, or other similar contract, for the acquisition
22 or modification of an asset under a procurement
23 subject to subsection (b) unless the Coast Guard and
24 the contractor concerned have formally agreed to all
25 terms and conditions or the head of contracting ac-

1 tivity of the Coast Guard determines that a compel-
2 ling need exists for the award or issue of such in-
3 strument.

4 (b) ~~CONTRACTS, SUBCONTRACTS, TASK AND DELIV-~~
5 ~~ERY ORDERS COVERED.~~—Subsection (a) applies to—

6 (1) any major procurement contract, first-tier
7 subcontract, delivery or task order entered into by
8 the Coast Guard;

9 (2) any first-tier subcontract entered into under
10 such a contract; and

11 (3) any task or delivery order issued pursuant
12 to such a contract or subcontract.

13 (c) ~~REPORTS.~~—Not later than 30 days after the date
14 of enactment of this Act, the Commandant of the Coast
15 Guard shall submit to the Committees on Appropriations
16 of the Senate and the House of Representatives, the Com-
17 mittee on Commerce, Science, and Transportation of the
18 Senate, and the Committee on Transportation and Infra-
19 structure of the House of Representatives: (1) a report
20 on the resources (including training, staff, and expertise)
21 required by the Coast Guard to provide appropriate man-
22 agement and oversight of the Integrated Deepwater Sys-
23 tems program; and (2) a report on how the Coast Guard
24 will utilize full and open competition for any contract en-
25 tered into after the date of enactment of the Act that pro-

1 vides for the acquisition or modification of assets under,
2 or in support of, the Integrated Deepwater Systems pro-
3 gram.

4 SEC. 531. None of the funds provided by this or any
5 other Act may be obligated for the development, testing,
6 deployment, or operation of any system related to the
7 MAX-HR project, or any subsequent but related human
8 resources management project, until any pending litiga-
9 tion concerning such activities is resolved, and any legal
10 claim or appeal by either party has been fully resolved.

11 SEC. 532. (a) AMENDMENTS.—Section 550 of the
12 Department of Homeland Security Appropriations Act,
13 2007 (6 U.S.C. 121 note) is amended—

14 (1) in subsection (e), by striking “consistent
15 with similar” and inserting “identical to the protec-
16 tions given”;

17 (2) in subsection (e), by striking “, site security
18 plans, and other information submitted to or ob-
19 tained by the Secretary under this section, and re-
20 lated vulnerability or security information, shall be
21 treated as if the information were classified mate-
22 rial” and inserting “and site security plans shall be
23 treated as sensitive security information (as that
24 term is used in section 1520.5 of title 49, Code of

1 Federal Regulations, or any subsequent regulations
2 relating to the same matter)”; and

3 ~~(3)~~ by adding at the end of the section the fol-
4 lowing:

5 “(h) This section shall not preclude or deny any right
6 of any State or political subdivision thereof to adopt or
7 enforce any regulation, requirement, or standard of per-
8 formance with respect to chemical facility security that is
9 more stringent than a regulation, requirement, or stand-
10 ard of performance issued under this section, or otherwise
11 impair any right or jurisdiction of any State with respect
12 to chemical facilities within that State.”.

13 (b) REGULATORY CLARIFICATION.—Not later than
14 30 days after the date of the enactment of this Act, the
15 Secretary of Homeland Security shall update the regula-
16 tions administered by the Secretary that govern sensitive
17 security information, including 49 CFR 1520, to reference
18 all information required to be protected under section
19 550(e) of the Department of Homeland Security Appro-
20 priations Act, 2007 (6 U.S.C. 121 note), as amended by
21 subsection (a).

22 SEC. 533. The Commissioner of United States Cus-
23 toms and Border Protection shall, not later than July 1,
24 2008, establish for the United States Customs and Border
25 Protection Officer (CBPO) position, a new classification

1 (“CBPO/LEO”), which shall be identical to the current
2 position description for a CBPO, and include, but not be
3 limited to, eligibility for treatment accorded to law en-
4 forcement officers under subchapter III of chapter 83, and
5 chapter 84 of title 5, United States Code. In developing
6 the new classification, the Commissioner shall consult with
7 the Office of Personnel Management, as well as employee
8 groups that represent CBPOs. The option to elect to serve
9 as a CBPO/LEO shall be available to all CBPOs who
10 enter into service on or after July 1, 2008, as well as to
11 incumbent CBPOs currently serving on July 1, 2008, who
12 meet the maximum age requirements to serve in a law en-
13 forcement officer position.

14 SEC. 534. In fiscal year 2008, none of funds made
15 available in this or any other Act may be used to enforce
16 section 4025(1) of Public Law 108-458 if the Assistant
17 Secretary (Transportation Security Administration) deter-
18 mines that butane lighters are not a significant threat to
19 civil aviation security. *Provided*, That the Assistant Sec-
20 retary (Transportation Security Administration) shall no-
21 tify the Committee on Appropriations of the Senate and
22 the House of Representatives 15 days in advance of such
23 determination including a report on whether the effective-
24 ness of screening operations is enhanced by suspending
25 enforcement of the prohibition. *Provided further*, That if

1 the Assistant Secretary has previously submitted a report
2 pursuant to Section 530 of Public Law 108-458, no fur-
3 ther report shall be required.

4 SEC. 535. None of the funds provided in this Act may
5 be used to alter or reduce operations within the Civil Engi-
6 neering Program of the Coast Guard nationwide, including
7 the civil engineering units, facilities, design and construc-
8 tion centers, maintenance and logistics command centers,
9 and the Coast Guard Academy, except as specifically au-
10 thorized by a statute enacted after the date of enactment
11 of this Act.

12 SEC. 536. None of the funds appropriated in this Act
13 may be used for a grant or contract for any project that
14 does not comply with the requirements of subchapter IV
15 of chapter 31 of title 40, United States Code: *Provided,*
16 That the President may suspend the provisions of such
17 subchapter during a national emergency.

18 SEC. 537. None of the funds appropriated in this Act
19 may be obligated for a grant or contract awarded by a
20 means other than full and open competition, other than
21 a grant distributed by a formula or other mechanism that
22 is required by statute. The Secretary of Homeland Secu-
23 rity may waive the application of this subsection during
24 a national emergency.

1 able efforts to collect such badge from the employee
2 on the date that the employment of the employee is
3 terminated and does not notify the operator of the
4 airport of such termination within 24 hours of the
5 date of such termination shall be liable to the Gov-
6 ernment for a civil penalty not to exceed \$10,000.”.

7 ~~SEC. 543.~~ None of the funds made available in this
8 Act may be used by U.S. Citizenship and Immigration
9 Services to grant an immigration benefit to any individual
10 unless all criminal history and other background checks
11 required for the benefit have been completed, the results
12 of such checks have been received by U.S. Citizenship and
13 Immigration Services, and the results do not preclude the
14 grant of the benefit.

15 ~~SEC. 544.~~ None of the funds made available in this
16 Act may be used to destroy or put to pasture any horse
17 or mule belonging to the United States that has become
18 unfit for service.

19 **~~SEC. 545. CRITICAL INFRASTRUCTURE VULNERABILITY.~~**

20 None of the funds in this Act may be used to limit
21 the implementation of Homeland Security Presidential Di-
22 rective 7 (HSPD-7).

23 ~~SEC. 546.~~ None of the funds made available in this
24 Act may be used to implement any plan developed under
25 section 7209(b)(1) of the Intelligence Reform and Ter-

1 terrorism Prevention Act of 2004 (Public Law 108-458; 8
2 U.S.C. 1185 note) before June 1, 2009.

3 SEC. 547. None of the funds made available in this
4 Act may be used in contravention of section 642(a) of the
5 Illegal Immigration Reform and Immigrant Responsibility
6 Act of 1996 (8 U.S.C. 1373(a)).

7 SEC. 548. The Amount otherwise provided by this Act
8 for “Firefighter Assistance Grants” is hereby increased by
9 \$5,058,000, which shall be available to carry out section
10 34 of the Federal Fire Prevention and Control Act of
11 1974.

12 This Act may be cited as the “Department of Home-
13 land Security Appropriations Act, 2008”.

14 *That the following sums are appropriated, out of any*
15 *money in the Treasury not otherwise appropriated, for the*
16 *fiscal year ending September 30, 2008, for the Department*
17 *of Homeland Security and for other purposes, namely:*

18 *TITLE I*

19 *DEPARTMENT OF HOMELAND SECURITY*

20 *DEPARTMENTAL MANAGEMENT AND*

21 *OPERATIONS*

22 *OFFICE OF THE SECRETARY AND EXECUTIVE*

23 *MANAGEMENT*

24 *For necessary expenses of the Office of the Secretary*
25 *of Homeland Security, as authorized by section 102 of the*

1 *Homeland Security Act of 2002 (6 U.S.C. 112), and execu-*
2 *tive management of the Department of Homeland Security,*
3 *as authorized by law, \$100,000,000: Provided, That not to*
4 *exceed \$40,000 shall be for official reception and representa-*
5 *tion expenses: Provided further, That \$15,000,000 shall not*
6 *be available for obligation until the Secretary certifies and*
7 *reports to the Committees on Appropriations of the Senate*
8 *and the House of Representatives that the Department has*
9 *revised Departmental guidance with respect to relations*
10 *with the Government Accountability Office to specifically*
11 *provide for: (1) expedited timeframes for providing the Gov-*
12 *ernment Accountability Office with access to records not to*
13 *exceed 20 days from the date of request; (2) expedited time-*
14 *frames for interviews of program officials by the Govern-*
15 *ment Accountability Office after reasonable notice has been*
16 *furnished to the Department by the Government Account-*
17 *ability Office; and (3) a significant streamlining of the re-*
18 *view process for documents and interview requests by liai-*
19 *sons, counsel, and program officials, consistent with the ob-*
20 *jective that the Government Accountability Office be given*
21 *timely and complete access to documents and agency offi-*
22 *cials: Provided further, That the Secretary shall make the*
23 *revisions to Departmental guidance with respect to rela-*
24 *tions with the Government Accountability Office in con-*
25 *sultation with the Comptroller General of the United States.*

1 *OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT*

2 *For necessary expenses of the Office of the Under Sec-*
3 *retary for Management, as authorized by sections 701*
4 *through 705 of the Homeland Security Act of 2002 (6*
5 *U.S.C. 341 through 345), \$234,883,000, of which not to ex-*
6 *ceed \$3,000 shall be for official reception and representation*
7 *expenses: Provided, That of the total amount, \$6,000,000*
8 *shall remain available until expended solely for the alter-*
9 *ation and improvement of facilities, tenant improvements,*
10 *and relocation costs to consolidate Department head-*
11 *quarters operations; and \$88,000,000 shall remain avail-*
12 *able until expended for the Consolidated Headquarters*
13 *Project.*

14 *OFFICE OF THE CHIEF FINANCIAL OFFICER*

15 *For necessary expenses of the Office of the Chief Finan-*
16 *cial Officer, as authorized by section 103 of the Homeland*
17 *Security Act of 2002 (6 U.S.C. 113), \$30,076,000.*

18 *OFFICE OF THE CHIEF INFORMATION OFFICER*

19 *For necessary expenses of the Office of the Chief Infor-*
20 *mation Officer, as authorized by section 103 of the Home-*
21 *land Security Act of 2002 (6 U.S.C. 113), and Department-*
22 *wide technology investments, \$321,100,000; of which*
23 *\$82,400,000 shall be available for salaries and expenses;*
24 *and of which \$238,700,000, to remain available until ex-*
25 *pended, shall be available for development and acquisition*

1 of information technology equipment, software, services,
2 and related activities for the Department of Homeland Se-
3 curity, of which \$97,300,000 shall be for the National Cen-
4 ter for Critical Information Processing and Storage: Pro-
5 vided, That none of the funds appropriated shall be used
6 to support or supplement the appropriations provided for
7 the United States Visitor and Immigrant Status Indicator
8 Technology project or the Automated Commercial Environ-
9 ment.

10 *ANALYSIS AND OPERATIONS*

11 *For necessary expenses for information analysis and*
12 *operations coordination activities, as authorized by title II*
13 *of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.),*
14 *\$306,000,000, to remain available until September 30,*
15 *2009, of which not to exceed \$5,000 shall be for official re-*
16 *ception and representation expenses: Provided, That the Di-*
17 *rector of Operations Coordination shall encourage rotating*
18 *State and local fire service representation at the National*
19 *Operations Center.*

20 *OFFICE OF THE FEDERAL COORDINATOR FOR GULF*

21 *COAST REBUILDING*

22 *For necessary expenses of the Office of the Federal Co-*
23 *ordinator for Gulf Coast Rebuilding, \$3,000,000: Provided,*
24 *That \$1,000,000 shall not be available for obligation until*
25 *the Committees on Appropriations of the Senate and the*

1 *House of Representatives receive an expenditure plan for*
2 *fiscal year 2008.*

3 *OFFICE OF INSPECTOR GENERAL*

4 *OPERATING EXPENSES*

5 *For necessary expenses of the Office of Inspector Gen-*
6 *eral in carrying out the provisions of the Inspector General*
7 *Act of 1978 (5 U.S.C. App.), \$95,211,000, of which not to*
8 *exceed \$150,000 may be used for certain confidential oper-*
9 *ational expenses, including the payment of informants, to*
10 *be expended at the direction of the Inspector General: Pro-*
11 *vided, That the Inspector General shall investigate decisions*
12 *made regarding, and the policy of the Federal Emergency*
13 *Management Agency relating to, formaldehyde in trailers*
14 *in the Gulf Coast region, the process used by the Federal*
15 *Emergency Management Agency for collecting, reporting,*
16 *and responding to health and safety concerns of occupants*
17 *of housing supplied by the Federal Emergency Management*
18 *Agency (including such housing supplied through a third*
19 *party), and whether the Federal Emergency Management*
20 *Agency adequately addressed public health and safety issues*
21 *of households to which the Federal Emergency Management*
22 *Agency provides disaster housing (including whether the*
23 *Federal Emergency Management Agency adequately noti-*
24 *fied recipients of such housing, as appropriate, of potential*
25 *health and safety concerns and whether the institutional*

1 *culture of the Federal Emergency Management Agency*
2 *properly prioritizes health and safety concerns of recipients*
3 *of assistance from the Federal Emergency Management*
4 *Agency), and submit a report to Congress relating to that*
5 *investigation, including any recommendations.*

6

*TITLE II*7 *SECURITY, ENFORCEMENT, AND INVESTIGATIONS*

8

U.S. CUSTOMS AND BORDER PROTECTION

9

SALARIES AND EXPENSES

10 *For necessary expenses for enforcement of laws relating*
11 *to border security, immigration, customs, and agricultural*
12 *inspections and regulatory activities related to plant and*
13 *animal imports; purchase and lease of up to 4,500 (2,400*
14 *for replacement only) police-type vehicles; and contracting*
15 *with individuals for personal services abroad;*
16 *\$6,601,058,000; of which \$230,316,000 shall remain avail-*
17 *able until September 30, 2009, to support software develop-*
18 *ment, equipment, contract services, and the implementation*
19 *of inbound lanes and modification to vehicle primary proc-*
20 *essing lanes at ports of entry; of which \$15,000,000 shall*
21 *be used to procure commercially available technology in*
22 *order to expand and improve the risk-based approach of the*
23 *Department of Homeland Security to target and inspect*
24 *cargo containers under the Secure Freight Initiative and*
25 *the Global Trade Exchange; of which \$3,093,000 shall be*

1 *derived from the Harbor Maintenance Trust Fund for ad-*
2 *ministrative expenses related to the collection of the Harbor*
3 *Maintenance Fee pursuant to section 9505(c)(3) of the In-*
4 *ternal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and*
5 *notwithstanding section 1511(e)(1) of the Homeland Secu-*
6 *rity Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed*
7 *\$45,000 shall be for official reception and representation*
8 *expenses; of which not less than \$226,740,000 shall be for*
9 *Air and Marine Operations; of which such sums as become*
10 *available in the Customs User Fee Account, except sums*
11 *subject to section 13031(f)(3) of the Consolidated Omnibus*
12 *Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)),*
13 *shall be derived from that account; of which not to exceed*
14 *\$150,000 shall be available for payment for rental space*
15 *in connection with preclearance operations; of which*
16 *\$40,000,000 shall be utilized to develop and implement a*
17 *Model Ports of Entry program and provide resources nec-*
18 *essary for 200 additional U.S. Customs and Border Protec-*
19 *tion officers at the 20 United States international airports*
20 *that have the highest number of foreign visitors arriving*
21 *annually as determined pursuant to the most recent data*
22 *collected by U.S. Customs and Border Protection available*
23 *on the date of enactment of this Act, to provide a more effi-*
24 *cient and welcoming international arrival process in order*
25 *to facilitate and promote business and leisure travel to the*

1 *United States while also improving security; and of which*
2 *not to exceed \$1,000,000 shall be for awards of compensa-*
3 *tion to informants, to be accounted for solely under the cer-*
4 *tificate of the Secretary of Homeland Security: Provided,*
5 *That for fiscal year 2008, the overtime limitation prescribed*
6 *in section 5(c)(1) of the Act of February 13, 1911 (19*
7 *U.S.C. 267(c)(1)) shall be \$35,000; and notwithstanding*
8 *any other provision of law, none of the funds appropriated*
9 *by this Act may be available to compensate any employee*
10 *of U.S. Customs and Border Protection for overtime, from*
11 *whatever source, in an amount that exceeds such limitation,*
12 *except in individual cases determined by the Secretary of*
13 *Homeland Security, or the designee of the Secretary, to be*
14 *necessary for national security purposes, to prevent exces-*
15 *sive costs, or in cases of immigration emergencies.*

16 *AUTOMATION MODERNIZATION*

17 *For expenses for customs and border protection auto-*
18 *mated systems, \$476,609,000, to remain available until ex-*
19 *pended, of which not less than \$316,969,000 shall be for*
20 *the development of the Automated Commercial Environ-*
21 *ment: Provided, That of the total amount made available*
22 *under this heading, \$216,969,000 may not be obligated for*
23 *the Automated Commercial Environment until the Commit-*
24 *tees on Appropriations of the Senate and the House of Rep-*
25 *resentatives receive a plan for expenditure prepared by the*
26 *Secretary of Homeland Security that includes:*

1 (1) *a detailed accounting of the program’s*
2 *progress to date relative to system capabilities or serv-*
3 *ices, system performance levels, mission benefits and*
4 *outcomes, milestones, cost targets, and program man-*
5 *agement capabilities;*

6 (2) *an explicit plan of action defining how all*
7 *funds are to be obligated to meet future program com-*
8 *mitments, with the planned expenditure of funds*
9 *linked to the milestone-based delivery of specific capa-*
10 *bilities, services, performance levels, mission benefits*
11 *and outcomes, and program management capabilities;*

12 (3) *a listing of all open Government Account-*
13 *ability Office and Office of Inspector General rec-*
14 *ommendations related to the program and the status*
15 *of Department of Homeland Security actions to ad-*
16 *dress the recommendations, including milestones for*
17 *fully addressing them;*

18 (4) *a certification by the Chief Financial Officer*
19 *of the Department that the program has been re-*
20 *viewed and approved in accordance with the invest-*
21 *ment management process of the Department, and*
22 *that the process fulfills all capital planning and in-*
23 *vestment control requirements and reviews established*
24 *by the Office of Management and Budget, including*
25 *Circular A–11, part 7;*

1 (5) a certification by the Chief Information Offi-
2 cer of the Department that an independent validation
3 and verification agent has and will continue to ac-
4 tively review the program;

5 (6) a certification by the Chief Information Offi-
6 cer of the Department that the system architecture of
7 the program is sufficiently aligned with the informa-
8 tion systems enterprise architecture of the Department
9 to minimize future rework, including a description of
10 all aspects of the architectures that were and were not
11 assessed in making the alignment determination, the
12 date of the alignment determination, any known
13 areas of misalignment along with the associated risks
14 and corrective actions to address any such areas;

15 (7) a certification by the Chief Procurement Offi-
16 cer of the Department that the plans for the program
17 comply with the Federal acquisition rules, require-
18 ments, guidelines, and practices, and a description of
19 the actions being taken to address areas of non-com-
20 pliance, the risks associated with them along with
21 any plans for addressing these risks and the status of
22 their implementation;

23 (8) a certification by the Chief Information Offi-
24 cer of the Department that the program has a risk
25 management process that regularly identifies, evalu-

1 *outcomes, milestones, cost targets, and program man-*
2 *agement capabilities;*

3 *(2) an explicit plan of action defining how all*
4 *funds are to be obligated to meet future program com-*
5 *mitments, with the planned expenditure of funds*
6 *linked to the milestone-based delivery of specific capa-*
7 *bilities, services, performance levels, mission benefits*
8 *and outcomes, and program management capabilities;*

9 *(3) a listing of all open Government Account-*
10 *ability Office and Office of Inspector General rec-*
11 *ommendations related to the program and the status*
12 *of Department of Homeland Security actions to ad-*
13 *dress the recommendations, including milestones for*
14 *fully addressing them;*

15 *(4) a certification by the Chief Financial Officer*
16 *of the Department that the program has been re-*
17 *viewed and approved in accordance with the invest-*
18 *ment management process of the Department, and*
19 *that the process fulfills all capital planning and in-*
20 *vestment control requirements and reviews established*
21 *by the Office of Management and Budget, including*
22 *Circular A-11, part 7;*

23 *(5) a certification by the Chief Information Offi-*
24 *cer of the Department that an independent validation*

1 *and verification agent has and will continue to ac-*
2 *tively review the program;*

3 *(6) a certification by the Chief Information Offi-*
4 *cer of the Department that the system architecture of*
5 *the program is sufficiently aligned with the informa-*
6 *tion systems enterprise architecture of the Department*
7 *to minimize future rework, including a description of*
8 *all aspects of the architectures that were and were not*
9 *assessed in making the alignment determination, the*
10 *date of the alignment determination, any known*
11 *areas of misalignment along with the associated risks*
12 *and corrective actions to address any such areas;*

13 *(7) a certification by the Chief Procurement Offi-*
14 *cer of the Department that the plans for the program*
15 *comply with the Federal acquisition rules, require-*
16 *ments, guidelines, and practices, and a description of*
17 *the actions being taken to address areas of non-com-*
18 *pliance, the risks associated with them along with*
19 *any plans for addressing these risks and the status of*
20 *their implementation;*

21 *(8) a certification by the Chief Information Offi-*
22 *cer of the Department that the program has a risk*
23 *management process that regularly identifies, evalu-*
24 *ates, mitigates, and monitors risks throughout the sys-*
25 *tem life cycle, and communicates high-risk conditions*

1 *to agency and department heads, as well as a listing*
2 *of all the program's high risks and the status of efforts*
3 *to address them;*

4 *(9) a certification by the Chief Human Capital*
5 *Officer of the Department that the human capital*
6 *needs of the program are being strategically and*
7 *proactively managed, and that current human capital*
8 *capabilities are sufficient to execute the plans dis-*
9 *cussed in the report;*

10 *(10) a description of initial plans for securing*
11 *the Northern border and United States maritime bor-*
12 *der; and*

13 *(11) which is reviewed by the Government Ac-*
14 *countability Office.*

15 *AIR AND MARINE INTERDICTION, OPERATIONS,*

16 *MAINTENANCE, AND PROCUREMENT*

17 *For necessary expenses for the operations, mainte-*
18 *nance, and procurement of marine vessels, aircraft, un-*
19 *manned aircraft systems, and other related equipment of*
20 *the air and marine program, including operational train-*
21 *ing and mission-related travel, and rental payments for fa-*
22 *cilities occupied by the air or marine interdiction and de-*
23 *mand reduction programs, the operations of which include*
24 *the following: the interdiction of narcotics and other goods;*
25 *the provision of support to Federal, State, and local agen-*
26 *cies in the enforcement or administration of laws enforced*

1 *by the Department of Homeland Security; and at the dis-*
2 *cretion of the Secretary of Homeland Security, the provi-*
3 *sion of assistance to Federal, State, and local agencies in*
4 *other law enforcement and emergency humanitarian efforts,*
5 *\$488,947,000, to remain available until expended: Pro-*
6 *vided, That no aircraft or other related equipment, with*
7 *the exception of aircraft that are one of a kind and have*
8 *been identified as excess to United States Customs and Bor-*
9 *der Protection requirements and aircraft that have been*
10 *damaged beyond repair, shall be transferred to any other*
11 *Federal agency, department, or office outside of the Depart-*
12 *ment of Homeland Security during fiscal year 2008 without*
13 *the prior approval of the Committees on Appropriations of*
14 *the Senate and the House of Representatives.*

15 *CONSTRUCTION*

16 *For necessary expenses to plan, construct, renovate,*
17 *equip, and maintain buildings and facilities necessary for*
18 *the administration and enforcement of the laws relating to*
19 *customs and immigration, \$274,863,000, to remain avail-*
20 *able until expended; of which \$40,200,000 shall be for the*
21 *Advanced Training Center.*

22 *U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT*

23 *SALARIES AND EXPENSES*

24 *For necessary expenses for enforcement of immigration*
25 *and customs laws, detention and removals, and investiga-*
26 *tions; and purchase and lease of up to 3,790 (2,350 for re-*

1 *placement only) police-type vehicles; \$4,401,643,000, of*
2 *which not to exceed \$7,500,000 shall be available until ex-*
3 *pended for conducting special operations under section 3131*
4 *of the Customs Enforcement Act of 1986 (19 U.S.C. 2081);*
5 *of which not to exceed \$15,000 shall be for official reception*
6 *and representation expenses; of which not to exceed*
7 *\$1,000,000 shall be for awards of compensation to inform-*
8 *ants, to be accounted for solely under the certificate of the*
9 *Secretary of Homeland Security; of which not less than*
10 *\$102,000 shall be for promotion of public awareness of the*
11 *child pornography tipline; of which not less than \$203,000*
12 *shall be for Project Alert; of which not less than \$5,400,000*
13 *shall be used to facilitate agreements consistent with section*
14 *287(g) of the Immigration and Nationality Act (8 U.S.C.*
15 *1357(g)); and of which not to exceed \$11,216,000 shall be*
16 *available to fund or reimburse other Federal agencies for*
17 *the costs associated with the care, maintenance, and repa-*
18 *triation of smuggled illegal aliens: Provided, That none of*
19 *the funds made available under this heading shall be avail-*
20 *able to compensate any employee for overtime in an annual*
21 *amount in excess of \$35,000, except that the Secretary of*
22 *Homeland Security, or the designee of the Secretary, may*
23 *wave that amount as necessary for national security pur-*
24 *poses and in cases of immigration emergencies: Provided*
25 *further, That of the total amount provided, \$15,770,000*

1 *shall be for activities to enforce laws against forced child*
2 *labor in fiscal year 2008, of which not to exceed \$6,000,000*
3 *shall remain available until expended.*

4 *FEDERAL PROTECTIVE SERVICE*

5 *The revenues and collections of security fees credited*
6 *to this account shall be available until expended for nec-*
7 *essary expenses related to the protection of federally-owned*
8 *and leased buildings and for the operations of the Federal*
9 *Protective Service: Provided, That the Secretary of Home-*
10 *land Security and the Director of the Office of Management*
11 *and Budget shall certify in writing to the Committees on*
12 *Appropriations of the Senate and the House of Representa-*
13 *tives no later than November 1, 2007, that the operations*
14 *of the Federal Protective Service will be fully funded in fis-*
15 *cal year 2008 through revenues and collection of security*
16 *fees: Provided further, That a certification shall be provided*
17 *no later than February 10, 2008, for fiscal year 2009: Pro-*
18 *vided further, That the Secretary of Homeland Security*
19 *shall ensure that the workforce of the Federal Protective*
20 *Service includes not fewer than 1,200 Commanders, Police*
21 *Officers, Inspectors, and Special Agents engaged on a daily*
22 *basis in protecting Federal buildings (under this heading*
23 *referred to as “in-service”) contingent on the availability*
24 *of sufficient revenue in collections of security fees in this*
25 *account for this purpose: Provided further, That the Sec-*
26 *retary of Homeland Security and the Director of the Office*

1 *of Management and Budget shall adjust fees as necessary*
2 *to ensure full funding of not fewer than 1,200 in-service*
3 *Commanders, Police Officers, Inspectors, and Special*
4 *Agents at the Federal Protective Service.*

5 *AUTOMATION MODERNIZATION*

6 *For expenses of immigration and customs enforcement*
7 *automated systems, \$15,000,000, to remain available until*
8 *expended: Provided, That of the funds made available under*
9 *this heading, \$5,000,000 may not be obligated until the*
10 *Committees on Appropriations of the Senate and the House*
11 *of Representatives receive a plan for expenditure prepared*
12 *by the Secretary of Homeland Security.*

13 *CONSTRUCTION*

14 *For necessary expenses to plan, construct, renovate,*
15 *equip, and maintain buildings and facilities necessary for*
16 *the administration and enforcement of the laws relating to*
17 *customs and immigration, \$16,250,000, to remain available*
18 *until expended.*

19 *TRANSPORTATION SECURITY ADMINISTRATION*

20 *AVIATION SECURITY*

21 *For necessary expenses of the Transportation Security*
22 *Administration related to providing civil aviation security*
23 *services pursuant to the Aviation and Transportation Secu-*
24 *rity Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C.*
25 *40101 note), \$5,042,559,000, to remain available until Sep-*
26 *tember 30, 2009, of which not to exceed \$10,000 shall be*

1 *for official reception and representation expenses: Provided,*
2 *That of the total amount made available under this head-*
3 *ing, not to exceed \$4,074,889,000 shall be for screening oper-*
4 *ations, of which \$529,400,000 shall be available only for*
5 *procurement and installation of checked baggage explosive*
6 *detection systems; and not to exceed \$967,445,000 shall be*
7 *for aviation security direction and enforcement: Provided*
8 *further, That security service fees authorized under section*
9 *44940 of title 49, United States Code, shall be credited to*
10 *this appropriation as offsetting collections and shall be*
11 *available only for aviation security: Provided further, That*
12 *the sum herein appropriated from the General Fund shall*
13 *be reduced on a dollar-for-dollar basis as such offsetting col-*
14 *lections are received during fiscal year 2008, so as to result*
15 *in a final fiscal year appropriation from the General Fund*
16 *estimated at not more than \$2,332,344,000: Provided fur-*
17 *ther, That any security service fees collected in excess of the*
18 *amount made available under this heading shall become*
19 *available during fiscal year 2009: Provided further, That*
20 *Members of the United States House of Representatives and*
21 *United States Senate, including the leadership; and the*
22 *heads of Federal agencies and commissions, including the*
23 *Secretary, Under Secretaries, and Assistant Secretaries of*
24 *the Department of Homeland Security; the United States*
25 *Attorney General and Assistant Attorneys General and the*

1 *United States attorneys; and senior members of the Execu-*
2 *tive Office of the President, including the Director of the*
3 *Office of Management and Budget; shall not be exempt from*
4 *Federal passenger and baggage screening.*

5 *SURFACE TRANSPORTATION SECURITY*

6 *For necessary expenses of the Transportation Security*
7 *Administration related to providing surface transportation*
8 *security activities, \$41,413,000, to remain available until*
9 *September 30, 2009.*

10 *TRANSPORTATION THREAT ASSESSMENT AND*

11 *CREDENTIALING*

12 *For necessary expenses for the development and imple-*
13 *mentation of screening programs of the Office of Transpor-*
14 *tation Threat Assessment and Credentialing, \$67,490,000,*
15 *to remain available until September 30, 2009.*

16 *TRANSPORTATION SECURITY SUPPORT*

17 *For necessary expenses of the Transportation Security*
18 *Administration related to providing transportation secu-*
19 *rity support and intelligence pursuant to the Aviation and*
20 *Transportation Security Act (Public Law 107–71; 115*
21 *Stat. 597; 49 U.S.C. 40101 note), \$521,515,000, to remain*
22 *available until September 30, 2009: Provided, That of the*
23 *funds appropriated under this heading, \$20,000,000 may*
24 *not be obligated until the Secretary of Homeland Security*
25 *submits to the Committees on Appropriations of the Senate*
26 *and the House of Representatives a strategic plan required*

1 *for checkpoint technologies as described in the joint explana-*
2 *tory statement of managers accompanying the fiscal year*
3 *2007 conference report (H. Rept. 109–699): Provided fur-*
4 *ther, That this plan shall be submitted no later than 60*
5 *days after the date of enactment of this Act.*

6 *FEDERAL AIR MARSHALS*

7 *For necessary expenses of the Federal Air Marshals,*
8 *\$722,000,000.*

9 *UNITED STATES COAST GUARD*

10 *OPERATING EXPENSES*

11 *For necessary expenses for the operation and mainte-*
12 *nance of the United States Coast Guard not otherwise pro-*
13 *vided for; purchase or lease of not to exceed 25 passenger*
14 *motor vehicles, which shall be for replacement only; pay-*
15 *ments pursuant to section 156 of Public Law 97–377 (42*
16 *U.S.C. 402 note; 96 Stat. 1920); and recreation and wel-*
17 *fare; \$5,930,545,000, of which \$340,000,000 shall be for de-*
18 *fense-related activities; of which \$24,500,000 shall be de-*
19 *rived from the Oil Spill Liability Trust Fund to carry out*
20 *the purposes of section 1012(a)(5) of the Oil Pollution Act*
21 *of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed*
22 *\$10,000 shall be for official reception and representation*
23 *expenses: Provided, That none of the funds made available*
24 *by this or any other Act shall be available for administra-*
25 *tive expenses in connection with shipping commissioners in*
26 *the United States: Provided further, That none of the funds*

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

5 *ENVIRONMENTAL COMPLIANCE AND RESTORATION*

6 *For necessary expenses to carry out the environmental*
7 *compliance and restoration functions of the United States*
8 *Coast Guard under chapter 19 of title 14, United States*
9 *Code, \$12,079,000, to remain available until expended.*

10 *RESERVE TRAINING*

11 *For necessary expenses of the Coast Guard Reserve, as*
12 *authorized by law; operations and maintenance of the re-*
13 *serve program; personnel and training costs; and equipment*
14 *and services; \$126,883,000.*

15 *ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS*

16 *(INCLUDING RESCISSIONS OF FUNDS)*

17 *For necessary expenses of acquisition, construction,*
18 *renovation, and improvement of aids to navigation, shore*
19 *facilities, vessels, and aircraft, including equipment related*
20 *thereto; and maintenance, rehabilitation, lease and oper-*
21 *ation of facilities and equipment, as authorized by law;*
22 *\$1,048,068,000, of which \$20,000,000 shall be derived from*
23 *the Oil Spill Liability Trust Fund to carry out the purposes*
24 *of section 1012(a)(5) of the Oil Pollution Act of 1990 (33*
25 *U.S.C. 2712(a)(5)); of which \$9,200,000 shall be available*
26 *until September 30, 2012, to acquire, repair, renovate, or*

1 *improve vessels, small boats, and related equipment; of*
2 *which \$173,600,000 shall be available until September 30,*
3 *2010, for other equipment; of which \$37,897,000 shall be*
4 *available until September 30, 2010, for shore facilities and*
5 *aids to navigation facilities; of which \$505,000 shall be*
6 *available for personnel related costs; and of which*
7 *\$770,079,000 shall be available until September 30, 2012,*
8 *for the Integrated Deepwater Systems program: Provided,*
9 *That no funds shall be available for procurements related*
10 *to the acquisition of additional major assets as part of the*
11 *Integrated Deepwater Systems program not already under*
12 *contract until an Alternatives Analysis has been completed*
13 *by an independent qualified third party: Provided further,*
14 *That no funds contained in this Act shall be available for*
15 *procurement of the third National Security Cutter until an*
16 *Alternatives Analysis has been completed by an independent*
17 *qualified third party: Provided further, That the Com-*
18 *mandant of the Coast Guard is authorized to dispose of sur-*
19 *plus real property, by sale or lease, and the proceeds shall*
20 *be credited to this appropriation as offsetting collections*
21 *and shall be available until September 30, 2010: Provided*
22 *further, That of amounts made available under this heading*
23 *in Public Law 109–90, \$48,787,000 for the Offshore Patrol*
24 *Cutter are rescinded: Provided further, That of the amounts*
25 *made available under this heading in Public Law 109–295,*

1 \$8,000,000 for the Fast Response Cutter (FRC-A) are re-
2 scinded: Provided further, That the Secretary shall submit
3 an expenditure plan to the Committees on Appropriations
4 of the Senate and the House of Representatives within 60
5 days after the date of enactment of this Act for funds made
6 available for the Integrated Deepwater Program, that: (1)
7 defines activities, milestones, yearly costs, and life-cycle
8 costs for each procurement of a major asset; (2) identifies
9 life-cycle staffing and training needs of Coast Guard project
10 managers and of procurement and contract staff; (3) in-
11 cludes a certification by the Chief Human Capital Officer
12 of the Department that current human capital capabilities
13 are sufficient to execute the plans discussed in the report;
14 (4) identifies individual project balances by fiscal year, in-
15 cluding planned carryover into fiscal year 2009 by project;
16 (5) identifies operational gaps for all Deepwater assets and
17 an explanation of how funds provided in this Act address
18 the shortfalls between current operational capabilities and
19 requirements; (6) includes a listing of all open Government
20 Accountability Office and Office of Inspector General rec-
21 ommendations related to the program and the status of
22 Coast Guard actions to address the recommendations, in-
23 cluding milestones for fully addressing them; (7) includes
24 a certification by the Chief Financial Officer of the Depart-
25 ment that the program has been reviewed and approved in

1 *accordance with the investment management process of the*
2 *Department, and that the process fulfills all capital plan-*
3 *ning and investment control requirements and reviews es-*
4 *tablished by the Office of Management and Budget, includ-*
5 *ing Circular A-11, part 7; (8) identifies competition to be*
6 *conducted in each procurement; (9) includes a certification*
7 *by the head of contracting activity for the Coast Guard and*
8 *the Chief Procurement Officer of the Department that the*
9 *plans for the program comply with the Federal acquisition*
10 *rules, requirements, guidelines, and practices, and a de-*
11 *scription of the actions being taken to address areas of non-*
12 *compliance, the risks associated with them along with plans*
13 *for addressing these risks and the status of their implemen-*
14 *tation; (10) identifies the use of independent validation and*
15 *verification; and (11) is reviewed by the Government Ac-*
16 *countability Office: Provided further, That the Secretary of*
17 *Homeland Security shall submit to the Committees on Ap-*
18 *propriations of the Senate and the House of Representa-*
19 *tives, in conjunction with the President's fiscal year 2009*
20 *budget, a review of the Revised Deepwater Implementation*
21 *Plan that identifies any changes to the plan for the fiscal*
22 *year; an annual performance comparison of Deepwater as-*
23 *sets to pre-Deepwater legacy assets; a status report of legacy*
24 *assets; a detailed explanation of how the costs of legacy as-*
25 *sets are being accounted for within the Deepwater program;*

1 *and the earned value management system gold card data*
2 *for each Deepwater asset: Provided further, That the Sec-*
3 *retary shall submit to the Committees on Appropriations*
4 *of the Senate and the House of Representatives a com-*
5 *prehensive review of the Revised Deepwater Implementation*
6 *Plan every five years, beginning in fiscal year 2011, that*
7 *includes a complete projection of the acquisition costs and*
8 *schedule for the duration of the plan through fiscal year*
9 *2027: Provided further, That the Secretary shall annually*
10 *submit to the Committees on Appropriations of the Senate*
11 *and the House of Representatives, at the time that the Presi-*
12 *dent's budget is submitted under section 1105(a) of title 31,*
13 *United States Code, a future-years capital investment plan*
14 *for the Coast Guard that identifies for each capital budget*
15 *line item—*

16 (1) *the proposed appropriation included in that*
17 *budget;*

18 (2) *the total estimated cost of completion;*

19 (3) *projected funding levels for each fiscal year*
20 *for the next five fiscal years or until project comple-*
21 *tion, whichever is earlier;*

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

24 (5) *changes, if any, in the total estimated cost of*
25 *completion or estimated completion date from pre-*

1 *U.S.C. 2712(a)(5): Provided, That there may be credited*
2 *to and used for the purposes of this appropriation funds*
3 *received from State and local governments, other public au-*
4 *thorities, private sources, and foreign countries for expenses*
5 *incurred for research, development, testing, and evaluation.*

6 *RETIREED PAY*

7 *For retired pay, including the payment of obligations*
8 *otherwise chargeable to lapsed appropriations for this pur-*
9 *pose, payments under the Retired Serviceman's Family*
10 *Protection and Survivor Benefits Plans, payment for career*
11 *status bonuses, concurrent receipts and combat-related spe-*
12 *cial compensation under the National Defense Authoriza-*
13 *tion Act, and payments for medical care of retired per-*
14 *sonnel and their dependents under chapter 55 of title 10,*
15 *United States Code, \$1,184,720,000, to remain available*
16 *until expended.*

17 *UNITED STATES SECRET SERVICE*

18 *SALARIES AND EXPENSES*

19 *For necessary expenses of the United States Secret*
20 *Service, including purchase of not to exceed 645 vehicles*
21 *for police-type use, which shall be for replacement only, and*
22 *hire of passenger motor vehicles; purchase of motorcycles*
23 *made in the United States; hire of aircraft; services of ex-*
24 *pert witnesses at such rates as may be determined by the*
25 *Director of the Secret Service; rental of buildings in the Dis-*
26 *trict of Columbia, and fencing, lighting, guard booths, and*

1 *other facilities on private or other property not in Govern-*
2 *ment ownership or control, as may be necessary to perform*
3 *protective functions; payment of per diem or subsistence al-*
4 *lowances to employees where a protective assignment during*
5 *the actual day or days of the visit of a protectee requires*
6 *an employee to work 16 hours per day or to remain over-*
7 *night at a post of duty; conduct of and participation in*
8 *firearms matches; presentation of awards; travel of Secret*
9 *Service employees on protective missions without regard to*
10 *the limitations on such expenditures in this or any other*
11 *Act if approval is obtained in advance from the Committees*
12 *on Appropriations of the Senate and the House of Rep-*
13 *resentatives; research and development; grants to conduct*
14 *behavioral research in support of protective research and*
15 *operations; and payment in advance for commercial accom-*
16 *modations as may be necessary to perform protective func-*
17 *tions; \$1,392,171,000, of which not to exceed \$25,000 shall*
18 *be for official reception and representation expenses; of*
19 *which not to exceed \$100,000 shall be to provide technical*
20 *assistance and equipment to foreign law enforcement orga-*
21 *nizations in counterfeit investigations; of which \$2,366,000*
22 *shall be for forensic and related support of investigations*
23 *of missing and exploited children; and of which \$6,000,000*
24 *shall be a grant for activities related to the investigations*
25 *of missing and exploited children and shall remain avail-*

1 *able until expended: Provided, That up to \$18,000,000 pro-*
2 *vided for protective travel shall remain available until Sep-*
3 *tember 30, 2009: Provided further, That the United States*
4 *Secret Service is authorized to obligate funds in anticipa-*
5 *tion of reimbursements from Federal agencies and entities,*
6 *as defined in section 105 of title 5, United States Code,*
7 *receiving training sponsored by the James J. Rowley*
8 *Training Center, except that total obligations at the end*
9 *of the fiscal year shall not exceed total budgetary resources*
10 *available under this heading at the end of the fiscal year.*

11 *ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND*
12 *RELATED EXPENSES*

13 *For necessary expenses for acquisition, construction,*
14 *repair, alteration, and improvement of facilities,*
15 *\$3,725,000, to remain available until expended.*

16 *TITLE III*
17 *PROTECTION, PREPAREDNESS, RESPONSE, AND*
18 *RECOVERY*

19 *NATIONAL PROTECTION AND PROGRAMS DIRECTORATE*
20 *MANAGEMENT AND ADMINISTRATION*

21 *For salaries and expenses of the immediate Office of*
22 *the Under Secretary for National Protection and Programs,*
23 *the National Protection Planning Office, support services*
24 *for business operations and information technology, and fa-*
25 *cility costs, \$30,000,000: Provided, That of the amount pro-*
26 *vided, \$15,000,000 shall not be obligated until the Commit-*

1 *tees on Appropriations of the Senate and the House of Rep-*
2 *resentatives receive and approve in full an expenditure plan*
3 *by program, project, and activity; prepared by the Sec-*
4 *retary of Homeland Security that has been reviewed by the*
5 *Government Accountability Office.*

6 *INFRASTRUCTURE PROTECTION AND INFORMATION*

7 *SECURITY*

8 *For necessary expenses for infrastructure protection*
9 *and information security programs and activities, as au-*
10 *thorized by title II of the Homeland Security Act of 2002*
11 *(6 U.S.C. 121 et seq.) or subtitle J of title VIII of the Home-*
12 *land Security Act of 2002, as added by this Act,*
13 *\$527,099,000, of which \$497,099,000 shall remain available*
14 *until September 30, 2009, and of which, \$2,000,000 shall*
15 *be to carry out subtitle J of title VIII of the Homeland Secu-*
16 *rity Act of 2002, as added by this Act: Provided, That*
17 *\$10,043,000 shall be for the Office of Bombing Prevention*
18 *and not more than \$26,100,000 shall be for the Next Gen-*
19 *eration Network.*

20 *UNITED STATES VISITOR AND IMMIGRANT STATUS*

21 *INDICATOR TECHNOLOGY*

22 *For necessary expenses for the development of the*
23 *United States Visitor and Immigrant Status Indicator*
24 *Technology project, as authorized by section 110 of the Ille-*
25 *gal Immigration Reform and Immigrant Responsibility Act*
26 *of 1996 (8 U.S.C. 1365a), \$362,000,000, to remain avail-*

1 *able until expended: Provided, That of the total amount*
2 *made available under this heading, \$100,000,000 may not*
3 *be obligated for the United States Visitor and Immigrant*
4 *Status Indicator Technology project until the Committees*
5 *on Appropriations of the Senate and the House of Rep-*
6 *resentatives receive and approve a plan for expenditure pre-*
7 *pared by the Secretary of Homeland Security that includes:*

8 (1) *a detailed accounting of the program's*
9 *progress to date relative to system capabilities or serv-*
10 *ices, system performance levels, mission benefits and*
11 *outcomes, milestones, cost targets, and program man-*
12 *agement capabilities;*

13 (2) *an explicit plan of action defining how all*
14 *funds are to be obligated to meet future program com-*
15 *mitments, with the planned expenditure of funds*
16 *linked to the milestone-based delivery of specific capa-*
17 *bilities, services, performance levels, mission benefits*
18 *and outcomes, and program management capabilities;*

19 (3) *a listing of all open Government Account-*
20 *ability Office and Office of Inspector General rec-*
21 *ommendations related to the program and the status*
22 *of Department of Homeland Security actions to ad-*
23 *dress the recommendations, including milestones for*
24 *fully addressing them;*

1 (4) a certification by the Chief Financial Officer
2 of the Department that the program has been re-
3 viewed and approved in accordance with the invest-
4 ment management process of the Department, and
5 that the process fulfills all capital planning and in-
6 vestment control requirements and reviews established
7 by the Office of Management and Budget, including
8 Circular A-11, part 7;

9 (5) a certification by the Chief Information Offi-
10 cer of the Department that an independent validation
11 and verification agent has and will continue to ac-
12 tively review the program;

13 (6) a certification by the Chief Information Offi-
14 cer of the Department that the system architecture of
15 the program is sufficiently aligned with the informa-
16 tion systems enterprise architecture of the Department
17 to minimize future rework, including a description of
18 all aspects of the architectures that were and were not
19 assessed in making the alignment determination, the
20 date of the alignment determination, any known
21 areas of misalignment along with the associated risks
22 and corrective actions to address any such areas;

23 (7) a certification by the Chief Procurement Offi-
24 cer of the Department that the plans for the program
25 comply with the Federal acquisition rules, require-

1 *ments, guidelines, and practices, and a description of*
2 *the actions being taken to address areas of non-com-*
3 *pliance, the risks associated with them along with*
4 *any plans for addressing these risks and the status of*
5 *their implementation;*

6 *(8) a certification by the Chief Information Offi-*
7 *cer of the Department that the program has a risk*
8 *management process that regularly identifies, evalu-*
9 *ates, mitigates, and monitors risks throughout the sys-*
10 *tem life cycle, and communicates high-risk conditions*
11 *to agency and department heads, as well as a listing*
12 *of all the program's high risks and the status of efforts*
13 *to address them;*

14 *(9) a certification by the Chief Human Capital*
15 *Officer of the Department that the human capital*
16 *needs of the program are being strategically and*
17 *proactively managed, and that current human capital*
18 *capabilities are sufficient to execute the plans dis-*
19 *cussed in the report; and*

20 *(10) which is reviewed by the Government Ac-*
21 *countability Office.*

22 *OFFICE OF HEALTH AFFAIRS*

23 *For the necessary expenses of the Office of Health Af-*
24 *fairs, \$115,000,000; of which \$20,817,000 is for salaries and*
25 *expenses; and of which \$94,183,000 is for biosurveillance,*

1 *biowatch, chemical response, and related activities for the*
2 *Department of Homeland Security, to remain available*
3 *until September 30, 2009: Provided, That not to exceed*
4 *\$3,000 shall be for official reception and representation ex-*
5 *penses.*

6 *FEDERAL EMERGENCY MANAGEMENT AGENCY*

7 *MANAGEMENT AND ADMINISTRATION*

8 *For necessary expenses for management and adminis-*
9 *tration, \$678,600,000, including activities authorized by*
10 *the National Flood Insurance Act of 1968 (42 U.S.C. 4001*
11 *et seq.), the Robert T. Stafford Disaster Relief and Emer-*
12 *gency Assistance Act (42 U.S.C. 5121 et seq.), the Earth-*
13 *quake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et*
14 *seq.), the Defense Production Act of 1950 (50 U.S.C. App.*
15 *2061 et seq.), sections 107 and 303 of the National Security*
16 *Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No.*
17 *3 of 1978 (5 U.S.C. App.), the Homeland Security Act of*
18 *2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emer-*
19 *gency Management Reform Act of 2006 (Public Law 109–*
20 *295; 120 Stat. 1394): Provided, That not to exceed \$3,000*
21 *shall be for official reception and representation expenses:*
22 *Provided further, That \$426,020,000 shall be for Operations*
23 *Activities: Provided further, That \$216,580,000 shall be for*
24 *Management Activities: Provided further, That \$6,000,000*
25 *shall be for the Office of the National Capital Region Co-*

1 ordination: Provided further, That for purposes of plan-
2 ning, coordination, execution, and decisionmaking related
3 to mass evacuation during a disaster, the Governors of the
4 State of West Virginia and the Commonwealth of Pennsyl-
5 vania, or their designees, shall be incorporated into efforts
6 to integrate the activities of Federal, State, and local gov-
7 ernments in the National Capital Region, as defined in sec-
8 tion 882 of Public Law 107–296, the Homeland Security
9 Act of 2002: Provided further, That of the total amount
10 made available under this heading, \$30,000,000 shall be for
11 Urban Search and Rescue Teams, of which not to exceed
12 \$1,600,000 may be made available for administrative costs:
13 Provided further, That of the total amount made available
14 under this heading, \$1,000,000 shall be to develop a web-
15 based version of the National Fire Incident Reporting Sys-
16 tem that will ensure that fire-related data can be submitted
17 and accessed by fire departments in real time: Provided fur-
18 ther, That not later than 30 days after the date of enactment
19 of this Act, the Administrator of the Federal Emergency
20 Management Agency shall, as appropriate, update training
21 practices for all customer service employees, employees in
22 the Office of General Counsel, and other appropriate em-
23 ployees of the Federal Emergency Management Agency re-
24 lating to addressing health concerns of recipients of assist-
25 ance from the Federal Emergency Management Agency.

STATE AND LOCAL PROGRAMS

1
2 *For grants, contracts, cooperative agreements, and*
3 *other activities, including grants to State and local govern-*
4 *ments for terrorism prevention activities, notwithstanding*
5 *any other provision of law, \$3,130,500,000, which shall be*
6 *allocated as follows:*

7 (1) *\$525,000,000 for formula-based grants and*
8 *\$375,000,000 for law enforcement terrorism preven-*
9 *tion grants, to be allocated in accordance with section*
10 *1014 of the USA PATRIOT ACT (42 U.S.C. 3714):*
11 *Provided, That not to exceed 3 percent of these*
12 *amounts shall be available for program administra-*
13 *tion: Provided further, That the application for*
14 *grants shall be made available to States within 45*
15 *days after the date of enactment of this Act; that*
16 *States shall submit applications within 90 days after*
17 *the grant announcement; and the Federal Emergency*
18 *Management Agency shall act within 90 days after*
19 *receipt of an application: Provided further, That, in*
20 *the event established timeframes detailed in the pre-*
21 *ceding proviso for departmental actions are missed,*
22 *funding for the Immediate Office of the Deputy Sec-*
23 *retary shall be reduced by \$1,000 per day until such*
24 *actions are executed: Provided further, That not less*
25 *than 80 percent of any grant under this paragraph*

1 *to a State shall be made available by the State to*
2 *local governments within 60 days after the receipt of*
3 *the funds; except in the case of Puerto Rico, where not*
4 *less than 50 percent of any grant under this para-*
5 *graph shall be made available to local governments*
6 *within 60 days after the receipt of the funds.*

7 (2) *\$1,836,000,000 for discretionary grants, as*
8 *determined by the Secretary of Homeland Security, of*
9 *which—*

10 (A) *\$820,000,000 shall be for use in high-*
11 *threat, high-density urban areas, of which*
12 *\$20,000,000 shall be available for assistance to*
13 *organizations (as described under section*
14 *501(c)(3) of the Internal Revenue Code of 1986*
15 *and exempt from tax section 501(a) of such code)*
16 *determined by the Secretary to be at high-risk of*
17 *a terrorist attack;*

18 (B) *\$50,000,000 shall be for the Regional*
19 *Catastrophic Preparedness Grants;*

20 (C) *\$400,000,000 shall be for infrastructure*
21 *protection grants related to port security pursu-*
22 *ant to 46 U.S.C. 70107;*

23 (D) *\$16,000,000 shall be for infrastructure*
24 *protection grants related to trucking industry se-*
25 *curity;*

1 (E) \$12,000,000 shall be for infrastructure
2 protection grants related to intercity bus secu-
3 rity;

4 (F) \$400,000,000 shall be for infrastructure
5 protection grants related to intercity rail pas-
6 senger transportation (as defined in section
7 24102 of title 49, United States Code), freight
8 rail, and transit security;

9 (G) \$50,000,000 shall be for infrastructure
10 protection grants related to buffer zone protec-
11 tion;

12 (H) \$40,000,000 shall be available for the
13 Commercial Equipment Direct Assistance Pro-
14 gram;

15 (I) \$33,000,000 shall be for the Metropoli-
16 tan Medical Response System; and

17 (J) \$15,000,000 shall be for Citizens Corps:
18 Provided, That not to exceed 3 percent of subpara-
19 graphs (A)–(J) shall be available for program admin-
20 istration: Provided further, That for grants under
21 subparagraphs (A), (B), and (J), the application for
22 grants shall be made available to States within 45
23 days after the date of enactment of this Act; that
24 States shall submit applications within 90 days after
25 the grant announcement; and that the Federal Emer-

1 *gency Management Agency shall act within 90 days*
2 *after receipt of an application: Provided further,*
3 *That, in the event established timeframes detailed in*
4 *the preceding proviso for departmental actions are*
5 *missed, funding for the Immediate Office of the Dep-*
6 *uty Secretary shall be reduced by \$1,000 per day*
7 *until such actions are executed: Provided further,*
8 *That no less than 80 percent of any grant under this*
9 *paragraph to a State shall be made available by the*
10 *State to local governments within 60 days after the*
11 *receipt of the funds: Provided further, That for grants*
12 *under subparagraphs (C) through (G), the applica-*
13 *tions for such grants shall be made available to eligi-*
14 *ble applicants not later than 75 days after the date*
15 *of enactment of this Act, eligible applicants shall sub-*
16 *mit applications not later than 45 days after the date*
17 *of the grant announcement, and the Federal Emer-*
18 *gency Management Agency shall act on such applica-*
19 *tions not later than 60 days after the date on which*
20 *such an application is received: Provided further,*
21 *That, in the event established timeframes detailed in*
22 *the preceding proviso for departmental actions are*
23 *missed, funding for the Immediate Office of the Dep-*
24 *uty Secretary shall be reduced by \$1,000 per day*
25 *until such actions are executed.*

1 (3) \$294,500,000 for training, exercises, technical
2 assistance, and other programs.

3 (4) \$100,000,000 for grants under the Interoper-
4 able Emergency Communications Grants Program es-
5 tablished under title XVIII of the Homeland Security
6 Act of 2002: Provided, That the amounts appro-
7 priated to the Department of Homeland Security for
8 discretionary spending in this Act shall be reduced on
9 a pro rata basis by the percentage necessary to reduce
10 the overall amount of such spending by \$100,000,000:
11 Provided further, That none of the grants provided under
12 this heading shall be used for the construction or renovation
13 of facilities, except for a minor perimeter security project,
14 not to exceed \$1,000,000, as determined necessary by the
15 Secretary of Homeland Security: Provided further, That the
16 preceding proviso shall not apply to grants under subpara-
17 graphs (B), (C), (F), and (G) of paragraph (2) of this head-
18 ing: Provided further, That funds appropriated for law en-
19 forcement terrorism prevention grants under paragraph (1)
20 of this heading and discretionary grants under paragraph
21 (2)(A) of this heading shall be available for operational
22 costs, to include personnel overtime and overtime associated
23 with the Federal Emergency Management Agency certified
24 training, as needed: Provided further, That the Government
25 Accountability Office shall report on the validity, relevance,

1 *reliability, timeliness, and availability of the risk factors*
2 *(including threat, vulnerability, and consequence) used by*
3 *the Secretary of Homeland Security and an analysis of the*
4 *Department's policy of ranking States, cities, and other*
5 *grantees by tiered groups, for the purpose of allocating*
6 *grants funded under this heading, and the application of*
7 *those factors in the allocation of funds to the Committees*
8 *on Appropriations of the Senate and the House of Rep-*
9 *resentatives on its findings not later than 45 days after the*
10 *date of enactment of this Act: Provided further, That within*
11 *seven days after the date of enactment of this Act, the Sec-*
12 *retary of Homeland Security shall provide the Government*
13 *Accountability Office with the risk methodology and other*
14 *factors that will be used to allocate grants funded under*
15 *this heading: Provided further, That not later than 15 days*
16 *after the date of enactment of this Act, the Administrator*
17 *of the Federal Emergency Management Agency shall submit*
18 *to the Committee on Appropriations and the Committee on*
19 *Homeland Security and Governmental Affairs of the Senate*
20 *a report detailing the actions taken as of that date, and*
21 *any actions the Administrator will take, regarding the re-*
22 *sponse of the Federal Emergency Management Agency to*
23 *concerns over formaldehyde exposure, which shall include*
24 *a description of any disciplinary or other personnel actions*
25 *taken, a detailed policy for responding to any reports of*

1 *potential health hazards posed by any materials provided*
2 *by the Federal Emergency Management Agency (including*
3 *housing, food, water, or other materials), and a description*
4 *of any additional resources needed to implement such pol-*
5 *icy: Provided further, That the Administrator of the Federal*
6 *Emergency Management Agency, in conjunction with the*
7 *head of the Office of Health Affairs of the Department of*
8 *Homeland Security, the Director of the Centers for Disease*
9 *Control and Prevention, and the Administrator of the Envi-*
10 *ronmental Protection Agency, shall design a program to sci-*
11 *entifically test a representative sample of travel trailers and*
12 *mobile homes provided by the Federal Emergency Manage-*
13 *ment Agency, and surplus travel trailers and mobile homes*
14 *to be sold or transferred by the Federal government on or*
15 *after the date of enactment of this Act, for formaldehyde*
16 *and, not later than 15 days after the date of enactment of*
17 *this Act, submit to the Committee on Appropriations and*
18 *the Committee on Homeland Security and Governmental*
19 *Affairs of the Senate a report regarding the program de-*
20 *signed, including a description of the design of the testing*
21 *program and the quantity of and conditions under which*
22 *trailers and mobile homes shall be tested and the justifica-*
23 *tion for such design of the testing: Provided further, That*
24 *in order to protect the health and safety of disaster victims,*
25 *the testing program designed under the previous proviso*

1 *shall provide for initial short-term testing, and longer-term*
2 *testing, as required: Provided further, That not later than*
3 *45 days after the date of enactment of this Act, the Adminis-*
4 *trator of the Federal Emergency Management Agency, in*
5 *conjunction with the head of the Office of Health Affairs*
6 *of the Department of Homeland Security, the Director of*
7 *the Centers for Disease Control and Prevention, and the Ad-*
8 *ministrator of the Environmental Protection Agency, shall,*
9 *at a minimum, complete the initial short-term testing de-*
10 *scribed in the previous proviso: Provided further, That, to*
11 *the extent feasible, the Administrator of the Federal Emer-*
12 *gency Management Agency shall use a qualified contractor*
13 *residing or doing business primarily in the Gulf Coast Area*
14 *to carry out the testing program designed under this head-*
15 *ing: Provided further, That, not later than 30 days after*
16 *the date that the Administrator of the Federal Emergency*
17 *Management Agency completes the short-term testing under*
18 *this heading, the Administrator of the Federal Emergency*
19 *Management Agency, in conjunction with the head of the*
20 *Office of Health Affairs of the Department of Homeland Se-*
21 *curity, the Director of the Centers for Disease Control and*
22 *Prevention, and the Administrator of the Environmental*
23 *Protection Agency, shall submit to the Committee on Appro-*
24 *priations and the Committee on Homeland Security and*
25 *Governmental Affairs of the Senate a report describing the*

1 *results of the testing, analyzing such results, providing an*
2 *assessment of whether there are any health risks associated*
3 *with the results and the nature of any such health risks,*
4 *and detailing the plans of the Administrator of the Federal*
5 *Emergency Management Agency to act on the results of the*
6 *testing, including any need to relocate individuals living*
7 *in the trailers or mobile homes provided by the Federal*
8 *Emergency Management Agency or otherwise assist indi-*
9 *viduals affected by the results, plans for the sale or transfer*
10 *of any trailers or mobile homes (which shall be made in*
11 *coordination with the Administrator of General Services),*
12 *and plans to conduct further testing: Provided further, That*
13 *after completing longer-term testing under this heading, the*
14 *Administrator of the Federal Emergency Management*
15 *Agency, in conjunction with the head of the Office of Health*
16 *Affairs of the Department of Homeland Security, the Direc-*
17 *tor of the Centers for Disease Control and Prevention, and*
18 *the Administrator of the Environmental Protection Agency,*
19 *shall submit to the Committee on Appropriations and the*
20 *Committee on Homeland Security and Governmental Af-*
21 *airs of the Senate a report describing the results of the test-*
22 *ing, analyzing such results, providing an assessment of*
23 *whether any health risks are associated with the results and*
24 *the nature of any such health risks, incorporating any addi-*
25 *tional relevant information from the shorter-term testing*

1 *completed under this heading, and detailing the plans and*
2 *recommendations of the Administrator of the Federal Emer-*
3 *gency Management Agency to act on the results of the test-*
4 *ing.*

5 *FIREFIGHTER ASSISTANCE GRANTS*

6 *For necessary expenses for programs authorized by the*
7 *Federal Fire Prevention and Control Act of 1974 (15 U.S.C.*
8 *2201 et seq.), \$700,000,000: Provided, That not to exceed*
9 *five percent of this amount shall be available for program*
10 *administration: Provided further, That funds shall be allo-*
11 *cated as follows: (1) \$560,000,000 shall be available to carry*
12 *out section 33 of that Act (15 U.S.C. 2229), to remain*
13 *available until September 30, 2009; and (2) \$140,000,000*
14 *shall be available to carry out section 34 of that Act (15*
15 *U.S.C. 2229a).*

16 *EMERGENCY MANAGEMENT PERFORMANCE GRANTS*

17 *For necessary expenses for emergency management*
18 *performance grants, as authorized by the National Flood*
19 *Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert*
20 *T. Stafford Disaster Relief and Emergency Assistance Act*
21 *(42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduc-*
22 *tion Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganiza-*
23 *tion Plan No. 3 of 1978 (5 U.S.C. App.), \$300,000,000: Pro-*
24 *vided, That total administrative costs shall not exceed three*
25 *percent of the total appropriation.*

1 *RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM*

2 *The aggregate charges assessed during fiscal year 2008,*
3 *as authorized in title III of the Departments of Veterans*
4 *Affairs and Housing and Urban Development, and Inde-*
5 *pendent Agencies Appropriations Act, 1999 (42 U.S.C.*
6 *5196e), shall not be less than 100 percent of the amounts*
7 *anticipated by the Department of Homeland Security nec-*
8 *essary for its radiological emergency preparedness program*
9 *for the next fiscal year: Provided, That the methodology for*
10 *assessment and collection of fees shall be fair and equitable*
11 *and shall reflect costs of providing such services, including*
12 *administrative costs of collecting such fees: Provided fur-*
13 *ther, That fees received under this heading shall be deposited*
14 *in this account as offsetting collections and will become*
15 *available for authorized purposes on October 1, 2008, and*
16 *remain available until expended.*

17 *UNITED STATES FIRE ADMINISTRATION*

18 *For necessary expenses of the United States Fire Ad-*
19 *ministration, as authorized by the Federal Fire Prevention*
20 *and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the*
21 *Homeland Security Act of 2002 (6 U.S.C. 101 et seq.),*
22 *\$43,300,000.*

23 *DISASTER RELIEF*

24 *(INCLUDING TRANSFER OF FUNDS)*

25 *For necessary expenses in carrying out the Robert T.*
26 *Stafford Disaster Relief and Emergency Assistance Act (42*

1 *U.S.C. 5121 et seq.*), \$1,700,000,000, to remain available
2 until expended: Provided, That of the total amount pro-
3 vided, \$13,500,000 shall be transferred to the Department
4 of Homeland Security Office of Inspector General for audits
5 and investigations related to disasters, subject to section 503
6 of this Act: Provided further, That up to \$48,000,000 and
7 250 positions may be transferred to “Management and Ad-
8 ministration”, Federal Emergency Management Agency, for
9 management and administration functions, subject to sec-
10 tion 503 of this Act.

11 *DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT*

12 *For activities under section 319 of the Robert T. Staf-*
13 *ford Disaster Relief and Emergency Assistance Act (42*
14 *U.S.C. 5162), \$875,000, of which \$580,000 is for adminis-*
15 *trative expenses to carry out the direct loan program and*
16 *\$295,000 is for the cost of direct loans: Provided, That gross*
17 *obligations for the principal amount of direct loans shall*
18 *not exceed \$25,000,000: Provided further, That the cost of*
19 *modifying such loans shall be as defined in section 502 of*
20 *the Congressional Budget Act of 1974 (2 U.S.C. 661a).*

21 *FLOOD MAP MODERNIZATION FUND*

22 *For necessary expenses under section 1360 of the Na-*
23 *tional Flood Insurance Act of 1968 (42 U.S.C. 4101),*
24 *\$200,000,000, and such additional sums as may be pro-*
25 *vided by State and local governments or other political sub-*
26 *divisions for cost-shared mapping activities under section*

1 1360(f)(2) of such Act, to remain available until expended:
2 Provided, That total administrative costs shall not exceed
3 three percent of the total appropriation.

4 NATIONAL FLOOD INSURANCE FUND

5 (INCLUDING TRANSFER OF FUNDS)

6 For activities under the National Flood Insurance Act
7 of 1968 (42 U.S.C. 4001 et seq.), and the Flood Disaster
8 Protection Act of 1973 (42 U.S.C. 4001 et seq.),
9 \$145,000,000, which is available as follows: (1) not to ex-
10 ceed \$45,642,000 for salaries and expenses associated with
11 flood mitigation and flood insurance operations; and (2)
12 not to exceed \$99,358,000 for flood hazard mitigation,
13 which shall be derived from offsetting collections assessed
14 and collected under section 1307 of the National Flood In-
15 surance Act of 1968 (42 U.S.C. 4001 et seq.), to remain
16 available until September 30, 2009, including up to
17 \$34,000,000 for flood mitigation expenses under section
18 1366 of that Act, which amount shall be available for trans-
19 fer to the National Flood Mitigation Fund until September
20 30, 2009: Provided, That in fiscal year 2008, no funds shall
21 be available from the National Flood Insurance Fund in
22 excess of: (1) \$70,000,000 for operating expenses; (2)
23 \$773,772,000 for commissions and taxes of agents; (3) such
24 sums as are necessary for interest on Treasury borrowings;
25 and (4) \$90,000,000 for flood mitigation actions with re-
26 spect to severe repetitive loss properties under section 1361A

1 of that Act (42 U.S.C. 4102a) and repetitive insurance
2 claims properties under section 1323 of that Act (42 U.S.C.
3 4030), which shall remain available until expended: Pro-
4 vided further, That total administrative costs shall not ex-
5 ceed four percent of the total appropriation.

6 NATIONAL FLOOD MITIGATION FUND

7 (INCLUDING TRANSFER OF FUNDS)

8 Notwithstanding subparagraphs (B) and (C) of sub-
9 section (b)(3), and subsection (f), of section 1366 of the Na-
10 tional Flood Insurance Act of 1968, \$34,000,000 (42 U.S.C.
11 4104c), to remain available until September 30, 2009, for
12 activities designed to reduce the risk of flood damage to
13 structures pursuant to such Act, of which \$34,000,000 shall
14 be derived from the National Flood Insurance Fund.

15 NATIONAL PRE-DISASTER MITIGATION FUND

16 For a pre-disaster mitigation grant program under
17 title II of the Robert T. Stafford Disaster Relief and Emer-
18 gency Assistance Act (42 U.S.C. 5131 et seq.), \$120,000,000,
19 to remain available until expended: Provided, That grants
20 made for pre-disaster mitigation shall be awarded on a
21 competitive basis subject to the criteria in section 203(g)
22 of such Act (42 U.S.C. 5133(g)): Provided further, That
23 total administrative costs shall not exceed three percent of
24 the total appropriation.

1 *FEDERAL LAW ENFORCEMENT TRAINING CENTER*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Federal Law Enforce-*
4 *ment Training Center, including materials and support*
5 *costs of Federal law enforcement basic training; purchase*
6 *of not to exceed 117 vehicles for police-type use and hire*
7 *of passenger motor vehicles; expenses for student athletic*
8 *and related activities; the conduct of and participation in*
9 *firearms matches and presentation of awards; public aware-*
10 *ness and enhancement of community support of law enforce-*
11 *ment training; room and board for student interns; a flat*
12 *monthly reimbursement to employees authorized to use per-*
13 *sonal mobile phones for official duties; and services as au-*
14 *thorized by section 3109 of title 5, United States Code;*
15 *\$221,076,000, of which up to \$43,910,000 for materials and*
16 *support costs of Federal law enforcement basic training*
17 *shall remain available until September 30, 2009; of which*
18 *\$300,000 shall remain available until expended for Federal*
19 *law enforcement agencies participating in training accredi-*
20 *tation, to be distributed as determined by the Federal Law*
21 *Enforcement Training Center for the needs of participating*
22 *agencies; and of which not to exceed \$12,000 shall be for*
23 *official reception and representation expenses: Provided,*
24 *That the Center is authorized to obligate funds in anticipa-*
25 *tion of reimbursements from agencies receiving training*

1 *sponsored by the Center, except that total obligations at the*
2 *end of the fiscal year shall not exceed total budgetary re-*
3 *sources available at the end of the fiscal year: Provided fur-*
4 *ther, That section 1202(a) of Public Law 107–206 (42*
5 *U.S.C. 3771 note) as amended by Public Law 109–295 (120*
6 *Stat. 1374) is further amended by striking “December 31,*
7 *2007” and inserting “December 31, 2011”.*

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

10 *For acquisition of necessary additional real property*
11 *and facilities, construction, and ongoing maintenance, fa-*
12 *cility improvements, and related expenses of the Federal*
13 *Law Enforcement Training Center, \$44,470,000, to remain*
14 *available until expended: Provided, That the Center is au-*
15 *thorized to accept reimbursement to this appropriation*
16 *from government agencies requesting the construction of*
17 *special use facilities.*

18 *SCIENCE AND TECHNOLOGY*
19 *MANAGEMENT AND ADMINISTRATION*

20 *For salaries and expenses of the Office of the Under*
21 *Secretary for Science and Technology and for management*
22 *and administration of programs and activities, as author-*
23 *ized by title III of the Homeland Security Act of 2002 (6*
24 *U.S.C. 181 et seq.), \$140,632,000: Provided, That not to*
25 *exceed \$3,000 shall be for official reception and representa-*
26 *tion expenses.*

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.); \$697,364,000, to remain available until*
7 *expended; and of which \$103,814,000 shall be for necessary*
8 *expenses of the field laboratories and assets of the Science*
9 *and Technology Directorate.*

10 DOMESTIC NUCLEAR DETECTION OFFICE

11 MANAGEMENT AND ADMINISTRATION

12 *For salaries and expenses of the Domestic Nuclear De-*
13 *tection Office and for management and administration of*
14 *programs and activities, \$32,000,000: Provided, That not*
15 *to exceed \$3,000 shall be for official reception and represen-*
16 *tation expenses.*

17 RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

18 *For necessary expenses for radiological and nuclear re-*
19 *search, development, testing, evaluation and operations,*
20 *\$336,000,000, to remain available until expended, of which*
21 *\$10,000,000 shall be available to support the implementa-*
22 *tion of the Securing the Cities initiative at the level re-*
23 *quested in the President's budget.*

24 SYSTEMS ACQUISITION

25 *For expenses for the Domestic Nuclear Detection Office*
26 *acquisition and deployment of radiological detection sys-*

1 *tems in accordance with the global nuclear detection archi-*
2 *itecture, \$182,000,000, to remain available until September*
3 *30, 2010, of which \$30,000,000 shall be available to support*
4 *the implementation of the Securing the Cities initiative at*
5 *the level requested in the President's budget: Provided, That*
6 *none of the funds appropriated under this heading shall be*
7 *obligated for full-scale procurement of Advanced*
8 *Spectroscopic Portal Monitors until the Secretary of Home-*
9 *land Security has certified through a report to the Commit-*
10 *tees on Appropriations of the Senate and the House of Rep-*
11 *resentatives that a significant increase in operational effec-*
12 *tiveness will be achieved.*

13 *TITLE V*

14 *GENERAL PROVISIONS*

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

18 *SEC. 502. None of the funds available in this Act shall*
19 *be available to carry out section 872 of Public Law 107-*
20 *296.*

21 *SEC. 503. (a) None of the funds provided by this Act,*
22 *provided by previous appropriations Acts to the agencies*
23 *in or transferred to the Department of Homeland Security*
24 *that remain available for obligation or expenditure in fiscal*
25 *year 2008, or provided from any accounts in the Treasury*

1 of the United States derived by the collection of fees avail-
2 able to the agencies funded by this Act, shall be available
3 for obligation or expenditure through a reprogramming of
4 funds that: (1) creates a new program; (2) eliminates a pro-
5 gram, project, or activity; (3) increases funds for any pro-
6 gram, project, or activity for which funds have been denied
7 or restricted by the Congress; (4) proposes to use funds di-
8 rected for a specific activity by either of the Committees
9 on Appropriations of the Senate or the House of Represent-
10 atives for a different purpose; or (5) contracts out any func-
11 tion or activity for which funding levels were requested for
12 Federal full-time equivalents in the object classification ta-
13 bles contained in the fiscal year 2008 Budget Appendix for
14 the Department of Homeland Security, as modified by the
15 joint explanatory statement accompanying this Act; unless
16 the Committees on Appropriations of the Senate and the
17 House of Representatives are notified 15 days in advance
18 of such reprogramming of funds.

19 (b) None of the funds provided by this Act, provided
20 by previous appropriations Acts to the agencies in or trans-
21 ferred to the Department of Homeland Security that remain
22 available for obligation or expenditure in fiscal year 2008,
23 or provided from any accounts in the Treasury of the
24 United States derived by the collection of fees available to
25 the agencies funded by this Act, shall be available for obliga-

1 *tion or expenditure for programs, projects, or activities*
2 *through a reprogramming of funds in excess of \$5,000,000*
3 *or 10 percent, whichever is less, that: (1) augments existing*
4 *programs, projects, or activities; (2) reduces by 10 percent*
5 *funding for any existing program, project, or activity, or*
6 *numbers of personnel by 10 percent as approved by the Con-*
7 *gress; or (3) results from any general savings from a reduc-*
8 *tion in personnel that would result in a change in existing*
9 *programs, projects, or activities as approved by the Con-*
10 *gress; unless the Committees on Appropriations of the Sen-*
11 *ate and the House of Representatives are notified 15 days*
12 *in advance of such reprogramming of funds.*

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

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

6 SEC. 504. None of the funds appropriated or otherwise
7 made available to the Department of Homeland Security
8 may be used to make payments to the “Department of
9 Homeland Security Working Capital Fund”, except for the
10 activities and amounts allowed in the President’s fiscal
11 year 2008 budget, excluding sedan service, shuttle service,
12 transit subsidy, mail operations, parking, and competitive
13 sourcing: Provided, That any additional activities and
14 amounts shall be approved by the Committees on Appro-
15 priations of the Senate and the House of Representatives
16 30 days in advance of obligation.

17 SEC. 505. Except as otherwise specifically provided by
18 law, not to exceed 50 percent of unobligated balances re-
19 maining available at the end of fiscal year 2008 from ap-
20 propriations for salaries and expenses for fiscal year 2008
21 in this Act shall remain available through September 30,
22 2009, in the account and for the purposes for which the
23 appropriations were provided: Provided, That prior to the
24 obligation of such funds, a request shall be submitted to the
25 Committees on Appropriations of the Senate and the House

1 *of Representatives for approval in accordance with section*
2 *503 of this Act.*

3 *SEC. 506. Funds made available by this Act for intel-*
4 *ligence activities are deemed to be specifically authorized*
5 *by the Congress for purposes of section 504 of the National*
6 *Security Act of 1947 (50 U.S.C. 414) during fiscal year*
7 *2008 until the enactment of an Act authorizing intelligence*
8 *activities for fiscal year 2008.*

9 *SEC. 507. The Federal Law Enforcement Training Ac-*
10 *creditation Board shall lead the Federal law enforcement*
11 *training accreditation process, to include representatives*
12 *from the Federal law enforcement community and non-Fed-*
13 *eral accreditation experts involved in law enforcement*
14 *training, to continue the implementation of measuring and*
15 *assessing the quality and effectiveness of Federal law en-*
16 *forcement training programs, facilities, and instructors.*

17 *SEC. 508. None of the funds in this Act may be used*
18 *to make a grant allocation, discretionary grant award, dis-*
19 *cretionary contract award, or to issue a letter of intent to-*
20 *taling in excess of \$1,000,000, or to announce publicly the*
21 *intention to make such an award, unless the Secretary of*
22 *Homeland Security notifies the Committees on Appropria-*
23 *tions of the Senate and the House of Representatives at least*
24 *three full business days in advance: Provided, That no noti-*
25 *fication shall involve funds that are not available for obliga-*

1 *tion: Provided further, That the notification shall include*
2 *the amount of the award, the fiscal year in which the funds*
3 *for the award were appropriated, and the account for which*
4 *the funds are being drawn from: Provided further, That the*
5 *Federal Emergency Management Agency shall brief the*
6 *Committees on Appropriations of the Senate and the House*
7 *of Representatives five full business days in advance of an-*
8 *nouncing publicly the intention of making an award of for-*
9 *mula-based grants; law enforcement terrorism prevention*
10 *grants; high-threat, high-density urban areas grants; or re-*
11 *gional catastrophic preparedness grants.*

12 *SEC. 509. Notwithstanding any other provision of law,*
13 *no agency shall purchase, construct, or lease any additional*
14 *facilities, except within or contiguous to existing locations,*
15 *to be used for the purpose of conducting Federal law enforce-*
16 *ment training without the advance approval of the Commit-*
17 *tees on Appropriations of the Senate and the House of Rep-*
18 *resentatives, except that the Federal Law Enforcement*
19 *Training Center is authorized to obtain the temporary use*
20 *of additional facilities by lease, contract, or other agreement*
21 *for training which cannot be accommodated in existing*
22 *Center facilities.*

23 *SEC. 510. The Director of the Federal Law Enforce-*
24 *ment Training Center shall schedule basic and/or advanced*
25 *law enforcement training at all four training facilities*

1 *under the control of the Federal Law Enforcement Training*
2 *Center to ensure that these training centers are operated*
3 *at the highest capacity throughout the fiscal year.*

4 *SEC. 511. None of the funds appropriated or otherwise*
5 *made available by this Act may be used for expenses of any*
6 *construction, repair, alteration, or acquisition project for*
7 *which a prospectus, if required by the Public Buildings Act*
8 *of 1959 (40 U.S.C. 3301), has not been approved, except*
9 *that necessary funds may be expended for each project for*
10 *required expenses for the development of a proposed pro-*
11 *spectus.*

12 *SEC. 512. None of the funds in this Act may be used*
13 *in contravention of the applicable provisions of the Buy*
14 *American Act (41 U.S.C. 10a et seq.).*

15 *SEC. 513. (a) None of the funds provided by this or*
16 *previous appropriations Acts may be obligated for deploy-*
17 *ment or implementation, on other than a test basis, of the*
18 *Secure Flight program or any other follow on or successor*
19 *passenger prescreening program, until the Secretary of*
20 *Homeland Security certifies, and the Government Account-*
21 *ability Office reports, to the Committees on Appropriations*
22 *of the Senate and the House of Representatives, that all ten*
23 *of the conditions contained in paragraphs (1) through (10)*
24 *of section 522(a) of Public Law 108-334 (118 Stat. 1319)*
25 *have been successfully met.*

1 (b) *The report required by subsection (a) shall be sub-*
2 *mitted within 90 days after the Secretary provides the req-*
3 *uisite certification, and periodically thereafter, if necessary,*
4 *until the Government Accountability Office confirms that*
5 *all ten conditions have been successfully met.*

6 (c) *Within 90 days of enactment of this Act, the Sec-*
7 *retary shall submit to the Committees on Appropriations*
8 *of the Senate and the House of Representatives a detailed*
9 *plan that describes: (1) the dates for achieving key mile-*
10 *stones, including the date or timeframes that the Secretary*
11 *will certify the program under subsection (a); and (2) the*
12 *methodology to be followed to support the Secretary's certifi-*
13 *cation, as required under subsection (a).*

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

20 (e) *None of the funds provided in this or previous ap-*
21 *propriations Acts may be utilized to develop or test algo-*
22 *rithms assigning risk to passengers whose names are not*
23 *on Government watch lists.*

24 (f) *None of the funds provided in this or previous ap-*
25 *propriations Acts may be utilized for data or a database*

1 *that is obtained from or remains under the control of a non-*
2 *Federal entity: Provided, That this restriction shall not*
3 *apply to Passenger Name Record data obtained from air*
4 *carriers.*

5 *SEC. 514. None of the funds made available in this*
6 *Act may be used to amend the oath of allegiance required*
7 *by section 337 of the Immigration and Nationality Act (8*
8 *U.S.C. 1448).*

9 *SEC. 515. None of the funds appropriated by this Act*
10 *may be used to process or approve a competition under Of-*
11 *fice of Management and Budget Circular A-76 for services*
12 *provided as of June 1, 2004, by employees (including em-*
13 *ployees serving on a temporary or term basis) of United*
14 *States Citizenship and Immigration Services of the Depart-*
15 *ment of Homeland Security who are known as of that date*
16 *as Immigration Information Officers, Contact Representa-*
17 *tives, or Investigative Assistants.*

18 *SEC. 516. (a) None of the funds appropriated to the*
19 *United States Secret Service by this Act or by previous ap-*
20 *propriations Acts may be made available for the protection*
21 *of the head of a Federal agency other than the Secretary*
22 *of Homeland Security: Provided, That the Director of the*
23 *United States Secret Service may enter into an agreement*
24 *to perform such service on a fully reimbursable basis.*

1 **(b)** *None of the funds appropriated by this or any other*
2 *Act to the United States Secret Service shall be made avail-*
3 *able for the protection of a Federal official, other than per-*
4 *sons granted protection under section 3056(a) of title 18,*
5 *United States Code, and the Secretary of Homeland Secu-*
6 *rity: Provided, That the Director of the United States Secret*
7 *Service may enter into an agreement to perform such pro-*
8 *tection on a fully reimbursable basis for protectees not des-*
9 *ignated under section 3056(a) of title 18, United States*
10 *Code.*

11 **SEC. 517. (a)** *The Secretary of Homeland Security is*
12 *directed to research, develop, and procure new technologies*
13 *to inspect and screen air cargo carried on passenger air-*
14 *craft at the earliest date possible.*

15 **(b)** *Existing checked baggage explosive detection equip-*
16 *ment and screeners shall be utilized to screen air cargo car-*
17 *ried on passenger aircraft to the greatest extent practicable*
18 *at each airport until technologies developed under sub-*
19 *section (a) are available.*

20 **(c)** *The Transportation Security Administration shall*
21 *report air cargo inspection statistics quarterly to the Com-*
22 *mittees on Appropriations of the Senate and the House of*
23 *Representatives, by airport and air carrier, within 45 days*
24 *after the end of the quarter including any reason for non-*
25 *compliance with the second proviso of section 513 of the*

1 *Department of Homeland Security Appropriations Act,*
2 *2005 (Public Law 108–334, 118 Stat. 1317).*

3 *SEC. 518. None of the funds made available in this*
4 *Act may be used by any person other than the Privacy Offi-*
5 *cer appointed under section 222 of the Homeland Security*
6 *Act of 2002 (6 U.S.C. 142) to alter, direct that changes be*
7 *made to, delay, or prohibit the transmission to Congress*
8 *of any report prepared under paragraph (6) of such section.*

9 *SEC. 519. No funding provided by this or previous ap-*
10 *propriation Acts shall be available to pay the salary of any*
11 *employee serving as a contracting officer’s technical rep-*
12 *resentative (COTR), or anyone acting in a similar or like*
13 *capacity, who has not received COTR training.*

14 *SEC. 520. Except as provided in section 44945 of title*
15 *49, United States Code, funds appropriated or transferred*
16 *to Transportation Security Administration “Aviation Se-*
17 *curity”, “Administration” and “Transportation Security*
18 *Support” in fiscal years 2004, 2005, 2006, and 2007 that*
19 *are recovered or deobligated shall be available only for pro-*
20 *curement and installation of explosive detection systems for*
21 *air cargo, baggage, and checkpoint screening systems, sub-*
22 *ject to notification.*

23 *SEC. 521. Section 525(d) of the Department of Home-*
24 *land Security Appropriations Act, 2007 (Public Law 109–*
25 *295; 120 Stat. 1382) shall apply to fiscal year 2008.*

(RESCISSION OF FUNDS)

1

2 *SEC. 522. From the unobligated balances of funds*
3 *transferred to the Department of Homeland Security when*
4 *it was created in 2003, excluding mandatory appropria-*
5 *tions, \$45,000,000 is rescinded, of which \$12,000,000 shall*
6 *be rescinded from Departmental Operations; \$12,000,000*
7 *shall be rescinded from the Office of State and Local Gov-*
8 *ernment Coordination; and \$6,000,000 shall be rescinded*
9 *from the Working Capital Fund.*

10 *SEC. 523. Any funds appropriated to United States*
11 *Coast Guard, “Acquisition, Construction, and Improve-*
12 *ments” in fiscal years 2002, 2003, 2004, 2005, and 2006*
13 *for the 110–123 foot patrol boat conversion that are recov-*
14 *ered, collected, or otherwise received as the result of negotia-*
15 *tion, mediation, or litigation, shall be available until ex-*
16 *pended for the Replacement Patrol Boat (FRC–B) program.*

17 *SEC. 524. The Department of Homeland Security*
18 *Working Capital Fund, established, pursuant to section 403*
19 *of Public Law 103–356 (31 U.S.C. 501 note), shall continue*
20 *operations during fiscal year 2008.*

21 *SEC. 525. (a) The Federal Emergency Management*
22 *Agency (FEMA) shall submit a quarterly report to the*
23 *Committees on Appropriations of the Senate and the House*
24 *of Representatives detailing the allocation and obligation*
25 *of funds for “Disaster Relief” to include:*

1 (1) *status of the Disaster Relief Fund (DRF) in-*
2 *cluding obligations, allocations, and amounts undis-*
3 *tributed/unallocated;*

4 (2) *allocations, obligations, and expenditures for*
5 *all open disasters;*

6 (3) *information on national flood insurance*
7 *claims;*

8 (4) *obligations, allocations and expenditures by*
9 *State for unemployment, crisis counseling, inspec-*
10 *tions, housing assistance, manufactured housing, pub-*
11 *lic assistance and individual assistance;*

12 (5) *mission assignment obligations by agency,*
13 *including:*

14 (A) *the amounts reimbursed to other agen-*
15 *cies that are in suspense because FEMA has not*
16 *yet reviewed and approved the documentation*
17 *supporting the expenditure; and*

18 (B) *a disclaimer if the amounts of reported*
19 *obligations and expenditures do not reflect the*
20 *status of such obligations and expenditures from*
21 *a government-wide perspective;*

22 (6) *the amount of credit card purchases by agen-*
23 *cy and mission assignment;*

24 (7) *specific reasons for all waivers granted and*
25 *a description of each waiver;*

1 (8) a list of all contracts that were awarded on
2 a sole source or limited competition basis, including
3 the dollar amount, the purpose of the contract and the
4 reason for the lack of competitive award; and

5 (9) an estimate of when available appropriations
6 will be exhausted, assuming an average disaster sea-
7 son.

8 (b) The Secretary of Homeland Security shall at least
9 quarterly obtain from agencies performing mission assign-
10 ments each such agency's actual obligation and expenditure
11 data and report to the Committees on Appropriations of
12 the Senate and the House of Representatives.

13 (c) For any request for reimbursement from a Federal
14 agency to the Department of Homeland Security to cover
15 expenditures under the Stafford Act (42 U.S.C. 5121 et
16 seq.), or any mission assignment orders issued by the De-
17 partment of Homeland Security for such purposes, the Sec-
18 retary of Homeland Security shall take appropriate steps
19 to ensure that each agency is periodically reminded of De-
20 partment of Homeland Security policies on—

21 (1) the detailed information required in sup-
22 porting documentation for reimbursements, and

23 (2) the necessity for timeliness of agency billings.

24 (d) Notwithstanding section 404 of the Robert T. Staf-
25 ford Disaster Relief and Emergency Assistance Act (42

1 *U.S.C. 5170c), projects relating to Hurricanes Katrina and*
2 *Rita for which the non-Federal share of assistance under*
3 *that section is funded by amounts appropriated to the Com-*
4 *munity Development Fund under chapter 9 of title I of di-*
5 *vision B of the Department of Defense, Emergency Supple-*
6 *mental Appropriations to Address Hurricanes in the Gulf*
7 *of Mexico, and Pandemic Influenza Act, 2006 (Public Law*
8 *109–148; 119 Stat. 2779) or chapter 9 of title II of the*
9 *Emergency Supplemental Appropriations Act for Defense,*
10 *the Global War on Terror, and Hurricane Recovery, 2006*
11 *(Public Law 109–234; 120 Stat. 472) shall not be subject*
12 *to any precertification requirements.*

13 *SEC. 526. Within 45 days after the close of each month,*
14 *the Chief Financial Officer of the Department of Homeland*
15 *Security shall submit to the Committees on Appropriations*
16 *of the Senate and the House of Representatives a monthly*
17 *budget and staffing report that includes total obligations,*
18 *on-board versus funded full-time equivalent staffing levels,*
19 *and the number of contract employees by office.*

20 *SEC. 527. Section 532(a) of Public Law 109–295 is*
21 *amended by striking “2007” and inserting “2008”.*

22 *SEC. 528. The Federal Law Enforcement Training*
23 *Center instructor staff shall be classified as inherently gov-*
24 *ernmental for the purpose of the Federal Activities Inven-*
25 *tory Reform Act of 1998 (31 U.S.C. 501 note).*

1 *SEC. 529. None of the funds provided in this Act may*
2 *be used to alter or reduce operations within the Civil Engi-*
3 *neering Program of the Coast Guard nationwide, including*
4 *the civil engineering units, facilities, design, and construc-*
5 *tion centers, maintenance and logistics command centers,*
6 *and the Coast Guard Academy, except as specifically au-*
7 *thorized by a statute enacted after the date of enactment*
8 *of this Act.*

9 *SEC. 530. EXTENSION OF THE IMPLEMENTATION*
10 *DEADLINE FOR THE WESTERN HEMISPHERE TRAVEL INI-*
11 *TIATIVE. Subparagraph (A) of section 7209(b)(1) of the In-*
12 *telligence Reform and Terrorism Prevention Act of 2004*
13 *(Public Law 108–458; 8 U.S.C. 1185 note) is amended by*
14 *striking “This plan shall be implemented not later than*
15 *three months after the Secretary of State and the Secretary*
16 *of Homeland Security make the certifications required in*
17 *subsection (B), or June 1, 2009, whichever is earlier.” and*
18 *inserting “Such plan may not be implemented earlier than*
19 *the date that is the later of 3 months after the Secretary*
20 *of State and the Secretary of Homeland Security make the*
21 *certification required in subparagraph (B) or June 1,*
22 *2009.”.*

23 *SEC. 531. Section 550 of the Department of Homeland*
24 *Security Appropriations Act, 2007 (6 U.S.C. 121 note) is*
25 *amended by adding at the end the following:*

1 “(h) This section shall not preclude or deny any right
2 of any State or political subdivision thereof to adopt or en-
3 force any regulation, requirement, or standard of perform-
4 ance with respect to chemical facility security that is more
5 stringent than a regulation, requirement, or standard of
6 performance issued under this section, or otherwise impair
7 any right or jurisdiction of any State with respect to chem-
8 ical facilities within that State, unless there is an actual
9 conflict between this section and the law of that State.”.

10 SEC. 532. None of the funds provided in this Act under
11 the heading “Office of the Chief Information Officer” shall
12 be used for data center development other than for the Na-
13 tional Center for Critical Information Processing and Stor-
14 age until the Chief Information Officer certifies that the Na-
15 tional Center for Critical Information Processing and Stor-
16 age is fully utilized as the Department’s primary data stor-
17 age center at the highest capacity throughout the fiscal year.

18 SEC. 533. None of the funds in this Act shall be used
19 to reduce the United States Coast Guard’s Operations Sys-
20 tems Center mission or its government-employed or contract
21 staff levels.

22 SEC. 534. (a) Notwithstanding section 503 of this Act,
23 up to \$25,000,000 from prior year balances currently avail-
24 able to the Transportation Security Administration may

1 be transferred to “Transportation Threat Assessment and
2 Credentialing” for the Secure Flight program.

3 (b) In carrying out the transfer authority under sub-
4 section (a), the Transportation Security Administration
5 shall not utilize any prior year balances from the following
6 programs: screener partnership program; explosive detec-
7 tion system purchase; explosive detection system installa-
8 tion; checkpoint support; aviation regulation and other en-
9 forcement; air cargo; and air cargo research and develop-
10 ment: Provided, That any funds proposed to be transferred
11 under this section shall not be available for obligation until
12 the Committees on Appropriations of the Senate and the
13 House of Representatives receive and approve a plan for
14 expenditure for such funds that is submitted by the Sec-
15 retary of Homeland Security: Provided further, That the
16 plan shall be submitted simultaneously to the Government
17 Accountability Office for review consistent with its ongoing
18 assessment of the Secure Flight Program as mandated by
19 section 522(a) of Public Law 108–334 (118 Stat. 1319).

20 SEC. 535. DISASTER ASSISTANCE FOR SCHOOLS. (a)

21 DEFINITIONS.—In this section—

22 (1) the term “Administrator” means the Admin-
23 istrator of the Federal Emergency Management Agen-
24 cy;

1 (2) *the term “covered assistance” means assist-*
2 *ance—*

3 (A) *provided under section 406 of the Rob-*
4 *ert T. Stafford Disaster Relief and Emergency*
5 *Assistance Act (42 U.S.C. 5172);*

6 (B) *to be used to—*

7 (i) *repair, restore, reconstruct, or re-*
8 *place school facilities; or*

9 (ii) *replace lost contents of a school;*

10 *and*

11 (C) *for damage caused by Hurricane*
12 *Katrina of 2005 or Hurricane Rita of 2005; and*

13 (3) *the term “local educational agency” has the*
14 *meaning given that term in section 9101 of the Ele-*
15 *mentary and Secondary Education Act of 1965 (20*
16 *U.S.C. 7801).*

17 (b) *ASSISTANCE TO SCHOOLS.—*

18 (1) *IN GENERAL.—A local educational agency*
19 *that has applied for covered assistance before the date*
20 *of enactment of this Act may request that such assist-*
21 *ance (including any eligible costs discovered after the*
22 *date of the estimate of eligible costs under section*
23 *406(e)(1)(A) of the Robert T. Stafford Disaster Relief*
24 *and Emergency Assistance Act (42 U.S.C.*
25 *5172(e)(1)(A)) and any cost that was determined to*

1 *be an eligible cost after an appeal or review) be pro-*
2 *vided in a single payment.*

3 (2) *DISBURSEMENT OF ASSISTANCE.*—*Not later*
4 *than 30 days after the date that a local educational*
5 *agency makes a request under paragraph (1), the Ad-*
6 *ministrator shall provide in a single payment any*
7 *covered assistance for any eligible cost that was ap-*
8 *proved by the Administrator on or before the date of*
9 *that request.*

10 (3) *FLOOD INSURANCE REDUCTION.*—*For any*
11 *covered assistance provided under paragraph (2), the*
12 *Administrator shall make not more than 1 reduction*
13 *under section 406(d) of the Robert T. Stafford Dis-*
14 *aster Relief and Emergency Assistance Act (42 U.S.C.*
15 *5172(d)) in the amount of assistance provided.*

16 (c) *ALTERNATE USE.*—*For any covered assistance pro-*
17 *vided under subsection (b)(2), the amount of that assistance*
18 *shall not be reduced under section 406(c)(1) of the Robert*
19 *T. Stafford Disaster Relief and Emergency Assistance Act*
20 *(42 U.S.C. 5172(c)(1)).*

21 (d) *APPLICABILITY.*—*This section shall apply to any*
22 *covered assistance provided on or after the date of enact-*
23 *ment of this Act.*

24 SEC. 536. *TECHNICAL CORRECTIONS. (a) IN GEN-*
25 *ERAL.*—

1 (1) *REDESIGNATIONS*.—Chapter 27 of title 18,
2 *United States Code*, is amended by redesignating sec-
3 tion 554 added by section 551(a) of the *Department*
4 of *Homeland Security Appropriations Act, 2007*
5 (Public Law 109–295; 120 Stat. 1389) (relating to
6 border tunnels and passages) as section 555.

7 (2) *TABLE OF SECTIONS*.—The table of sections
8 for chapter 27 of title 18, *United States Code*, is
9 amended by striking the item relating to section 554,
10 “*Border tunnels and passages*”, and inserting the fol-
11 lowing:

“555. *Border tunnels and passages*.”.

12 (b) *CRIMINAL FORFEITURE*.—Section 982(a)(6) of title
13 18, *United States Code*, is amended by striking “554” and
14 inserting “555”.

15 (c) *DIRECTIVE TO THE UNITED STATES SENTENCING*
16 *COMMISSION*.—Section 551(d) of the *Department of Home-*
17 *land Security Appropriations Act, 2007* (Public Law 109–
18 295; 120 Stat. 1390) is amended in paragraphs (1) and
19 (2)(A) by striking “554” and inserting “555”.

20 *SEC. 537. SEXUAL ABUSE*. Sections 2241, 2242, 2243,
21 and 2244 of title 18, *United States Code*, are each amended
22 by striking “the Attorney General” each place that term ap-
23 pears and inserting “the head of any Federal department
24 or agency”.

1 *SEC. 538. PLAN FOR THE CONTROL AND MANAGEMENT*
2 *OF ARUNDO DONAX. (a) DEFINITIONS.—In this section:*

3 (1) *ARUNDO DONAX.—The term “Arundo donax”*
4 *means a tall perennial reed commonly known as*
5 *“Carrizo cane”, “Spanish cane”, “wild cane”, and*
6 *“giant cane”.*

7 (2) *PLAN.—The term “plan” means the plan for*
8 *the control and management of Arundo donax devel-*
9 *oped under subsection (b).*

10 (3) *RIVER.—The term “River” means the Rio*
11 *Grande River.*

12 (4) *SECRETARY.—The term “Secretary” means*
13 *the Secretary of Homeland Security.*

14 (b) *DEVELOPMENT OF PLAN.—*

15 (1) *IN GENERAL.—The Secretary shall develop a*
16 *plan for the control and management of Arundo*
17 *donax along the portion of the River that serves as the*
18 *international border between the United States and*
19 *Mexico.*

20 (2) *COMPONENTS.—In developing the plan, the*
21 *Secretary shall address—*

22 (A) *information derived by the Secretary of*
23 *Agriculture and the Secretary of the Interior*
24 *from ongoing efforts to identify the most effective*

1 *biological, mechanical, and chemical means of*
2 *controlling and managing Arundo donax;*

3 *(B) past and current efforts to under-*
4 *stand—*

5 *(i) the ecological damages caused by*
6 *Arundo donax; and*

7 *(ii) the dangers Arundo donax poses to*
8 *Federal and local law enforcement;*

9 *(C) any international agreements and trea-*
10 *ties that need to be completed to allow for the*
11 *control and management of Arundo donax on*
12 *both sides of the River;*

13 *(D) the long-term efforts that the Secretary*
14 *considers to be necessary to control and manage*
15 *Arundo donax, including the cost estimates for*
16 *the implementation of the efforts; and*

17 *(E) whether a waiver of applicable Federal*
18 *environmental laws (including regulations) is*
19 *necessary.*

20 *(3) CONSULTATION.—The Secretary shall develop*
21 *the plan in consultation with the Secretary of Agri-*
22 *culture, the Secretary of the Interior, the Secretary of*
23 *State, the Chief of Engineers, and any other Federal*
24 *and State agencies that have appropriate expertise re-*

1 *garding the control and management of Arundo*
2 *donax.*

3 (c) *REPORT.*—*Not later than 90 days after the date*
4 *of enactment of this Act, the Secretary shall submit the plan*
5 *to—*

6 (1) *the Committees on the Judiciary of the Sen-*
7 *ate and the House of Representatives; and*

8 (2) *the Committees on Appropriations of the*
9 *Senate and the House of Representatives.*

10 *SEC. 539. REPORTING OF WASTE, FRAUD, AND ABUSE.*

11 *Not later than 30 days after the date of enactment of this*
12 *Act—*

13 (1) *the Secretary of Homeland Security shall es-*
14 *tablish and maintain on the homepage of the website*
15 *of the Department of Homeland Security, a direct*
16 *link to the website of the Office of Inspector General*
17 *of the Department of Homeland Security; and*

18 (2) *the Inspector General of the Department of*
19 *Homeland Security shall establish and maintain on*
20 *the homepage of the website of the Office of Inspector*
21 *General a direct link for individuals to anonymously*
22 *report waste, fraud, or abuse.*

23 *SEC. 540. The Secretary of Homeland Security shall*
24 *require that all contracts of the Department of Homeland*
25 *Security that provide award fees link such fees to successful*

1 *acquisition outcomes (which outcomes shall be specified in*
2 *terms of cost, schedule, and performance).*

3 *SEC. 541. None of the funds made available to the Of-*
4 *fice of the Secretary and Executive Management under this*
5 *Act may be expended for any new hires by the Department*
6 *of Homeland Security that are not verified through the*
7 *basic pilot program required under section 401 of the Illegal*
8 *Immigration Reform and Immigrant Responsibility Act of*
9 *1996 (8 U.S.C. 1324a note).*

10 *SEC. 542. None of the funds made available in this*
11 *Act for U.S. Customs and Border Protection or any agency*
12 *or office within the Department of Homeland Security may*
13 *be used to prevent an individual from importing a prescrip-*
14 *tion drug from Canada if—*

15 *(1) such individual is not in the business of im-*
16 *porting a prescription drug (within the meaning of*
17 *section 801(g) of the Federal Food, Drug, and Cos-*
18 *metic Act (21 U.S.C. 381(g))); and*

19 *(2) such drug—*

20 *(A) complies with sections 501, 502, and*
21 *505 of the Federal Food, Drug, and Cosmetic Act*
22 *(21 U.S.C. 351, 352, and 355); and*

23 *(B) is not—*

1 (i) a controlled substance, as defined in
2 section 102 of the Controlled Substances Act
3 (21 U.S.C. 802); or

4 (ii) a biological product, as defined in
5 section 351 of the Public Health Service Act
6 (42 U.S.C. 262).

7 *SEC. 543. PROHIBITION ON USE OF FUNDS FOR RULE-*
8 *MAKING RELATED TO PETITIONS FOR ALIENS. None of the*
9 *funds made available in this Act may be used by the Sec-*
10 *retary of Homeland Security or any delegate of the Sec-*
11 *retary to issue any rule or regulation which implements*
12 *the Notice of Proposed Rulemaking related to Petitions for*
13 *Aliens To Perform Temporary Nonagricultural Services or*
14 *Labor (H-2B) set out beginning on 70 Federal Register*
15 *3984 (January 27, 2005).*

16 *SEC. 544. None of the funds appropriated or otherwise*
17 *made available by this Act may be obligated or expended*
18 *by the Secretary of Homeland Security to remove offenses*
19 *from the list of criminal offenses disqualifying individuals*
20 *from receiving a Transportation Worker Identification Cre-*
21 *dential under section 1572.103 of title 49, Code of Federal*
22 *Regulations.*

23 *SEC. 545. (a)(1)(A) None of the funds appropriated*
24 *or otherwise made available by this Act may be used to*
25 *make any payment in connection with a contract awarded*

1 *through a congressional initiative unless the contract is*
2 *awarded using competitive procedures in accordance with*
3 *the requirements of section 303 of the Federal Property and*
4 *Administrative Services Act of 1949 (41 U.S.C. 253), sec-*
5 *tion 2304 of title 10, United States Code, and the Federal*
6 *Acquisition Regulation.*

7 *(B) Except as provided in paragraph (3), none of the*
8 *funds appropriated or otherwise made available by this Act*
9 *may be used to make any payment in connection with a*
10 *contract awarded through a congressional initiative unless*
11 *more than one bid is received for such contract.*

12 *(2) Notwithstanding any other provision of this Act,*
13 *none of the funds appropriated or otherwise made available*
14 *by this Act may be awarded by grant or cooperative agree-*
15 *ment through a congressional initiative unless the process*
16 *used to award such grant or cooperative agreement uses*
17 *competitive procedures to select the grantee or award recipi-*
18 *ent. Except as provided in paragraph (3), no such grant*
19 *may be awarded unless applications for such grant or coop-*
20 *erative agreement are received from two or more applicants*
21 *that are not from the same organization and do not share*
22 *any financial, fiduciary, or other organizational relation-*
23 *ship.*

24 *(3)(A) If the Secretary of Homeland Security does not*
25 *receive more than one bid for a contract under paragraph*

1 (1)(B) or does not receive more than one application from
2 unaffiliated applicants for a grant or cooperative agreement
3 under paragraph (2), the Secretary may waive such bid or
4 application requirement if the Secretary determines that
5 the contract, grant, or cooperative agreement is essential to
6 the mission of the Department of Homeland Security.

7 (b)(1) Not later than December 31, 2008, the Secretary
8 of Homeland Security shall submit to Congress a report on
9 congressional initiatives for which amounts were appro-
10 priated during fiscal year 2008.

11 (2) The report submitted under paragraph (1) shall
12 include with respect to each contract and grant awarded
13 through a congressional initiative—

14 (A) the name of the recipient of the funds award-
15 ed through such contract or grant;

16 (B) the reason or reasons such recipient was se-
17 lected for such contract or grant; and

18 (C) the number of entities that competed for such
19 contract or grant.

20 (3) The report submitted under paragraph (1) shall
21 be made publicly available through the Internet website of
22 the Department of Homeland Security.

23 (c) In this section:

24 (1) The term “congressional initiative” means a
25 provision of law or a directive contained within a

1 *committee report or joint statement of managers of an*
2 *appropriations Act that specifies—*

3 *(A) the identity of a person or entity se-*
4 *lected to carry out a project, including a defense*
5 *system, for which funds are appropriated or oth-*
6 *erwise made available by that provision of law*
7 *or directive and that was not requested by the*
8 *President in a budget submitted to Congress; and*

9 *(B) the amount of the funds appropriated*
10 *or otherwise made available for such project.*

11 *(2) The term “executive agency” has the mean-*
12 *ing given such term in section 4 of the Office of Fed-*
13 *eral Procurement Policy Act (41 U.S.C. 403).*

14 *SEC. 546. BORDER SECURITY REQUIREMENTS FOR*
15 *LAND AND MARITIME BORDERS OF THE UNITED STATES.*

16 *(a) OPERATIONAL CONTROL OF THE UNITED STATES BOR-*
17 *DERS.—The President shall ensure that operational control*
18 *of all international land and maritime borders is achieved.*

19 *(b) ACHIEVING OPERATIONAL CONTROL.—The Sec-*
20 *retary of Homeland Security shall establish and dem-*
21 *onstrate operational control of 100 percent of the inter-*
22 *national land and maritime borders of the United States,*
23 *including the ability to monitor such borders through avail-*
24 *able methods and technology.*

1 (1) *STAFF ENHANCEMENTS FOR BORDER PA-*
2 *TROL.—The United States Customs and Border Pro-*
3 *tection Border Patrol may hire, train, and report for*
4 *duty additional full-time agents. These additional*
5 *agents shall be deployed along all international bor-*
6 *ders.*

7 (2) *STRONG BORDER BARRIERS.—The United*
8 *States Customs and Border Protection Border Patrol*
9 *may:*

10 (A) *Install along all international borders*
11 *of the United States vehicle barriers;*

12 (B) *Install along all international borders*
13 *of the United States ground-based radar and*
14 *cameras; and*

15 (C) *Deploy for use along all international*
16 *borders of the United States unmanned aerial ve-*
17 *hicles, and the supporting systems for such vehi-*
18 *cles;*

19 (c) *PRESIDENTIAL PROGRESS REPORT.—*

20 (1) *IN GENERAL.—Not later than 90 days after*
21 *the date of enactment of this Act, and every 90 days*
22 *thereafter, the President shall submit a report to Con-*
23 *gress detailing the progress made in funding, meeting*
24 *or otherwise satisfying each of the requirements de-*
25 *scribed under paragraphs (1) and (2).*

1 (2) *PROGRESS NOT SUFFICIENT.*—*If the Presi-*
2 *dent determines that sufficient progress is not being*
3 *made, the President shall include in the report re-*
4 *quired under paragraph (1) specific funding rec-*
5 *ommendations, authorization needed, or other actions*
6 *that are or should be undertaken by the Secretary of*
7 *Homeland Security.*

8 (d) *APPROPRIATIONS FOR SECURING LAND AND MARI-*
9 *TIME BORDERS OF THE UNITED STATES.*—*Any funds ap-*
10 *propriated under division B of this Act shall be used to*
11 *ensure operational control is achieved for all international*
12 *land and maritime borders of the United States.*

13 *SEC. 547. IMPROVEMENTS TO THE EMPLOYMENT ELI-*
14 *GIBILITY VERIFICATION BASIC PILOT PROGRAM.* *Of the*
15 *amounts appropriated for border security and employment*
16 *verification improvements under section 1003 of Division*
17 *B, \$60,000,000 shall be made available to—*

18 (1) *ensure that State and local programs have*
19 *sufficient access to, and are sufficiently coordinated*
20 *with, the Federal Government's Employment Eligi-*
21 *bility Verification System;*

22 (2) *ensure that such system has sufficient capac-*
23 *ity to timely and accurately—*

24 (A) *register employers in States with em-*
25 *ployer verification requirements;*

1 (B) respond to inquiries by employers; and

2 (C) enter into memoranda of understanding

3 with States to ensure responses to subparagraphs

4 (A) and (B); and

5 (3) develop policies and procedures to ensure

6 protection of the privacy and security of personally

7 identifiable information and identifiers contained in

8 the basic pilot program, including appropriate pri-

9 vacy and security training for State employees;

10 (4) ensure that the Office for Civil Rights and

11 Civil Liberties of the Department of Justice has suffi-

12 cient capacity to conduct audits of the Federal Gov-

13 ernment's Employment Eligibility Verification Sys-

14 tem to assess employer compliance with System re-

15 quirements, including the applicable Memorandum of

16 Understanding;

17 (5) these amounts are designated as an emer-

18 gency requirement pursuant to section 204 of S. Con.

19 Res. 21 (110th Congress).

20 SEC. 548. IN-LIEU CONTRIBUTION. *The Administrator*

21 *of the Federal Emergency Management Agency shall au-*

22 *thorize a large in-lieu contribution under section 406(c)(1)*

23 *of the Robert T. Stafford Disaster Relief and Emergency*

24 *Assistance Act (42 U.S.C. 5172(c)(1)) to the Peebles School*

25 *in Iberia Parish, Louisiana for damages relating to Hurri-*

1 *cane Katrina of 2005 or Hurricane Rita of 2005, notwith-*
2 *standing section 406(c)(1)(C) of the Robert T. Stafford Dis-*
3 *aster Relief and Emergency Assistance Act (42 U.S.C.*
4 *5172(c)(1)(C)).*

5 *SEC. 549. NATIONAL STRATEGY ON CLOSED CIRCUIT*
6 *TELEVISION SYSTEMS. (a) IN GENERAL.—Not later than*
7 *1 year after the date of the enactment of this Act, the Sec-*
8 *retary of Homeland Security shall—*

9 *(1) develop a national strategy for the effective*
10 *and appropriate use of closed circuit television to pre-*
11 *vent and respond to acts of terrorism, which shall in-*
12 *clude—*

13 *(A) an assessment of how closed circuit tele-*
14 *vision and other public surveillance systems can*
15 *be used most effectively as part of an overall ter-*
16 *rorism preparedness, prevention, and response*
17 *program, and its appropriate role in such a pro-*
18 *gram;*

19 *(B) a comprehensive examination of the ad-*
20 *vantages and limitations of closed circuit tele-*
21 *vision and, as appropriate, other public surveil-*
22 *lance technologies;*

23 *(C) best practices on camera use and data*
24 *storage;*

1 (D) plans for coordination between the Fed-
2 eral Government and State and local govern-
3 ments, and the private sector—

4 (i) in the development and use of closed
5 circuit television systems; and

6 (ii) for Federal assistance and support
7 for State and local utilization of such sys-
8 tems;

9 (E) plans for pilot programs or other means
10 of determining the real-world efficacy and limi-
11 tations of closed circuit televisions systems;

12 (F) an assessment of privacy and civil lib-
13 erties concerns raised by use of closed circuit tel-
14 evision and other public surveillance systems,
15 and guidelines to address such concerns; and

16 (G) an assessment of whether and how
17 closed circuit television systems and other public
18 surveillance systems are effectively utilized by
19 other democratic countries in combating ter-
20 rorism; and

21 (2) provide to the Committees on Homeland Se-
22 curity and Governmental Affairs, Appropriations,
23 and the Judiciary of the Senate and the Committees
24 on Homeland Security, Appropriations, and the Ju-

1 *diciary of the House of Representatives a report that*
2 *includes—*

3 *(A) the strategy required under paragraph*
4 *(1);*

5 *(B) the status and findings of any pilot*
6 *program involving closed circuit televisions or*
7 *other public surveillance systems conducted by,*
8 *in coordination with, or with the assistance of*
9 *the Department of Homeland Security up to the*
10 *time of the report; and*

11 *(C) the annual amount of funds used by the*
12 *Department of Homeland Security, either di-*
13 *rectly by the Department or through grants to*
14 *State, local, or tribal governments, to support*
15 *closed circuit television and the public surveil-*
16 *lance systems of the Department, since fiscal*
17 *year 2004.*

18 *(b) CONSULTATION.—In preparing the strategy and*
19 *report required under subsection (a), the Secretary of*
20 *Homeland Security shall consult with the Attorney General,*
21 *the Chief Privacy Officer of the Department of Homeland*
22 *Security, and the Officer for Civil Rights and Civil Lib-*
23 *erties of the Department of Homeland Security.*

24 *SEC. 550. SECURE HANDLING OF AMMONIUM NI-*
25 *TRATE.—(a) IN GENERAL.—Title VIII of the Homeland Se-*

1 *curity Act of 2002 (6 U.S.C. 361 et seq.) is amended by*
2 *adding at the end the following:*

3 **“Subtitle J—Secure Handling of**
4 **Ammonium Nitrate**

5 **“SEC. 899A. DEFINITIONS.**

6 *“In this subtitle:*

7 *“(1) AMMONIUM NITRATE.—The term ‘ammo-*
8 *nium nitrate’ means—*

9 *“(A) solid ammonium nitrate that is chiefly*
10 *the ammonium salt of nitric acid and contains*
11 *not less than 33 percent nitrogen by weight; and*

12 *“(B) any mixture containing a percentage*
13 *of ammonium nitrate that is equal to or greater*
14 *than the percentage determined by the Secretary*
15 *under section 899B(b).*

16 *“(2) AMMONIUM NITRATE FACILITY.—The term*
17 *‘ammonium nitrate facility’ means any entity that*
18 *produces, sells or otherwise transfers ownership of, or*
19 *provides application services for ammonium nitrate.*

20 *“(3) AMMONIUM NITRATE PURCHASER.—The*
21 *term ‘ammonium nitrate purchaser’ means any per-*
22 *son who buys and takes possession of ammonium ni-*
23 *trate from an ammonium nitrate facility.*

1 **“SEC. 899B. REGULATION OF THE SALE AND TRANSFER OF**
2 **AMMONIUM NITRATE.**

3 *“(a) IN GENERAL.—The Secretary shall regulate the*
4 *sale and transfer of ammonium nitrate by an ammonium*
5 *nitrate facility in accordance with this subtitle to prevent*
6 *the misappropriation or use of ammonium nitrate in an*
7 *act of terrorism.*

8 *“(b) AMMONIUM NITRATE MIXTURES.—Not later than*
9 *90 days after the date of the enactment of this subtitle, the*
10 *Secretary, in consultation with the heads of appropriate*
11 *Federal departments and agencies (including the Secretary*
12 *of Agriculture), shall, after notice and an opportunity for*
13 *comment, establish a threshold percentage for ammonium*
14 *nitrate in a substance.*

15 *“(c) REGISTRATION OF OWNERS OF AMMONIUM NI-*
16 *TRATE FACILITIES.—*

17 *“(1) REGISTRATION.—The Secretary shall estab-*
18 *lish a process by which any person that—*

19 *“(A) owns an ammonium nitrate facility is*
20 *required to register with the Department; and*

21 *“(B) registers under subparagraph (A) is*
22 *issued a registration number for purposes of this*
23 *subtitle.*

24 *“(2) REGISTRATION INFORMATION.—Any person*
25 *applying to register under paragraph (1) shall submit*
26 *to the Secretary—*

1 “(A) the name, address, and telephone num-
2 ber of each ammonium nitrate facility owned by
3 that person;

4 “(B) the name of the person designated by
5 that person as the point of contact for each such
6 facility, for purposes of this subtitle; and

7 “(C) such other information as the Sec-
8 retary may determine is appropriate.

9 “(d) *REGISTRATION OF AMMONIUM NITRATE PUR-*
10 *CHASERS.—*

11 “(1) *REGISTRATION.—The Secretary shall estab-*
12 *lish a process by which any person that—*

13 “(A) intends to be an ammonium nitrate
14 purchaser is required to register with the De-
15 partment; and

16 “(B) registers under subparagraph (A) is
17 issued a registration number for purposes of this
18 subtitle.

19 “(2) *REGISTRATION INFORMATION.—Any person*
20 *applying to register under paragraph (1) as an am-*
21 *monium nitrate purchaser shall submit to the Sec-*
22 *retary—*

23 “(A) the name, address, and telephone num-
24 ber of the applicant; and

1 “(B) *the intended use of ammonium nitrate*
2 *to be purchased by the applicant.*

3 “(e) *RECORDS.—*

4 “(1) *MAINTENANCE OF RECORDS.—The owner of*
5 *an ammonium nitrate facility shall—*

6 “(A) *maintain a record of each sale or*
7 *transfer of ammonium nitrate, during the two-*
8 *year period beginning on the date of that sale or*
9 *transfer; and*

10 “(B) *include in such record the information*
11 *described in paragraph (2).*

12 “(2) *SPECIFIC INFORMATION REQUIRED.—For*
13 *each sale or transfer of ammonium nitrate, the owner*
14 *of an ammonium nitrate facility shall—*

15 “(A) *record the name, address, telephone*
16 *number, and registration number issued under*
17 *subsection (c) or (d) of each person that takes*
18 *possession of ammonium nitrate, in a manner*
19 *prescribed by the Secretary;*

20 “(B) *if applicable, record the name, address,*
21 *and telephone number of each individual who*
22 *takes possession of the ammonium nitrate on be-*
23 *half of the person described in subparagraph (A),*
24 *at the point of sale;*

1 “(C) record the date and quantity of ammo-
2 nium nitrate sold or transferred; and

3 “(D) verify the identity of the persons de-
4 scribed in subparagraphs (A) and (B), as appli-
5 cable, in accordance with a procedure established
6 by the Secretary.

7 “(3) PROTECTION OF INFORMATION.—In main-
8 taining records in accordance with paragraph (1), the
9 owner of an ammonium nitrate facility shall take
10 reasonable actions to ensure the protection of the in-
11 formation included in such records.

12 “(f) EXEMPTION FOR EXPLOSIVE PURPOSES.—The
13 Secretary may exempt from this subtitle a person pro-
14 ducing, selling, or purchasing ammonium nitrate exclu-
15 sively for use in the production of an explosive under a li-
16 cense issued under chapter 40 of title 18, United States
17 Code.

18 “(g) CONSULTATION.—In carrying out this section, the
19 Secretary shall consult with the Secretary of Agriculture,
20 States, and appropriate private sector entities, to ensure
21 that the access of agricultural producers to ammonium ni-
22 trate is not unduly burdened.

23 “(h) DATA CONFIDENTIALITY.—

24 “(1) IN GENERAL.—Notwithstanding section 552
25 of title 5, United States Code, or the USA PATRIOT

1 *ACT (Public Law 107–56; 115 Stat. 272), and except*
2 *as provided in paragraph (2), the Secretary may not*
3 *disclose to any person any information obtained*
4 *under this subtitle.*

5 “(2) *EXCEPTION.—The Secretary may disclose*
6 *any information obtained by the Secretary under this*
7 *subtitle to—*

8 “(A) *an officer or employee of the United*
9 *States, or a person that has entered into a con-*
10 *tract with the United States, who has a need to*
11 *know the information to perform the duties of*
12 *the officer, employee, or person; or*

13 “(B) *to a State agency under section 899D,*
14 *under appropriate arrangements to ensure the*
15 *protection of the information.*

16 “(i) *REGISTRATION PROCEDURES AND CHECK OF*
17 *TERRORIST SCREENING DATABASE.—*

18 “(1) *REGISTRATION PROCEDURES.—*

19 “(A) *GENERALLY.—The Secretary shall es-*
20 *tablish procedures to efficiently receive applica-*
21 *tions for registration numbers under this sub-*
22 *title, conduct the checks required under para-*
23 *graph (2), and promptly issue or deny a reg-*
24 *istration number.*

1 “(B) *INITIAL SIX-MONTH REGISTRATION PE-*
2 *RIOD.—The Secretary shall take steps to maxi-*
3 *mize the number of registration applications that*
4 *are submitted and processed during the six-*
5 *month period described in section 899F(e).*

6 “(2) *CHECK OF TERRORIST SCREENING DATA-*
7 *BASE.—*

8 “(A) *CHECK REQUIRED.—The Secretary*
9 *shall conduct a check of appropriate identifying*
10 *information of any person seeking to register*
11 *with the Department under subsection (c) or (d)*
12 *against identifying information that appears in*
13 *the terrorist screening database of the Depart-*
14 *ment.*

15 “(B) *AUTHORITY TO DENY REGISTRATION*
16 *NUMBER.—If the identifying information of a*
17 *person seeking to register with the Department*
18 *under subsection (c) or (d) appears in the ter-*
19 *rorist screening database of the Department, the*
20 *Secretary may deny issuance of a registration*
21 *number under this subtitle.*

22 “(3) *EXPEDITED REVIEW OF APPLICATIONS.—*

23 “(A) *IN GENERAL.—Following the six-*
24 *month period described in section 899F(e), the*
25 *Secretary shall, to the extent practicable, issue or*

1 *deny registration numbers under this subtitle not*
2 *later than 72 hours after the time the Secretary*
3 *receives a complete registration application, un-*
4 *less the Secretary determines, in the interest of*
5 *national security, that additional time is nec-*
6 *essary to review an application.*

7 “(B) *NOTICE OF APPLICATION STATUS.*—*In*
8 *all cases, the Secretary shall notify a person*
9 *seeking to register with the Department under*
10 *subsection (c) or (d) of the status of the applica-*
11 *tion of that person not later than 72 hours after*
12 *the time the Secretary receives a complete reg-*
13 *istration application.*

14 “(4) *EXPEDITED APPEALS PROCESS.*—

15 “(A) *REQUIREMENT.*—

16 “(i) *APPEALS PROCESS.*—*The Sec-*
17 *retary shall establish an expedited appeals*
18 *process for persons denied a registration*
19 *number under this subtitle.*

20 “(ii) *TIME PERIOD FOR RESOLU-*
21 *TION.*—*The Secretary shall, to the extent*
22 *practicable, resolve appeals not later than*
23 *72 hours after receiving a complete request*
24 *for appeal unless the Secretary determines,*
25 *in the interest of national security, that ad-*

1 ditional time is necessary to resolve an ap-
2 peal.

3 “(B) *CONSULTATION.*—The Secretary, in
4 developing the appeals process under subpara-
5 graph (A), shall consult with appropriate stake-
6 holders.

7 “(C) *GUIDANCE.*—The Secretary shall pro-
8 vide guidance regarding the procedures and in-
9 formation required for an appeal under subpara-
10 graph (A) to any person denied a registration
11 number under this subtitle.

12 “(5) *RESTRICTIONS ON USE AND MAINTENANCE*
13 *OF INFORMATION.*—

14 “(A) *IN GENERAL.*—Any information con-
15 stituting grounds for denial of a registration
16 number under this section shall be maintained
17 confidentially by the Secretary and may be used
18 only for making determinations under this sec-
19 tion.

20 “(B) *SHARING OF INFORMATION.*—Notwith-
21 standing any other provision of this subtitle, the
22 Secretary may share any such information with
23 Federal, State, local, and tribal law enforcement
24 agencies, as appropriate.

25 “(6) *REGISTRATION INFORMATION.*—

1 “(A) *AUTHORITY TO REQUIRE INFORMA-*
2 *TION.—The Secretary may require a person ap-*
3 *plying for a registration number under this sub-*
4 *title to submit such information as may be nec-*
5 *essary to carry out the requirements of this sec-*
6 *tion.*

7 “(B) *REQUIREMENT TO UPDATE INFORMA-*
8 *TION.—The Secretary may require persons issued*
9 *a registration under this subtitle to update reg-*
10 *istration information submitted to the Secretary*
11 *under this subtitle, as appropriate.*

12 “(7) *RE-CHECKS AGAINST TERRORIST SCREEN-*
13 *ING DATABASE.—*

14 “(A) *RE-CHECKS.—The Secretary shall, as*
15 *appropriate, recheck persons provided a registra-*
16 *tion number pursuant to this subtitle against the*
17 *terrorist screening database of the Department,*
18 *and may revoke such registration number if the*
19 *Secretary determines such person may pose a*
20 *threat to national security.*

21 “(B) *NOTICE OF REVOCATION.—The Sec-*
22 *retary shall, as appropriate, provide prior notice*
23 *to a person whose registration number is revoked*
24 *under this section and such person shall have an*

1 *opportunity to appeal, as provided in paragraph*
2 *(4).*

3 **“SEC. 899C. INSPECTION AND AUDITING OF RECORDS.**

4 *“The Secretary shall establish a process for the peri-*
5 *odic inspection and auditing of the records maintained by*
6 *owners of ammonium nitrate facilities for the purpose of*
7 *monitoring compliance with this subtitle or for the purpose*
8 *of deterring or preventing the misappropriation or use of*
9 *ammonium nitrate in an act of terrorism.*

10 **“SEC. 899D. ADMINISTRATIVE PROVISIONS.**

11 *“(a) COOPERATIVE AGREEMENTS.—The Secretary—*

12 *“(1) may enter into a cooperative agreement*
13 *with the Secretary of Agriculture, or the head of any*
14 *State department of agriculture or its designee in-*
15 *volved in agricultural regulation, in consultation*
16 *with the State agency responsible for homeland secu-*
17 *rity, to carry out the provisions of this subtitle; and*

18 *“(2) wherever possible, shall seek to cooperate*
19 *with State agencies or their designees that oversee am-*
20 *monium nitrate facility operations when seeking co-*
21 *operative agreements to implement the registration*
22 *and enforcement provisions of this subtitle.*

23 *“(b) DELEGATION.—*

1 “(1) *AUTHORITY.*—*The Secretary may delegate*
2 *to a State the authority to assist the Secretary in the*
3 *administration and enforcement of this subtitle.*

4 “(2) *DELEGATION REQUIRED.*—*At the request of*
5 *a Governor of a State, the Secretary shall delegate to*
6 *that State the authority to carry out functions under*
7 *sections 899B and 899C, if the Secretary determines*
8 *that the State is capable of satisfactorily carrying out*
9 *such functions.*

10 “(3) *FUNDING.*—*Subject to the availability of*
11 *appropriations, if the Secretary delegates functions to*
12 *a State under this subsection, the Secretary shall pro-*
13 *vide to that State sufficient funds to carry out the*
14 *delegated functions.*

15 “(c) *PROVISION OF GUIDANCE AND NOTIFICATION MA-*
16 *TERIALS TO AMMONIUM NITRATE FACILITIES.*—

17 “(1) *GUIDANCE.*—*The Secretary shall make*
18 *available to each owner of an ammonium nitrate fa-*
19 *ility registered under section 899B(c)(1) guidance*
20 *on—*

21 “(A) *the identification of suspicious ammo-*
22 *niium nitrate purchases or transfers or attempted*
23 *purchases or transfers;*

24 “(B) *the appropriate course of action to be*
25 *taken by the ammonium nitrate facility owner*

1 *with respect to such a purchase or transfer or at-*
2 *tempted purchase or transfer, including—*

3 “(i) *exercising the right of the owner of*
4 *the ammonium nitrate facility to decline*
5 *sale of ammonium nitrate; and*

6 “(ii) *notifying appropriate law en-*
7 *forcement entities; and*

8 “(C) *additional subjects determined appro-*
9 *priate by to prevent the misappropriation or use*
10 *of ammonium nitrate in an act of terrorism.*

11 “(2) *USE OF MATERIALS AND PROGRAMS.—In*
12 *providing guidance under this subsection, the Sec-*
13 *retary shall, to the extent practicable, leverage any*
14 *relevant materials and programs.*

15 “(3) *NOTIFICATION MATERIALS.—*

16 “(A) *IN GENERAL.—The Secretary shall*
17 *make available materials suitable for posting at*
18 *locations where ammonium nitrate is sold.*

19 “(B) *DESIGN OF MATERIALS.—Materials*
20 *made available under subparagraph (A) shall be*
21 *designed to notify prospective ammonium nitrate*
22 *purchasers of—*

23 “(i) *the record-keeping requirements*
24 *under section 899B; and*

1 “(ii) the penalties for violating such
2 requirements.

3 **“SEC. 899E. THEFT REPORTING REQUIREMENT.**

4 “Any person who is required to comply with section
5 899B(e) who has knowledge of the theft or unexplained loss
6 of ammonium nitrate shall report such theft or loss to the
7 appropriate Federal law enforcement authorities not later
8 than 1 calendar day of the date on which the person becomes
9 aware of such theft or loss. Upon receipt of such report,
10 the relevant Federal authorities shall inform State, local,
11 and tribal law enforcement entities, as appropriate.

12 **“SEC. 899F. PROHIBITIONS AND PENALTY.**

13 “(a) PROHIBITIONS.—

14 “(1) TAKING POSSESSION.—No person shall take
15 possession of ammonium nitrate from an ammonium
16 nitrate facility unless such person is registered under
17 subsection (c) or (d) of section 899B, or is an agent
18 of a person registered under subsection (c) or (d) of
19 that section.

20 “(2) TRANSFERRING POSSESSION.—An owner of
21 an ammonium nitrate facility shall not transfer pos-
22 session of ammonium nitrate from the ammonium ni-
23 trate facility to any person who is not registered
24 under subsection (c) or (d) of section 899B, or is not

1 *an agent of a person registered under subsection (c)*
2 *or (d) of that section.*

3 “(3) *OTHER PROHIBITIONS.—No person shall—*

4 *“(A) buy and take possession of ammonium*
5 *nitrate without a registration number required*
6 *under subsection (c) or (d) of section 899B;*

7 *“(B) own or operate an ammonium nitrate*
8 *facility without a registration number required*
9 *under section 899B(c); or*

10 *“(C) fail to comply with any requirement*
11 *or violate any other prohibition under this sub-*
12 *title.*

13 *“(b) CIVIL PENALTY.—A person that violates this sub-*
14 *title may be assessed a civil penalty by the Secretary of*
15 *not more than \$50,000 per violation.*

16 *“(c) PENALTY CONSIDERATIONS.—In determining the*
17 *amount of a civil penalty under this section, the Secretary*
18 *shall consider—*

19 *“(1) the nature and circumstances of the viola-*
20 *tion;*

21 *“(2) with respect to the person who commits the*
22 *violation, any history of prior violations, the ability*
23 *to pay the penalty, and any effect the penalty is like-*
24 *ly to have on the ability of such person to do business;*
25 *and*

1 “(3) any other matter that the Secretary deter-
2 mines that justice requires.

3 “(d) *NOTICE AND OPPORTUNITY FOR A HEARING.*—
4 No civil penalty may be assessed under this subtitle unless
5 the person liable for the penalty has been given notice and
6 an opportunity for a hearing on the violation for which
7 the penalty is to be assessed in the county, parish, or incor-
8 porated city of residence of that person.

9 “(e) *DELAY IN APPLICATION OF PROHIBITION.*—Para-
10 graphs (1) and (2) of subsection (a) shall apply on and
11 after the date that is 6 months after the date that the Sec-
12 retary issues of a final rule implementing this subtitle.

13 **“SEC. 899G. PROTECTION FROM CIVIL LIABILITY.**

14 “(a) *IN GENERAL.*—Notwithstanding any other provi-
15 sion of law, an owner of an ammonium nitrate facility that
16 in good faith refuses to sell or transfer ammonium nitrate
17 to any person, or that in good faith discloses to the Depart-
18 ment or to appropriate law enforcement authorities an ac-
19 tual or attempted purchase or transfer of ammonium ni-
20 trate, based upon a reasonable belief that the person seeking
21 purchase or transfer of ammonium nitrate may use the am-
22 monium nitrate to create an explosive device to be employed
23 in an act of terrorism (as defined in section 3077 of title
24 18, United States Code), or to use ammonium nitrate for
25 any other unlawful purpose, shall not be liable in any civil

1 *action relating to that refusal to sell ammonium nitrate or*
2 *that disclosure.*

3 “(b) *REASONABLE BELIEF.*—*A reasonable belief that*
4 *a person may use ammonium nitrate to create an explosive*
5 *device to be employed in an act of terrorism under sub-*
6 *section (a) may not solely be based on the race, sex, national*
7 *origin, creed, religion, status as a veteran, or status as a*
8 *member of the Armed Forces of the United States of that*
9 *person.*

10 **“SEC. 899H. PREEMPTION OF OTHER LAWS.**

11 “(a) *OTHER FEDERAL REGULATIONS.*—*Except as pro-*
12 *vided in section 899G, nothing in this subtitle affects any*
13 *regulation issued by any agency other than an agency of*
14 *the Department.*

15 “(b) *STATE LAW.*—*Subject to section 899G, this sub-*
16 *title preempts the laws of any State to the extent that such*
17 *laws are inconsistent with this subtitle, except that this sub-*
18 *title shall not preempt any State law that provides addi-*
19 *tional protection against the acquisition of ammonium ni-*
20 *trate by terrorists or the use of ammonium nitrate in explo-*
21 *sives in acts of terrorism or for other illicit purposes, as*
22 *determined by the Secretary.*

23 **“SEC. 899I. DEADLINES FOR REGULATIONS.**

24 “*The Secretary—*

1 “(1) shall issue a proposed rule implementing
2 this subtitle not later than 6 months after the date of
3 the enactment of this subtitle; and

4 “(2) issue a final rule implementing this subtitle
5 not later than 1 year after such date of enactment.

6 **“SEC. 899J. AUTHORIZATION OF APPROPRIATIONS.**

7 “*There are authorized to be appropriated to the Sec-*
8 *retary—*

9 “(1) \$2,000,000 for fiscal year 2008; and

10 “(2) \$10,750,000 for each of fiscal years 2009
11 *through 2012.*”.

12 **(b) CLERICAL AMENDMENT.**—*The table of contents in*
13 *section 1(b) of such Act is amended by inserting after the*
14 *item relating to section 899 the following:*

“Subtitle J—Secure Handling of Ammonium Nitrate

“Sec. 899A. Definitions.

“Sec. 899B. Regulation of the sale and transfer of ammonium nitrate.

“Sec. 899C. Inspection and auditing of records.

“Sec. 899D. Administrative provisions.

“Sec. 899E. Theft reporting requirement.

“Sec. 899F. Prohibitions and penalty.

“Sec. 899G. Protection from civil liability.

“Sec. 899H. Preemption of other laws.

“Sec. 899I. Deadlines for regulations.

“Sec. 899J. Authorization of appropriations.”.

15 **SEC. 552. RISK MANAGEMENT AND ANALYSIS SPECIAL**
16 **EVENT; 2010 VANCOUVER OLYMPIC AND PARALYMPIC**
17 **GAMES.** *As soon as practicable, but not later than 3 months*
18 *after the date of enactment of this Act, the Secretary of*
19 *Homeland Security shall submit to the Committee on Ap-*
20 *propriations, the Committee on Homeland Security and*

1 *Governmental Affairs, and the Committee on Commerce,*
2 *Science, and Transportation of the Senate and the Com-*
3 *mittee on Appropriations, the Committee on Homeland Se-*
4 *curity, and the Committee on Transportation and Infra-*
5 *structure of the House of Representatives a report regarding*
6 *the plans of the Secretary of Homeland Security relating*
7 *to—*

8 (1) *implementing the recommendations regard-*
9 *ing the 2010 Vancouver Olympic and Paralympic*
10 *Games in the Joint Explanatory Statement of the*
11 *Committee of Conference on H.R. 5441 (109th Con-*
12 *gress), the Department of Homeland Security Appro-*
13 *propriations Act, 2007, with specific funding strategies*
14 *for—*

15 (A) *the Multiagency Coordination Center;*
16 *and*

17 (B) *communications exercises to validate*
18 *communications pathways, test equipment, and*
19 *support the training and familiarization of per-*
20 *sonnel on the operations of the different tech-*
21 *nologies used to support the 2010 Vancouver*
22 *Olympic and Paralympic Games; and*

23 (2) *the feasibility of implementing a program to*
24 *prescreen individuals traveling by rail between Van-*
25 *couver, Canada and Seattle, Washington during the*

1 *2010 Vancouver Olympic and Paralympic Games,*
2 *while those individuals are located in Vancouver,*
3 *Canada, similar to the preclearance arrangements in*
4 *effect in Vancouver, Canada for certain flights be-*
5 *tween the United States and Canada.*

6 *SEC. 553. IMPROVEMENT OF BARRIERS AT BORDER.*

7 *Section 102 of the Illegal Immigration Reform and Immigra-*
8 *tion Responsibility Act of 1996 (8 U.S.C. 1103 note) is*
9 *amended—*

10 *(1) in subsection (a), by striking “Attorney Gen-*
11 *eral, in consultation with the Commissioner of Immigra-*
12 *tion and Naturalization,” and inserting “Sec-*
13 *retary of Homeland Security”; and*

14 *(2) in subsection (b)—*

15 *(A) in the subsection heading, by striking*
16 *“IN THE BORDER AREA” and inserting “ALONG*
17 *THE BORDER”;*

18 *(B) by redesignating paragraphs (1), (2),*
19 *(3), and (4) as paragraphs (2), (3), (4), and (5),*
20 *respectively;*

21 *(C) in paragraph (2), as redesignated—*

22 *(i) in the paragraph heading, by strik-*
23 *ing “SECURITY FEATURES” and inserting*
24 *“ADDITIONAL FENCING ALONG SOUTHWEST*
25 *BORDER”; and*

1 (ii) by striking subparagraphs (A)
2 through (C) and inserting the following:

3 “(A) *REINFORCED FENCING.*—In carrying
4 out subsection (a), the Secretary of Homeland
5 Security shall construct reinforced fencing along
6 not less than 700 miles of the southwest border
7 where fencing would be most practical and effec-
8 tive and provide for the installation of addi-
9 tional physical barriers, roads, lighting, cam-
10 eras, and sensors to gain operational control of
11 the southwest border.

12 “(B) *PRIORITY AREAS.*—In carrying out
13 this section, the Secretary of Homeland Security
14 shall—

15 “(i) identify the 370 miles along the
16 southwest border where fencing would be
17 most practical and effective in deterring
18 smugglers and aliens attempting to gain il-
19 legal entry into the United States; and

20 “(ii) not later than December 31, 2008,
21 complete construction of reinforced fencing
22 along the 370 miles identified under clause
23 (i).

24 “(C) *CONSULTATION.*—

1 “(i) *IN GENERAL.*—*In carrying out*
2 *this section, the Secretary of Homeland Se-*
3 *curity shall consult with the Secretary of*
4 *Interior, the Secretary of Agriculture,*
5 *States, local governments, Indian tribes,*
6 *and property owners in the United States*
7 *to minimize the impact on the environment,*
8 *culture, commerce, and quality of life for*
9 *the communities and residents located near*
10 *the sites at which such fencing is to be con-*
11 *structed.*

12 “(ii) *SAVINGS PROVISION.*—*Nothing in*
13 *this subparagraph may be construed to—*

14 “(I) *create any right of action for*
15 *a State, local government, or other per-*
16 *son or entity affected by this sub-*
17 *section; or*

18 “(II) *affect the eminent domain*
19 *laws of the United States or of any*
20 *State.*

21 “(D) *LIMITATION ON REQUIREMENTS.*—*Not-*
22 *withstanding subparagraph (A), nothing in this*
23 *paragraph shall require the Secretary of Home-*
24 *land Security to install fencing, physical bar-*
25 *riers, roads, lighting, cameras, and sensors in a*

1 *particular location along an international bor-*
2 *der of the United States, if the Secretary deter-*
3 *mines that the use or placement of such resources*
4 *is not the most appropriate means to achieve*
5 *and maintain operational control over the inter-*
6 *national border at such location.”; and*

7 *(D) in paragraph (5), as redesignated, by*
8 *striking “to carry out this subsection not to ex-*
9 *ceed \$12,000,000” and inserting “such sums as*
10 *may be necessary to carry out this subsection”.*

11 *SEC. 554. ACCOUNTABILITY IN GRANT AND CONTRACT*

12 *ADMINISTRATION. The Department of Homeland Security,*
13 *through the Federal Emergency Management Agency,*
14 *shall—*

15 *(1) consider implementation, through fair and*
16 *open competition, of management, tracking and ac-*
17 *countability systems to assist in managing grant allo-*
18 *cations, distribution, expenditures, and asset tracking;*
19 *and*

20 *(2) consider any efficiencies created through co-*
21 *operative purchasing agreements.*

22 *SEC. 555. None of the funds made available in this*
23 *Act may be used to destroy or put out to pasture any horse*
24 *or other equine belonging to the Federal Government that*
25 *has become unfit for service, unless the trainer or handler*

1 *is first given the option to take possession of the equine*
2 *through an adoption program that has safeguards against*
3 *slaughter and inhumane treatment.*

4 *SEC. 556. INTERNATIONAL REGISTERED TRAVELER*
5 *PROGRAM. Section 7208(k)(3) of the Intelligence Reform*
6 *and Terrorism Prevention Act of 2004 (8 U.S.C.*
7 *1365b(k)(3)) is amended to read as follows:*

8 *“(3) INTERNATIONAL REGISTERED TRAVELER*
9 *PROGRAM.—*

10 *“(A) IN GENERAL.—The Secretary of Home-*
11 *land Security shall establish an international*
12 *registered traveler program that incorporates*
13 *available technologies, such as biometrics and e-*
14 *passports, and security threat assessments to ex-*
15 *pedite the screening and processing of inter-*
16 *national travelers, including United States Citi-*
17 *zens and residents, who enter and exit the*
18 *United States. The program shall be coordinated*
19 *with the US-VISIT program, other pre-screening*
20 *initiatives, and the Visa Waiver Program within*
21 *the Department of Homeland Security.*

22 *“(B) FEES.—The Secretary may impose a*
23 *fee for the program established under subpara-*
24 *graph (A) and may modify such fee from time*
25 *to time. The fee may not exceed the aggregate*

1 costs associated with the program and shall be
2 credited to the Department of Homeland Secu-
3 rity for purposes of carrying out the program.
4 Amounts so credited shall remain available until
5 expended.

6 “(C) *RULEMAKING.*—Within 365 days after
7 the date of enactment of this paragraph, the Sec-
8 retary shall initiate a rulemaking to establish
9 the program, criteria for participation, and the
10 fee for the program.

11 “(D) *IMPLEMENTATION.*—Not later than 2
12 years after the date of enactment of this para-
13 graph, the Secretary shall establish a phased-im-
14 plementation of a biometric-based international
15 registered traveler program in conjunction with
16 the US–VISIT entry and exit system, other pre-
17 screening initiatives, and the Visa Waiver Pro-
18 gram within the Department of Homeland Secu-
19 rity at United States airports with the highest
20 volume of international travelers.

21 “(E) *PARTICIPATION.*—The Secretary shall
22 ensure that the international registered traveler
23 program includes as many participants as prac-
24 ticable by—

1 “(i) *establishing a reasonable cost of*
2 *enrollment;*

3 “(ii) *making program enrollment con-*
4 *venient and easily accessible; and*

5 “(iii) *providing applicants with clear*
6 *and consistent eligibility guidelines.”.*

7 *SEC. 557. REPORT ON THE PERFORMANCE ACCOUNT-*
8 *ABILITY AND STANDARDS SYSTEM OF THE TRANSPOR-*
9 *TATION SECURITY ADMINISTRATION. Not later than March*
10 *1, 2008, the Transportation Security Administration shall*
11 *submit a report to the Committees on Appropriations of the*
12 *Senate and the House of Representatives, the Committee on*
13 *Homeland Security and Governmental Affairs of the Sen-*
14 *ate, the Committee on Commerce, Science, and Transpor-*
15 *tation of the Senate, the Committee on Homeland Security*
16 *of the House of Representatives, and the Committee on*
17 *Transportation and Infrastructure of the House of Rep-*
18 *resentatives on the implementation of the Performance Ac-*
19 *countability and Standards System, including—*

20 (1) *the number of employees who achieved each*
21 *level of performance;*

22 (2) *a comparison between managers and non-*
23 *managers relating to performance and pay increases;*

1 (3) *the type and amount of all pay increases*
2 *that have taken effect for each level of performance;*
3 *and*

4 (4) *the attrition of employees covered by the Per-*
5 *formance Accountability and Standards System.*

6 SEC. 558. SHARED BORDER MANAGEMENT. (a)
7 STUDY.—*The Comptroller General of the United States*
8 *shall conduct a study on the Department of Homeland Se-*
9 *curity's use of shared border management to secure the*
10 *international borders of the United States.*

11 (b) REPORT.—*The Comptroller General shall submit*
12 *a report to Congress that describes—*

13 (1) *any negotiations, plans, or designs conducted*
14 *by officials of the Department of Homeland Security*
15 *regarding the practice of shared border management;*
16 *and*

17 (2) *the factors required to be in place for shared*
18 *border management to be successful.*

19 SEC. 559. *Amounts authorized to be appropriated in*
20 *the Border Law Enforcement Relief Act of 2007 are in-*
21 *creased by \$50,000,000 for each of the fiscal years 2008*
22 *through 2012.*

23 SEC. 560. GAO STUDY OF COST OF FENCING ON THE
24 SOUTHERN BORDER. (a) INQUIRY AND REPORT RE-

1 *REQUIRED.—The Comptroller of the United States shall con-*
2 *duct a study examining—*

3 (1) *the total amount of money that has been ex-*
4 *pende*d, as of June 20, 2007, to construct 90 miles of
5 *fencing on the southern border of the United States;*

6 (2) *the average cost per mile of the 90 miles of*
7 *fencing on the southern border as of June 20, 2007;*

8 (3) *the average cost per mile of the 370 miles of*
9 *fencing that the Department of Homeland Security is*
10 *required to have completed on the southern border by*
11 *December 31, 2008, which shall include*
12 *\$1,187,000,000 appropriated in fiscal year 2007 for*
13 *“border security fencing, technology, and infrastruc-*
14 *ture” and the \$1,000,000,000 appropriated under this*
15 *Act under the heading “Border Security Fencing, In-*
16 *frastructure, and Technology”;*

17 (4) *the total cost and average cost per mile to*
18 *construct the 700 linear miles (854 topographical*
19 *miles) of fencing on the southern border required to*
20 *be constructed under section 102(b) of the Illegal Im-*
21 *migration Reform and Immigrant Responsibility Act*
22 *of 1996, as amended by section 3 of the Secure Fence*
23 *Act of 2006 (Public Law 109–367);*

24 (5) *the total cost and average cost per mile to*
25 *construct the fencing described in paragraph (4) if the*

1 *double layer fencing requirement were eliminated;*
2 *and*

3 *(6) the number of miles of single layer fencing,*
4 *if fencing were not accompanied by additional tech-*
5 *nology and infrastructure such as cameras, sensors,*
6 *and roads, which could be built with the*
7 *\$1,187,000,000 appropriated in fiscal year 2007 for*
8 *“border security fencing, technology, and infrastruc-*
9 *ture” and the \$1,000,000,000 appropriated under this*
10 *Act under the heading “Border Security Fencing, In-*
11 *frastructure, and Technology”.*

12 *(b) SUBMISSION OF REPORT.—Not later than 1 year*
13 *after the date of the enactment of this Act, the Comptroller*
14 *General shall submit a report on the results of the study*
15 *conducted pursuant to subsection (a) to—*

16 *(1) the Committee on Appropriations of the Sen-*
17 *ate;*

18 *(2) the Committee on the Judiciary of the Sen-*
19 *ate;*

20 *(3) the Committee on Appropriations of the*
21 *House of Representatives; and*

22 *(4) the Committee on the Judiciary of the House*
23 *of Representatives.*

24 *SEC. 561. SENSE OF SENATE ON IMMIGRATION.—(a)*
25 *FINDINGS.—The Senate makes the following findings:*

1 (1) *On June 28th, 2007, the Senate, by a vote*
2 *of 46 to 53, rejected a motion to invoke cloture on a*
3 *bill to provide for comprehensive immigration reform.*

4 (2) *Illegal immigration remains the top domestic*
5 *issue in the United States.*

6 (3) *The people of the United States continue to*
7 *feel the effects of a failed immigration system on a*
8 *daily basis, and they have not forgotten that Congress*
9 *and the President have a duty to address the issue of*
10 *illegal immigration and the security of the inter-*
11 *national borders of the United States.*

12 (4) *People from across the United States have*
13 *shared with members of the Senate their wide ranging*
14 *and passionate opinions on how best to reform the*
15 *immigration system.*

16 (5) *There is no consensus on an approach to*
17 *comprehensive immigration reform that does not first*
18 *secure the international borders of the United States.*

19 (6) *There is unanimity that the Federal Govern-*
20 *ment has a responsibility to, and immediately should,*
21 *secure the international borders of the United States.*

22 (7) *Border security is an integral part of na-*
23 *tional security.*

24 (8) *The greatest obstacle the Federal Government*
25 *faces with respect to the people of the United States*

1 *is a lack of trust that the Federal Government will se-*
2 *ecure the international borders of the United States.*

3 *(9) This lack of trust is rooted in the past fail-*
4 *ures of the Federal Government to uphold and enforce*
5 *immigration laws and the failure of the Federal Gov-*
6 *ernment to secure the international borders of the*
7 *United States.*

8 *(10) Failure to uphold and enforce immigration*
9 *laws has eroded respect for those laws and eliminated*
10 *the faith of the people of the United States in the abil-*
11 *ity of their elected officials to responsibly administer*
12 *immigration programs.*

13 *(11) It is necessary to regain the trust of the peo-*
14 *ple of the United States in the competency of the Fed-*
15 *eral Government to enforce immigration laws and*
16 *manage the immigration system.*

17 *(12) Securing the borders of the United States*
18 *would serve as a starting point to begin to address*
19 *other issues surrounding immigration reform on*
20 *which there is not consensus.*

21 *(13) Congress has not fully funded some interior*
22 *and border security activities that it has authorized.*

23 *(14) The President of the United States can ini-*
24 *tiate emergency spending by designating certain*

1 *spending as “emergency spending” in a request to the*
2 *Congress.*

3 *(15) The lack of security on the international*
4 *borders of the United States rises to the level of an*
5 *emergency.*

6 *(16) The Border Patrol are apprehending some,*
7 *but not all, individuals from countries that the Sec-*
8 *retary of State has determined have repeatedly pro-*
9 *vided support for acts of international terrorism who*
10 *cross or attempt to cross illegally into the United*
11 *States.*

12 *(17) The Federal Bureau of Investigation is in-*
13 *vestigating a human smuggling ring that has been*
14 *bringing Iraqis and other Middle Eastern individuals*
15 *across the international borders of the United States.*

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

18 *(1) the Federal Government should work to re-*
19 *gain the trust of the people of the United States in*
20 *its ability of the Federal Government to secure the*
21 *international borders of the United States;*

22 *(2) in order to restore the credibility of the Fed-*
23 *eral Government on this critical issue, the Federal*
24 *Government should prove its ability to enforce immi-*
25 *gration laws by taking actions such as securing the*

1 *border, stopping the flow of illegal immigrants and*
2 *drugs into the United States, and creating a tamper-*
3 *proof biometric identification card for foreign work-*
4 *ers; and*

5 *(3) the President should request emergency*
6 *spending that fully funds—*

7 *(A) existing interior and border security*
8 *authorizations that have not been funded by*
9 *Congress; and*

10 *(B) the border and interior security initia-*
11 *tives contained in the bill to provide for com-*
12 *prehensive immigration reform and for other*
13 *purposes (S. 1639) introduced in the Senate on*
14 *June 18, 2007.*

15 *SEC. 562. ENSURING THE SAFETY OF AGRICULTURAL*
16 *IMPORTS.—(a) FINDINGS.—Congress makes the following*
17 *findings:*

18 *(1) The Food and Drug Administration, as part*
19 *of its responsibility to ensure the safety of food and*
20 *other imports, maintains a presence at 91 of the 320*
21 *points of entry into the United States.*

22 *(2) United States Customs and Border Protec-*
23 *tion personnel are responsible for monitoring imports*
24 *and alerting the Food and Drug Administration to*

1 *suspicious material entering the United States at the*
2 *remaining 229 points of entry.*

3 *(b) REPORT.—The Commissioner of U.S. Customs and*
4 *Border Protection shall submit a report to Congress that*
5 *describes the training of U.S. Customs and Border Protec-*
6 *tion personnel to effectively assist the Food and Drug Ad-*
7 *ministration in monitoring our Nation’s food supply.*

8 *SEC. 563. (a) STUDY ON IMPLEMENTATION OF VOL-*
9 *UNTARY PROVISION OF EMERGENCY SERVICES PROGRAM.—*

10 *(1) Not later than 180 days after the date of the*
11 *enactment of this Act, the Administrator of the Trans-*
12 *portation Security Administration shall conduct a*
13 *study on the implementation of the voluntary provi-*
14 *sion of emergency services program established pursu-*
15 *ant to section 44944(a) of title 49, United States Code*
16 *(referred to in this section as the “program”).*

17 *(2) As part of the study required by paragraph*
18 *(1), the Administrator shall assess the following:*

19 *(A) Whether training protocols established*
20 *by air carriers and foreign air carriers include*
21 *training pertinent to the program and whether*
22 *such training is effective for purposes of the pro-*
23 *gram.*

24 *(B) Whether employees of air carriers and*
25 *foreign air carriers responsible for implementing*

1 *the program are familiar with the provisions of*
2 *the program.*

3 *(C) The degree to which the program has*
4 *been implemented in airports.*

5 *(D) Whether a helpline or other similar*
6 *mechanism of assistance provided by an air car-*
7 *rier, foreign air carrier, or the Transportation*
8 *Security Administration should be established to*
9 *provide assistance to employees of air carriers*
10 *and foreign air carriers who are uncertain of the*
11 *procedures of the program.*

12 *(3) In making the assessment required by para-*
13 *graph (2)(C), the Administrator may make use of un-*
14 *announced interviews or other reasonable and effective*
15 *methods to test employees of air carriers and foreign*
16 *air carriers responsible for registering law enforce-*
17 *ment officers, firefighters, and emergency medical*
18 *technicians as part of the program.*

19 *(4)(A) Not later than 60 days after the comple-*
20 *tion of the study required by paragraph (1), the Ad-*
21 *ministrator shall submit to Congress a report on the*
22 *findings of such study.*

23 *(B) The Administrator shall make such re-*
24 *port available to the public by Internet web site*
25 *or other appropriate method.*

1 (b) *PUBLICATION OF REPORT PREVIOUSLY SUB-*
2 *MITTED.—The Administrator shall make available to the*
3 *public on the Internet web site of the Transportation Secu-*
4 *rity Administration or the Department of Homeland Secu-*
5 *rity the report required by section 554(b) of the Department*
6 *of Homeland Security Appropriations Act, 2007 (Public*
7 *Law 109–295).*

8 (c) *MECHANISM FOR REPORTING PROBLEMS.—The*
9 *Administrator shall develop a mechanism on the Internet*
10 *web site of the Transportation Security Administration or*
11 *the Department of Homeland Security by which first re-*
12 *sponders may report problems with or barriers to volun-*
13 *teering in the program. Such mechanism shall also provide*
14 *information on how to submit comments related to volun-*
15 *teering in the program.*

16 (d) *AIR CARRIER AND FOREIGN AIR CARRIER DE-*
17 *FINED.—In this section, the terms “air carrier” and “for-*
18 *eign air carrier” have the meaning given such terms in sec-*
19 *tion 40102 of title 49, United States Code.*

20 *SEC. 564. None of the funds appropriated or otherwise*
21 *made available by this Act may be used to enter into a*
22 *contract in an amount greater than \$5,000,000 or to award*
23 *a grant in excess of such amount unless the prospective con-*
24 *tractor or grantee certifies in writing to the agency award-*
25 *ing the contract or grant that the contractor or grantee has*

1 *no unpaid Federal tax assessments, that the contractor or*
2 *grantee has entered into an installment agreement or offer*
3 *in compromise that has been accepted by the IRS to resolve*
4 *any unpaid Federal tax assessments, or, in the case of un-*
5 *paid Federal tax assessments other than for income, estate,*
6 *and gift taxes, that the liability for the unpaid assessments*
7 *is the subject of a non-frivolous administrative or judicial*
8 *appeal. For purposes of the preceding sentence, the certifi-*
9 *cation requirement of part 52.209–5 of the Federal Acquisi-*
10 *tion Regulation shall also include a requirement for a cer-*
11 *tification by a prospective contractor of whether, within the*
12 *three-year period preceding the offer for the contract, the*
13 *prospective contractor—*

14 (1) *has or has not been convicted of or had a*
15 *civil judgment or other judicial determination ren-*
16 *dered against the contractor for violating any tax law*
17 *or failing to pay any tax;*

18 (2) *has or has not been notified of any delin-*
19 *quent taxes for which the liability remains*
20 *unsatisfied; or*

21 (3) *has or has not received a notice of a tax lien*
22 *filed against the contractor for which the liability re-*
23 *remains unsatisfied or for which the lien has not been*
24 *released.*

1 *SEC. 565. TRANSPORTATION FACILITY ACCESS CON-*
2 *TROL PROGRAMS.*

3 *The Secretary of Homeland Security shall work with*
4 *appropriate officials of Florida and of other States to re-*
5 *solve the differences between the Transportation Worker*
6 *Identification Credential program administered by the*
7 *Transportation Security Administration and existing State*
8 *transportation facility access control programs.*

9 *SEC. 566. None of the funds made available in this*
10 *Act may be used for planning, testing, piloting, or devel-*
11 *oping a national identification card.*

12 *SEC. 567. ADDITIONAL ASSISTANCE FOR PREPARA-*
13 *TION OF PLANS.*

14 *Subparagraph (L) of section 33(b)(3) of the Federal*
15 *Fire Prevention and Control Act of 1974 (15 U.S.C.*
16 *2229(b)(3)) is amended to read as follows:*

17 *“(L) To fund fire prevention programs, in-*
18 *cluding planning and preparation for wildland*
19 *fires.”.*

20 *SEC. 568. SENSE OF CONGRESS. It is the sense of Con-*
21 *gress that sufficient funds should be appropriated to allow*
22 *the Secretary to increase the number of personnel of U.S.*
23 *Customs and Border Protection protecting the northern bor-*
24 *der by 1,517 officers and 788 agents, as authorized by—*

1 (1) *section 402 of the Uniting and Strengthening*
2 *America by Providing Appropriate Tools Required to*
3 *Intercept and Obstruct Terrorism (USA PATRIOT*
4 *ACT) Act of 2001 (Public Law 107–56);*

5 (2) *section 331 of the Trade Act of 2002 (Public*
6 *Law 107–210); and*

7 (3) *section 5202 of the Intelligence Reform and*
8 *Terrorism Prevention Act of 2004 (Public Law 108–*
9 *458).*

10 *SEC. 569. STUDY OF RADIO COMMUNICATIONS ALONG*
11 *THE INTERNATIONAL BORDERS OF THE UNITED STATES.—*

12 *(a) IN GENERAL.—Not later than 180 days after the date*
13 *of the enactment of this Act, the Secretary of Homeland Se-*
14 *curity shall conduct a study to determine the areas along*
15 *the international borders of the United States where Federal*
16 *and State law enforcement officers are unable to achieve*
17 *radio communication or where radio communication is in-*
18 *adequate.*

19 *(b) DEVELOPMENT OF PLAN.—*

20 *(1) IN GENERAL.—Upon the conclusion of the*
21 *study described in subsection (a), the Secretary shall*
22 *develop a plan for enhancing radio communication*
23 *capability along the international borders of the*
24 *United States.*

1 (2) *CONTENTS.*—*The plan developed under para-*
2 *graph (1) shall include—*

3 (A) *an estimate of the costs required to im-*
4 *plement the plan; and*

5 (B) *a description of the ways in which Fed-*
6 *eral, State, and local law enforcement officers*
7 *could benefit from the implementation of the*
8 *plan.*

9 *SEC. 570. Of the funds provided under this Act or any*
10 *other Act to United States Citizenship and Immigration*
11 *Services, not less than \$1,000,000 shall be provided for a*
12 *benefits fraud assessment of the H-1B Visa Program.*

13 *SEC. 571. (a) REPORT ON INTERAGENCY OPERATIONAL*
14 *CENTERS FOR PORT SECURITY.*—*Not later than 180 days*
15 *after the date of the enactment of this Act, the Commandant*
16 *of the Coast Guard shall submit to Congress a report, and*
17 *make the report available on its website, on the implementa-*
18 *tion and use of interagency operational centers for port se-*
19 *curity under section 70107A of title 46, United States Code.*

20 (b) *ELEMENTS.*—*The report required by subsection*
21 *shall include the following:*

22 (1) *A detailed description of the progress made*
23 *in transitioning Project Seahawk in Charleston,*
24 *South Carolina, from the Department of Justice to*

1 *the Coast Guard, including all projects and equip-*
2 *ment associated with that project.*

3 *(2) A detailed description of that actions being*
4 *taken to assure the integrity of Project Seahawk and*
5 *ensure there is no loss in cooperation between the*
6 *agencies specified in section 70107A(b)(3) of title 46,*
7 *United State Code.*

8 *(3) A detailed description and explanation of*
9 *any changes in Project Seahawk as of the date of the*
10 *report, including any changes in Federal, State, or*
11 *local staffing of that project.*

12 *SEC. 572. (a) The amount appropriated by title III*
13 *for necessary expenses for programs authorized by the Fed-*
14 *eral Fire Prevention and Control Act of 1974 under the*
15 *heading “FIREFIGHTER ASSISTANCE GRANTS” is hereby in-*
16 *creased by \$5,000,000 for necessary expenses to carry out*
17 *the programs authorized under section 34 of that Act (15*
18 *U.S.C. 2229a).*

19 *(b) The amount appropriated by title III under the*
20 *heading “INFRASTRUCTURE PROTECTION AND INFORMATION*
21 *SECURITY” is hereby reduced by \$5,000,000.*

22 *SEC. 573. TSA ACQUISITION MANAGEMENT POLICY.*
23 *(a) IN GENERAL.—Section 114 of title 49, United States*
24 *Code, is amended by striking subsection (o) and redesi-*

1 *nating subsections (p) through (t) as subsections (o) through*
2 *(s), respectively.*

3 *(b) EFFECTIVE DATE.—The amendment made by sub-*
4 *section (a) shall take effect 180 days after the date of enact-*
5 *ment of this Act.*

6 *SEC. 574. REPORT ON URBAN AREA SECURITY INITIA-*
7 *TIVE. Not later than 180 days after the date of enactment*
8 *of this Act, the Government Accountability Office shall sub-*
9 *mit a report to the appropriate congressional committees*
10 *which describes the criteria and factors the Department of*
11 *Homeland Security uses to determine the regional bound-*
12 *aries for Urban Area Security Initiative regions, including*
13 *a determination if the Department is meeting its goal to*
14 *implement a regional approach with respect to Urban Area*
15 *Security Initiative regions, and provides recommendations*
16 *for how the Department can better facilitate a regional ap-*
17 *proach for Urban Area Security Initiative regions.*

18 *SEC. 575. (a) In this section:*

19 *(1) The term “covered funds” means funds pro-*
20 *vided under section 173 of the Workforce Investment*
21 *Act of 1998 (29 U.S.C. 2918) to a State that submits*
22 *an application under that section not earlier than*
23 *May 4, 2007, for a national emergency grant to ad-*
24 *dress the effects of the May 4, 2007, Greensburg, Kan-*
25 *sas tornado.*

1 (2) *The term “professional municipal services”*
2 *means services that are necessary to facilitate the re-*
3 *covery of Greensburg, Kansas from that tornado, and*
4 *necessary to plan for or provide basic management*
5 *and administrative services, which may include—*

6 (A) *the overall coordination of disaster re-*
7 *covery and humanitarian efforts, oversight, and*
8 *enforcement of building code compliance, and co-*
9 *ordination of health and safety response units; or*

10 (B) *the delivery of humanitarian assistance*
11 *to individuals affected by that tornado.*

12 (b) *Covered funds may be used to provide temporary*
13 *public sector employment and services authorized under sec-*
14 *tion 173 of such Act to individuals affected by such tornado,*
15 *including individuals who were unemployed on the date of*
16 *the tornado, or who are without employment history, in ad-*
17 *dition to individuals who are eligible for disaster relief em-*
18 *ployment under section 173(d)(2) of such Act.*

19 (c) *Covered funds may be used to provide professional*
20 *municipal services for a period of not more than 24 months,*
21 *by hiring or contracting with individuals or organizations*
22 *(including individuals employed by contractors) that the*
23 *State involved determines are necessary to provide profes-*
24 *sional municipal services.*

1 (d) Covered funds expended under this section may be
2 spent on costs incurred not earlier than May 4, 2007.

3 SEC. 576. DATA RELATING TO DECLARATIONS OF A
4 MAJOR DISASTER. (a) IN GENERAL.—Notwithstanding any
5 other provision of this Act, except as provided in subsection
6 (b), and 30 days after the date that the President determines
7 whether to declare a major disaster because of an event and
8 any appeal is completed, the Administrator shall submit
9 to the Committee on Homeland Security and Governmental
10 Affairs of the Senate and the Committee on Homeland Se-
11 curity of the House of Representatives, and the Senate Com-
12 mittee on Appropriations, and publish on the website of the
13 Federal Emergency Management Agency, a report regard-
14 ing that decision, which shall summarize damage assess-
15 ment information used to determine whether to declare a
16 major disaster.

17 (b) EXCEPTION.—The Administrator may redact from
18 a report under subsection (a) any data that the Adminis-
19 trator determines would compromise national security.

20 (c) DEFINITIONS.—In this section—

21 (1) the term “Administrator” means the Admin-
22 istrator of the Federal Emergency Management Agen-
23 cy; and

24 (2) the term “major disaster” has the meaning
25 given that term in section 102 of the Robert T. Staf-

1 *SEC. 602. BORDER RELIEF GRANT PROGRAM.*

2 *(a) GRANTS AUTHORIZED.—*

3 *(1) IN GENERAL.—The Secretary is authorized to*
4 *award grants, subject to the availability of appro-*
5 *priations, to an eligible law enforcement agency to*
6 *provide assistance to such agency to address—*

7 *(A) criminal activity that occurs in the ju-*
8 *risdiction of such agency by virtue of such agen-*
9 *cy's proximity to the United States border; and*

10 *(B) the impact of any lack of security along*
11 *the United States border.*

12 *(2) DURATION.—Grants may be awarded under*
13 *this subsection during fiscal years 2008 through 2012.*

14 *(3) COMPETITIVE BASIS.—The Secretary shall*
15 *award grants under this subsection on a competitive*
16 *basis, except that the Secretary shall give priority to*
17 *applications from any eligible law enforcement agen-*
18 *cy serving a community—*

19 *(A) with a population of less than 50,000;*

20 *and*

21 *(B) located no more than 100 miles from a*
22 *United States border with—*

23 *(i) Canada; or*

24 *(ii) Mexico.*

1 (b) *USE OF FUNDS.*—*Grants awarded pursuant to*
2 *subsection (a) may only be used to provide additional re-*
3 *sources for an eligible law enforcement agency to address*
4 *criminal activity occurring along any such border, includ-*
5 *ing—*

6 (1) *to obtain equipment;*

7 (2) *to hire additional personnel;*

8 (3) *to upgrade and maintain law enforcement*
9 *technology;*

10 (4) *to cover operational costs, including overtime*
11 *and transportation costs; and*

12 (5) *such other resources as are available to assist*
13 *that agency.*

14 (c) *APPLICATION.*—

15 (1) *IN GENERAL.*—*Each eligible law enforcement*
16 *agency seeking a grant under this section shall submit*
17 *an application to the Secretary at such time, in such*
18 *manner, and accompanied by such information as the*
19 *Secretary may reasonably require.*

20 (2) *CONTENTS.*—*Each application submitted*
21 *pursuant to paragraph (1) shall—*

22 (A) *describe the activities for which assist-*
23 *ance under this section is sought; and*

1 (B) provide such additional assurances as
2 the Secretary determines to be essential to ensure
3 compliance with the requirements of this section.

4 (d) DEFINITIONS.—For the purposes of this section:

5 (1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The
6 term “eligible law enforcement agency” means a trib-
7 al, State, or local law enforcement agency—

8 (A) located in a county no more than 100
9 miles from a United States border with—

10 (i) Canada; or

11 (ii) Mexico; or

12 (B) located in a county more than 100
13 miles from any such border, but where such
14 county has been certified by the Secretary as a
15 High Impact Area.

16 (2) HIGH IMPACT AREA.—The term “High Im-
17 pact Area” means any county designated by the Sec-
18 retary as such, taking into consideration—

19 (A) whether local law enforcement agencies
20 in that county have the resources to protect the
21 lives, property, safety, or welfare of the residents
22 of that county;

23 (B) the relationship between any lack of se-
24 curity along the United States border and the

1 *rise, if any, of criminal activity in that county;*
2 *and*

3 *(C) any other unique challenges that local*
4 *law enforcement face due to a lack of security*
5 *along the United States border.*

6 (3) *SECRETARY.*—*The term “Secretary” means*
7 *the Secretary of the Department of Homeland Secu-*
8 *rity.*

9 (e) *AUTHORIZATION OF APPROPRIATIONS.*—

10 (1) *IN GENERAL.*—*There are authorized to be ap-*
11 *propriated \$50,000,000 for each of fiscal years 2008*
12 *through 2012 to carry out the provisions of this sec-*
13 *tion.*

14 (2) *DIVISION OF AUTHORIZED FUNDS.*—*Of the*
15 *amounts authorized under paragraph (1)—*

16 (A) $\frac{2}{3}$ *shall be set aside for eligible law en-*
17 *forcement agencies located in the 6 States with*
18 *the largest number of undocumented alien appre-*
19 *hensions; and*

20 (B) $\frac{1}{3}$ *shall be set aside for areas des-*
21 *ignated as a High Impact Area under subsection*
22 *(d).*

23 (f) *SUPPLEMENT NOT SUPPLANT.*—*Amounts appro-*
24 *priated for grants under this section shall be used to supple-*

1 *ment and not supplant other State and local public funds*
2 *obligated for the purposes provided under this title.*

3 *SEC. 603. Enforcement of Federal Immigration Law.*

4 *Nothing in this title shall be construed to authorize*
5 *State or local law enforcement agencies or their officers to*
6 *exercise Federal immigration law enforcement authority.*

7 *TITLE VII—BORDER INFRASTRUCTURE AND*
8 *TECHNOLOGY MODERNIZATION*

9 *SEC. 701. SHORT TITLE.*

10 *This title may be cited as the “Border Infrastructure*
11 *and Technology Modernization Act of 2007”.*

12 *SEC. 702. DEFINITIONS.—In this title:*

13 *(1) COMMISSIONER.—The term “Commissioner”*
14 *means the Commissioner of United States Customs*
15 *and Border Protection of the Department of Home-*
16 *land Security.*

17 *(2) MAQUILADORA.—The term “maquiladora”*
18 *means an entity located in Mexico that assembles and*
19 *produces goods from imported parts for export to the*
20 *United States.*

21 *(3) NORTHERN BORDER.—The term “northern*
22 *border” means the international border between the*
23 *United States and Canada.*

24 *(4) SECRETARY.—The term “Secretary” means*
25 *the Secretary of Homeland Security.*

1 (5) *SOUTHERN BORDER.*—*The term “southern*
2 *border” means the international border between the*
3 *United States and Mexico.*

4 *SEC. 703. HIRING AND TRAINING OF BORDER AND*
5 *TRANSPORTATION SECURITY PERSONNEL.—(a) OFFICERS*
6 *AND AGENTS.—*

7 (1) *INCREASE IN OFFICERS AND AGENTS.*—*Sub-*
8 *ject to the availability of appropriations, during each*
9 *of fiscal years 2009 through 2013, the Secretary*
10 *shall—*

11 (A) *increase the number of full-time agents*
12 *and associated support staff in United States*
13 *Immigration and Customs Enforcement of the*
14 *Department of Homeland Security by the equiv-*
15 *alent of at least 100 more than the number of*
16 *such employees as of the end of the preceding fis-*
17 *cal year; and*

18 (B) *increase the number of full-time officers,*
19 *agricultural specialists, and associated support*
20 *staff in United States Customs and Border Pro-*
21 *tection by the equivalent of at least 200 more*
22 *than the number of such employees as of the end*
23 *of the preceding fiscal year.*

24 (2) *WAIVER OF FTE LIMITATION.*—*The Secretary*
25 *is authorized to waive any limitation on the number*

1 of full-time equivalent personnel assigned to the De-
2 partment of Homeland Security to fulfill the require-
3 ments of paragraph (1).

4 (b) *TRAINING.*—As necessary, the Secretary, acting
5 through the Assistant Secretary for the United States Immi-
6 gration and Customs Enforcement and the Commissioner,
7 shall provide appropriate training for agents, officers, agri-
8 cultural specialists, and associated support staff of the De-
9 partment of Homeland Security to utilize new technologies
10 and to ensure that the proficiency levels of such personnel
11 are acceptable to protect the borders of the United States.

12 *SEC. 704. PORT OF ENTRY INFRASTRUCTURE ASSESS-*
13 *MENT STUDY.*—(a) *REQUIREMENT TO UPDATE.*—Not later
14 than January 31 of every other year, the Commissioner,
15 in consultation with the Administrator of General Services
16 shall—

17 (1) review—

18 (A) the Port of Entry Infrastructure Assess-
19 ment Study prepared by the United States Cus-
20 toms Service, the Immigration and Naturaliza-
21 tion Service, and the General Services Adminis-
22 tration in accordance with the matter relating to
23 the ports of entry infrastructure assessment set
24 forth in the joint explanatory statement on page

1 67 of conference report 106–319, accompanying
2 Public Law 106–58; and

3 (B) the nationwide strategy to prioritize
4 and address the infrastructure needs at the land
5 ports of entry prepared by the Department of
6 Homeland Security and the General Services Ad-
7 ministration in accordance with the committee
8 recommendations on page 22 of Senate report
9 108–86, accompanying Public Law 108–90;

10 (2) update the assessment of the infrastructure
11 needs of all United States land ports of entry; and

12 (3) submit an updated assessment of land port
13 of entry infrastructure needs to Congress.

14 (b) *CONSULTATION*.—In preparing the updated studies
15 required under subsection (a), the Commissioner and the
16 Administrator of General Services shall consult with the Di-
17 rector of the Office of Management and Budget, the Sec-
18 retary, and affected State and local agencies on the northern
19 and southern borders of the United States.

20 (c) *CONTENT*.—Each updated study required in sub-
21 section (a) shall—

22 (1) identify port of entry infrastructure and
23 technology improvement projects that would enhance
24 border security and facilitate the flow of legitimate
25 commerce if implemented;

1 (2) include the projects identified in the National
2 Land Border Security Plan required by section 805;
3 and

4 (3) prioritize the projects described in para-
5 graphs (1) and (2) based on the ability of a project—

6 (A) to enhance the ability of United States
7 Customs and Border Protection to achieve its
8 mission and to support operations;

9 (B) to fulfill security requirements; and

10 (C) facilitate trade across the borders of the
11 United States.

12 (d) *PROJECT IMPLEMENTATION.*—The Commissioner,
13 as appropriate, shall—

14 (1) implement the infrastructure and technology
15 improvement projects described in subsection (c) in
16 the order of priority assigned to each project under
17 subsection (c)(3); or

18 (2) forward the prioritized list of infrastructure
19 and technology improvement projects to the Adminis-
20 trator of General Services for implementation in the
21 order of priority assigned to each project under sub-
22 section (c)(3).

23 (e) *DIVERGENCE FROM PRIORITIES.*—The Commis-
24 sioner may diverge from the priority order if the Commis-
25 sioner determines that significantly changed circumstances,

1 *including immediate security needs, changes in infrastruc-*
2 *ture in Mexico or Canada, or similar concerns, compel-*
3 *ingly alter the need for a project in the United States.*

4 *SEC. 705. NATIONAL LAND BORDER SECURITY*
5 *PLAN.—(a) REQUIREMENT FOR PLAN.—Not later than*
6 *January 31 of every other year, the Secretary, acting*
7 *through the Commissioner, shall prepare a National Land*
8 *Border Security Plan and submit such plan to Congress.*

9 *(b) CONSULTATION.—In preparing the plan required*
10 *under subsection (a), the Commissioner shall consult with*
11 *other appropriate Federal agencies, State and local law en-*
12 *forcement agencies, and private entities that are involved*
13 *in international trade across the northern or southern bor-*
14 *der.*

15 *(c) VULNERABILITY ASSESSMENT.—*

16 *(1) IN GENERAL.—The plan required under sub-*
17 *section (a) shall include a vulnerability, risk, and*
18 *threat assessment of each port of entry located on the*
19 *northern border or the southern border.*

20 *(2) PORT SECURITY COORDINATORS.—The Sec-*
21 *retary, acting through the Commissioner, may estab-*
22 *lish 1 or more port security coordinators at each port*
23 *of entry located on the northern border or the south-*
24 *ern border—*

1 (A) to assist in conducting a vulnerability
2 assessment at such port; and

3 (B) to provide other assistance with the
4 preparation of the plan required under sub-
5 section (a).

6 (d) *COORDINATION WITH THE SECURE BORDER INI-*
7 *TIATIVE.*—The plan required under subsection (a) shall in-
8 clude a description of activities undertaken during the pre-
9 vious year as part of the Secure Border Initiative and ac-
10 tions planned for the coming year as part of the Secure
11 Border Initiative.

12 SEC. 706. *EXPANSION OF COMMERCE SECURITY PRO-*
13 *GRAMS.*—(a) *COMMERCE SECURITY PROGRAMS.*—(1) *IN*
14 *GENERAL.*—Not later than 1 year after the date of the enact-
15 ment of this Act, the Commissioner, in consultation with
16 the Secretary, shall develop a plan to expand the size and
17 scope, including personnel needs, of the Customs-Trade
18 Partnership Against Terrorism program or other voluntary
19 programs involving government entities and the private sec-
20 tor to strengthen and improve the overall security of the
21 international supply chain and security along the northern
22 and southern border of the United States.

23 (2) *SOUTHERN BORDER SUPPLY CHAIN SECU-*
24 *RITY.*—Not later than 1 year after the date of enact-
25 ment of this Act, the Commissioner shall provide Con-

1 *gress with a plan to improve supply chain security*
2 *along the southern border, including, where appro-*
3 *prate, plans to implement voluntary programs in-*
4 *volving government entities and the private sector to*
5 *strengthen and improve the overall security of the*
6 *international supply chain that have been successfully*
7 *implemented on the northern border.*

8 *SEC. 707. PORT OF ENTRY TECHNOLOGY DEMONSTRA-*
9 *TION PROGRAM. (a) ESTABLISHMENT.—The Secretary, act-*
10 *ing through the Commissioner, shall carry out a technology*
11 *demonstration program to test and evaluate new port of*
12 *entry technologies, refine port of entry technologies and*
13 *operational concepts, and train personnel under realistic*
14 *conditions.*

15 *(b) TECHNOLOGY AND FACILITIES.—*

16 *(1) TECHNOLOGY TESTED.—Under the dem-*
17 *onstration program, the Commissioner shall test tech-*
18 *nologies that enhance port of entry operations, includ-*
19 *ing those related to inspections, communications, port*
20 *tracking, identification of persons and cargo, sensory*
21 *devices, personal detection, decision support, and the*
22 *detection and identification of weapons of mass de-*
23 *struction.*

24 *(2) FACILITIES DEVELOPED.—At a demonstra-*
25 *tion site selected pursuant to subsection (c)(3), the*

1 *Commissioner shall develop any facilities needed to*
2 *provide appropriate training to Federal law enforce-*
3 *ment personnel who have responsibility for border se-*
4 *curity, including cross-training among agencies, ad-*
5 *vanced law enforcement training, and equipment ori-*
6 *entation to the extent that such training is not being*
7 *conducted at existing Federal facilities.*

8 *(c) DEMONSTRATION SITES.—*

9 *(1) NUMBER.—The Commissioner shall carry out*
10 *the demonstration program at not less than 3 sites*
11 *and not more than 5 sites.*

12 *(2) LOCATION.—Of the sites selected under sub-*
13 *section (c)—*

14 *(A) at least 1 shall be located on the north-*
15 *ern border of the United States; and*

16 *(B) at least 1 shall be located on the south-*
17 *ern border of the United States.*

18 *(3) SELECTION CRITERIA.—To ensure that 1 of*
19 *the facilities selected as a port of entry demonstration*
20 *site for the demonstration program has the most up-*
21 *to-date design, contains sufficient space to conduct the*
22 *demonstration program, has a traffic volume low*
23 *enough to easily incorporate new technologies without*
24 *interrupting normal processing activity, and can effi-*
25 *ciently carry out demonstration and port of entry op-*

1 *erations, 1 port of entry selected as a demonstration*
2 *site may—*

3 *(A) have been established not more than 15*
4 *years before the date of the enactment of this Act;*

5 *(B) consist of not less than 65 acres, with*
6 *the possibility of expansion onto not less than 25*
7 *adjacent acres; and*

8 *(C) have serviced an average of not more*
9 *than 50,000 vehicles per month during the 12*
10 *months preceding the date of the enactment of*
11 *this Act.*

12 *(d) RELATIONSHIP WITH OTHER AGENCIES.—The*
13 *Secretary, acting through the Commissioner, shall permit*
14 *personnel from appropriate Federal agencies to utilize a*
15 *demonstration site described in subsection (c) to test tech-*
16 *nologies that enhance port of entry operations, including*
17 *those related to inspections, communications, port tracking,*
18 *identification of persons and cargo, sensory devices, per-*
19 *sonal detection, decision support, and the detection and*
20 *identification of weapons of mass destruction.*

21 *(e) REPORT.—*

22 *(1) REQUIREMENT.—Not later than 1 year after*
23 *the date of the enactment of this Act, and annually*
24 *thereafter, the Secretary shall submit to Congress a*
25 *report on the activities carried out at each demonstra-*

1 *tion site under the technology demonstration program*
2 *established under this section.*

3 (2) *CONTENT.—The report shall include an as-*
4 *essment by the Commissioner of the feasibility of in-*
5 *corporating any demonstrated technology for use*
6 *throughout United States Customs and Border Protec-*
7 *tion.*

8 *SEC. 708. AUTHORIZATION OF APPROPRIATIONS. (a)*
9 *IN GENERAL.—In addition to any funds otherwise avail-*
10 *able, there are authorized to be appropriated such sums as*
11 *may be necessary to carry out sections 703, 704, 705, 706,*
12 *and 707 for fiscal years 2009 through 2013.*

13 (b) *INTERNATIONAL AGREEMENTS.—Funds authorized*
14 *to be appropriated under this title may be used for the im-*
15 *plementation of projects described in the Declaration on*
16 *Embracing Technology and Cooperation to Promote the Se-*
17 *cure and Efficient Flow of People and Commerce across our*
18 *Shared Border between the United States and Mexico,*
19 *agreed to March 22, 2002, Monterrey, Mexico (commonly*
20 *known as the Border Partnership Action Plan) or the*
21 *Smart Border Declaration between the United States and*
22 *Canada, agreed to December 12, 2001, Ottawa, Canada that*
23 *are consistent with the provisions of this title.*

1 *DIVISION B—BORDER SECURITY*

2 *TITLE X—BORDER SECURITY REQUIREMENTS*

3 *SEC. 1001. SHORT TITLE.*

4 *This division may be cited as the “Border Security*
5 *First Act of 2007”.*

6 *SEC. 1002. BORDER SECURITY REQUIREMENTS.*

7 *(a) REQUIREMENTS.—Not later than 2 years after the*
8 *date of the enactment of this Act, the President shall ensure*
9 *that the following are carried out:*

10 *(1) OPERATIONAL CONTROL OF THE INTER-*
11 *NATIONAL BORDER WITH MEXICO.—The Secretary of*
12 *Homeland Security shall establish and demonstrate*
13 *operational control of 100 percent of the international*
14 *land border between the United States and Mexico,*
15 *including the ability to monitor such border through*
16 *available methods and technology.*

17 *(2) STAFF ENHANCEMENTS FOR BORDER PA-*
18 *TROL.—The United States Customs and Border Pro-*
19 *tection Border Patrol shall hire, train, and report for*
20 *duty 23,000 full-time agents.*

21 *(3) STRONG BORDER BARRIERS.—The United*
22 *States Customs and Border Protection Border Patrol*
23 *shall—*

1 (A) install along the international land bor-
2 der between the United States and Mexico at
3 least—

4 (i) 300 miles of vehicle barriers;

5 (ii) 700 linear miles of fencing as re-
6 quired by the Secure Fence Act of 2006
7 (Public Law 109–367), as amended by this
8 Act; and

9 (iii) 105 ground-based radar and cam-
10 era towers; and

11 (B) deploy for use along the international
12 land border between the United States and Mex-
13 ico 4 unmanned aerial vehicles, and the sup-
14 porting systems for such vehicles.

15 (4) *CATCH AND RETURN.*—The Secretary of
16 Homeland Security shall detain all removable aliens
17 apprehended crossing the international land border
18 between the United States and Mexico in violation of
19 Federal or State law, except as specifically mandated
20 by Federal or State law or humanitarian cir-
21 cumstances, and United States Immigration and Cus-
22 toms Enforcement shall have the resources to main-
23 tain this practice, including the resources necessary to
24 detain up to 45,000 aliens per day on an annual
25 basis.

1 **(b) PRESIDENTIAL PROGRESS REPORT.**—

2 **(1) IN GENERAL.**—*Not later than 90 days after*
3 *the date of enactment of this Act, and every 90 days*
4 *thereafter until the requirements under subsection (a)*
5 *are met, the President shall submit a report to Con-*
6 *gress detailing the progress made in funding, meeting,*
7 *or otherwise satisfying each of the requirements de-*
8 *scribed under paragraphs (1) through (4) of sub-*
9 *section (a), including detailing any contractual agree-*
10 *ments reached to carry out such measures.*

11 **(2) PROGRESS NOT SUFFICIENT.**—*If the Presi-*
12 *dent determines that sufficient progress is not being*
13 *made, the President shall include in the report re-*
14 *quired under paragraph (1) specific funding rec-*
15 *ommendations, authorization needed, or other actions*
16 *that are or should be undertaken by the Secretary of*
17 *Homeland Security.*

18 **SEC. 1003. APPROPRIATIONS FOR BORDER SECURITY.**

19 *There is hereby appropriated \$3,000,000,000 to satisfy*
20 *the requirements set out in section 1002(a) and, if any*
21 *amount remains after satisfying such requirements, to*
22 *achieve and maintain operational control over the inter-*
23 *national land and maritime borders of the United States,*
24 *for employment eligibility verification improvements, for*
25 *increased removal and detention of visa overstays, criminal*

