

In the Senate of the United States,

July 26, 2007.

Resolved, That the bill from the House of Representatives (H.R. 2638) entitled “An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

- 1 *That the following sums are appropriated, out of any*
- 2 *money in the Treasury not otherwise appropriated, for the*
- 3 *fiscal year ending September 30, 2008, for the Department*
- 4 *of Homeland Security and for other purposes, namely:*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TITLE I
DEPARTMENT OF HOMELAND SECURITY
DEPARTMENTAL MANAGEMENT AND
OPERATIONS
OFFICE OF THE SECRETARY AND EXECUTIVE
MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, \$100,000,000: Provided, That not to exceed \$40,000 shall be for official reception and representation expenses: Provided further, That \$15,000,000 shall not be available for obligation until the Secretary certifies and reports to the Committees on Appropriations of the Senate and the House of Representatives that the Department has revised Departmental guidance with respect to relations with the Government Accountability Office to specifically provide for: (1) expedited timeframes for providing the Government Accountability Office with access to records not to exceed 20 days from the date of request; (2) expedited timeframes for interviews of program officials by the Government Accountability Office after reasonable notice has been furnished to the Department by the Government Accountability Office; and (3) a significant streamlining of the re-

1 *view process for documents and interview requests by liai-*
2 *sons, counsel, and program officials, consistent with the ob-*
3 *jective that the Government Accountability Office be given*
4 *timely and complete access to documents and agency offi-*
5 *cials: Provided further, That the Secretary shall make the*
6 *revisions to Departmental guidance with respect to rela-*
7 *tions with the Government Accountability Office in con-*
8 *sultation with the Comptroller General of the United States.*

9 *OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT*

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

22 *OFFICE OF THE CHIEF FINANCIAL OFFICER*

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

1 *OFFICE OF THE CHIEF INFORMATION OFFICER*

2 *For necessary expenses of the Office of the Chief Infor-*
3 *mation Officer, as authorized by section 103 of the Home-*
4 *land Security Act of 2002 (6 U.S.C. 113), and Department-*
5 *wide technology investments, \$321,100,000; of which*
6 *\$82,400,000 shall be available for salaries and expenses;*
7 *and of which \$238,700,000, to remain available until ex-*
8 *pended, shall be available for development and acquisition*
9 *of information technology equipment, software, services,*
10 *and related activities for the Department of Homeland Se-*
11 *curity, of which \$97,300,000 shall be for the National Cen-*
12 *ter for Critical Information Processing and Storage: Pro-*
13 *vided, That none of the funds appropriated shall be used*
14 *to support or supplement the appropriations provided for*
15 *the United States Visitor and Immigrant Status Indicator*
16 *Technology project or the Automated Commercial Environ-*
17 *ment.*

18 *ANALYSIS AND OPERATIONS*

19 *For necessary expenses for information analysis and*
20 *operations coordination activities, as authorized by title II*
21 *of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.),*
22 *\$306,000,000, to remain available until September 30,*
23 *2009, of which not to exceed \$5,000 shall be for official re-*
24 *ception and representation expenses: Provided, That the Di-*
25 *rector of Operations Coordination shall encourage rotating*

1 *State and local fire service representation at the National*
2 *Operations Center.*

3 *OFFICE OF THE FEDERAL COORDINATOR FOR GULF*
4 *COAST REBUILDING*

5 *For necessary expenses of the Office of the Federal Co-*
6 *ordinator for Gulf Coast Rebuilding, \$3,000,000: Provided,*
7 *That \$1,000,000 shall not be available for obligation until*
8 *the Committees on Appropriations of the Senate and the*
9 *House of Representatives receive an expenditure plan for*
10 *fiscal year 2008.*

11 *OFFICE OF INSPECTOR GENERAL*
12 *OPERATING EXPENSES*

13 *For necessary expenses of the Office of Inspector Gen-*
14 *eral in carrying out the provisions of the Inspector General*
15 *Act of 1978 (5 U.S.C. App.), \$95,211,000, of which not to*
16 *exceed \$150,000 may be used for certain confidential oper-*
17 *ational expenses, including the payment of informants, to*
18 *be expended at the direction of the Inspector General: Pro-*
19 *vided, That the Inspector General shall investigate decisions*
20 *made regarding, and the policy of the Federal Emergency*
21 *Management Agency relating to, formaldehyde in trailers*
22 *in the Gulf Coast region, the process used by the Federal*
23 *Emergency Management Agency for collecting, reporting,*
24 *and responding to health and safety concerns of occupants*
25 *of housing supplied by the Federal Emergency Management*

1 *Agency (including such housing supplied through a third*
2 *party), and whether the Federal Emergency Management*
3 *Agency adequately addressed public health and safety issues*
4 *of households to which the Federal Emergency Management*
5 *Agency provides disaster housing (including whether the*
6 *Federal Emergency Management Agency adequately noti-*
7 *fied recipients of such housing, as appropriate, of potential*
8 *health and safety concerns and whether the institutional*
9 *culture of the Federal Emergency Management Agency*
10 *properly prioritizes health and safety concerns of recipients*
11 *of assistance from the Federal Emergency Management*
12 *Agency), and submit a report to Congress relating to that*
13 *investigation, including any recommendations.*

14

TITLE II

15 *SECURITY, ENFORCEMENT, AND INVESTIGATIONS*

16

U.S. CUSTOMS AND BORDER PROTECTION

17

SALARIES AND EXPENSES

18

For necessary expenses for enforcement of laws relating
19 *to border security, immigration, customs, and agricultural*
20 *inspections and regulatory activities related to plant and*
21 *animal imports; purchase and lease of up to 4,500 (2,400*
22 *for replacement only) police-type vehicles; and contracting*
23 *with individuals for personal services abroad;*
24 *\$6,601,058,000; of which \$230,316,000 shall remain avail-*
25 *able until September 30, 2009, to support software develop-*

1 *ment, equipment, contract services, and the implementation*
2 *of inbound lanes and modification to vehicle primary proc-*
3 *essing lanes at ports of entry; of which \$15,000,000 shall*
4 *be used to procure commercially available technology in*
5 *order to expand and improve the risk-based approach of the*
6 *Department of Homeland Security to target and inspect*
7 *cargo containers under the Secure Freight Initiative and*
8 *the Global Trade Exchange; of which \$3,093,000 shall be*
9 *derived from the Harbor Maintenance Trust Fund for ad-*
10 *ministrative expenses related to the collection of the Harbor*
11 *Maintenance Fee pursuant to section 9505(c)(3) of the In-*
12 *ternal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and*
13 *notwithstanding section 1511(e)(1) of the Homeland Secu-*
14 *rity Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed*
15 *\$45,000 shall be for official reception and representation*
16 *expenses; of which not less than \$226,740,000 shall be for*
17 *Air and Marine Operations; of which such sums as become*
18 *available in the Customs User Fee Account, except sums*
19 *subject to section 13031(f)(3) of the Consolidated Omnibus*
20 *Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)),*
21 *shall be derived from that account; of which not to exceed*
22 *\$150,000 shall be available for payment for rental space*
23 *in connection with preclearance operations; of which*
24 *\$40,000,000 shall be utilized to develop and implement a*
25 *Model Ports of Entry program and provide resources nec-*

1 *essary for 200 additional U.S. Customs and Border Protec-*
2 *tion officers at the 20 United States international airports*
3 *that have the highest number of foreign visitors arriving*
4 *annually as determined pursuant to the most recent data*
5 *collected by U.S. Customs and Border Protection available*
6 *on the date of enactment of this Act, to provide a more effi-*
7 *cient and welcoming international arrival process in order*
8 *to facilitate and promote business and leisure travel to the*
9 *United States while also improving security; and of which*
10 *not to exceed \$1,000,000 shall be for awards of compensa-*
11 *tion to informants, to be accounted for solely under the cer-*
12 *tificate of the Secretary of Homeland Security: Provided,*
13 *That for fiscal year 2008, the overtime limitation prescribed*
14 *in section 5(c)(1) of the Act of February 13, 1911 (19*
15 *U.S.C. 267(c)(1)) shall be \$35,000; and notwithstanding*
16 *any other provision of law, none of the funds appropriated*
17 *by this Act may be available to compensate any employee*
18 *of U.S. Customs and Border Protection for overtime, from*
19 *whatever source, in an amount that exceeds such limitation,*
20 *except in individual cases determined by the Secretary of*
21 *Homeland Security, or the designee of the Secretary, to be*
22 *necessary for national security purposes, to prevent exces-*
23 *sive costs, or in cases of immigration emergencies.*

24 *AUTOMATION MODERNIZATION*

25 *For expenses for customs and border protection auto-*
26 *mated systems, \$476,609,000, to remain available until ex-*

1 *pending, of which not less than \$316,969,000 shall be for*
2 *the development of the Automated Commercial Environ-*
3 *ment: Provided, That of the total amount made available*
4 *under this heading, \$216,969,000 may not be obligated for*
5 *the Automated Commercial Environment until the Commit-*
6 *tees on Appropriations of the Senate and the House of Rep-*
7 *resentatives receive a plan for expenditure prepared by the*
8 *Secretary of Homeland Security that includes:*

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

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

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

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.*

20 *BORDER SECURITY FENCING, INFRASTRUCTURE, AND*
21 *TECHNOLOGY*

22 *For expenses for customs and border protection fenc-*
23 *ing, infrastructure, and technology, \$1,000,000,000, to re-*
24 *main available until expended: Provided, That of the*
25 *amount provided under this heading, \$500,000,000 shall*
26 *not be obligated until the Committees on Appropriations*

1 *of the Senate and the House of Representatives receive and*
2 *approve a plan for expenditure, prepared by the Secretary*
3 *of Homeland Security and submitted within 90 days after*
4 *the date of enactment of this Act, that includes:*

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

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

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

22 (4) *a certification by the Chief Financial Officer*
23 *of the Department that the program has been re-*
24 *viewed and approved in accordance with the invest-*
25 *ment management process of the Department, and*

1 *that the process fulfills all capital planning and in-*
2 *vestment control requirements and reviews established*
3 *by the Office of Management and Budget, including*
4 *Circular A-11, part 7;*

5 *(5) a certification by the Chief Information Offi-*
6 *cer of the Department that an independent validation*
7 *and verification agent has and will continue to ac-*
8 *tively review the program;*

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

19 *(7) a certification by the Chief Procurement Offi-*
20 *cer of the Department that the plans for the program*
21 *comply with the Federal acquisition rules, require-*
22 *ments, guidelines, and practices, and a description of*
23 *the actions being taken to address areas of non-com-*
24 *pliance, the risks associated with them along with*

1 *any plans for addressing these risks and the status of*
2 *their implementation;*

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

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

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

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

22 *AIR AND MARINE INTERDICTION, OPERATIONS,*

23 *MAINTENANCE, AND PROCUREMENT*

24 *For necessary expenses for the operations, mainte-*
25 *nance, and procurement of marine vessels, aircraft, un-*
26 *manned aircraft systems, and other related equipment of*

1 *the air and marine program, including operational train-*
2 *ing and mission-related travel, and rental payments for fa-*
3 *cilities occupied by the air or marine interdiction and de-*
4 *mand reduction programs, the operations of which include*
5 *the following: the interdiction of narcotics and other goods;*
6 *the provision of support to Federal, State, and local agen-*
7 *cies in the enforcement or administration of laws enforced*
8 *by the Department of Homeland Security; and at the dis-*
9 *cretion of the Secretary of Homeland Security, the provi-*
10 *sion of assistance to Federal, State, and local agencies in*
11 *other law enforcement and emergency humanitarian efforts,*
12 *\$488,947,000, to remain available until expended: Pro-*
13 *vided, That no aircraft or other related equipment, with*
14 *the exception of aircraft that are one of a kind and have*
15 *been identified as excess to United States Customs and Bor-*
16 *der Protection requirements and aircraft that have been*
17 *damaged beyond repair, shall be transferred to any other*
18 *Federal agency, department, or office outside of the Depart-*
19 *ment of Homeland Security during fiscal year 2008 without*
20 *the prior approval of the Committees on Appropriations of*
21 *the Senate and the House of Representatives.*

22 *CONSTRUCTION*

23 *For necessary expenses to plan, construct, renovate,*
24 *equip, and maintain buildings and facilities necessary for*
25 *the administration and enforcement of the laws relating to*
26 *customs and immigration, \$274,863,000, to remain avail-*

1 *able until expended; of which \$40,200,000 shall be for the*
2 *Advanced Training Center.*

3 *U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses for enforcement of immigration*
6 *and customs laws, detention and removals, and investiga-*
7 *tions; and purchase and lease of up to 3,790 (2,350 for re-*
8 *placement only) police-type vehicles; \$4,401,643,000, of*
9 *which not to exceed \$7,500,000 shall be available until ex-*
10 *pended for conducting special operations under section 3131*
11 *of the Customs Enforcement Act of 1986 (19 U.S.C. 2081);*
12 *of which not to exceed \$15,000 shall be for official reception*
13 *and representation expenses; of which not to exceed*
14 *\$1,000,000 shall be for awards of compensation to inform-*
15 *ants, to be accounted for solely under the certificate of the*
16 *Secretary of Homeland Security; of which not less than*
17 *\$102,000 shall be for promotion of public awareness of the*
18 *child pornography tipline; of which not less than \$203,000*
19 *shall be for Project Alert; of which not less than \$5,400,000*
20 *shall be used to facilitate agreements consistent with section*
21 *287(g) of the Immigration and Nationality Act (8 U.S.C.*
22 *1357(g)); and of which not to exceed \$11,216,000 shall be*
23 *available to fund or reimburse other Federal agencies for*
24 *the costs associated with the care, maintenance, and repa-*
25 *triation of smuggled illegal aliens: Provided, That none of*

1 *the funds made available under this heading shall be avail-*
2 *able to compensate any employee for overtime in an annual*
3 *amount in excess of \$35,000, except that the Secretary of*
4 *Homeland Security, or the designee of the Secretary, may*
5 *waive that amount as necessary for national security pur-*
6 *poses and in cases of immigration emergencies: Provided*
7 *further, That of the total amount provided, \$15,770,000*
8 *shall be for activities to enforce laws against forced child*
9 *labor in fiscal year 2008, of which not to exceed \$6,000,000*
10 *shall remain available until expended.*

11 *FEDERAL PROTECTIVE SERVICE*

12 *The revenues and collections of security fees credited*
13 *to this account shall be available until expended for nec-*
14 *essary expenses related to the protection of federally-owned*
15 *and leased buildings and for the operations of the Federal*
16 *Protective Service: Provided, That the Secretary of Home-*
17 *land Security and the Director of the Office of Management*
18 *and Budget shall certify in writing to the Committees on*
19 *Appropriations of the Senate and the House of Representa-*
20 *tives no later than November 1, 2007, that the operations*
21 *of the Federal Protective Service will be fully funded in fis-*
22 *cal year 2008 through revenues and collection of security*
23 *fees: Provided further, That a certification shall be provided*
24 *no later than February 10, 2008, for fiscal year 2009: Pro-*
25 *vided further, That the Secretary of Homeland Security*
26 *shall ensure that the workforce of the Federal Protective*

1 *Service includes not fewer than 1,200 Commanders, Police*
2 *Officers, Inspectors, and Special Agents engaged on a daily*
3 *basis in protecting Federal buildings (under this heading*
4 *referred to as “in-service”) contingent on the availability*
5 *of sufficient revenue in collections of security fees in this*
6 *account for this purpose: Provided further, That the Sec-*
7 *retary of Homeland Security and the Director of the Office*
8 *of Management and Budget shall adjust fees as necessary*
9 *to ensure full funding of not fewer than 1,200 in-service*
10 *Commanders, Police Officers, Inspectors, and Special*
11 *Agents at the Federal Protective Service.*

12 *AUTOMATION MODERNIZATION*

13 *For expenses of immigration and customs enforcement*
14 *automated systems, \$15,000,000, to remain available until*
15 *expended: Provided, That of the funds made available under*
16 *this heading, \$5,000,000 may not be obligated until the*
17 *Committees on Appropriations of the Senate and the House*
18 *of Representatives receive a plan for expenditure prepared*
19 *by the Secretary of Homeland Security.*

20 *CONSTRUCTION*

21 *For necessary expenses to plan, construct, renovate,*
22 *equip, and maintain buildings and facilities necessary for*
23 *the administration and enforcement of the laws relating to*
24 *customs and immigration, \$16,250,000, to remain available*
25 *until expended.*

1 *TRANSPORTATION SECURITY ADMINISTRATION*2 *AVIATION SECURITY*

3 *For necessary expenses of the Transportation Security*
4 *Administration related to providing civil aviation security*
5 *services pursuant to the Aviation and Transportation Secu-*
6 *rity Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C.*
7 *40101 note), \$5,042,559,000, to remain available until Sep-*
8 *tember 30, 2009, of which not to exceed \$10,000 shall be*
9 *for official reception and representation expenses: Provided,*
10 *That of the total amount made available under this head-*
11 *ing, not to exceed \$4,074,889,000 shall be for screening oper-*
12 *ations, of which \$529,400,000 shall be available only for*
13 *procurement and installation of checked baggage explosive*
14 *detection systems; and not to exceed \$967,445,000 shall be*
15 *for aviation security direction and enforcement: Provided*
16 *further, That security service fees authorized under section*
17 *44940 of title 49, United States Code, shall be credited to*
18 *this appropriation as offsetting collections and shall be*
19 *available only for aviation security: Provided further, That*
20 *the sum herein appropriated from the General Fund shall*
21 *be reduced on a dollar-for-dollar basis as such offsetting col-*
22 *lections are received during fiscal year 2008, so as to result*
23 *in a final fiscal year appropriation from the General Fund*
24 *estimated at not more than \$2,332,344,000: Provided fur-*
25 *ther, That any security service fees collected in excess of the*

1 amount made available under this heading shall become
2 available during fiscal year 2009: Provided further, That
3 Members of the United States House of Representatives and
4 United States Senate, including the leadership; and the
5 heads of Federal agencies and commissions, including the
6 Secretary, Under Secretaries, and Assistant Secretaries of
7 the Department of Homeland Security; the United States
8 Attorney General and Assistant Attorneys General and the
9 United States attorneys; and senior members of the Execu-
10 tive Office of the President, including the Director of the
11 Office of Management and Budget; shall not be exempt from
12 Federal passenger and baggage screening.

13 *SURFACE TRANSPORTATION SECURITY*

14 *For necessary expenses of the Transportation Security*
15 *Administration related to providing surface transportation*
16 *security activities, \$41,413,000, to remain available until*
17 *September 30, 2009.*

18 *TRANSPORTATION THREAT ASSESSMENT AND*

19 *CREDENTIALING*

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

24 *TRANSPORTATION SECURITY SUPPORT*

25 *For necessary expenses of the Transportation Security*
26 *Administration related to providing transportation secu-*

1 rity support and intelligence pursuant to the Aviation and
2 Transportation Security Act (Public Law 107–71; 115
3 Stat. 597; 49 U.S.C. 40101 note), \$521,515,000, to remain
4 available until September 30, 2009: Provided, That of the
5 funds appropriated under this heading, \$20,000,000 may
6 not be obligated until the Secretary of Homeland Security
7 submits to the Committees on Appropriations of the Senate
8 and the House of Representatives a strategic plan required
9 for checkpoint technologies as described in the joint explana-
10 tory statement of managers accompanying the fiscal year
11 2007 conference report (H. Rept. 109–699): Provided fur-
12 ther, That this plan shall be submitted no later than 60
13 days after the date of enactment of this Act.

14 *FEDERAL AIR MARSHALS*

15 *For necessary expenses of the Federal Air Marshals,*
16 *\$722,000,000.*

17 *UNITED STATES COAST GUARD*

18 *OPERATING EXPENSES*

19 *For necessary expenses for the operation and mainte-*
20 *nance of the United States Coast Guard not otherwise pro-*
21 *vided for; purchase or lease of not to exceed 25 passenger*
22 *motor vehicles, which shall be for replacement only; pay-*
23 *ments pursuant to section 156 of Public Law 97–377 (42*
24 *U.S.C. 402 note; 96 Stat. 1920); and recreation and wel-*
25 *fare; \$5,930,545,000, of which \$340,000,000 shall be for de-*
26 *fense-related activities; of which \$24,500,000 shall be de-*

1 *rived from the Oil Spill Liability Trust Fund to carry out*
2 *the purposes of section 1012(a)(5) of the Oil Pollution Act*
3 *of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed*
4 *\$10,000 shall be for official reception and representation*
5 *expenses: Provided, That none of the funds made available*
6 *by this or any other Act shall be available for administra-*
7 *tive expenses in connection with shipping commissioners in*
8 *the United States: Provided further, That none of the funds*
9 *made available by this Act shall be for expenses incurred*
10 *for yacht documentation under section 12109 of title 46,*
11 *United States Code, except to the extent fees are collected*
12 *from yacht owners and credited to this appropriation.*

13 *ENVIRONMENTAL COMPLIANCE AND RESTORATION*

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

18 *RESERVE TRAINING*

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

23 *ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS*

24 *(INCLUDING RESCISSIONS OF FUNDS)*

25 *For necessary expenses of acquisition, construction,*
26 *renovation, and improvement of aids to navigation, shore*

1 *facilities, vessels, and aircraft, including equipment related*
2 *thereto; and maintenance, rehabilitation, lease and oper-*
3 *ation of facilities and equipment, as authorized by law;*
4 *\$1,048,068,000, of which \$20,000,000 shall be derived from*
5 *the Oil Spill Liability Trust Fund to carry out the purposes*
6 *of section 1012(a)(5) of the Oil Pollution Act of 1990 (33*
7 *U.S.C. 2712(a)(5)); of which \$9,200,000 shall be available*
8 *until September 30, 2012, to acquire, repair, renovate, or*
9 *improve vessels, small boats, and related equipment; of*
10 *which \$173,600,000 shall be available until September 30,*
11 *2010, for other equipment; of which \$37,897,000 shall be*
12 *available until September 30, 2010, for shore facilities and*
13 *aids to navigation facilities; of which \$505,000 shall be*
14 *available for personnel related costs; and of which*
15 *\$770,079,000 shall be available until September 30, 2012,*
16 *for the Integrated Deepwater Systems program: Provided,*
17 *That no funds shall be available for procurements related*
18 *to the acquisition of additional major assets as part of the*
19 *Integrated Deepwater Systems program not already under*
20 *contract until an Alternatives Analysis has been completed*
21 *by an independent qualified third party: Provided further,*
22 *That no funds contained in this Act shall be available for*
23 *procurement of the third National Security Cutter until an*
24 *Alternatives Analysis has been completed by an independent*
25 *qualified third party: Provided further, That the Com-*

1 *mandant of the Coast Guard is authorized to dispose of sur-*
2 *plus real property, by sale or lease, and the proceeds shall*
3 *be credited to this appropriation as offsetting collections*
4 *and shall be available until September 30, 2010: Provided*
5 *further, That of amounts made available under this heading*
6 *in Public Law 109–90, \$48,787,000 for the Offshore Patrol*
7 *Cutter are rescinded: Provided further, That of the amounts*
8 *made available under this heading in Public Law 109–295,*
9 *\$8,000,000 for the Fast Response Cutter (FRC–A) are re-*
10 *scinded: Provided further, That the Secretary shall submit*
11 *an expenditure plan to the Committees on Appropriations*
12 *of the Senate and the House of Representatives within 60*
13 *days after the date of enactment of this Act for funds made*
14 *available for the Integrated Deepwater Program, that: (1)*
15 *defines activities, milestones, yearly costs, and life-cycle*
16 *costs for each procurement of a major asset; (2) identifies*
17 *life-cycle staffing and training needs of Coast Guard project*
18 *managers and of procurement and contract staff; (3) in-*
19 *cludes a certification by the Chief Human Capital Officer*
20 *of the Department that current human capital capabilities*
21 *are sufficient to execute the plans discussed in the report;*
22 *(4) identifies individual project balances by fiscal year, in-*
23 *cluding planned carryover into fiscal year 2009 by project;*
24 *(5) identifies operational gaps for all Deepwater assets and*
25 *an explanation of how funds provided in this Act address*

1 *the shortfalls between current operational capabilities and*
2 *requirements; (6) includes a listing of all open Government*
3 *Accountability Office and Office of Inspector General rec-*
4 *ommendations related to the program and the status of*
5 *Coast Guard actions to address the recommendations, in-*
6 *cluding milestones for fully addressing them; (7) includes*
7 *a certification by the Chief Financial Officer of the Depart-*
8 *ment that the program has been reviewed and approved in*
9 *accordance with the investment management process of the*
10 *Department, and that the process fulfills all capital plan-*
11 *ning and investment control requirements and reviews es-*
12 *tablished by the Office of Management and Budget, includ-*
13 *ing Circular A-11, part 7; (8) identifies competition to be*
14 *conducted in each procurement; (9) includes a certification*
15 *by the head of contracting activity for the Coast Guard and*
16 *the Chief Procurement Officer of the Department that the*
17 *plans for the program comply with the Federal acquisition*
18 *rules, requirements, guidelines, and practices, and a de-*
19 *scription of the actions being taken to address areas of non-*
20 *compliance, the risks associated with them along with plans*
21 *for addressing these risks and the status of their implemen-*
22 *tation; (10) identifies the use of independent validation and*
23 *verification; and (11) is reviewed by the Government Ac-*
24 *countability Office: Provided further, That the Secretary of*
25 *Homeland Security shall submit to the Committees on Ap-*

1 *ropriations of the Senate and the House of Representa-*
2 *tives, in conjunction with the President's fiscal year 2009*
3 *budget, a review of the Revised Deepwater Implementation*
4 *Plan that identifies any changes to the plan for the fiscal*
5 *year; an annual performance comparison of Deepwater as-*
6 *sets to pre-Deepwater legacy assets; a status report of legacy*
7 *assets; a detailed explanation of how the costs of legacy as-*
8 *sets are being accounted for within the Deepwater program;*
9 *and the earned value management system gold card data*
10 *for each Deepwater asset: Provided further, That the Sec-*
11 *retary shall submit to the Committees on Appropriations*
12 *of the Senate and the House of Representatives a com-*
13 *prehensive review of the Revised Deepwater Implementation*
14 *Plan every five years, beginning in fiscal year 2011, that*
15 *includes a complete projection of the acquisition costs and*
16 *schedule for the duration of the plan through fiscal year*
17 *2027: Provided further, That the Secretary shall annually*
18 *submit to the Committees on Appropriations of the Senate*
19 *and the House of Representatives, at the time that the Presi-*
20 *dent's budget is submitted under section 1105(a) of title 31,*
21 *United States Code, a future-years capital investment plan*
22 *for the Coast Guard that identifies for each capital budget*
23 *line item—*

24 (1) *the proposed appropriation included in that*
25 *budget;*

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

3 *For necessary expenses of the United States Secret*
4 *Service, including purchase of not to exceed 645 vehicles*
5 *for police-type use, which shall be for replacement only, and*
6 *hire of passenger motor vehicles; purchase of motorcycles*
7 *made in the United States; hire of aircraft; services of ex-*
8 *pert witnesses at such rates as may be determined by the*
9 *Director of the Secret Service; rental of buildings in the Dis-*
10 *trict of Columbia, and fencing, lighting, guard booths, and*
11 *other facilities on private or other property not in Govern-*
12 *ment ownership or control, as may be necessary to perform*
13 *protective functions; payment of per diem or subsistence al-*
14 *lowances to employees where a protective assignment during*
15 *the actual day or days of the visit of a protectee requires*
16 *an employee to work 16 hours per day or to remain over-*
17 *night at a post of duty; conduct of and participation in*
18 *firearms matches; presentation of awards; travel of Secret*
19 *Service employees on protective missions without regard to*
20 *the limitations on such expenditures in this or any other*
21 *Act if approval is obtained in advance from the Committees*
22 *on Appropriations of the Senate and the House of Rep-*
23 *resentatives; research and development; grants to conduct*
24 *behavioral research in support of protective research and*
25 *operations; and payment in advance for commercial accom-*

1 *modations as may be necessary to perform protective func-*
2 *tions; \$1,392,171,000, of which not to exceed \$25,000 shall*
3 *be for official reception and representation expenses; of*
4 *which not to exceed \$100,000 shall be to provide technical*
5 *assistance and equipment to foreign law enforcement orga-*
6 *nizations in counterfeit investigations; of which \$2,366,000*
7 *shall be for forensic and related support of investigations*
8 *of missing and exploited children; and of which \$6,000,000*
9 *shall be a grant for activities related to the investigations*
10 *of missing and exploited children and shall remain avail-*
11 *able until expended: Provided, That up to \$18,000,000 pro-*
12 *vided for protective travel shall remain available until Sep-*
13 *tember 30, 2009: Provided further, That the United States*
14 *Secret Service is authorized to obligate funds in anticipa-*
15 *tion of reimbursements from Federal agencies and entities,*
16 *as defined in section 105 of title 5, United States Code,*
17 *receiving training sponsored by the James J. Rowley*
18 *Training Center, except that total obligations at the end*
19 *of the fiscal year shall not exceed total budgetary resources*
20 *available under this heading at the end of the fiscal year.*

21 *ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND*

22 *RELATED EXPENSES*

23 *For necessary expenses for acquisition, construction,*
24 *repair, alteration, and improvement of facilities,*
25 *\$3,725,000, to remain available until expended.*

1 *TITLE III*
2 *PROTECTION, PREPAREDNESS, RESPONSE, AND*
3 *RECOVERY*

4 *NATIONAL PROTECTION AND PROGRAMS DIRECTORATE*
5 *MANAGEMENT AND ADMINISTRATION*

6 *For salaries and expenses of the immediate Office of*
7 *the Under Secretary for National Protection and Programs,*
8 *the National Protection Planning Office, support services*
9 *for business operations and information technology, and fa-*
10 *cility costs, \$30,000,000: Provided, That of the amount pro-*
11 *vided, \$15,000,000 shall not be obligated until the Commit-*
12 *tees on Appropriations of the Senate and the House of Rep-*
13 *resentatives receive and approve in full an expenditure plan*
14 *by program, project, and activity; prepared by the Sec-*
15 *retary of Homeland Security that has been reviewed by the*
16 *Government Accountability Office.*

17 *INFRASTRUCTURE PROTECTION AND INFORMATION*
18 *SECURITY*

19 *For necessary expenses for infrastructure protection*
20 *and information security programs and activities, as au-*
21 *thorized by title II of the Homeland Security Act of 2002*
22 *(6 U.S.C. 121 et seq.) or subtitle J of title VIII of the Home-*
23 *land Security Act of 2002, as added by this Act,*
24 *\$527,099,000, of which \$497,099,000 shall remain available*
25 *until September 30, 2009, and of which, \$2,000,000 shall*
26 *be to carry out subtitle J of title VIII of the Homeland Secu-*

1 *urity Act of 2002, as added by this Act: Provided, That*
2 *\$10,043,000 shall be for the Office of Bombing Prevention*
3 *and not more than \$26,100,000 shall be for the Next Gen-*
4 *eration Network.*

5 *UNITED STATES VISITOR AND IMMIGRANT STATUS*

6 *INDICATOR TECHNOLOGY*

7 *For necessary expenses for the development of the*
8 *United States Visitor and Immigrant Status Indicator*
9 *Technology project, as authorized by section 110 of the Ille-*
10 *gal Immigration Reform and Immigrant Responsibility Act*
11 *of 1996 (8 U.S.C. 1365a), \$362,000,000, to remain avail-*
12 *able until expended: Provided, That of the total amount*
13 *made available under this heading, \$100,000,000 may not*
14 *be obligated for the United States Visitor and Immigrant*
15 *Status Indicator Technology project until the Committees*
16 *on Appropriations of the Senate and the House of Rep-*
17 *resentatives receive and approve a plan for expenditure pre-*
18 *pared by the Secretary of Homeland Security that includes:*

19 *(1) a detailed accounting of the program's*
20 *progress to date relative to system capabilities or serv-*
21 *ices, system performance levels, mission benefits and*
22 *outcomes, milestones, cost targets, and program man-*
23 *agement capabilities;*

24 *(2) an explicit plan of action defining how all*
25 *funds are to be obligated to meet future program com-*
26 *mitments, with the planned expenditure of funds*

1 *linked to the milestone-based delivery of specific capa-*
2 *bilities, services, performance levels, mission benefits*
3 *and outcomes, and program management capabilities;*

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

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

18 (5) *a certification by the Chief Information Offi-*
19 *cer of the Department that an independent validation*
20 *and verification agent has and will continue to ac-*
21 *tively review the program;*

22 (6) *a certification by the Chief Information Offi-*
23 *cer of the Department that the system architecture of*
24 *the program is sufficiently aligned with the informa-*
25 *tion systems enterprise architecture of the Department*

1 *to minimize future rework, including a description of*
2 *all aspects of the architectures that were and were not*
3 *assessed in making the alignment determination, the*
4 *date of the alignment determination, any known*
5 *areas of misalignment along with the associated risks*
6 *and corrective actions to address any such areas;*

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

15 *(8) a certification by the Chief Information Offi-*
16 *cer of the Department that the program has a risk*
17 *management process that regularly identifies, evalu-*
18 *ates, mitigates, and monitors risks throughout the sys-*
19 *tem life cycle, and communicates high-risk conditions*
20 *to agency and department heads, as well as a listing*
21 *of all the program's high risks and the status of efforts*
22 *to address them;*

23 *(9) a certification by the Chief Human Capital*
24 *Officer of the Department that the human capital*
25 *needs of the program are being strategically and*

1 *proactively managed, and that current human capital*
2 *capabilities are sufficient to execute the plans dis-*
3 *cussed in the report; and*

4 *(10) which is reviewed by the Government Ac-*
5 *countability Office.*

6 *OFFICE OF HEALTH AFFAIRS*

7 *For the necessary expenses of the Office of Health Af-*
8 *fairs, \$115,000,000; of which \$20,817,000 is for salaries and*
9 *expenses; and of which \$94,183,000 is for biosurveillance,*
10 *biowatch, chemical response, and related activities for the*
11 *Department of Homeland Security, to remain available*
12 *until September 30, 2009: Provided, That not to exceed*
13 *\$3,000 shall be for official reception and representation ex-*
14 *penses.*

15 *FEDERAL EMERGENCY MANAGEMENT AGENCY*

16 *MANAGEMENT AND ADMINISTRATION*

17 *For necessary expenses for management and adminis-*
18 *tration, \$678,600,000, including activities authorized by*
19 *the National Flood Insurance Act of 1968 (42 U.S.C. 4001*
20 *et seq.), the Robert T. Stafford Disaster Relief and Emer-*
21 *gency Assistance Act (42 U.S.C. 5121 et seq.), the Earth-*
22 *quake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et*
23 *seq.), the Defense Production Act of 1950 (50 U.S.C. App.*
24 *2061 et seq.), sections 107 and 303 of the National Security*
25 *Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No.*

1 *3 of 1978 (5 U.S.C. App.), the Homeland Security Act of*
2 *2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emer-*
3 *gency Management Reform Act of 2006 (Public Law 109–*
4 *295; 120 Stat. 1394): Provided, That not to exceed \$3,000*
5 *shall be for official reception and representation expenses:*
6 *Provided further, That \$426,020,000 shall be for Operations*
7 *Activities: Provided further, That \$216,580,000 shall be for*
8 *Management Activities: Provided further, That \$6,000,000*
9 *shall be for the Office of the National Capital Region Co-*
10 *ordination: Provided further, That for purposes of plan-*
11 *ning, coordination, execution, and decisionmaking related*
12 *to mass evacuation during a disaster, the Governors of the*
13 *State of West Virginia and the Commonwealth of Pennsyl-*
14 *vania, or their designees, shall be incorporated into efforts*
15 *to integrate the activities of Federal, State, and local gov-*
16 *ernments in the National Capital Region, as defined in sec-*
17 *tion 882 of Public Law 107–296, the Homeland Security*
18 *Act of 2002: Provided further, That of the total amount*
19 *made available under this heading, \$30,000,000 shall be for*
20 *Urban Search and Rescue Teams, of which not to exceed*
21 *\$1,600,000 may be made available for administrative costs:*
22 *Provided further, That of the total amount made available*
23 *under this heading, \$1,000,000 shall be to develop a web-*
24 *based version of the National Fire Incident Reporting Sys-*
25 *tem that will ensure that fire-related data can be submitted*

1 *and accessed by fire departments in real time: Provided fur-*
2 *ther, That not later than 30 days after the date of enactment*
3 *of this Act, the Administrator of the Federal Emergency*
4 *Management Agency shall, as appropriate, update training*
5 *practices for all customer service employees, employees in*
6 *the Office of General Counsel, and other appropriate em-*
7 *ployees of the Federal Emergency Management Agency re-*
8 *lating to addressing health concerns of recipients of assist-*
9 *ance from the Federal Emergency Management Agency.*

10 *STATE AND LOCAL PROGRAMS*

11 *For grants, contracts, cooperative agreements, and*
12 *other activities, including grants to State and local govern-*
13 *ments for terrorism prevention activities, notwithstanding*
14 *any other provision of law, \$3,130,500,000, which shall be*
15 *allocated as follows:*

16 *(1) \$525,000,000 for formula-based grants and*
17 *\$375,000,000 for law enforcement terrorism preven-*
18 *tion grants, to be allocated in accordance with section*
19 *1014 of the USA PATRIOT ACT (42 U.S.C. 3714):*
20 *Provided, That not to exceed 3 percent of these*
21 *amounts shall be available for program administra-*
22 *tion: Provided further, That the application for*
23 *grants shall be made available to States within 45*
24 *days after the date of enactment of this Act; that*
25 *States shall submit applications within 90 days after*
26 *the grant announcement; and the Federal Emergency*

1 *Management Agency shall act within 90 days after*
2 *receipt of an application: Provided further, That, in*
3 *the event established timeframes detailed in the pre-*
4 *ceding proviso for departmental actions are missed,*
5 *funding for the Immediate Office of the Deputy Sec-*
6 *retary shall be reduced by \$1,000 per day until such*
7 *actions are executed: Provided further, That not less*
8 *than 80 percent of any grant under this paragraph*
9 *to a State shall be made available by the State to*
10 *local governments within 60 days after the receipt of*
11 *the funds; except in the case of Puerto Rico, where not*
12 *less than 50 percent of any grant under this para-*
13 *graph shall be made available to local governments*
14 *within 60 days after the receipt of the funds.*

15 (2) *\$1,836,000,000 for discretionary grants, as*
16 *determined by the Secretary of Homeland Security, of*
17 *which—*

18 (A) *\$820,000,000 shall be for use in high-*
19 *threat, high-density urban areas, of which*
20 *\$20,000,000 shall be available for assistance to*
21 *organizations (as described under section*
22 *501(c)(3) of the Internal Revenue Code of 1986*
23 *and exempt from tax section 501(a) of such code)*
24 *determined by the Secretary to be at high-risk of*
25 *a terrorist attack;*

1 (B) \$50,000,000 shall be for the Regional
2 Catastrophic Preparedness Grants;

3 (C) \$400,000,000 shall be for infrastructure
4 protection grants related to port security pursu-
5 ant to 46 U.S.C. 70107;

6 (D) \$16,000,000 shall be for infrastructure
7 protection grants related to trucking industry se-
8 curity;

9 (E) \$12,000,000 shall be for infrastructure
10 protection grants related to intercity bus secu-
11 rity;

12 (F) \$400,000,000 shall be for infrastructure
13 protection grants related to intercity rail pas-
14 senger transportation (as defined in section
15 24102 of title 49, United States Code), freight
16 rail, and transit security;

17 (G) \$50,000,000 shall be for infrastructure
18 protection grants related to buffer zone protec-
19 tion;

20 (H) \$40,000,000 shall be available for the
21 Commercial Equipment Direct Assistance Pro-
22 gram;

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

25 (J) \$15,000,000 shall be for Citizens Corps:

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

1 *gency Management Agency shall act on such applica-*
2 *tions not later than 60 days after the date on which*
3 *such an application is received: Provided further,*
4 *That, in the event established timeframes detailed in*
5 *the preceding proviso for departmental actions are*
6 *missed, funding for the Immediate Office of the Dep-*
7 *uty Secretary shall be reduced by \$1,000 per day*
8 *until such actions are executed.*

9 *(3) \$294,500,000 for training, exercises, technical*
10 *assistance, and other programs.*

11 *(4) \$100,000,000 for grants under the Interoper-*
12 *able Emergency Communications Grants Program es-*
13 *tablished under title XVIII of the Homeland Security*
14 *Act of 2002: Provided, That the amounts appro-*
15 *priated to the Department of Homeland Security for*
16 *discretionary spending in this Act shall be reduced on*
17 *a pro rata basis by the percentage necessary to reduce*
18 *the overall amount of such spending by \$100,000,000:*
19 *Provided further, That none of the grants provided under*
20 *this heading shall be used for the construction or renovation*
21 *of facilities, except for a minor perimeter security project,*
22 *not to exceed \$1,000,000, as determined necessary by the*
23 *Secretary of Homeland Security: Provided further, That the*
24 *preceding proviso shall not apply to grants under subpara-*
25 *graphs (B), (C), (F), and (G) of paragraph (2) of this head-*

1 *ing: Provided further, That funds appropriated for law en-*
2 *forcement terrorism prevention grants under paragraph (1)*
3 *of this heading and discretionary grants under paragraph*
4 *(2)(A) of this heading shall be available for operational*
5 *costs, to include personnel overtime and overtime associated*
6 *with the Federal Emergency Management Agency certified*
7 *training, as needed: Provided further, That the Government*
8 *Accountability Office shall report on the validity, relevance,*
9 *reliability, timeliness, and availability of the risk factors*
10 *(including threat, vulnerability, and consequence) used by*
11 *the Secretary of Homeland Security and an analysis of the*
12 *Department's policy of ranking States, cities, and other*
13 *grantees by tiered groups, for the purpose of allocating*
14 *grants funded under this heading, and the application of*
15 *those factors in the allocation of funds to the Committees*
16 *on Appropriations of the Senate and the House of Rep-*
17 *resentatives on its findings not later than 45 days after the*
18 *date of enactment of this Act: Provided further, That within*
19 *seven days after the date of enactment of this Act, the Sec-*
20 *retary of Homeland Security shall provide the Government*
21 *Accountability Office with the risk methodology and other*
22 *factors that will be used to allocate grants funded under*
23 *this heading: Provided further, That not later than 15 days*
24 *after the date of enactment of this Act, the Administrator*
25 *of the Federal Emergency Management Agency shall submit*

1 *to the Committee on Appropriations and the Committee on*
2 *Homeland Security and Governmental Affairs of the Senate*
3 *a report detailing the actions taken as of that date, and*
4 *any actions the Administrator will take, regarding the re-*
5 *sponse of the Federal Emergency Management Agency to*
6 *concerns over formaldehyde exposure, which shall include*
7 *a description of any disciplinary or other personnel actions*
8 *taken, a detailed policy for responding to any reports of*
9 *potential health hazards posed by any materials provided*
10 *by the Federal Emergency Management Agency (including*
11 *housing, food, water, or other materials), and a description*
12 *of any additional resources needed to implement such pol-*
13 *icy: Provided further, That the Administrator of the Federal*
14 *Emergency Management Agency, in conjunction with the*
15 *head of the Office of Health Affairs of the Department of*
16 *Homeland Security, the Director of the Centers for Disease*
17 *Control and Prevention, and the Administrator of the Envi-*
18 *ronmental Protection Agency, shall design a program to sci-*
19 *entifically test a representative sample of travel trailers and*
20 *mobile homes provided by the Federal Emergency Manage-*
21 *ment Agency, and surplus travel trailers and mobile homes*
22 *to be sold or transferred by the Federal government on or*
23 *after the date of enactment of this Act, for formaldehyde*
24 *and, not later than 15 days after the date of enactment of*
25 *this Act, submit to the Committee on Appropriations and*

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

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

1 *the Administrator of the Environmental Protection Agency,*
2 *shall submit to the Committee on Appropriations and the*
3 *Committee on Homeland Security and Governmental Af-*
4 *airs of the Senate a report describing the results of the test-*
5 *ing, analyzing such results, providing an assessment of*
6 *whether any health risks are associated with the results and*
7 *the nature of any such health risks, incorporating any addi-*
8 *tional relevant information from the shorter-term testing*
9 *completed under this heading, and detailing the plans and*
10 *recommendations of the Administrator of the Federal Emer-*
11 *gency Management Agency to act on the results of the test-*
12 *ing.*

13 *FIREFIGHTER ASSISTANCE GRANTS*

14 *For necessary expenses for programs authorized by the*
15 *Federal Fire Prevention and Control Act of 1974 (15 U.S.C.*
16 *2201 et seq.), \$700,000,000: Provided, That not to exceed*
17 *five percent of this amount shall be available for program*
18 *administration: Provided further, That funds shall be allo-*
19 *cated as follows: (1) \$560,000,000 shall be available to carry*
20 *out section 33 of that Act (15 U.S.C. 2229), to remain*
21 *available until September 30, 2009; and (2) \$140,000,000*
22 *shall be available to carry out section 34 of that Act (15*
23 *U.S.C. 2229a).*

24 *EMERGENCY MANAGEMENT PERFORMANCE GRANTS*

25 *For necessary expenses for emergency management*
26 *performance grants, as authorized by the National Flood*

1 *Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert*
2 *T. Stafford Disaster Relief and Emergency Assistance Act*
3 *(42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduc-*
4 *tion Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganiza-*
5 *tion Plan No. 3 of 1978 (5 U.S.C. App.), \$300,000,000: Pro-*
6 *vided, That total administrative costs shall not exceed three*
7 *percent of the total appropriation.*

8 *RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM*

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

24 *UNITED STATES FIRE ADMINISTRATION*

25 *For necessary expenses of the United States Fire Ad-*
26 *ministration, as authorized by the Federal Fire Prevention*

1 *and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the*
2 *Homeland Security Act of 2002 (6 U.S.C. 101 et seq.),*
3 *\$43,300,000.*

4 *DISASTER RELIEF*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For necessary expenses in carrying out the Robert T.*
7 *Stafford Disaster Relief and Emergency Assistance Act (42*
8 *U.S.C. 5121 et seq.), \$1,700,000,000, to remain available*
9 *until expended: Provided, That of the total amount pro-*
10 *vided, \$13,500,000 shall be transferred to the Department*
11 *of Homeland Security Office of Inspector General for audits*
12 *and investigations related to disasters, subject to section 503*
13 *of this Act: Provided further, That up to \$48,000,000 and*
14 *250 positions may be transferred to “Management and Ad-*
15 *ministration”, Federal Emergency Management Agency, for*
16 *management and administration functions, subject to sec-*
17 *tion 503 of this Act.*

18 *DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT*

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

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

3 *FLOOD MAP MODERNIZATION FUND*

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

12 *NATIONAL FLOOD INSURANCE FUND*

13 *(INCLUDING TRANSFER OF FUNDS)*

14 *For activities under the National Flood Insurance Act*
15 *of 1968 (42 U.S.C. 4001 et seq.), and the Flood Disaster*
16 *Protection Act of 1973 (42 U.S.C. 4001 et seq.),*
17 *\$145,000,000, which is available as follows: (1) not to ex-*
18 *ceed \$45,642,000 for salaries and expenses associated with*
19 *flood mitigation and flood insurance operations; and (2)*
20 *not to exceed \$99,358,000 for flood hazard mitigation,*
21 *which shall be derived from offsetting collections assessed*
22 *and collected under section 1307 of the National Flood In-*
23 *surance Act of 1968 (42 U.S.C. 4001 et seq.), to remain*
24 *available until September 30, 2009, including up to*
25 *\$34,000,000 for flood mitigation expenses under section*
26 *1366 of that Act, which amount shall be available for trans-*

1 *fer to the National Flood Mitigation Fund until September*
2 *30, 2009: Provided, That in fiscal year 2008, no funds shall*
3 *be available from the National Flood Insurance Fund in*
4 *excess of: (1) \$70,000,000 for operating expenses; (2)*
5 *\$773,772,000 for commissions and taxes of agents; (3) such*
6 *sums as are necessary for interest on Treasury borrowings;*
7 *and (4) \$90,000,000 for flood mitigation actions with re-*
8 *spect to severe repetitive loss properties under section 1361A*
9 *of that Act (42 U.S.C. 4102a) and repetitive insurance*
10 *claims properties under section 1323 of that Act (42 U.S.C.*
11 *4030), which shall remain available until expended: Pro-*
12 *vided further, That total administrative costs shall not ex-*
13 *ceed four percent of the total appropriation.*

14 *NATIONAL FLOOD MITIGATION FUND*
15 *(INCLUDING TRANSFER OF FUNDS)*

16 *Notwithstanding subparagraphs (B) and (C) of sub-*
17 *section (b)(3), and subsection (f), of section 1366 of the Na-*
18 *tional Flood Insurance Act of 1968, \$34,000,000 (42 U.S.C.*
19 *4104c), to remain available until September 30, 2009, for*
20 *activities designed to reduce the risk of flood damage to*
21 *structures pursuant to such Act, of which \$34,000,000 shall*
22 *be derived from the National Flood Insurance Fund.*

23 *NATIONAL PRE-DISASTER MITIGATION FUND*

24 *For a pre-disaster mitigation grant program under*
25 *title II of the Robert T. Stafford Disaster Relief and Emer-*
26 *gency Assistance Act (42 U.S.C. 5131 et seq.), \$120,000,000,*

1 *to remain available until expended: Provided, That grants*
2 *made for pre-disaster mitigation shall be awarded on a*
3 *competitive basis subject to the criteria in section 203(g)*
4 *of such Act (42 U.S.C. 5133(g)): Provided further, That*
5 *total administrative costs shall not exceed three percent of*
6 *the total appropriation.*

7 *EMERGENCY FOOD AND SHELTER*

8 *To carry out an emergency food and shelter program*
9 *pursuant to title III of the McKinney-Vento Homeless As-*
10 *sistance Act (42 U.S.C. 11331 et seq.), \$153,000,000, to re-*
11 *main available until expended: Provided, That total admin-*
12 *istrative costs shall not exceed 3.5 percent of the total appro-*
13 *priation.*

14 *TITLE IV*

15 *RESEARCH AND DEVELOPMENT, TRAINING, AND*
16 *SERVICES*

17 *UNITED STATES CITIZENSHIP AND IMMIGRATION*

18 *SERVICES*

19 *For necessary expenses for citizenship and immigra-*
20 *tion services, \$50,523,000: Provided, That of the total,*
21 *\$20,000,000 provided to address backlogs of security checks*
22 *associated with pending applications and petitions shall*
23 *not be available for obligation until the Secretary of Home-*
24 *land Security and the United States Attorney General sub-*
25 *mit to the Committees on Appropriations of the Senate and*
26 *the House of Representatives a plan to eliminate the backlog*

1 *of security checks that establishes information sharing pro-*
2 *ocols to ensure United States Citizenship and Immigration*
3 *Services has the information it needs to carry out its mis-*
4 *sion.*

5 *FEDERAL LAW ENFORCEMENT TRAINING CENTER*

6 *SALARIES AND EXPENSES*

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

1 agencies; and of which not to exceed \$12,000 shall be for
2 official reception and representation expenses: Provided,
3 That the Center is authorized to obligate funds in anticipa-
4 tion of reimbursements from agencies receiving training
5 sponsored by the Center, except that total obligations at the
6 end of the fiscal year shall not exceed total budgetary re-
7 sources available at the end of the fiscal year: Provided fur-
8 ther, That section 1202(a) of Public Law 107–206 (42
9 U.S.C. 3771 note) as amended by Public Law 109–295 (120
10 Stat. 1374) is further amended by striking “December 31,
11 2007” and inserting “December 31, 2011”.

12 ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND

13 RELATED EXPENSES

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

22 SCIENCE AND TECHNOLOGY

23 MANAGEMENT AND ADMINISTRATION

24 For salaries and expenses of the Office of the Under
25 Secretary for Science and Technology and for management
26 and administration of programs and activities, as author-

1 ized by title III of the Homeland Security Act of 2002 (6
2 U.S.C. 181 et seq.), \$140,632,000: Provided, That not to
3 exceed \$3,000 shall be for official reception and representa-
4 tion expenses.

5 RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

6 For necessary expenses for science and technology re-
7 search, including advanced research projects; development;
8 test and evaluation; acquisition; and operations; as author-
9 ized by title III of the Homeland Security Act of 2002 (6
10 U.S.C. 181 et seq.); \$697,364,000, to remain available until
11 expended; and of which \$103,814,000 shall be for necessary
12 expenses of the field laboratories and assets of the Science
13 and Technology Directorate.

14 DOMESTIC NUCLEAR DETECTION OFFICE

15 MANAGEMENT AND ADMINISTRATION

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

21 RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

22 For necessary expenses for radiological and nuclear re-
23 search, development, testing, evaluation and operations,
24 \$336,000,000, to remain available until expended, of which
25 \$10,000,000 shall be available to support the implementa-

1 *tion of the Securing the Cities initiative at the level re-*
2 *quested in the President's budget.*

3 *SYSTEMS ACQUISITION*

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

18 *TITLE V*

19 *GENERAL PROVISIONS*

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

23 *SEC. 502. None of the funds available in this Act shall*
24 *be available to carry out section 872 of Public Law 107-*
25 *296.*

1 *SEC. 503. (a) None of the funds provided by this Act,*
2 *provided by previous appropriations Acts to the agencies*
3 *in or transferred to the Department of Homeland Security*
4 *that remain available for obligation or expenditure in fiscal*
5 *year 2008, or provided from any accounts in the Treasury*
6 *of the United States derived by the collection of fees avail-*
7 *able to the agencies funded by this Act, shall be available*
8 *for obligation or expenditure through a reprogramming of*
9 *funds that: (1) creates a new program; (2) eliminates a pro-*
10 *gram, project, or activity; (3) increases funds for any pro-*
11 *gram, project, or activity for which funds have been denied*
12 *or restricted by the Congress; (4) proposes to use funds di-*
13 *rected for a specific activity by either of the Committees*
14 *on Appropriations of the Senate or the House of Represent-*
15 *atives for a different purpose; or (5) contracts out any func-*
16 *tion or activity for which funding levels were requested for*
17 *Federal full-time equivalents in the object classification ta-*
18 *bles contained in the fiscal year 2008 Budget Appendix for*
19 *the Department of Homeland Security, as modified by the*
20 *joint explanatory statement accompanying this Act; unless*
21 *the Committees on Appropriations of the Senate and the*
22 *House of Representatives are notified 15 days in advance*
23 *of such reprogramming of funds.*

24 *(b) None of the funds provided by this Act, provided*
25 *by previous appropriations Acts to the agencies in or trans-*

1 *ferred to the Department of Homeland Security that remain*
2 *available for obligation or expenditure in fiscal year 2008,*
3 *or provided from any accounts in the Treasury of the*
4 *United States derived by the collection of fees available to*
5 *the agencies funded by this Act, shall be available for obliga-*
6 *tion or expenditure for programs, projects, or activities*
7 *through a reprogramming of funds in excess of \$5,000,000*
8 *or 10 percent, whichever is less, that: (1) augments existing*
9 *programs, projects, or activities; (2) reduces by 10 percent*
10 *funding for any existing program, project, or activity, or*
11 *numbers of personnel by 10 percent as approved by the Con-*
12 *gress; or (3) results from any general savings from a reduc-*
13 *tion in personnel that would result in a change in existing*
14 *programs, projects, or activities as approved by the Con-*
15 *gress; unless the Committees on Appropriations of the Sen-*
16 *ate and the House of Representatives are notified 15 days*
17 *in advance of such reprogramming of funds.*

18 *(c) Not to exceed 5 percent of any appropriation made*
19 *available for the current fiscal year for the Department of*
20 *Homeland Security by this Act or provided by previous ap-*
21 *propriations Acts may be transferred between such appro-*
22 *priations, but no such appropriations, except as otherwise*
23 *specifically provided, shall be increased by more than 10*
24 *percent by such transfers: Provided, That any transfer*
25 *under this section shall be treated as a reprogramming of*

1 *funds under subsection (b) of this section and shall not be*
2 *available for obligation unless the Committees on Appro-*
3 *priations of the Senate and the House of Representatives*
4 *are notified 15 days in advance of such transfer.*

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

10 *SEC. 504. None of the funds appropriated or otherwise*
11 *made available to the Department of Homeland Security*
12 *may be used to make payments to the “Department of*
13 *Homeland Security Working Capital Fund”, except for the*
14 *activities and amounts allowed in the President’s fiscal*
15 *year 2008 budget, excluding sedan service, shuttle service,*
16 *transit subsidy, mail operations, parking, and competitive*
17 *sourcing: Provided, That any additional activities and*
18 *amounts shall be approved by the Committees on Appro-*
19 *priations of the Senate and the House of Representatives*
20 *30 days in advance of obligation.*

21 *SEC. 505. Except as otherwise specifically provided by*
22 *law, not to exceed 50 percent of unobligated balances re-*
23 *maining available at the end of fiscal year 2008 from ap-*
24 *propriations for salaries and expenses for fiscal year 2008*
25 *in this Act shall remain available through September 30,*

1 2009, in the account and for the purposes for which the
2 appropriations were provided: Provided, That prior to the
3 obligation of such funds, a request shall be submitted to the
4 Committees on Appropriations of the Senate and the House
5 of Representatives for approval in accordance with section
6 503 of this Act.

7 *SEC. 506. Funds made available by this Act for intel-*
8 *ligence activities are deemed to be specifically authorized*
9 *by the Congress for purposes of section 504 of the National*
10 *Security Act of 1947 (50 U.S.C. 414) during fiscal year*
11 *2008 until the enactment of an Act authorizing intelligence*
12 *activities for fiscal year 2008.*

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

21 *SEC. 508. None of the funds in this Act may be used*
22 *to make a grant allocation, discretionary grant award, dis-*
23 *cretionary contract award, or to issue a letter of intent to-*
24 *taling in excess of \$1,000,000, or to announce publicly the*
25 *intention to make such an award, unless the Secretary of*

1 *Homeland Security notifies the Committees on Appropria-*
2 *tions of the Senate and the House of Representatives at least*
3 *three full business days in advance: Provided, That no noti-*
4 *fication shall involve funds that are not available for obliga-*
5 *tion: Provided further, That the notification shall include*
6 *the amount of the award, the fiscal year in which the funds*
7 *for the award were appropriated, and the account for which*
8 *the funds are being drawn from: Provided further, That the*
9 *Federal Emergency Management Agency shall brief the*
10 *Committees on Appropriations of the Senate and the House*
11 *of Representatives five full business days in advance of an-*
12 *nouncing publicly the intention of making an award of for-*
13 *mula-based grants; law enforcement terrorism prevention*
14 *grants; high-threat, high-density urban areas grants; or re-*
15 *gional catastrophic preparedness grants.*

16 *SEC. 509. Notwithstanding any other provision of law,*
17 *no agency shall purchase, construct, or lease any additional*
18 *facilities, except within or contiguous to existing locations,*
19 *to be used for the purpose of conducting Federal law enforce-*
20 *ment training without the advance approval of the Commit-*
21 *tees on Appropriations of the Senate and the House of Rep-*
22 *resentatives, except that the Federal Law Enforcement*
23 *Training Center is authorized to obtain the temporary use*
24 *of additional facilities by lease, contract, or other agreement*

1 *for training which cannot be accommodated in existing*
2 *Center facilities.*

3 *SEC. 510. The Director of the Federal Law Enforce-*
4 *ment Training Center shall schedule basic and/or advanced*
5 *law enforcement training at all four training facilities*
6 *under the control of the Federal Law Enforcement Training*
7 *Center to ensure that these training centers are operated*
8 *at the highest capacity throughout the fiscal year.*

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

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

20 *SEC. 513. (a) None of the funds provided by this or*
21 *previous appropriations Acts may be obligated for deploy-*
22 *ment or implementation, on other than a test basis, of the*
23 *Secure Flight program or any other follow on or successor*
24 *passenger prescreening program, until the Secretary of*
25 *Homeland Security certifies, and the Government Account-*

1 ability Office reports, to the Committees on Appropriations
2 of the Senate and the House of Representatives, that all ten
3 of the conditions contained in paragraphs (1) through (10)
4 of section 522(a) of Public Law 108–334 (118 Stat. 1319)
5 have been successfully met.

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

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

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

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

5 (f) None of the funds provided in this or previous ap-
6 propriations Acts may be utilized for data or a database
7 that is obtained from or remains under the control of a non-
8 Federal entity: Provided, That this restriction shall not
9 apply to Passenger Name Record data obtained from air
10 carriers.

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

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

24 SEC. 516. (a) None of the funds appropriated to the
25 United States Secret Service by this Act or by previous ap-

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

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

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

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

1 (c) *The Transportation Security Administration shall*
2 *report air cargo inspection statistics quarterly to the Com-*
3 *mittees on Appropriations of the Senate and the House of*
4 *Representatives, by airport and air carrier, within 45 days*
5 *after the end of the quarter including any reason for non-*
6 *compliance with the second proviso of section 513 of the*
7 *Department of Homeland Security Appropriations Act,*
8 *2005 (Public Law 108–334, 118 Stat. 1317).*

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

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

20 *SEC. 520. Except as provided in section 44945 of title*
21 *49, United States Code, funds appropriated or transferred*
22 *to Transportation Security Administration “Aviation Se-*
23 *curity”, “Administration” and “Transportation Security*
24 *Support” in fiscal years 2004, 2005, 2006, and 2007 that*
25 *are recovered or deobligated shall be available only for pro-*

1 *curement and installation of explosive detection systems for*
2 *air cargo, baggage, and checkpoint screening systems, sub-*
3 *ject to notification.*

4 *SEC. 521. Section 525(d) of the Department of Home-*
5 *land Security Appropriations Act, 2007 (Public Law 109-*
6 *295; 120 Stat. 1382) shall apply to fiscal year 2008.*

7 *(RESCISSION OF FUNDS)*

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

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

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

1 *SEC. 525. (a) The Federal Emergency Management*
2 *Agency (FEMA) shall submit a quarterly report to the*
3 *Committees on Appropriations of the Senate and the House*
4 *of Representatives detailing the allocation and obligation*
5 *of funds for “Disaster Relief” to include:*

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

9 *(2) allocations, obligations, and expenditures for*
10 *all open disasters;*

11 *(3) information on national flood insurance*
12 *claims;*

13 *(4) obligations, allocations and expenditures by*
14 *State for unemployment, crisis counseling, inspec-*
15 *tions, housing assistance, manufactured housing, pub-*
16 *lic assistance and individual assistance;*

17 *(5) mission assignment obligations by agency,*
18 *including:*

19 *(A) the amounts reimbursed to other agen-*
20 *cies that are in suspense because FEMA has not*
21 *yet reviewed and approved the documentation*
22 *supporting the expenditure; and*

23 *(B) a disclaimer if the amounts of reported*
24 *obligations and expenditures do not reflect the*

1 *status of such obligations and expenditures from*
2 *a government-wide perspective;*

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

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

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

11 *(9) an estimate of when available appropriations*
12 *will be exhausted, assuming an average disaster sea-*
13 *son.*

14 *(b) The Secretary of Homeland Security shall at least*
15 *quarterly obtain from agencies performing mission assign-*
16 *ments each such agency's actual obligation and expenditure*
17 *data and report to the Committees on Appropriations of*
18 *the Senate and the House of Representatives.*

19 *(c) For any request for reimbursement from a Federal*
20 *agency to the Department of Homeland Security to cover*
21 *expenditures under the Stafford Act (42 U.S.C. 5121 et*
22 *seq.), or any mission assignment orders issued by the De-*
23 *partment of Homeland Security for such purposes, the Sec-*
24 *retary of Homeland Security shall take appropriate steps*

1 *to ensure that each agency is periodically reminded of De-*
2 *partment of Homeland Security policies on—*

3 (1) *the detailed information required in sup-*
4 *porting documentation for reimbursements, and*

5 (2) *the necessity for timeliness of agency billings.*

6 (d) *Notwithstanding section 404 of the Robert T. Staf-*
7 *ford Disaster Relief and Emergency Assistance Act (42*
8 *U.S.C. 5170c), projects relating to Hurricanes Katrina and*
9 *Rita for which the non-Federal share of assistance under*
10 *that section is funded by amounts appropriated to the Com-*
11 *munity Development Fund under chapter 9 of title I of di-*
12 *vision B of the Department of Defense, Emergency Supple-*
13 *mental Appropriations to Address Hurricanes in the Gulf*
14 *of Mexico, and Pandemic Influenza Act, 2006 (Public Law*
15 *109–148; 119 Stat. 2779) or chapter 9 of title II of the*
16 *Emergency Supplemental Appropriations Act for Defense,*
17 *the Global War on Terror, and Hurricane Recovery, 2006*
18 *(Public Law 109–234; 120 Stat. 472) shall not be subject*
19 *to any precertification requirements.*

20 SEC. 526. *Within 45 days after the close of each month,*
21 *the Chief Financial Officer of the Department of Homeland*
22 *Security shall submit to the Committees on Appropriations*
23 *of the Senate and the House of Representatives a monthly*
24 *budget and staffing report that includes total obligations,*

1 *on-board versus funded full-time equivalent staffing levels,*
2 *and the number of contract employees by office.*

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

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

9 *SEC. 529. None of the funds provided in this Act may*
10 *be used to alter or reduce operations within the Civil Engi-*
11 *neering Program of the Coast Guard nationwide, including*
12 *the civil engineering units, facilities, design, and construc-*
13 *tion centers, maintenance and logistics command centers,*
14 *and the Coast Guard Academy, except as specifically au-*
15 *thorized by a statute enacted after the date of enactment*
16 *of this Act.*

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

1 *inserting “Such plan may not be implemented earlier than*
2 *the date that is the later of 3 months after the Secretary*
3 *of State and the Secretary of Homeland Security make the*
4 *certification required in subparagraph (B) or June 1,*
5 *2009.”.*

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

9 *“(h) This section shall not preclude or deny any right*
10 *of any State or political subdivision thereof to adopt or en-*
11 *force any regulation, requirement, or standard of perform-*
12 *ance with respect to chemical facility security that is more*
13 *stringent than a regulation, requirement, or standard of*
14 *performance issued under this section, or otherwise impair*
15 *any right or jurisdiction of any State with respect to chem-*
16 *ical facilities within that State, unless there is an actual*
17 *conflict between this section and the law of that State.”.*

18 *SEC. 532. None of the funds provided in this Act under*
19 *the heading “Office of the Chief Information Officer” shall*
20 *be used for data center development other than for the Na-*
21 *tional Center for Critical Information Processing and Stor-*
22 *age until the Chief Information Officer certifies that the Na-*
23 *tional Center for Critical Information Processing and Stor-*
24 *age is fully utilized as the Department’s primary data stor-*
25 *age center at the highest capacity throughout the fiscal year.*

1 *SEC. 533. None of the funds in this Act shall be used*
2 *to reduce the United States Coast Guard's Operations Sys-*
3 *tems Center mission or its government-employed or contract*
4 *staff levels.*

5 *SEC. 534. (a) Notwithstanding section 503 of this Act,*
6 *up to \$25,000,000 from prior year balances currently avail-*
7 *able to the Transportation Security Administration may*
8 *be transferred to "Transportation Threat Assessment and*
9 *Credentialing" for the Secure Flight program.*

10 *(b) In carrying out the transfer authority under sub-*
11 *section (a), the Transportation Security Administration*
12 *shall not utilize any prior year balances from the following*
13 *programs: screener partnership program; explosive detec-*
14 *tion system purchase; explosive detection system installa-*
15 *tion; checkpoint support; aviation regulation and other en-*
16 *forcement; air cargo; and air cargo research and develop-*
17 *ment: Provided, That any funds proposed to be transferred*
18 *under this section shall not be available for obligation until*
19 *the Committees on Appropriations of the Senate and the*
20 *House of Representatives receive and approve a plan for*
21 *expenditure for such funds that is submitted by the Sec-*
22 *retary of Homeland Security: Provided further, That the*
23 *plan shall be submitted simultaneously to the Government*
24 *Accountability Office for review consistent with its ongoing*

1 *assessment of the Secure Flight Program as mandated by*
2 *section 522(a) of Public Law 108–334 (118 Stat. 1319).*

3 *SEC. 535. DISASTER ASSISTANCE FOR SCHOOLS. (a)*

4 *DEFINITIONS.—In this section—*

5 *(1) the term “Administrator” means the Admin-*
6 *istrator of the Federal Emergency Management Agen-*
7 *cy;*

8 *(2) the term “covered assistance” means*
9 *assistance—*

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

13 *(B) to be used to—*

14 *(i) repair, restore, reconstruct, or re-*
15 *place school facilities; or*

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

17 *and*

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

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

24 *(b) ASSISTANCE TO SCHOOLS.—*

1 (1) *IN GENERAL.*—A local educational agency
2 that has applied for covered assistance before the date
3 of enactment of this Act may request that such assist-
4 ance (including any eligible costs discovered after the
5 date of the estimate of eligible costs under section
6 406(e)(1)(A) of the Robert T. Stafford Disaster Relief
7 and Emergency Assistance Act (42 U.S.C.
8 5172(e)(1)(A)) and any cost that was determined to
9 be an eligible cost after an appeal or review) be pro-
10 vided in a single payment.

11 (2) *DISBURSEMENT OF ASSISTANCE.*—Not later
12 than 30 days after the date that a local educational
13 agency makes a request under paragraph (1), the Ad-
14 ministrator shall provide in a single payment any
15 covered assistance for any eligible cost that was ap-
16 proved by the Administrator on or before the date of
17 that request.

18 (3) *FLOOD INSURANCE REDUCTION.*—For any
19 covered assistance provided under paragraph (2), the
20 Administrator shall make not more than 1 reduction
21 under section 406(d) of the Robert T. Stafford Dis-
22 aster Relief and Emergency Assistance Act (42 U.S.C.
23 5172(d)) in the amount of assistance provided.

24 (c) *ALTERNATE USE.*—For any covered assistance pro-
25 vided under subsection (b)(2), the amount of that assistance

1 *shall not be reduced under section 406(c)(1) of the Robert*
2 *T. Stafford Disaster Relief and Emergency Assistance Act*
3 *(42 U.S.C. 5172(c)(1)).*

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

7 *SEC. 536. TECHNICAL CORRECTIONS. (a) IN GEN-*
8 *ERAL.*—

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

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

“555. Border tunnels and passages.”.

20 (b) *CRIMINAL FORFEITURE.*—*Section 982(a)(6) of title*
21 *18, United States Code, is amended by striking “554” and*
22 *inserting “555”.*

23 (c) *DIRECTIVE TO THE UNITED STATES SENTENCING*
24 *COMMISSION.*—*Section 551(d) of the Department of Home-*
25 *land Security Appropriations Act, 2007 (Public Law 109–*

1 295; 120 Stat. 1390) is amended in paragraphs (1) and
2 (2)(A) by striking “554” and inserting “555”.

3 SEC. 537. SEXUAL ABUSE. Sections 2241, 2242, 2243,
4 and 2244 of title 18, United States Code, are each amended
5 by striking “the Attorney General” each place that term ap-
6 pears and inserting “the head of any Federal department
7 or agency”.

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

10 (1) ARUNDO DONAX.—The term “Arundo donax”
11 means a tall perennial reed commonly known as
12 “Carrizo cane”, “Spanish cane”, “wild cane”, and
13 “giant cane”.

14 (2) PLAN.—The term “plan” means the plan for
15 the control and management of Arundo donax devel-
16 oped under subsection (b).

17 (3) RIVER.—The term “River” means the Rio
18 Grande River.

19 (4) SECRETARY.—The term “Secretary” means
20 the Secretary of Homeland Security.

21 (b) DEVELOPMENT OF PLAN.—

22 (1) IN GENERAL.—The Secretary shall develop a
23 plan for the control and management of Arundo
24 donax along the portion of the River that serves as the

1 *international border between the United States and*
2 *Mexico.*

3 (2) *COMPONENTS.—In developing the plan, the*
4 *Secretary shall address—*

5 (A) *information derived by the Secretary of*
6 *Agriculture and the Secretary of the Interior*
7 *from ongoing efforts to identify the most effective*
8 *biological, mechanical, and chemical means of*
9 *controlling and managing *Arundo donax*;*

10 (B) *past and current efforts to*
11 *understand—*

12 (i) *the ecological damages caused by*
13 **Arundo donax*; and*

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

16 (C) *any international agreements and trea-*
17 *ties that need to be completed to allow for the*
18 *control and management of *Arundo donax* on*
19 *both sides of the River;*

20 (D) *the long-term efforts that the Secretary*
21 *considers to be necessary to control and manage*
22 **Arundo donax*, including the cost estimates for*
23 *the implementation of the efforts; and*

1 (E) whether a waiver of applicable Federal
2 environmental laws (including regulations) is
3 necessary.

4 (3) CONSULTATION.—The Secretary shall develop
5 the plan in consultation with the Secretary of Agri-
6 culture, the Secretary of the Interior, the Secretary of
7 State, the Chief of Engineers, and any other Federal
8 and State agencies that have appropriate expertise re-
9 garding the control and management of *Arundo*
10 *donax*.

11 (c) REPORT.—Not later than 90 days after the date
12 of enactment of this Act, the Secretary shall submit the plan
13 to—

14 (1) the Committees on the Judiciary of the Sen-
15 ate and the House of Representatives; and

16 (2) the Committees on Appropriations of the
17 Senate and the House of Representatives.

18 SEC. 539. REPORTING OF WASTE, FRAUD, AND ABUSE.
19 Not later than 30 days after the date of enactment of this
20 Act—

21 (1) the Secretary of Homeland Security shall es-
22 tablish and maintain on the homepage of the website
23 of the Department of Homeland Security, a direct
24 link to the website of the Office of Inspector General
25 of the Department of Homeland Security; and

1 (2) *the Inspector General of the Department of*
2 *Homeland Security shall establish and maintain on*
3 *the homepage of the website of the Office of Inspector*
4 *General a direct link for individuals to anonymously*
5 *report waste, fraud, or abuse.*

6 *SEC. 540. The Secretary of Homeland Security shall*
7 *require that all contracts of the Department of Homeland*
8 *Security that provide award fees link such fees to successful*
9 *acquisition outcomes (which outcomes shall be specified in*
10 *terms of cost, schedule, and performance).*

11 *SEC. 541. None of the funds made available to the Of-*
12 *fice of the Secretary and Executive Management under this*
13 *Act may be expended for any new hires by the Department*
14 *of Homeland Security that are not verified through the*
15 *basic pilot program required under section 401 of the Illegal*
16 *Immigration Reform and Immigrant Responsibility Act of*
17 *1996 (8 U.S.C. 1324a note).*

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

23 *(1) such individual is not in the business of im-*
24 *porting a prescription drug (within the meaning of*

1 *section 801(g) of the Federal Food, Drug, and Cos-*
2 *metic Act (21 U.S.C. 381(g)); and*

3 *(2) such drug—*

4 *(A) complies with sections 501, 502, and*
5 *505 of the Federal Food, Drug, and Cosmetic Act*
6 *(21 U.S.C. 351, 352, and 355); and*

7 *(B) is not—*

8 *(i) a controlled substance, as defined in*
9 *section 102 of the Controlled Substances Act*
10 *(21 U.S.C. 802); or*

11 *(ii) a biological product, as defined in*
12 *section 351 of the Public Health Service Act*
13 *(42 U.S.C. 262).*

14 *SEC. 543. PROHIBITION ON USE OF FUNDS FOR RULE-*
15 *MAKING RELATED TO PETITIONS FOR ALIENS. None of the*
16 *funds made available in this Act may be used by the Sec-*
17 *retary of Homeland Security or any delegate of the Sec-*
18 *retary to issue any rule or regulation which implements*
19 *the Notice of Proposed Rulemaking related to Petitions for*
20 *Aliens To Perform Temporary Nonagricultural Services or*
21 *Labor (H-2B) set out beginning on 70 Federal Register*
22 *3984 (January 27, 2005).*

23 *SEC. 544. None of the funds appropriated or otherwise*
24 *made available by this Act may be obligated or expended*
25 *by the Secretary of Homeland Security to remove offenses*

1 *from the list of criminal offenses disqualifying individuals*
2 *from receiving a Transportation Worker Identification Cre-*
3 *dential under section 1572.103 of title 49, Code of Federal*
4 *Regulations.*

5 *SEC. 545. (a)(1)(A) None of the funds appropriated*
6 *or otherwise made available by this Act may be used to*
7 *make any payment in connection with a contract awarded*
8 *through a congressional initiative unless the contract is*
9 *awarded using competitive procedures in accordance with*
10 *the requirements of section 303 of the Federal Property and*
11 *Administrative Services Act of 1949 (41 U.S.C. 253), sec-*
12 *tion 2304 of title 10, United States Code, and the Federal*
13 *Acquisition Regulation.*

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

19 *(2) Notwithstanding any other provision of this Act,*
20 *none of the funds appropriated or otherwise made available*
21 *by this Act may be awarded by grant or cooperative agree-*
22 *ment through a congressional initiative unless the process*
23 *used to award such grant or cooperative agreement uses*
24 *competitive procedures to select the grantee or award recipi-*
25 *ent. Except as provided in paragraph (3), no such grant*

1 *may be awarded unless applications for such grant or coop-*
2 *erative agreement are received from two or more applicants*
3 *that are not from the same organization and do not share*
4 *any financial, fiduciary, or other organizational relation-*
5 *ship.*

6 (3)(A) *If the Secretary of Homeland Security does not*
7 *receive more than one bid for a contract under paragraph*
8 *(1)(B) or does not receive more than one application from*
9 *unaffiliated applicants for a grant or cooperative agreement*
10 *under paragraph (2), the Secretary may waive such bid or*
11 *application requirement if the Secretary determines that*
12 *the contract, grant, or cooperative agreement is essential to*
13 *the mission of the Department of Homeland Security.*

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

18 (2) *The report submitted under paragraph (1) shall*
19 *include with respect to each contract and grant awarded*
20 *through a congressional initiative—*

21 (A) *the name of the recipient of the funds award-*
22 *ed through such contract or grant;*

23 (B) *the reason or reasons such recipient was se-*
24 *lected for such contract or grant; and*

1 (C) *the number of entities that competed for such*
2 *contract or grant.*

3 (3) *The report submitted under paragraph (1) shall*
4 *be made publicly available through the Internet website of*
5 *the Department of Homeland Security.*

6 (c) *In this section:*

7 (1) *The term “congressional initiative” means a*
8 *provision of law or a directive contained within a*
9 *committee report or joint statement of managers of an*
10 *appropriations Act that specifies—*

11 (A) *the identity of a person or entity se-*
12 *lected to carry out a project, including a defense*
13 *system, for which funds are appropriated or oth-*
14 *erwise made available by that provision of law*
15 *or directive and that was not requested by the*
16 *President in a budget submitted to Congress; and*

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

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

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

24 (a) *OPERATIONAL CONTROL OF THE UNITED STATES BOR-*

1 *DEFS.—The President shall ensure that operational control*
2 *of all international land and maritime borders is achieved.*

3 **(b) ACHIEVING OPERATIONAL CONTROL.—***The Sec-*
4 *retary of Homeland Security shall establish and dem-*
5 *onstrate operational control of 100 percent of the inter-*
6 *national land and maritime borders of the United States,*
7 *including the ability to monitor such borders through avail-*
8 *able methods and technology.*

9 **(1) STAFF ENHANCEMENTS FOR BORDER PA-**
10 *TROL.—The United States Customs and Border Pro-*
11 *tection Border Patrol may hire, train, and report for*
12 *duty additional full-time agents. These additional*
13 *agents shall be deployed along all international bor-*
14 *ders.*

15 **(2) STRONG BORDER BARRIERS.—***The United*
16 *States Customs and Border Protection Border Patrol*
17 *may:*

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

20 **(B)** *Install along all international borders*
21 *of the United States ground-based radar and*
22 *cameras; and*

23 **(C)** *Deploy for use along all international*
24 *borders of the United States unmanned aerial ve-*

1 *hicles, and the supporting systems for such vehi-*
2 *cles;*

3 *(c) PRESIDENTIAL PROGRESS REPORT.—*

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

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

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

22 *SEC. 547. IMPROVEMENTS TO THE EMPLOYMENT ELI-*
23 *GIBILITY VERIFICATION BASIC PILOT PROGRAM. Of the*
24 *amounts appropriated for border security and employment*

1 *verification improvements under section 1003 of Division*
2 *B, \$60,000,000 shall be made available to—*

3 (1) *ensure that State and local programs have*
4 *sufficient access to, and are sufficiently coordinated*
5 *with, the Federal Government’s Employment Eligi-*
6 *bility Verification System;*

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

9 (A) *register employers in States with em-*
10 *ployer verification requirements;*

11 (B) *respond to inquiries by employers; and*

12 (C) *enter into memoranda of understanding*
13 *with States to ensure responses to subparagraphs*
14 *(A) and (B); and*

15 (3) *develop policies and procedures to ensure*
16 *protection of the privacy and security of personally*
17 *identifiable information and identifiers contained in*
18 *the basic pilot program, including appropriate pri-*
19 *vacancy and security training for State employees;*

20 (4) *ensure that the Office for Civil Rights and*
21 *Civil Liberties of the Department of Justice has suffi-*
22 *cient capacity to conduct audits of the Federal Gov-*
23 *ernment’s Employment Eligibility Verification Sys-*
24 *tem to assess employer compliance with System re-*

1 *quirements, including the applicable Memorandum of*
2 *Understanding;*

3 *(5) these amounts are designated as an emer-*
4 *gency requirement pursuant to section 204 of S. Con.*
5 *Res. 21 (110th Congress).*

6 *SEC. 548. IN-LIEU CONTRIBUTION. The Administrator*
7 *of the Federal Emergency Management Agency shall au-*
8 *thorize a large in-lieu contribution under section 406(c)(1)*
9 *of the Robert T. Stafford Disaster Relief and Emergency*
10 *Assistance Act (42 U.S.C. 5172(c)(1)) to the Peebles School*
11 *in Iberia Parish, Louisiana for damages relating to Hurri-*
12 *cane Katrina of 2005 or Hurricane Rita of 2005, notwith-*
13 *standing section 406(c)(1)(C) of the Robert T. Stafford Dis-*
14 *aster Relief and Emergency Assistance Act (42 U.S.C.*
15 *5172(c)(1)(C)).*

16 *SEC. 549. NATIONAL STRATEGY ON CLOSED CIRCUIT*
17 *TELEVISION SYSTEMS. (a) IN GENERAL.—Not later than*
18 *1 year after the date of the enactment of this Act, the Sec-*
19 *retary of Homeland Security shall—*

20 *(1) develop a national strategy for the effective*
21 *and appropriate use of closed circuit television to pre-*
22 *vent and respond to acts of terrorism, which shall*
23 *include—*

24 *(A) an assessment of how closed circuit tele-*
25 *vision and other public surveillance systems can*

1 *be used most effectively as part of an overall ter-*
2 *rorism preparedness, prevention, and response*
3 *program, and its appropriate role in such a pro-*
4 *gram;*

5 *(B) a comprehensive examination of the ad-*
6 *vantages and limitations of closed circuit tele-*
7 *vision and, as appropriate, other public surveil-*
8 *lance technologies;*

9 *(C) best practices on camera use and data*
10 *storage;*

11 *(D) plans for coordination between the Fed-*
12 *eral Government and State and local govern-*
13 *ments, and the private sector—*

14 *(i) in the development and use of closed*
15 *circuit television systems; and*

16 *(ii) for Federal assistance and support*
17 *for State and local utilization of such sys-*
18 *tems;*

19 *(E) plans for pilot programs or other means*
20 *of determining the real-world efficacy and limi-*
21 *tations of closed circuit televisions systems;*

22 *(F) an assessment of privacy and civil lib-*
23 *erties concerns raised by use of closed circuit tel-*
24 *evision and other public surveillance systems,*
25 *and guidelines to address such concerns; and*

1 (G) *an assessment of whether and how*
2 *closed circuit television systems and other public*
3 *surveillance systems are effectively utilized by*
4 *other democratic countries in combating ter-*
5 *rorism; and*

6 (2) *provide to the Committees on Homeland Se-*
7 *curity and Governmental Affairs, Appropriations,*
8 *and the Judiciary of the Senate and the Committees*
9 *on Homeland Security, Appropriations, and the Ju-*
10 *diciary of the House of Representatives a report that*
11 *includes—*

12 (A) *the strategy required under paragraph*
13 (1);

14 (B) *the status and findings of any pilot*
15 *program involving closed circuit televisions or*
16 *other public surveillance systems conducted by,*
17 *in coordination with, or with the assistance of*
18 *the Department of Homeland Security up to the*
19 *time of the report; and*

20 (C) *the annual amount of funds used by the*
21 *Department of Homeland Security, either di-*
22 *rectly by the Department or through grants to*
23 *State, local, or tribal governments, to support*
24 *closed circuit television and the public surveil-*

1 *lance systems of the Department, since fiscal*
2 *year 2004.*

3 *(b) CONSULTATION.—In preparing the strategy and*
4 *report required under subsection (a), the Secretary of*
5 *Homeland Security shall consult with the Attorney General,*
6 *the Chief Privacy Officer of the Department of Homeland*
7 *Security, and the Officer for Civil Rights and Civil Lib-*
8 *erties of the Department of Homeland Security.*

9 *SEC. 550. SECURE HANDLING OF AMMONIUM NI-*
10 *TRATE.—(a) IN GENERAL.—Title VIII of the Homeland Se-*
11 *curity Act of 2002 (6 U.S.C. 361 et seq.) is amended by*
12 *adding at the end the following:*

13 **“Subtitle J—Secure Handling of**
14 **Ammonium Nitrate**

15 **“SEC. 899A. DEFINITIONS.**

16 *“In this subtitle:*

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

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

22 *“(B) any mixture containing a percentage*
23 *of ammonium nitrate that is equal to or greater*
24 *than the percentage determined by the Secretary*
25 *under section 899B(b).*

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

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

5 “(B) *registers under subparagraph (A) is*
6 *issued a registration number for purposes of this*
7 *subtitle.*

8 “(2) *REGISTRATION INFORMATION.*—*Any person*
9 *applying to register under paragraph (1) shall submit*
10 *to the Secretary—*

11 “(A) *the name, address, and telephone num-*
12 *ber of each ammonium nitrate facility owned by*
13 *that person;*

14 “(B) *the name of the person designated by*
15 *that person as the point of contact for each such*
16 *facility, for purposes of this subtitle; and*

17 “(C) *such other information as the Sec-*
18 *retary may determine is appropriate.*

19 “(d) *REGISTRATION OF AMMONIUM NITRATE PUR-*
20 *CHASERS.*—

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

23 “(A) *intends to be an ammonium nitrate*
24 *purchaser is required to register with the De-*
25 *partment; and*

1 “(B) registers under subparagraph (A) is
2 issued a registration number for purposes of this
3 subtitle.

4 “(2) *REGISTRATION INFORMATION.*—Any person
5 applying to register under paragraph (1) as an am-
6 monium nitrate purchaser shall submit to the
7 Secretary—

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

10 “(B) the intended use of ammonium nitrate
11 to be purchased by the applicant.

12 “(e) *RECORDS.*—

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

15 “(A) maintain a record of each sale or
16 transfer of ammonium nitrate, during the two-
17 year period beginning on the date of that sale or
18 transfer; and

19 “(B) include in such record the information
20 described in paragraph (2).

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

24 “(A) record the name, address, telephone
25 number, and registration number issued under

1 *subsection (c) or (d) of each person that takes*
2 *possession of ammonium nitrate, in a manner*
3 *prescribed by the Secretary;*

4 *“(B) if applicable, record the name, address,*
5 *and telephone number of each individual who*
6 *takes possession of the ammonium nitrate on be-*
7 *half of the person described in subparagraph (A),*
8 *at the point of sale;*

9 *“(C) record the date and quantity of ammo-*
10 *nium nitrate sold or transferred; and*

11 *“(D) verify the identity of the persons de-*
12 *scribed in subparagraphs (A) and (B), as appli-*
13 *cable, in accordance with a procedure established*
14 *by the Secretary.*

15 *“(3) PROTECTION OF INFORMATION.—In main-*
16 *taining records in accordance with paragraph (1), the*
17 *owner of an ammonium nitrate facility shall take*
18 *reasonable actions to ensure the protection of the in-*
19 *formation included in such records.*

20 *“(f) EXEMPTION FOR EXPLOSIVE PURPOSES.—The*
21 *Secretary may exempt from this subtitle a person pro-*
22 *ducing, selling, or purchasing ammonium nitrate exclu-*
23 *sively for use in the production of an explosive under a li-*
24 *cense issued under chapter 40 of title 18, United States*
25 *Code.*

1 “(g) *CONSULTATION.*—*In carrying out this section, the*
2 *Secretary shall consult with the Secretary of Agriculture,*
3 *States, and appropriate private sector entities, to ensure*
4 *that the access of agricultural producers to ammonium ni-*
5 *trate is not unduly burdened.*

6 “(h) *DATA CONFIDENTIALITY.*—

7 “(1) *IN GENERAL.*—*Notwithstanding section 552*
8 *of title 5, United States Code, or the USA PATRIOT*
9 *ACT (Public Law 107–56; 115 Stat. 272), and except*
10 *as provided in paragraph (2), the Secretary may not*
11 *disclose to any person any information obtained*
12 *under this subtitle.*

13 “(2) *EXCEPTION.*—*The Secretary may disclose*
14 *any information obtained by the Secretary under this*
15 *subtitle to—*

16 “(A) *an officer or employee of the United*
17 *States, or a person that has entered into a con-*
18 *tract with the United States, who has a need to*
19 *know the information to perform the duties of*
20 *the officer, employee, or person; or*

21 “(B) *to a State agency under section 899D,*
22 *under appropriate arrangements to ensure the*
23 *protection of the information.*

24 “(i) *REGISTRATION PROCEDURES AND CHECK OF*
25 *TERRORIST SCREENING DATABASE.*—

1 “(1) *REGISTRATION PROCEDURES.*—

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

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

13 “(2) *CHECK OF TERRORIST SCREENING DATA-*
14 *BASE.*—

15 “(A) *CHECK REQUIRED.*—*The Secretary*
16 *shall conduct a check of appropriate identifying*
17 *information of any person seeking to register*
18 *with the Department under subsection (c) or (d)*
19 *against identifying information that appears in*
20 *the terrorist screening database of the Depart-*
21 *ment.*

22 “(B) *AUTHORITY TO DENY REGISTRATION*
23 *NUMBER.*—*If the identifying information of a*
24 *person seeking to register with the Department*
25 *under subsection (c) or (d) appears in the ter-*

1 rorist screening database of the Department, the
2 Secretary may deny issuance of a registration
3 number under this subtitle.

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

5 “(A) *IN GENERAL.*—Following the six-
6 month period described in section 899F(e), the
7 Secretary shall, to the extent practicable, issue or
8 deny registration numbers under this subtitle not
9 later than 72 hours after the time the Secretary
10 receives a complete registration application, un-
11 less the Secretary determines, in the interest of
12 national security, that additional time is nec-
13 essary to review an application.

14 “(B) *NOTICE OF APPLICATION STATUS.*—In
15 all cases, the Secretary shall notify a person
16 seeking to register with the Department under
17 subsection (c) or (d) of the status of the applica-
18 tion of that person not later than 72 hours after
19 the time the Secretary receives a complete reg-
20 istration application.

21 “(4) *EXPEDITED APPEALS PROCESS.*—

22 “(A) *REQUIREMENT.*—

23 “(i) *APPEALS PROCESS.*—The Sec-
24 retary shall establish an expedited appeals

1 *process for persons denied a registration*
2 *number under this subtitle.*

3 “(i) *TIME PERIOD FOR RESOLU-*
4 *TION.—The Secretary shall, to the extent*
5 *practicable, resolve appeals not later than*
6 *72 hours after receiving a complete request*
7 *for appeal unless the Secretary determines,*
8 *in the interest of national security, that ad-*
9 *ditional time is necessary to resolve an ap-*
10 *peal.*

11 “(B) *CONSULTATION.—The Secretary, in*
12 *developing the appeals process under subpara-*
13 *graph (A), shall consult with appropriate stake-*
14 *holders.*

15 “(C) *GUIDANCE.—The Secretary shall pro-*
16 *vide guidance regarding the procedures and in-*
17 *formation required for an appeal under subpara-*
18 *graph (A) to any person denied a registration*
19 *number under this subtitle.*

20 “(5) *RESTRICTIONS ON USE AND MAINTENANCE*
21 *OF INFORMATION.—*

22 “(A) *IN GENERAL.—Any information con-*
23 *stituting grounds for denial of a registration*
24 *number under this section shall be maintained*
25 *confidentially by the Secretary and may be used*

1 *only for making determinations under this sec-*
2 *tion.*

3 “(B) *SHARING OF INFORMATION.*—*Notwith-*
4 *standing any other provision of this subtitle, the*
5 *Secretary may share any such information with*
6 *Federal, State, local, and tribal law enforcement*
7 *agencies, as appropriate.*

8 “(6) *REGISTRATION INFORMATION.*—

9 “(A) *AUTHORITY TO REQUIRE INFORMA-*
10 *TION.*—*The Secretary may require a person ap-*
11 *plying for a registration number under this sub-*
12 *title to submit such information as may be nec-*
13 *essary to carry out the requirements of this sec-*
14 *tion.*

15 “(B) *REQUIREMENT TO UPDATE INFORMA-*
16 *TION.*—*The Secretary may require persons issued*
17 *a registration under this subtitle to update reg-*
18 *istration information submitted to the Secretary*
19 *under this subtitle, as appropriate.*

20 “(7) *RE-CHECKS AGAINST TERRORIST SCREEN-*
21 *ING DATABASE.*—

22 “(A) *RE-CHECKS.*—*The Secretary shall, as*
23 *appropriate, recheck persons provided a registra-*
24 *tion number pursuant to this subtitle against the*
25 *terrorist screening database of the Department,*

1 *and may revoke such registration number if the*
2 *Secretary determines such person may pose a*
3 *threat to national security.*

4 “(B) *NOTICE OF REVOCATION.*—*The Sec-*
5 *retary shall, as appropriate, provide prior notice*
6 *to a person whose registration number is revoked*
7 *under this section and such person shall have an*
8 *opportunity to appeal, as provided in paragraph*
9 *(4).*

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

11 *“The Secretary shall establish a process for the peri-*
12 *odic inspection and auditing of the records maintained by*
13 *owners of ammonium nitrate facilities for the purpose of*
14 *monitoring compliance with this subtitle or for the purpose*
15 *of deterring or preventing the misappropriation or use of*
16 *ammonium nitrate in an act of terrorism.*

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

18 “(a) *COOPERATIVE AGREEMENTS.*—*The Secretary—*
19 “(1) *may enter into a cooperative agreement*
20 *with the Secretary of Agriculture, or the head of any*
21 *State department of agriculture or its designee in-*
22 *volved in agricultural regulation, in consultation*
23 *with the State agency responsible for homeland secu-*
24 *urity, to carry out the provisions of this subtitle; and*

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

6 “(b) *DELEGATION.—*

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

10 “(2) *DELEGATION REQUIRED.—At the request of*
11 *a Governor of a State, the Secretary shall delegate to*
12 *that State the authority to carry out functions under*
13 *sections 899B and 899C, if the Secretary determines*
14 *that the State is capable of satisfactorily carrying out*
15 *such functions.*

16 “(3) *FUNDING.—Subject to the availability of*
17 *appropriations, if the Secretary delegates functions to*
18 *a State under this subsection, the Secretary shall pro-*
19 *vide to that State sufficient funds to carry out the*
20 *delegated functions.*

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

23 “(1) *GUIDANCE.—The Secretary shall make*
24 *available to each owner of an ammonium nitrate fa-*

1 *cility registered under section 899B(c)(1) guidance*
2 *on—*

3 *“(A) the identification of suspicious ammo-*
4 *nium nitrate purchases or transfers or attempted*
5 *purchases or transfers;*

6 *“(B) the appropriate course of action to be*
7 *taken by the ammonium nitrate facility owner*
8 *with respect to such a purchase or transfer or at-*
9 *tempted purchase or transfer, including—*

10 *“(i) exercising the right of the owner of*
11 *the ammonium nitrate facility to decline*
12 *sale of ammonium nitrate; and*

13 *“(ii) notifying appropriate law en-*
14 *forcement entities; and*

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

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

22 *“(3) NOTIFICATION MATERIALS.—*

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

1 “(B) *DESIGN OF MATERIALS.*—*Materials*
2 *made available under subparagraph (A) shall be*
3 *designed to notify prospective ammonium nitrate*
4 *purchasers of—*

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

7 “(ii) *the penalties for violating such*
8 *requirements.*

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

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

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

19 “(a) *PROHIBITIONS.*—

20 “(1) *TAKING POSSESSION.*—*No person shall take*
21 *possession of ammonium nitrate from an ammonium*
22 *nitrate facility unless such person is registered under*
23 *subsection (c) or (d) of section 899B, or is an agent*
24 *of a person registered under subsection (c) or (d) of*
25 *that section.*

1 “(2) *TRANSFERRING POSSESSION.*—*An owner of*
2 *an ammonium nitrate facility shall not transfer pos-*
3 *session of ammonium nitrate from the ammonium ni-*
4 *trate facility to any person who is not registered*
5 *under subsection (c) or (d) of section 899B, or is not*
6 *an agent of a person registered under subsection (c)*
7 *or (d) of that section.*

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

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

12 “(B) *own or operate an ammonium nitrate*
13 *facility without a registration number required*
14 *under section 899B(c); or*

15 “(C) *fail to comply with any requirement*
16 *or violate any other prohibition under this sub-*
17 *title.*

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

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

24 “(1) *the nature and circumstances of the viola-*
25 *tion;*

1 “(2) *with respect to the person who commits the*
2 *violation, any history of prior violations, the ability*
3 *to pay the penalty, and any effect the penalty is like-*
4 *ly to have on the ability of such person to do business;*
5 *and*

6 “(3) *any other matter that the Secretary deter-*
7 *mines that justice requires.*

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

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

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

19 “(a) *IN GENERAL.—Notwithstanding any other provi-*
20 *sion of law, an owner of an ammonium nitrate facility that*
21 *in good faith refuses to sell or transfer ammonium nitrate*
22 *to any person, or that in good faith discloses to the Depart-*
23 *ment or to appropriate law enforcement authorities an ac-*
24 *tual or attempted purchase or transfer of ammonium ni-*
25 *trate, based upon a reasonable belief that the person seeking*

1 *purchase or transfer of ammonium nitrate may use the am-*
2 *monium nitrate to create an explosive device to be employed*
3 *in an act of terrorism (as defined in section 3077 of title*
4 *18, United States Code), or to use ammonium nitrate for*
5 *any other unlawful purpose, shall not be liable in any civil*
6 *action relating to that refusal to sell ammonium nitrate or*
7 *that disclosure.*

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

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

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

20 “(b) *STATE LAW.*—Subject to section 899G, this sub-
21 title preempts the laws of any State to the extent that such
22 laws are inconsistent with this subtitle, except that this sub-
23 title shall not preempt any State law that provides addi-
24 tional protection against the acquisition of ammonium ni-
25 trate by terrorists or the use of ammonium nitrate in explo-

1 *sives in acts of terrorism or for other illicit purposes, as*
 2 *determined by the Secretary.*

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

4 *“The Secretary—*

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

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

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

11 *“There are authorized to be appropriated to the*
 12 *Secretary—*

13 *“(1) \$2,000,000 for fiscal year 2008; and*

14 *“(2) \$10,750,000 for each of fiscal years 2009*
 15 *through 2012.”.*

16 *(b) CLERICAL AMENDMENT.—The table of contents in*
 17 *section 1(b) of such Act is amended by inserting after the*
 18 *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.”.

19 *SEC. 552. RISK MANAGEMENT AND ANALYSIS SPECIAL*
 20 *EVENT; 2010 VANCOUVER OLYMPIC AND PARALYMPIC*

1 *GAMES. As soon as practicable, but not later than 3 months*
2 *after the date of enactment of this Act, the Secretary of*
3 *Homeland Security shall submit to the Committee on Ap-*
4 *propriations, the Committee on Homeland Security and*
5 *Governmental Affairs, and the Committee on Commerce,*
6 *Science, and Transportation of the Senate and the Com-*
7 *mittee on Appropriations, the Committee on Homeland Se-*
8 *curity, and the Committee on Transportation and Infra-*
9 *structure of the House of Representatives a report regarding*
10 *the plans of the Secretary of Homeland Security relating*
11 *to—*

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

19 (A) *the Multiagency Coordination Center;*
20 *and*

21 (B) *communications exercises to validate*
22 *communications pathways, test equipment, and*
23 *support the training and familiarization of per-*
24 *sonnel on the operations of the different tech-*

1 *nologies used to support the 2010 Vancouver*
2 *Olympic and Paralympic Games; and*

3 *(2) the feasibility of implementing a program to*
4 *prescreen individuals traveling by rail between Van-*
5 *couver, Canada and Seattle, Washington during the*
6 *2010 Vancouver Olympic and Paralympic Games,*
7 *while those individuals are located in Vancouver,*
8 *Canada, similar to the preclearance arrangements in*
9 *effect in Vancouver, Canada for certain flights be-*
10 *tween the United States and Canada.*

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

12 *Section 102 of the Illegal Immigration Reform and Immi-*
13 *grant Responsibility Act of 1996 (8 U.S.C. 1103 note) is*
14 *amended—*

15 *(1) in subsection (a), by striking “Attorney Gen-*
16 *eral, in consultation with the Commissioner of Immi-*
17 *gration and Naturalization,” and inserting “Sec-*
18 *retary of Homeland Security”;* and

19 *(2) in subsection (b)—*

20 *(A) in the subsection heading, by striking*
21 *“IN THE BORDER AREA” and inserting “ALONG*
22 *THE BORDER”;*

23 *(B) by redesignating paragraphs (1), (2),*
24 *(3), and (4) as paragraphs (2), (3), (4), and (5),*
25 *respectively;*

1 (C) in paragraph (2), as redesignated—

2 (i) in the paragraph heading, by strik-
3 ing “SECURITY FEATURES” and inserting
4 “ADDITIONAL FENCING ALONG SOUTHWEST
5 BORDER”; and

6 (ii) by striking subparagraphs (A)
7 through (C) and inserting the following:

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

17 “(B) PRIORITY AREAS.—In carrying out
18 this section, the Secretary of Homeland Security
19 shall—

20 “(i) identify the 370 miles along the
21 southwest border where fencing would be
22 most practical and effective in deterring
23 smugglers and aliens attempting to gain il-
24 legal entry into the United States; and

1 “(ii) not later than December 31, 2008,
2 complete construction of reinforced fencing
3 along the 370 miles identified under clause
4 (i).

5 “(C) CONSULTATION.—

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

17 “(ii) SAVINGS PROVISION.—Nothing in
18 this subparagraph may be construed to—

19 “(I) create any right of action for
20 a State, local government, or other per-
21 son or entity affected by this sub-
22 section; or

23 “(II) affect the eminent domain
24 laws of the United States or of any
25 State.

1 “(D) *LIMITATION ON REQUIREMENTS.*—*Not-*
2 *withstanding subparagraph (A), nothing in this*
3 *paragraph shall require the Secretary of Home-*
4 *land Security to install fencing, physical bar-*
5 *riers, roads, lighting, cameras, and sensors in a*
6 *particular location along an international bor-*
7 *der of the United States, if the Secretary deter-*
8 *mines that the use or placement of such resources*
9 *is not the most appropriate means to achieve*
10 *and maintain operational control over the inter-*
11 *national border at such location.”; and*

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

16 *SEC. 554. ACCOUNTABILITY IN GRANT AND CONTRACT*
17 *ADMINISTRATION. The Department of Homeland Security,*
18 *through the Federal Emergency Management Agency,*
19 *shall—*

20 (1) *consider implementation, through fair and*
21 *open competition, of management, tracking and ac-*
22 *countability systems to assist in managing grant allo-*
23 *cations, distribution, expenditures, and asset tracking;*
24 *and*

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

3 *SEC. 555. None of the funds made available in this*
4 *Act may be used to destroy or put out to pasture any horse*
5 *or other equine belonging to the Federal Government that*
6 *has become unfit for service, unless the trainer or handler*
7 *is first given the option to take possession of the equine*
8 *through an adoption program that has safeguards against*
9 *slaughter and inhumane treatment.*

10 *SEC. 556. INTERNATIONAL REGISTERED TRAVELER*
11 *PROGRAM. Section 7208(k)(3) of the Intelligence Reform*
12 *and Terrorism Prevention Act of 2004 (8 U.S.C.*
13 *1365b(k)(3)) is amended to read as follows:*

14 “(3) *INTERNATIONAL REGISTERED TRAVELER*
15 *PROGRAM.—*

16 “(A) *IN GENERAL.—The Secretary of Home-*
17 *land Security shall establish an international*
18 *registered traveler program that incorporates*
19 *available technologies, such as biometrics and e-*
20 *passports, and security threat assessments to ex-*
21 *pedite the screening and processing of inter-*
22 *national travelers, including United States Citi-*
23 *zens and residents, who enter and exit the*
24 *United States. The program shall be coordinated*
25 *with the US–VISIT program, other pre-screening*

1 *initiatives, and the Visa Waiver Program within*
2 *the Department of Homeland Security.*

3 “(B) *FEEES.*—*The Secretary may impose a*
4 *fee for the program established under subpara-*
5 *graph (A) and may modify such fee from time*
6 *to time. The fee may not exceed the aggregate*
7 *costs associated with the program and shall be*
8 *credited to the Department of Homeland Secu-*
9 *rity for purposes of carrying out the program.*
10 *Amounts so credited shall remain available until*
11 *expended.*

12 “(C) *RULEMAKING.*—*Within 365 days after*
13 *the date of enactment of this paragraph, the Sec-*
14 *retary shall initiate a rulemaking to establish*
15 *the program, criteria for participation, and the*
16 *fee for the program.*

17 “(D) *IMPLEMENTATION.*—*Not later than 2*
18 *years after the date of enactment of this para-*
19 *graph, the Secretary shall establish a phased-im-*
20 *plementation of a biometric-based international*
21 *registered traveler program in conjunction with*
22 *the US–VISIT entry and exit system, other pre-*
23 *screening initiatives, and the Visa Waiver Pro-*
24 *gram within the Department of Homeland Secu-*

1 *rity at United States airports with the highest*
2 *volume of international travelers.*

3 “(E) *PARTICIPATION.*—*The Secretary shall*
4 *ensure that the international registered traveler*
5 *program includes as many participants as prac-*
6 *ticable by—*

7 “(i) *establishing a reasonable cost of*
8 *enrollment;*

9 “(ii) *making program enrollment con-*
10 *venient and easily accessible; and*

11 “(iii) *providing applicants with clear*
12 *and consistent eligibility guidelines.”.*

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

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

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

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

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

10 *SEC. 558. SHARED BORDER MANAGEMENT. (a)*
11 *STUDY.—The Comptroller General of the United States*
12 *shall conduct a study on the Department of Homeland Se-*
13 *curity’s use of shared border management to secure the*
14 *international borders of the United States.*

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

17 (1) *any negotiations, plans, or designs conducted*
18 *by officials of the Department of Homeland Security*
19 *regarding the practice of shared border management;*
20 *and*

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

23 *SEC. 559. Amounts authorized to be appropriated in*
24 *the Border Law Enforcement Relief Act of 2007 are in-*

1 *creased by \$50,000,000 for each of the fiscal years 2008*
2 *through 2012.*

3 *SEC. 560. GAO STUDY OF COST OF FENCING ON THE*
4 *SOUTHERN BORDER. (a) INQUIRY AND REPORT RE-*
5 *QUIRED.—The Comptroller of the United States shall con-*
6 *duct a study examining—*

7 *(1) the total amount of money that has been ex-*
8 *pended, as of June 20, 2007, to construct 90 miles of*
9 *fencing on the southern border of the United States;*

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

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

21 *(4) the total cost and average cost per mile to*
22 *construct the 700 linear miles (854 topographical*
23 *miles) of fencing on the southern border required to*
24 *be constructed under section 102(b) of the Illegal Im-*
25 *migration Reform and Immigrant Responsibility Act*

1 *of 1996, as amended by section 3 of the Secure Fence*
2 *Act of 2006 (Public Law 109–367);*

3 *(5) the total cost and average cost per mile to*
4 *construct the fencing described in paragraph (4) if the*
5 *double layer fencing requirement were eliminated;*
6 *and*

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

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

20 *(1) the Committee on Appropriations of the Sen-*
21 *ate;*

22 *(2) the Committee on the Judiciary of the Sen-*
23 *ate;*

24 *(3) the Committee on Appropriations of the*
25 *House of Representatives; and*

1 (4) *the Committee on the Judiciary of the House*
2 *of Representatives.*

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

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

8 (2) *Illegal immigration remains the top domestic*
9 *issue in the United States.*

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

16 (4) *People from across the United States have*
17 *shared with members of the Senate their wide ranging*
18 *and passionate opinions on how best to reform the*
19 *immigration system.*

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

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

1 (7) *Border security is an integral part of na-*
2 *tional security.*

3 (8) *The greatest obstacle the Federal Government*
4 *faces with respect to the people of the United States*
5 *is a lack of trust that the Federal Government will se-*
6 *ecure the international borders of the United States.*

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

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

17 (11) *It is necessary to regain the trust of the peo-*
18 *ple of the United States in the competency of the Fed-*
19 *eral Government to enforce immigration laws and*
20 *manage the immigration system.*

21 (12) *Securing the borders of the United States*
22 *would serve as a starting point to begin to address*
23 *other issues surrounding immigration reform on*
24 *which there is not consensus.*

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

3 (14) *The President of the United States can ini-*
4 *tiate emergency spending by designating certain*
5 *spending as “emergency spending” in a request to the*
6 *Congress.*

7 (15) *The lack of security on the international*
8 *borders of the United States rises to the level of an*
9 *emergency.*

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

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

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

22 (1) *the Federal Government should work to re-*
23 *gain the trust of the people of the United States in*
24 *its ability of the Federal Government to secure the*
25 *international borders of the United States;*

1 (2) *in order to restore the credibility of the Fed-*
2 *eral Government on this critical issue, the Federal*
3 *Government should prove its ability to enforce immi-*
4 *gration laws by taking actions such as securing the*
5 *border, stopping the flow of illegal immigrants and*
6 *drugs into the United States, and creating a tamper-*
7 *proof biometric identification card for foreign work-*
8 *ers; and*

9 (3) *the President should request emergency*
10 *spending that fully funds—*

11 (A) *existing interior and border security*
12 *authorizations that have not been funded by*
13 *Congress; and*

14 (B) *the border and interior security initia-*
15 *tives contained in the bill to provide for com-*
16 *prehensive immigration reform and for other*
17 *purposes (S. 1639) introduced in the Senate on*
18 *June 18, 2007.*

19 *SEC. 562. ENSURING THE SAFETY OF AGRICULTURAL*
20 *IMPORTS.—(a) FINDINGS.—Congress makes the following*
21 *findings:*

22 (1) *The Food and Drug Administration, as part*
23 *of its responsibility to ensure the safety of food and*
24 *other imports, maintains a presence at 91 of the 320*
25 *points of entry into the United States.*

1 (2) *United States Customs and Border Protec-*
2 *tion personnel are responsible for monitoring imports*
3 *and alerting the Food and Drug Administration to*
4 *suspicious material entering the United States at the*
5 *remaining 229 points of entry.*

6 (b) *REPORT.—The Commissioner of U.S. Customs and*
7 *Border Protection shall submit a report to Congress that*
8 *describes the training of U.S. Customs and Border Protec-*
9 *tion personnel to effectively assist the Food and Drug Ad-*
10 *ministration in monitoring our Nation’s food supply.*

11 SEC. 563. (a) *STUDY ON IMPLEMENTATION OF VOL-*
12 *UNTARY PROVISION OF EMERGENCY SERVICES PROGRAM.—*

13 (1) *Not later than 180 days after the date of the*
14 *enactment of this Act, the Administrator of the Trans-*
15 *portation Security Administration shall conduct a*
16 *study on the implementation of the voluntary provi-*
17 *sion of emergency services program established pursu-*
18 *ant to section 44944(a) of title 49, United States Code*
19 *(referred to in this section as the “program”).*

20 (2) *As part of the study required by paragraph*
21 *(1), the Administrator shall assess the following:*

22 (A) *Whether training protocols established*
23 *by air carriers and foreign air carriers include*
24 *training pertinent to the program and whether*

1 *such training is effective for purposes of the pro-*
2 *gram.*

3 *(B) Whether employees of air carriers and*
4 *foreign air carriers responsible for implementing*
5 *the program are familiar with the provisions of*
6 *the program.*

7 *(C) The degree to which the program has*
8 *been implemented in airports.*

9 *(D) Whether a helpline or other similar*
10 *mechanism of assistance provided by an air car-*
11 *rier, foreign air carrier, or the Transportation*
12 *Security Administration should be established to*
13 *provide assistance to employees of air carriers*
14 *and foreign air carriers who are uncertain of the*
15 *procedures of the program.*

16 *(3) In making the assessment required by para-*
17 *graph (2)(C), the Administrator may make use of un-*
18 *announced interviews or other reasonable and effective*
19 *methods to test employees of air carriers and foreign*
20 *air carriers responsible for registering law enforce-*
21 *ment officers, firefighters, and emergency medical*
22 *technicians as part of the program.*

23 *(4)(A) Not later than 60 days after the comple-*
24 *tion of the study required by paragraph (1), the Ad-*

1 *administrator shall submit to Congress a report on the*
2 *findings of such study.*

3 *(B) The Administrator shall make such re-*
4 *port available to the public by Internet web site*
5 *or other appropriate method.*

6 *(b) PUBLICATION OF REPORT PREVIOUSLY SUB-*
7 *MITTED.—The Administrator shall make available to the*
8 *public on the Internet web site of the Transportation Secu-*
9 *urity Administration or the Department of Homeland Secu-*
10 *rity the report required by section 554(b) of the Department*
11 *of Homeland Security Appropriations Act, 2007 (Public*
12 *Law 109–295).*

13 *(c) MECHANISM FOR REPORTING PROBLEMS.—The*
14 *Administrator shall develop a mechanism on the Internet*
15 *web site of the Transportation Security Administration or*
16 *the Department of Homeland Security by which first re-*
17 *sponders may report problems with or barriers to volun-*
18 *teering in the program. Such mechanism shall also provide*
19 *information on how to submit comments related to volun-*
20 *teering in the program.*

21 *(d) AIR CARRIER AND FOREIGN AIR CARRIER DE-*
22 *FINED.—In this section, the terms “air carrier” and “for-*
23 *oreign air carrier” have the meaning given such terms in sec-*
24 *tion 40102 of title 49, United States Code.*

1 *SEC. 564. None of the funds appropriated or otherwise*
2 *made available by this Act may be used to enter into a*
3 *contract in an amount greater than \$5,000,000 or to award*
4 *a grant in excess of such amount unless the prospective con-*
5 *tractor or grantee certifies in writing to the agency award-*
6 *ing the contract or grant that the contractor or grantee has*
7 *no unpaid Federal tax assessments, that the contractor or*
8 *grantee has entered into an installment agreement or offer*
9 *in compromise that has been accepted by the IRS to resolve*
10 *any unpaid Federal tax assessments, or, in the case of un-*
11 *paid Federal tax assessments other than for income, estate,*
12 *and gift taxes, that the liability for the unpaid assessments*
13 *is the subject of a non-frivolous administrative or judicial*
14 *appeal. For purposes of the preceding sentence, the certifi-*
15 *cation requirement of part 52.209–5 of the Federal Acquisi-*
16 *tion Regulation shall also include a requirement for a cer-*
17 *tification by a prospective contractor of whether, within the*
18 *three-year period preceding the offer for the contract, the*
19 *prospective contractor—*

20 *(1) has or has not been convicted of or had a*
21 *civil judgment or other judicial determination ren-*
22 *dered against the contractor for violating any tax law*
23 *or failing to pay any tax;*

1 (2) *has or has not been notified of any delin-*
2 *quent taxes for which the liability remains*
3 *unsatisfied; or*

4 (3) *has or has not received a notice of a tax lien*
5 *filed against the contractor for which the liability re-*
6 *mains unsatisfied or for which the lien has not been*
7 *released.*

8 *SEC. 565. TRANSPORTATION FACILITY ACCESS CON-*
9 *TROL PROGRAMS.*

10 *The Secretary of Homeland Security shall work with*
11 *appropriate officials of Florida and of other States to re-*
12 *solve the differences between the Transportation Worker*
13 *Identification Credential program administered by the*
14 *Transportation Security Administration and existing State*
15 *transportation facility access control programs.*

16 *SEC. 566. None of the funds made available in this*
17 *Act may be used for planning, testing, piloting, or devel-*
18 *oping a national identification card.*

19 *SEC. 567. ADDITIONAL ASSISTANCE FOR PREPARA-*
20 *TION OF PLANS.*

21 *Subparagraph (L) of section 33(b)(3) of the Federal*
22 *Fire Prevention and Control Act of 1974 (15 U.S.C.*
23 *2229(b)(3)) is amended to read as follows:*

1 “(L) To fund fire prevention programs, in-
2 cluding planning and preparation for wildland
3 fires.”.

4 SEC. 568. SENSE OF CONGRESS. It is the sense of Con-
5 gress that sufficient funds should be appropriated to allow
6 the Secretary to increase the number of personnel of U.S.
7 Customs and Border Protection protecting the northern bor-
8 der by 1,517 officers and 788 agents, as authorized by—

9 (1) section 402 of the *Uniting and Strengthening*
10 *America by Providing Appropriate Tools Required to*
11 *Intercept and Obstruct Terrorism (USA PATRIOT*
12 *ACT) Act of 2001 (Public Law 107–56);*

13 (2) section 331 of the *Trade Act of 2002 (Public*
14 *Law 107–210); and*

15 (3) section 5202 of the *Intelligence Reform and*
16 *Terrorism Prevention Act of 2004 (Public Law 108–*
17 *458).*

18 SEC. 569. STUDY OF RADIO COMMUNICATIONS ALONG
19 THE INTERNATIONAL BORDERS OF THE UNITED STATES.—

20 (a) IN GENERAL.—Not later than 180 days after the date
21 of the enactment of this Act, the Secretary of Homeland Se-
22 curity shall conduct a study to determine the areas along
23 the international borders of the United States where Federal
24 and State law enforcement officers are unable to achieve

1 *radio communication or where radio communication is in-*
2 *adequate.*

3 (b) *DEVELOPMENT OF PLAN.—*

4 (1) *IN GENERAL.—Upon the conclusion of the*
5 *study described in subsection (a), the Secretary shall*
6 *develop a plan for enhancing radio communication*
7 *capability along the international borders of the*
8 *United States.*

9 (2) *CONTENTS.—The plan developed under para-*
10 *graph (1) shall include—*

11 (A) *an estimate of the costs required to im-*
12 *plement the plan; and*

13 (B) *a description of the ways in which Fed-*
14 *eral, State, and local law enforcement officers*
15 *could benefit from the implementation of the*
16 *plan.*

17 *SEC. 570. Of the funds provided under this Act or any*
18 *other Act to United States Citizenship and Immigration*
19 *Services, not less than \$1,000,000 shall be provided for a*
20 *benefits fraud assessment of the H-1B Visa Program.*

21 *SEC. 571. (a) REPORT ON INTERAGENCY OPERATIONAL*
22 *CENTERS FOR PORT SECURITY.—Not later than 180 days*
23 *after the date of the enactment of this Act, the Commandant*
24 *of the Coast Guard shall submit to Congress a report, and*
25 *make the report available on its website, on the implementa-*

1 *tion and use of interagency operational centers for port se-*
2 *curity under section 70107A of title 46, United States Code.*

3 (b) *ELEMENTS.*—*The report required by subsection*
4 *shall include the following:*

5 (1) *A detailed description of the progress made*
6 *in transitioning Project Seahawk in Charleston,*
7 *South Carolina, from the Department of Justice to*
8 *the Coast Guard, including all projects and equip-*
9 *ment associated with that project.*

10 (2) *A detailed description of that actions being*
11 *taken to assure the integrity of Project Seahawk and*
12 *ensure there is no loss in cooperation between the*
13 *agencies specified in section 70107A(b)(3) of title 46,*
14 *United State Code.*

15 (3) *A detailed description and explanation of*
16 *any changes in Project Seahawk as of the date of the*
17 *report, including any changes in Federal, State, or*
18 *local staffing of that project.*

19 *SEC. 572. (a) The amount appropriated by title III*
20 *for necessary expenses for programs authorized by the Fed-*
21 *eral Fire Prevention and Control Act of 1974 under the*
22 *heading “FIREFIGHTER ASSISTANCE GRANTS” is hereby in-*
23 *creased by \$5,000,000 for necessary expenses to carry out*
24 *the programs authorized under section 34 of that Act (15*
25 *U.S.C. 2229a).*

1 (b) *The amount appropriated by title III under the*
2 *heading “INFRASTRUCTURE PROTECTION AND INFORMATION*
3 *SECURITY” is hereby reduced by \$5,000,000.*

4 *SEC. 573. TSA ACQUISITION MANAGEMENT POLICY.*

5 (a) *IN GENERAL.—Section 114 of title 49, United States*
6 *Code, is amended by striking subsection (o) and redesign-*
7 *ating subsections (p) through (t) as subsections (o) through*
8 *(s), respectively.*

9 (b) *EFFECTIVE DATE.—The amendment made by sub-*
10 *section (a) shall take effect 180 days after the date of enact-*
11 *ment of this Act.*

12 *SEC. 574. REPORT ON URBAN AREA SECURITY INITIA-*
13 *TIVE. Not later than 180 days after the date of enactment*
14 *of this Act, the Government Accountability Office shall sub-*
15 *mit a report to the appropriate congressional committees*
16 *which describes the criteria and factors the Department of*
17 *Homeland Security uses to determine the regional bound-*
18 *aries for Urban Area Security Initiative regions, including*
19 *a determination if the Department is meeting its goal to*
20 *implement a regional approach with respect to Urban Area*
21 *Security Initiative regions, and provides recommendations*
22 *for how the Department can better facilitate a regional ap-*
23 *proach for Urban Area Security Initiative regions.*

24 *SEC. 575. (a) In this section:*

1 (1) *The term “covered funds” means funds pro-*
2 *vided under section 173 of the Workforce Investment*
3 *Act of 1998 (29 U.S.C. 2918) to a State that submits*
4 *an application under that section not earlier than*
5 *May 4, 2007, for a national emergency grant to ad-*
6 *dress the effects of the May 4, 2007, Greensburg, Kan-*
7 *sas tornado.*

8 (2) *The term “professional municipal services”*
9 *means services that are necessary to facilitate the re-*
10 *covery of Greensburg, Kansas from that tornado, and*
11 *necessary to plan for or provide basic management*
12 *and administrative services, which may include—*

13 (A) *the overall coordination of disaster re-*
14 *covery and humanitarian efforts, oversight, and*
15 *enforcement of building code compliance, and co-*
16 *ordination of health and safety response units; or*

17 (B) *the delivery of humanitarian assistance*
18 *to individuals affected by that tornado.*

19 (b) *Covered funds may be used to provide temporary*
20 *public sector employment and services authorized under sec-*
21 *tion 173 of such Act to individuals affected by such tornado,*
22 *including individuals who were unemployed on the date of*
23 *the tornado, or who are without employment history, in ad-*
24 *dition to individuals who are eligible for disaster relief em-*
25 *ployment under section 173(d)(2) of such Act.*

1 (c) Covered funds may be used to provide professional
2 municipal services for a period of not more than 24 months,
3 by hiring or contracting with individuals or organizations
4 (including individuals employed by contractors) that the
5 State involved determines are necessary to provide profes-
6 sional municipal services.

7 (d) Covered funds expended under this section may be
8 spent on costs incurred not earlier than May 4, 2007.

9 SEC. 576. DATA RELATING TO DECLARATIONS OF A
10 MAJOR DISASTER. (a) IN GENERAL.—Notwithstanding any
11 other provision of this Act, except as provided in subsection
12 (b), and 30 days after the date that the President determines
13 whether to declare a major disaster because of an event and
14 any appeal is completed, the Administrator shall submit
15 to the Committee on Homeland Security and Governmental
16 Affairs of the Senate and the Committee on Homeland Se-
17 curity of the House of Representatives, and the Senate Com-
18 mittee on Appropriations, and publish on the website of the
19 Federal Emergency Management Agency, a report regard-
20 ing that decision, which shall summarize damage assess-
21 ment information used to determine whether to declare a
22 major disaster.

23 (b) EXCEPTION.—The Administrator may redact from
24 a report under subsection (a) any data that the Adminis-
25 trator determines would compromise national security.

1 (c) *DEFINITIONS.*—*In this section—*

2 (1) *the term “Administrator” means the Admin-*
3 *istrator of the Federal Emergency Management Agen-*
4 *cy; and*

5 (2) *the term “major disaster” has the meaning*
6 *given that term in section 102 of the Robert T. Staf-*
7 *ford Disaster Relief and Emergency Assistance Act*
8 *(42 U.S.C. 5122).*

9 *SEC. 577. NATIONAL TRANSPORTATION SECURITY*
10 *CENTER OF EXCELLENCE.*—*If the Secretary of Homeland*
11 *Security establishes a National Transportation Security*
12 *Center of Excellence to conduct research and education ac-*
13 *tivities, and to develop or provide professional security*
14 *training, including the training of transportation employ-*
15 *ees and transportation professionals, the Mineta Transpor-*
16 *tation Institute at San Jose State University may be in-*
17 *cluded as a member institution of such Center.*

18 *SEC. 578. Of amounts appropriated under section*
19 *1003, \$100,000,000, with \$50,000,000 each to the Cities of*
20 *Denver, Colorado, and St. Paul, Minnesota, shall be avail-*
21 *able for State and local law enforcement entities for security*
22 *and related costs, including overtime, associated with the*
23 *Democratic National Conventional and Republican Na-*
24 *tional Convention in 2008. Amounts provided by this sec-*

1 *tion are designated as an emergency requirement pursuant*
2 *to section 204 of S. Con. Res. 21 (110th Congress).*

3 *TITLE VI—BORDER LAW ENFORCEMENT RELIEF*
4 *ACT*

5 *SEC. 601. SHORT TITLE.*

6 *This title may be cited as the “Border Law Enforce-*
7 *ment Relief Act of 2007”.*

8 *SEC. 602. BORDER RELIEF GRANT PROGRAM.*

9 *(a) GRANTS AUTHORIZED.—*

10 *(1) IN GENERAL.—The Secretary is authorized to*
11 *award grants, subject to the availability of appro-*
12 *propriations, to an eligible law enforcement agency to*
13 *provide assistance to such agency to address—*

14 *(A) criminal activity that occurs in the ju-*
15 *risdiction of such agency by virtue of such agen-*
16 *cy’s proximity to the United States border; and*

17 *(B) the impact of any lack of security along*
18 *the United States border.*

19 *(2) DURATION.—Grants may be awarded under*
20 *this subsection during fiscal years 2008 through 2012.*

21 *(3) COMPETITIVE BASIS.—The Secretary shall*
22 *award grants under this subsection on a competitive*
23 *basis, except that the Secretary shall give priority to*
24 *applications from any eligible law enforcement agen-*
25 *cy serving a community—*

1 (A) *with a population of less than 50,000;*

2 *and*

3 (B) *located no more than 100 miles from a*

4 *United States border with—*

5 (i) *Canada; or*

6 (ii) *Mexico.*

7 (b) *USE OF FUNDS.—Grants awarded pursuant to*
8 *subsection (a) may only be used to provide additional re-*
9 *sources for an eligible law enforcement agency to address*
10 *criminal activity occurring along any such border,*
11 *including—*

12 (1) *to obtain equipment;*

13 (2) *to hire additional personnel;*

14 (3) *to upgrade and maintain law enforcement*
15 *technology;*

16 (4) *to cover operational costs, including overtime*
17 *and transportation costs; and*

18 (5) *such other resources as are available to assist*
19 *that agency.*

20 (c) *APPLICATION.—*

21 (1) *IN GENERAL.—Each eligible law enforcement*
22 *agency seeking a grant under this section shall submit*
23 *an application to the Secretary at such time, in such*
24 *manner, and accompanied by such information as the*
25 *Secretary may reasonably require.*

1 (2) *CONTENTS.*—*Each application submitted*
2 *pursuant to paragraph (1) shall—*

3 (A) *describe the activities for which assist-*
4 *ance under this section is sought; and*

5 (B) *provide such additional assurances as*
6 *the Secretary determines to be essential to ensure*
7 *compliance with the requirements of this section.*

8 (d) *DEFINITIONS.*—*For the purposes of this section:*

9 (1) *ELIGIBLE LAW ENFORCEMENT AGENCY.*—*The*
10 *term “eligible law enforcement agency” means a trib-*
11 *al, State, or local law enforcement agency—*

12 (A) *located in a county no more than 100*
13 *miles from a United States border with—*

14 (i) *Canada; or*

15 (ii) *Mexico; or*

16 (B) *located in a county more than 100*
17 *miles from any such border, but where such*
18 *county has been certified by the Secretary as a*
19 *High Impact Area.*

20 (2) *HIGH IMPACT AREA.*—*The term “High Im-*
21 *port Area” means any county designated by the Sec-*
22 *retary as such, taking into consideration—*

23 (A) *whether local law enforcement agencies*
24 *in that county have the resources to protect the*

1 *lives, property, safety, or welfare of the residents*
2 *of that county;*

3 *(B) the relationship between any lack of se-*
4 *curity along the United States border and the*
5 *rise, if any, of criminal activity in that county;*
6 *and*

7 *(C) any other unique challenges that local*
8 *law enforcement face due to a lack of security*
9 *along the United States border.*

10 *(3) SECRETARY.—The term “Secretary” means*
11 *the Secretary of the Department of Homeland Secu-*
12 *rity.*

13 *(e) AUTHORIZATION OF APPROPRIATIONS.—*

14 *(1) IN GENERAL.—There are authorized to be ap-*
15 *propriated \$50,000,000 for each of fiscal years 2008*
16 *through 2012 to carry out the provisions of this sec-*
17 *tion.*

18 *(2) DIVISION OF AUTHORIZED FUNDS.—Of the*
19 *amounts authorized under paragraph (1)—*

20 *(A) $\frac{2}{3}$ shall be set aside for eligible law en-*
21 *forcement agencies located in the 6 States with*
22 *the largest number of undocumented alien appre-*
23 *hensions; and*

1 (B) $\frac{1}{3}$ shall be set aside for areas des-
2 ignated as a High Impact Area under subsection
3 (d).

4 (f) *SUPPLEMENT NOT SUPPLANT.*—Amounts appro-
5 priated for grants under this section shall be used to supple-
6 ment and not supplant other State and local public funds
7 obligated for the purposes provided under this title.

8 *SEC. 603. Enforcement of Federal Immigration Law.*
9 *Nothing in this title shall be construed to authorize*
10 *State or local law enforcement agencies or their officers to*
11 *exercise Federal immigration law enforcement authority.*

12 **TITLE VII—BORDER INFRASTRUCTURE AND**
13 **TECHNOLOGY MODERNIZATION**

14 *SEC. 701. SHORT TITLE.*

15 *This title may be cited as the “Border Infrastructure*
16 *and Technology Modernization Act of 2007”.*

17 *SEC. 702. DEFINITIONS.*—*In this title:*

18 (1) *COMMISSIONER.*—*The term “Commissioner”*
19 *means the Commissioner of United States Customs*
20 *and Border Protection of the Department of Home-*
21 *land Security.*

22 (2) *MAQUILADORA.*—*The term “maquiladora”*
23 *means an entity located in Mexico that assembles and*
24 *produces goods from imported parts for export to the*
25 *United States.*

1 (3) *NORTHERN BORDER.*—*The term “northern*
2 *border” means the international border between the*
3 *United States and Canada.*

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

6 (5) *SOUTHERN BORDER.*—*The term “southern*
7 *border” means the international border between the*
8 *United States and Mexico.*

9 *SEC. 703. HIRING AND TRAINING OF BORDER AND*
10 *TRANSPORTATION SECURITY PERSONNEL.—(a) OFFICERS*
11 *AND AGENTS.—*

12 (1) *INCREASE IN OFFICERS AND AGENTS.*—*Sub-*
13 *ject to the availability of appropriations, during each*
14 *of fiscal years 2009 through 2013, the Secretary*
15 *shall—*

16 (A) *increase the number of full-time agents*
17 *and associated support staff in United States*
18 *Immigration and Customs Enforcement of the*
19 *Department of Homeland Security by the equiv-*
20 *alent of at least 100 more than the number of*
21 *such employees as of the end of the preceding fis-*
22 *cal year; and*

23 (B) *increase the number of full-time officers,*
24 *agricultural specialists, and associated support*
25 *staff in United States Customs and Border Pro-*

1 *tection by the equivalent of at least 200 more*
2 *than the number of such employees as of the end*
3 *of the preceding fiscal year.*

4 (2) *WAIVER OF FTE LIMITATION.*—*The Secretary*
5 *is authorized to waive any limitation on the number*
6 *of full-time equivalent personnel assigned to the De-*
7 *partment of Homeland Security to fulfill the require-*
8 *ments of paragraph (1).*

9 (b) *TRAINING.*—*As necessary, the Secretary, acting*
10 *through the Assistant Secretary for the United States Immi-*
11 *gration and Customs Enforcement and the Commissioner,*
12 *shall provide appropriate training for agents, officers, agri-*
13 *cultural specialists, and associated support staff of the De-*
14 *partment of Homeland Security to utilize new technologies*
15 *and to ensure that the proficiency levels of such personnel*
16 *are acceptable to protect the borders of the United States.*

17 *SEC. 704. PORT OF ENTRY INFRASTRUCTURE ASSESS-*
18 *MENT STUDY.*—(a) *REQUIREMENT TO UPDATE.*—*Not later*
19 *than January 31 of every other year, the Commissioner,*
20 *in consultation with the Administrator of General Services*
21 *shall—*

22 (1) *review—*

23 (A) *the Port of Entry Infrastructure Assess-*
24 *ment Study prepared by the United States Cus-*
25 *tom Service, the Immigration and Naturaliza-*

1 *tion Service, and the General Services Adminis-*
2 *tration in accordance with the matter relating to*
3 *the ports of entry infrastructure assessment set*
4 *forth in the joint explanatory statement on page*
5 *67 of conference report 106–319, accompanying*
6 *Public Law 106–58; and*

7 *(B) the nationwide strategy to prioritize*
8 *and address the infrastructure needs at the land*
9 *ports of entry prepared by the Department of*
10 *Homeland Security and the General Services Ad-*
11 *ministration in accordance with the committee*
12 *recommendations on page 22 of Senate report*
13 *108–86, accompanying Public Law 108–90;*

14 *(2) update the assessment of the infrastructure*
15 *needs of all United States land ports of entry; and*

16 *(3) submit an updated assessment of land port*
17 *of entry infrastructure needs to Congress.*

18 *(b) CONSULTATION.—In preparing the updated studies*
19 *required under subsection (a), the Commissioner and the*
20 *Administrator of General Services shall consult with the Di-*
21 *rector of the Office of Management and Budget, the Sec-*
22 *retary, and affected State and local agencies on the northern*
23 *and southern borders of the United States.*

24 *(c) CONTENT.—Each updated study required in sub-*
25 *section (a) shall—*

1 (1) *identify port of entry infrastructure and*
2 *technology improvement projects that would enhance*
3 *border security and facilitate the flow of legitimate*
4 *commerce if implemented;*

5 (2) *include the projects identified in the National*
6 *Land Border Security Plan required by section 805;*
7 *and*

8 (3) *prioritize the projects described in para-*
9 *graphs (1) and (2) based on the ability of a project—*

10 (A) *to enhance the ability of United States*
11 *Customs and Border Protection to achieve its*
12 *mission and to support operations;*

13 (B) *to fulfill security requirements; and*

14 (C) *facilitate trade across the borders of the*
15 *United States.*

16 (d) *PROJECT IMPLEMENTATION.—The Commissioner,*
17 *as appropriate, shall—*

18 (1) *implement the infrastructure and technology*
19 *improvement projects described in subsection (c) in*
20 *the order of priority assigned to each project under*
21 *subsection (c)(3); or*

22 (2) *forward the prioritized list of infrastructure*
23 *and technology improvement projects to the Adminis-*
24 *trator of General Services for implementation in the*

1 *order of priority assigned to each project under sub-*
2 *section (c)(3).*

3 *(e) DIVERGENCE FROM PRIORITIES.—The Commis-*
4 *sioner may diverge from the priority order if the Commis-*
5 *sioner determines that significantly changed circumstances,*
6 *including immediate security needs, changes in infrastruc-*
7 *ture in Mexico or Canada, or similar concerns, compel-*
8 *lingly alter the need for a project in the United States.*

9 *SEC. 705. NATIONAL LAND BORDER SECURITY*
10 *PLAN.—(a) REQUIREMENT FOR PLAN.—Not later than*
11 *January 31 of every other year, the Secretary, acting*
12 *through the Commissioner, shall prepare a National Land*
13 *Border Security Plan and submit such plan to Congress.*

14 *(b) CONSULTATION.—In preparing the plan required*
15 *under subsection (a), the Commissioner shall consult with*
16 *other appropriate Federal agencies, State and local law en-*
17 *forcement agencies, and private entities that are involved*
18 *in international trade across the northern or southern bor-*
19 *der.*

20 *(c) VULNERABILITY ASSESSMENT.—*

21 *(1) IN GENERAL.—The plan required under sub-*
22 *section (a) shall include a vulnerability, risk, and*
23 *threat assessment of each port of entry located on the*
24 *northern border or the southern border.*

1 (2) *PORT SECURITY COORDINATORS.*—*The Sec-*
2 *retary, acting through the Commissioner, may estab-*
3 *lish 1 or more port security coordinators at each port*
4 *of entry located on the northern border or the south-*
5 *ern border—*

6 *(A) to assist in conducting a vulnerability*
7 *assessment at such port; and*

8 *(B) to provide other assistance with the*
9 *preparation of the plan required under sub-*
10 *section (a).*

11 *(d) COORDINATION WITH THE SECURE BORDER INI-*
12 *TIATIVE.*—*The plan required under subsection (a) shall in-*
13 *clude a description of activities undertaken during the pre-*
14 *vious year as part of the Secure Border Initiative and ac-*
15 *tions planned for the coming year as part of the Secure*
16 *Border Initiative.*

17 *SEC. 706. EXPANSION OF COMMERCE SECURITY PRO-*
18 *GRAMS.—(a) COMMERCE SECURITY PROGRAMS.—(1) IN*
19 *GENERAL.*—*Not later than 1 year after the date of the enact-*
20 *ment of this Act, the Commissioner, in consultation with*
21 *the Secretary, shall develop a plan to expand the size and*
22 *scope, including personnel needs, of the Customs-Trade*
23 *Partnership Against Terrorism program or other voluntary*
24 *programs involving government entities and the private sec-*
25 *tor to strengthen and improve the overall security of the*

1 *international supply chain and security along the northern*
2 *and southern border of the United States.*

3 (2) *SOUTHERN BORDER SUPPLY CHAIN SECUR-*
4 *ITY.—Not later than 1 year after the date of enact-*
5 *ment of this Act, the Commissioner shall provide Con-*
6 *gress with a plan to improve supply chain security*
7 *along the southern border, including, where appro-*
8 *priate, plans to implement voluntary programs in-*
9 *volving government entities and the private sector to*
10 *strengthen and improve the overall security of the*
11 *international supply chain that have been successfully*
12 *implemented on the northern border.*

13 *SEC. 707. PORT OF ENTRY TECHNOLOGY DEMONSTRA-*
14 *TION PROGRAM. (a) ESTABLISHMENT.—The Secretary, act-*
15 *ing through the Commissioner, shall carry out a technology*
16 *demonstration program to test and evaluate new port of*
17 *entry technologies, refine port of entry technologies and*
18 *operational concepts, and train personnel under realistic*
19 *conditions.*

20 *(b) TECHNOLOGY AND FACILITIES.—*

21 (1) *TECHNOLOGY TESTED.—Under the dem-*
22 *onstration program, the Commissioner shall test tech-*
23 *nologies that enhance port of entry operations, includ-*
24 *ing those related to inspections, communications, port*
25 *tracking, identification of persons and cargo, sensory*

1 *devices, personal detection, decision support, and the*
2 *detection and identification of weapons of mass de-*
3 *struction.*

4 (2) *FACILITIES DEVELOPED.*—*At a demonstra-*
5 *tion site selected pursuant to subsection (c)(3), the*
6 *Commissioner shall develop any facilities needed to*
7 *provide appropriate training to Federal law enforce-*
8 *ment personnel who have responsibility for border se-*
9 *curity, including cross-training among agencies, ad-*
10 *vanced law enforcement training, and equipment ori-*
11 *entation to the extent that such training is not being*
12 *conducted at existing Federal facilities.*

13 (c) *DEMONSTRATION SITES.*—

14 (1) *NUMBER.*—*The Commissioner shall carry out*
15 *the demonstration program at not less than 3 sites*
16 *and not more than 5 sites.*

17 (2) *LOCATION.*—*Of the sites selected under sub-*
18 *section (c)—*

19 (A) *at least 1 shall be located on the north-*
20 *ern border of the United States; and*

21 (B) *at least 1 shall be located on the south-*
22 *ern border of the United States.*

23 (3) *SELECTION CRITERIA.*—*To ensure that 1 of*
24 *the facilities selected as a port of entry demonstration*
25 *site for the demonstration program has the most up-*

1 *to-date design, contains sufficient space to conduct the*
2 *demonstration program, has a traffic volume low*
3 *enough to easily incorporate new technologies without*
4 *interrupting normal processing activity, and can effi-*
5 *ciently carry out demonstration and port of entry op-*
6 *erations, 1 port of entry selected as a demonstration*
7 *site may—*

8 *(A) have been established not more than 15*
9 *years before the date of the enactment of this Act;*

10 *(B) consist of not less than 65 acres, with*
11 *the possibility of expansion onto not less than 25*
12 *adjacent acres; and*

13 *(C) have serviced an average of not more*
14 *than 50,000 vehicles per month during the 12*
15 *months preceding the date of the enactment of*
16 *this Act.*

17 *(d) RELATIONSHIP WITH OTHER AGENCIES.—The*
18 *Secretary, acting through the Commissioner, shall permit*
19 *personnel from appropriate Federal agencies to utilize a*
20 *demonstration site described in subsection (c) to test tech-*
21 *nologies that enhance port of entry operations, including*
22 *those related to inspections, communications, port tracking,*
23 *identification of persons and cargo, sensory devices, per-*
24 *sonal detection, decision support, and the detection and*
25 *identification of weapons of mass destruction.*

1 (e) *REPORT.*—

2 (1) *REQUIREMENT.*—*Not later than 1 year after*
3 *the date of the enactment of this Act, and annually*
4 *thereafter, the Secretary shall submit to Congress a*
5 *report on the activities carried out at each demonstra-*
6 *tion site under the technology demonstration program*
7 *established under this section.*

8 (2) *CONTENT.*—*The report shall include an as-*
9 *essment by the Commissioner of the feasibility of in-*
10 *corporating any demonstrated technology for use*
11 *throughout United States Customs and Border Protec-*
12 *tion.*

13 *SEC. 708. AUTHORIZATION OF APPROPRIATIONS. (a)*
14 *IN GENERAL.*—*In addition to any funds otherwise avail-*
15 *able, there are authorized to be appropriated such sums as*
16 *may be necessary to carry out sections 703, 704, 705, 706,*
17 *and 707 for fiscal years 2009 through 2013.*

18 (i) *INTERNATIONAL AGREEMENTS.*—*Funds authorized*
19 *to be appropriated under this title may be used for the im-*
20 *plementation of projects described in the Declaration on*
21 *Embracing Technology and Cooperation to Promote the Se-*
22 *cure and Efficient Flow of People and Commerce across our*
23 *Shared Border between the United States and Mexico,*
24 *agreed to March 22, 2002, Monterrey, Mexico (commonly*
25 *known as the Border Partnership Action Plan) or the*

1 *Smart Border Declaration between the United States and*
2 *Canada, agreed to December 12, 2001, Ottawa, Canada that*
3 *are consistent with the provisions of this title.*

4 *DIVISION B—BORDER SECURITY*

5 *TITLE X—BORDER SECURITY REQUIREMENTS*

6 *SEC. 1001. SHORT TITLE.*

7 *This division may be cited as the “Border Security*
8 *First Act of 2007”.*

9 *SEC. 1002. BORDER SECURITY REQUIREMENTS.*

10 *(a) REQUIREMENTS.—Not later than 2 years after the*
11 *date of the enactment of this Act, the President shall ensure*
12 *that the following are carried out:*

13 *(1) OPERATIONAL CONTROL OF THE INTER-*
14 *NATIONAL BORDER WITH MEXICO.—The Secretary of*
15 *Homeland Security shall establish and demonstrate*
16 *operational control of 100 percent of the international*
17 *land border between the United States and Mexico,*
18 *including the ability to monitor such border through*
19 *available methods and technology.*

20 *(2) STAFF ENHANCEMENTS FOR BORDER PA-*
21 *TROL.—The United States Customs and Border Pro-*
22 *tection Border Patrol shall hire, train, and report for*
23 *duty 23,000 full-time agents.*

1 (3) *STRONG BORDER BARRIERS.*—*The United*
2 *States Customs and Border Protection Border Patrol*
3 *shall—*

4 (A) *install along the international land bor-*
5 *der between the United States and Mexico at*
6 *least—*

7 (i) *300 miles of vehicle barriers;*

8 (ii) *700 linear miles of fencing as re-*
9 *quired by the Secure Fence Act of 2006*
10 *(Public Law 109–367), as amended by this*
11 *Act; and*

12 (iii) *105 ground-based radar and cam-*
13 *era towers; and*

14 (B) *deploy for use along the international*
15 *land border between the United States and Mex-*
16 *ico 4 unmanned aerial vehicles, and the sup-*
17 *porting systems for such vehicles.*

18 (4) *CATCH AND RETURN.*—*The Secretary of*
19 *Homeland Security shall detain all removable aliens*
20 *apprehended crossing the international land border*
21 *between the United States and Mexico in violation of*
22 *Federal or State law, except as specifically mandated*
23 *by Federal or State law or humanitarian cir-*
24 *cumstances, and United States Immigration and Cus-*
25 *tom Enforcement shall have the resources to main-*

1 tain this practice, including the resources necessary to
2 detain up to 45,000 aliens per day on an annual
3 basis.

4 **(b) PRESIDENTIAL PROGRESS REPORT.—**

5 **(1) IN GENERAL.—**Not later than 90 days after
6 the date of enactment of this Act, and every 90 days
7 thereafter until the requirements under subsection (a)
8 are met, the President shall submit a report to Con-
9 gress detailing the progress made in funding, meeting,
10 or otherwise satisfying each of the requirements de-
11 scribed under paragraphs (1) through (4) of sub-
12 section (a), including detailing any contractual agree-
13 ments reached to carry out such measures.

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

21 **SEC. 1003. APPROPRIATIONS FOR BORDER SECURITY.**

22 There is hereby appropriated \$3,000,000,000 to satisfy
23 the requirements set out in section 1002(a) and, if any
24 amount remains after satisfying such requirements, to
25 achieve and maintain operational control over the inter-

1 *national land and maritime borders of the United States,*
2 *for employment eligibility verification improvements, for*
3 *increased removal and detention of visa overstays, criminal*
4 *aliens, aliens who have illegally reentered the United States,*
5 *and for reimbursement of State and local section 287(g) ex-*
6 *penses. These amounts are designated as an emergency re-*
7 *quirement pursuant to section 204 of S. Con. Res. 21 (110th*
8 *Congress).*

9 *This Act may be cited as the “Department of Home-*
10 *land Security Appropriations Act, 2008”.*

Attest:

Secretary.

110TH CONGRESS
1ST SESSION

H. R. 2638

AMENDMENT