

Calendar No. 206

110TH CONGRESS  
1ST SESSION

**H. R. 2638**

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IN THE SENATE OF THE UNITED STATES

JUNE 18, 2007

Received; read twice and placed on the calendar

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**AN ACT**

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

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

1 TITLE I—DEPARTMENTAL MANAGEMENT AND  
2 OPERATIONS

3 OFFICE OF THE SECRETARY AND EXECUTIVE  
4 MANAGEMENT

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

15 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

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

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

17 OFFICE OF THE CHIEF FINANCIAL OFFICER

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

22 OFFICE OF THE CHIEF INFORMATION OFFICER

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

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

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

3 ANALYSIS AND OPERATIONS

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

11 OFFICE OF THE FEDERAL COORDINATOR FOR GULF

12 COAST REBUILDING

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

19 INSPECTOR GENERAL

20 OPERATING EXPENSES

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

1 payment of informants, to be expended at the direction  
2 of the Inspector General.

3 TITLE II—SECURITY, ENFORCEMENT, AND  
4 INVESTIGATIONS

5 UNITED STATES CUSTOMS AND BORDER PROTECTION  
6 SALARIES AND EXPENSES

7 For necessary expenses for enforcement of laws relat-  
8 ing to border security, immigration, customs, and agricul-  
9 tural inspections and regulatory activities related to plant  
10 and animal imports; purchase and lease of up to 4,500  
11 (2,300 for replacement only) police-type vehicles; and con-  
12 tracting with individuals for personal services abroad;  
13 \$6,629,733,000 (reduced by \$1,000,000) (increased by  
14 \$1,000,000), of which \$3,093,000 shall be derived from  
15 the Harbor Maintenance Trust Fund for administrative  
16 expenses related to the collection of the Harbor Mainte-  
17 nance Fee pursuant to section 9505(c)(3) of the Internal  
18 Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) notwith-  
19 standing section 1511(e)(1) of the Homeland Security Act  
20 of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed  
21 \$45,000 shall be for official reception and representation  
22 expenses; of which not less than \$207,740,000 shall be  
23 for Air and Marine Operations; of which such sums as  
24 become available in the Customs User Fee Account, except  
25 sums subject to section 13031(f)(3) of the Consolidated

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

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

20 AUTOMATION MODERNIZATION

21 For expenses for customs and border protection auto-  
22 mated systems, \$476,609,000, to remain available until  
23 expended, of which not less than \$316,969,000 shall be  
24 for the development of the Automated Commercial Envi-  
25 ronment: *Provided*, That of the total amount made avail-  
26 able under this heading, \$216,969,000 may not be obli-



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

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

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

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

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

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

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

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

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

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

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

1 dressing these risks and the status of their imple-  
2 mentation; and

3 (9) a written certification by the Chief Human  
4 Capital Officer of the Department of Homeland Se-  
5 curity that human capital needs of the program are  
6 being strategically and proactively managed, and  
7 that current human capital capabilities are sufficient  
8 to execute the plans discussed in the report.

9 BORDER SECURITY FENCING, INFRASTRUCTURE, AND  
10 TECHNOLOGY

11 For expenses for customs and border protection fenc-  
12 ing, infrastructure, and technology, \$1,000,000,000 (re-  
13 duced by \$5,000,000) (increased by \$5,000,000) (in-  
14 creased by \$89,125,000), to remain available until ex-  
15 pended: *Provided*, That of the amount provided under this  
16 heading, \$700,000,000 shall not be obligated until the  
17 Committees on Appropriations of the Senate and the  
18 House of Representatives receive and approve a plan for  
19 expenditure, prepared by the Secretary of Homeland Secu-  
20 rity and submitted within 60 days after the date of enact-  
21 ment of this Act, for a program to establish a security  
22 barrier along the borders of the United States of fencing  
23 and vehicle barriers, where practicable, and other forms  
24 of tactical infrastructure and technology, that—

25 (1) defines activities, milestones, and costs for  
26 implementing the program, including identification

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

24 CONSTRUCTION

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

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

4 UNITED STATES IMMIGRATION AND CUSTOMS

5 ENFORCEMENT

6 SALARIES AND EXPENSES

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

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

16 FEDERAL PROTECTIVE SERVICE

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

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

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

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

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



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

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

5 CONSTRUCTION

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

18 TRANSPORTATION SECURITY ADMINISTRATION

19 AVIATION SECURITY

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

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

20 SURFACE TRANSPORTATION SECURITY

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





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

8  
9 FEDERAL AIR MARSHALS

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

11 COAST GUARD

12 OPERATING EXPENSES

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

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

8 ENVIRONMENTAL COMPLIANCE AND RESTORATION

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

13 RESERVE TRAINING

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

18 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

19 (INCLUDING RESCISSIONS OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (2) the total estimated cost of completion;

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

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

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

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

## 1 ALTERATION OF BRIDGES

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

## 6 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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

## 21 RETIRED PAY

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



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

6 UNITED STATES SECRET SERVICE

7 SALARIES AND EXPENSES

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

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

1 *Provided further*, That notwithstanding section 503(b) of  
2 this Act, none of the funds provided to the United States  
3 Secret Service by this or any previous appropriations Act  
4 shall be available for obligation or expenditure for pro-  
5 grams, projects, or activities through a reprogramming of  
6 funds in excess of \$2,500,000 or 5 percent, whichever is  
7 less, that: (1) augments existing programs, projects, or ac-  
8 tivities; (2) reduces by 5 percent funding for any existing  
9 program, project, or activity, or reduces by 5 percent num-  
10 bers of personnel as approved by the Congress; or (3) re-  
11 sults from any general savings from a reduction in per-  
12 sonnel that would result in a change in existing programs,  
13 projects, or activities as approved by Congress; unless the  
14 Committees on Appropriations of the Senate and the  
15 House of Representatives are notified 15 days in advance  
16 of such reprogramming of funds.

17 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND  
18 RELATED EXPENSES

19 For necessary expenses for acquisition, construction,  
20 repair, alteration, and improvement of facilities,  
21 \$3,725,000, to remain available until expended.

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

3 NATIONAL PROTECTION AND PROGRAMS DIRECTORATE  
4 MANAGEMENT AND ADMINISTRATION

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

12 INFRASTRUCTURE PROTECTION AND INFORMATION  
13 SECURITY

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

20 UNITED STATES VISITOR AND IMMIGRANT STATUS  
21 INDICATOR TECHNOLOGY

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

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

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

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

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

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

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

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

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

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

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

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

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

23 OFFICE OF HEALTH AFFAIRS

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

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

6 FEDERAL EMERGENCY MANAGEMENT AGENCY

7 MANAGEMENT AND ADMINISTRATION

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

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

3 STATE AND LOCAL PROGRAMS

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

1           (3) \$293,000,000 for training, exercises, tech-  
2           nical assistance, and other programs:

3 *Provided*, That none of the grants provided under this  
4 heading shall be used for the construction or renovation  
5 of facilities, except for emergency operations centers: *Pro-*  
6 *vided further*, That the preceding proviso shall not apply  
7 to grants under subparagraphs (B), (C), (D), (F), (G),  
8 (H), (I), (J), and (K) of paragraph (2) of this heading:  
9 *Provided further*, That grantees shall provide additional  
10 reports on their use of funds, as determined necessary by  
11 the Secretary of Homeland Security: *Provided further*,  
12 That funds appropriated for law enforcement terrorism  
13 prevention grants under paragraph (1) of this heading and  
14 discretionary grants under paragraph (2)(A) of this head-  
15 ing shall be available for operational costs, including per-  
16 sonnel overtime and overtime associated with certified  
17 training, as needed.

18                                   FIREFIGHTER ASSISTANCE GRANTS

19           For grants authorized by the Federal Fire Prevention  
20 and Control Act of 1974 (15 U.S.C. 2201 et seq.),  
21 \$800,000,000, of which \$570,000,000 shall be available  
22 to carry out section 33 of that Act (15 U.S.C. 2229) and  
23 \$230,000,000 shall be available to carry out section 34  
24 of that Act (15 U.S.C. 2229a), to remain available until  
25 September 30, 2009: *Provided*, That not to exceed 5 per-

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

3 EMERGENCY MANAGEMENT PERFORMANCE GRANTS

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

17 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

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

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

8 UNITED STATES FIRE ADMINISTRATION

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

14 DISASTER RELIEF

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

19 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

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

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

5 FLOOD MAP MODERNIZATION FUND

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

15 NATIONAL FLOOD INSURANCE FUND

16 (INCLUDING TRANSFER OF FUNDS)

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

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

23 NATIONAL FLOOD MITIGATION FUND

24 (INCLUDING TRANSFER OF FUNDS)

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

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

8 NATIONAL PRE-DISASTER MITIGATION FUND

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

19 EMERGENCY FOOD AND SHELTER

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



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

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

15 FEDERAL LAW ENFORCEMENT TRAINING CENTER  
16 SALARIES AND EXPENSES

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

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

18 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND  
19 RELATED EXPENSES

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

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

3                                   SCIENCE AND TECHNOLOGY

4                                   MANAGEMENT AND ADMINISTRATION

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

12                               RESEARCH, DEVELOPMENT, ACQUISITION AND

13   OPERATIONS

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

1           DOMESTIC NUCLEAR DETECTION OFFICE  
2           MANAGEMENT AND ADMINISTRATION

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

9           RESEARCH, DEVELOPMENT, AND OPERATIONS

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

13           SYSTEMS ACQUISITION

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

## 1 TITLE V—GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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



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

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

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

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

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

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

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

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

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

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

Passed the House of Representatives June 15, 2007.

Attest: LORRAINE C. MILLER,  
*Clerk.*



Calendar No. 206

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 2638**

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**AN ACT**

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

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JUNE 18, 2007

Received; read twice and placed on the calendar