

# Union Calendar No. 106

110TH CONGRESS  
1ST SESSION

# H. R. 2638

[Report No. 110-181]

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

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2007

Mr. PRICE of North Carolina, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## A BILL

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: *Provided*, That  
10 not to exceed \$40,000 shall be for official reception and  
11 representation expenses.

12 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

13 For necessary expenses of the Office of the Under  
14 Secretary for Management, as authorized by sections 701  
15 through 705 of the Homeland Security Act of 2002 (6  
16 U.S.C. 341 through 345), \$237,765,000, of which not to  
17 exceed \$3,000 shall be for official reception and represen-  
18 tation expenses: *Provided*, That of the total amount pro-  
19 vided, \$6,000,000 shall remain available until expended  
20 solely for the alteration and improvement of facilities, ten-  
21 ant improvements, and relocation costs to consolidate De-  
22 partment headquarters operations and \$300,000 shall re-  
23 main available until expended by the Federal Law En-  
24 forcement Training Accreditation Board for the needs of  
25 Federal law enforcement agencies participating in training

1 accreditation: *Provided further*, That no funding provided  
2 under this heading may be used to design, build, or relo-  
3 cate any Departmental activity to the Saint Elizabeths  
4 campus until the Department submits to the Committees  
5 on Appropriations of the Senate and the House of Rep-  
6 resentatives: (1) the published U-Visa rule, and (2) a de-  
7 tailed expenditure plan for checkpoint support and explo-  
8 sive detection systems refurbishment, procurement, and  
9 installations on an airport-by-airport basis for fiscal year  
10 2008.

11 OFFICE OF THE CHIEF FINANCIAL OFFICER

12 For necessary expenses of the Office of the Chief Fi-  
13 nancial Officer, as authorized by section 103 of the Home-  
14 land Security Act of 2002 (6 U.S.C. 113), \$32,000,000.

15 OFFICE OF THE CHIEF INFORMATION OFFICER

16 For necessary expenses of the Office of the Chief In-  
17 formation Officer, as authorized by section 103 of the  
18 Homeland Security Act of 2002 (6 U.S.C. 113), and De-  
19 partment-wide technology investments, \$258,621,000; of  
20 which \$79,921,000 shall be available for salaries and ex-  
21 penses; and of which \$178,700,000 shall be available for  
22 development and acquisition of information technology  
23 equipment, software, services, and related activities for the  
24 Department of Homeland Security, to remain available  
25 until expended: *Provided*, That none of the funds appro-

1 priated shall be used to support or supplement the appro-  
2 priations provided for the United States Visitor and Immi-  
3 grant Status Indicator Technology project or the Auto-  
4 mated Commercial Environment: *Provided further*, That  
5 the Chief Information Officer shall submit to the Commit-  
6 tees on Appropriations of the Senate and the House of  
7 Representatives, not more than 60 days after the date of  
8 enactment of this Act, an expenditure plan for all informa-  
9 tion technology acquisition projects with an estimated cost  
10 of \$2,500,000 or more: *Provided further*, That such ex-  
11 penditure plan shall include each specific project funded,  
12 key milestones, all funding sources for each project, details  
13 of annual and lifecycle costs, and projected cost savings  
14 or cost avoidance to be achieved by the project: *Provided*  
15 *further*, That notwithstanding any other provision of law,  
16 none of the funds made available in this or any other Act  
17 may be obligated to provide for the oversight or manage-  
18 ment of the Integrated Wireless Network program by any  
19 employee of the Office of the Chief Information Officer.

#### 20 ANALYSIS AND OPERATIONS

21 For necessary expenses for information analysis and  
22 operations coordination activities, as authorized by title II  
23 of the Homeland Security Act of 2002 (6 U.S.C. 121 et  
24 seq.), \$291,619,000, to remain available until September

1 30, 2009, of which not to exceed \$5,000 shall be for offi-  
2 cial reception and representation expenses.

3 OFFICE OF THE FEDERAL COORDINATOR FOR GULF  
4 COAST REBUILDING

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

11 INSPECTOR GENERAL  
12 OPERATING EXPENSES

13 For necessary expenses of the Inspector General in  
14 carrying out the provisions of the Inspector General Act  
15 of 1978 (5 U.S.C. App.), \$99,111,000, of which not to  
16 exceed \$150,000 may be used for certain confidential  
17 operational expenses, including the payment of inform-  
18 ants, to be expended at the direction of the Inspector Gen-  
19 eral.

20 TITLE II—SECURITY, ENFORCEMENT, AND  
21 INVESTIGATIONS

22 UNITED STATES CUSTOMS AND BORDER PROTECTION  
23 SALARIES AND EXPENSES

24 For necessary expenses for enforcement of laws relat-  
25 ing to border security, immigration, customs, and agricul-

1 tural inspections and regulatory activities related to plant  
2 and animal imports; purchase and lease of up to 4,500  
3 (2,300 for replacement only) police-type vehicles; and con-  
4 tracting with individuals for personal services abroad;  
5 \$6,629,733,000, of which \$3,093,000 shall be derived  
6 from the Harbor Maintenance Trust Fund for administra-  
7 tive expenses related to the collection of the Harbor Main-  
8 tenance Fee pursuant to section 9505(c)(3) of the Internal  
9 Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) notwith-  
10 standing section 1511(e)(1) of the Homeland Security Act  
11 of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed  
12 \$45,000 shall be for official reception and representation  
13 expenses; of which not less than \$207,740,000 shall be  
14 for Air and Marine Operations; of which such sums as  
15 become available in the Customs User Fee Account, except  
16 sums subject to section 13031(f)(3) of the Consolidated  
17 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.  
18 58c(f)(3)), shall be derived from that account; of which  
19 not to exceed \$150,000 shall be available for payment for  
20 rental space in connection with preclearance operations;  
21 and of which not to exceed \$1,000,000 shall be for awards  
22 of compensation to informants, to be accounted for solely  
23 under the certificate of the Secretary of Homeland Secu-  
24 rity: *Provided*, That for fiscal year 2008, the overtime lim-  
25 itation prescribed in section 5(c)(1) of the Act of February

1 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000; and not-  
2 withstanding any other provision of law, none of the funds  
3 appropriated by this Act may be available to compensate  
4 any employee of United States Customs and Border Pro-  
5 tection for overtime, from whatever source, in an amount  
6 that exceeds such limitation, except in individual cases de-  
7 termined by the Secretary of Homeland Security, or the  
8 designee of the Secretary, to be necessary for national se-  
9 curity purposes, to prevent excessive costs, or in cases of  
10 immigration emergencies: *Provided further*, That of the  
11 amount made available under this heading, \$202,816,000  
12 shall remain available until September 30, 2009, to sup-  
13 port software development, equipment, contract services,  
14 and the implementation of inbound lanes and modification  
15 to vehicle primary processing lanes at ports of entry, of  
16 which \$100,000,000 may not be obligated until the Com-  
17 mittees on Appropriations of the Senate and the House  
18 of Representatives receive a report on the results of pilot  
19 programs used to develop and implement the plan required  
20 by section 7209(b)(1) of the Intelligence Reform and Ter-  
21 rorism Prevention Act of 2004 (Public Law 108–458; 8  
22 U.S.C. 1185 note), which includes the following informa-  
23 tion: (1) infrastructure and staffing required, with associ-  
24 ated costs, by port of entry; (2) updated milestones for  
25 plan implementation; (3) a detailed explanation of how re-



1           (2) an explicit plan of action defining how all  
2 unobligated funds for the program from prior appro-  
3 priations and all fiscal year 2008 funds are to be  
4 spent to meet future program commitments, with  
5 sufficient detail to link the planned expenditure of  
6 funds to the milestone-based delivery of specific ca-  
7 pabilities, services, performance levels, mission bene-  
8 fits and outcomes, and program management capa-  
9 bilities;

10           (3) a listing of all open Government Account-  
11 ability Office and Office of Inspector General rec-  
12 ommendations related to the program, with the sta-  
13 tus of the Department's efforts to address the rec-  
14 ommendations, including milestones for fully ad-  
15 dressing them;

16           (4) a written certification by the Chief Finan-  
17 cial Officer of the Department of Homeland Security  
18 that the program has been reviewed and approved in  
19 accordance with the Department's investment man-  
20 agement process, and that this process fulfills all  
21 capital planning and investment control require-  
22 ments and reviews established by the Office of Man-  
23 agement and Budget, including Circular A-11, part  
24 7, as well as copies of all investment decision memo-

1 randa and supporting analyses generated by and  
2 used in the Department's process;

3 (5) a written certification by the Chief Informa-  
4 tion Officer of the Department of Homeland Secu-  
5 rity that an independent validation and verification  
6 agent has and will continue to actively review the  
7 program, as well as summaries of reviews conducted  
8 by the agent during the preceding 12 months;

9 (6) a written certification by the Chief Informa-  
10 tion Officer of the Department of Homeland Secu-  
11 rity that: the system architecture is sufficiently  
12 aligned with the department's information systems  
13 enterprise architecture to minimize future rework,  
14 including: a description of all aspects of the architec-  
15 tures that were and were not assessed in making the  
16 alignment determination; the date of the alignment  
17 determination; any known areas of misalignment;  
18 any associated risks; and corrective actions to ad-  
19 dress any such areas;

20 (7) a written certification by the Chief Informa-  
21 tion Officer of the Department of Homeland Secu-  
22 rity that the program has a risk management proc-  
23 ess that regularly and proactively identifies, evalu-  
24 ates, mitigates, and monitors risks throughout the  
25 system life cycle, and communicates high-risk condi-

1 tions to United States Customs and Border Protec-  
2 tion and Department of Homeland Security invest-  
3 ment decision makers, as well as a listing of the pro-  
4 gram's high risks and the status of efforts to ad-  
5 dress them;

6 (8) a written certification by the Chief Procure-  
7 ment Officer of the Department of Homeland Secu-  
8 rity that the plans for the program comply with the  
9 Federal acquisition rules, requirements, guidelines,  
10 and practices, and a description of the actions being  
11 taken to address areas of non-compliance, the risks  
12 associated with them along with any plans for ad-  
13 dressing these risks and the status of their imple-  
14 mentation; and

15 (9) a written certification by the Chief Human  
16 Capital Officer of the Department of Homeland Se-  
17 curity that human capital needs of the program are  
18 being strategically and proactively managed, and  
19 that current human capital capabilities are sufficient  
20 to execute the plans discussed in the report.

21 BORDER SECURITY FENCING, INFRASTRUCTURE, AND  
22 TECHNOLOGY

23 For expenses for customs and border protection fenc-  
24 ing, infrastructure, and technology, \$1,000,000,000, to re-  
25 main available until expended: *Provided*, That of the  
26 amount provided under this heading, \$700,000,000 shall

1 not be obligated until the Committees on Appropriations  
2 of the Senate and the House of Representatives receive  
3 and approve a plan for expenditure, prepared by the Sec-  
4 retary of Homeland Security and submitted within 60  
5 days after the date of enactment of this Act, for a program  
6 to establish a security barrier along the borders of the  
7 United States of fencing and vehicle barriers, where prac-  
8 ticable, and other forms of tactical infrastructure and  
9 technology, that—

10           (1) defines activities, milestones, and costs for  
11           implementing the program, including identification  
12           of the maximum investment related to the Secure  
13           Border Initiative network (SBIInet) or successor con-  
14           tract, estimation of lifecycle costs, and description of  
15           the methodology used to obtain these cost figures;

16           (2) demonstrates how activities will further the  
17           objectives of the Secure Border Initiative (SBI), as  
18           defined in the SBI multi-year strategic plan, and  
19           how the plan allocates funding to the highest pri-  
20           ority border security needs;

21           (3) identifies funding and staffing (including  
22           full-time equivalents, contractors, and detailees) re-  
23           quirements by activity;

24           (4) describes how the plan addresses security  
25           needs at the Northern Border and the ports of

1 entry, including infrastructure, technology, design  
2 and operations requirements;

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

7 (6) includes an analysis by the Secretary, for  
8 each segment of fencing or tactical infrastructure, of  
9 the selected approach compared to other, alternative  
10 means of achieving operational control; such analysis  
11 should include cost, level of operational control, pos-  
12 sible unintended effects on communities, and other  
13 factors critical to the decision-making process;

14 (7) includes a certification by the Chief Pro-  
15 curement Officer of the Department of Homeland  
16 Security that procedures to prevent conflicts of in-  
17 terest between the prime integrator and major sub-  
18 contractors are established and that the SBI Pro-  
19 gram Office has adequate staff and resources to ef-  
20 fectively manage the SBI program, SBInet contract,  
21 and any related contracts, including the exercise of  
22 technical oversight, and a certification by the Chief  
23 Information Officer of the Department of Homeland  
24 Security that an independent verification and valida-

1       tion agent is currently under contract for the  
2       projects funded under this heading;

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

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

11          (10) is reviewed and approved by the Depart-  
12      ment of Homeland Security Investment Review  
13      Board, the Secretary of Homeland Security, and the  
14      Office of Management and Budget; and

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

17 *Provided further*, That the Secretary shall report to the  
18 Committees on Appropriations of the Senate and the  
19 House of Representatives on program progress to date,  
20 and specific objectives to be achieved through the award  
21 of current and remaining task orders planned for the bal-  
22 ance of available appropriations (1) at least 30 days prior  
23 to the award of any task order requiring the obligation  
24 in excess of \$100,000,000; and (2) prior to the award of  
25 a task order that would cause cumulative obligations to

1 exceed 50 percent of the total amount appropriated: *Pro-*  
2 *vided further*, That of the funds provided under this head-  
3 ing, not more than \$2,000,000 shall be used to reimburse  
4 the Defense Acquisition University for the costs of con-  
5 ducting a review of the SBInet contract and determining  
6 how and whether the Department is employing the best  
7 procurement practices: *Provided further*, That none of the  
8 funds under this heading may be obligated for fencing or  
9 tactical infrastructure on lands administered by the Na-  
10 tional Park Service, the United States Fish and Wildlife  
11 Service, the Forest Service, the Bureau of Indian Affairs,  
12 or the Bureau of Land Management unless the Secretary  
13 of Homeland Security coordinates such decision with that  
14 agency, and makes every effort to minimize impacts on  
15 wildlife and natural resources: *Provided further*, That none  
16 of the funds under this heading may be obligated for a  
17 fencing or tactical infrastructure project or activity unless  
18 the Secretary formally consults with affected State and  
19 local communities to solicit their advice and support of  
20 such project or activity: *Provided further*, That no funds  
21 under this heading may be obligated for any project or  
22 activity for which the Secretary has exercised waiver au-  
23 thority pursuant to section 102(c) of the Illegal Immigra-  
24 tion Reform and Immigrant Responsibility Act of 1996  
25 (8 U.S.C. 1103 note) until 15 days have elapsed from the

1 date of the publication of the decision in the Federal Reg-  
2 ister.

3 AIR AND MARINE INTERDICTION, OPERATIONS,  
4 MAINTENANCE, AND PROCUREMENT

5 For necessary expenses for the operations, mainte-  
6 nance, and procurement of marine vessels, aircraft, un-  
7 manned aircraft systems, and other related equipment of  
8 the air and marine program, including operational train-  
9 ing and mission-related travel, and rental payments for  
10 facilities occupied by the air or marine interdiction and  
11 demand reduction programs, the operations of which in-  
12 clude the following: the interdiction of narcotics and other  
13 goods; the provision of support to Federal, State, and local  
14 agencies in the enforcement or administration of laws en-  
15 forced by the Department of Homeland Security; and at  
16 the discretion of the Secretary of Homeland Security, the  
17 provision of assistance to Federal, State, and local agen-  
18 cies in other law enforcement and emergency humani-  
19 tarian efforts, \$477,287,000, to remain available until ex-  
20 pended: *Provided*, That no aircraft or other related equip-  
21 ment, except aircraft that are one-of-a-kind and have been  
22 identified as excess to United States Customs and Border  
23 Protection requirements and aircraft that have been dam-  
24 aged beyond repair, shall be transferred to any other Fed-  
25 eral agency, department, or office outside of the Depart-  
26 ment of Homeland Security during fiscal year 2008 with-

1 out the prior approval of the Committees on Appropria-  
2 tions of the Senate and the House of Representatives: *Pro-*  
3 *vided further*, That none of the funds under this heading  
4 may be obligated for procurement of additional unmanned  
5 aerial systems until the Commissioner of United States  
6 Customs and Border Protection certifies to the Commit-  
7 tees on Appropriations of the Senate and House of Rep-  
8 resentatives that they are of higher priority and more cost  
9 effective than other items included in the Air and Marine  
10 Strategic Recapitalization and Modernization plan.

11 CONSTRUCTION

12 For necessary expenses to plan, construct, renovate,  
13 equip, and maintain buildings and facilities necessary for  
14 the administration and enforcement of the laws relating  
15 to customs and immigration, \$249,663,000, to remain  
16 available until expended.

17 UNITED STATES IMMIGRATION AND CUSTOMS

18 ENFORCEMENT

19 SALARIES AND EXPENSES

20 For necessary expenses for enforcement of immigra-  
21 tion and customs laws, detention and removals, and inves-  
22 tigation; and purchase and lease of up to 3,790 (2,350  
23 for replacement only) police-type vehicles; \$4,146,300,000,  
24 of which not to exceed \$10,000,000 shall be available until  
25 expended for conducting special operations under section  
26 3131 of the Customs Enforcement Act of 1986 (19 U.S.C.

1 2081); of which not to exceed \$15,000 shall be for official  
2 reception and representation expenses; of which not to ex-  
3 ceed \$1,000,000 shall be for awards of compensation to  
4 informants, to be accounted for solely under the certificate  
5 of the Secretary of Homeland Security; and of which not  
6 to exceed \$11,216,000 shall be available to fund or reim-  
7 burse other Federal agencies for the costs associated with  
8 the care, maintenance, and repatriation of smuggled illegal  
9 aliens: *Provided*, That none of the funds made available  
10 under this heading shall be available to compensate any  
11 employee for overtime in an annual amount in excess of  
12 \$35,000, except that the Secretary of Homeland Security,  
13 or a designee of the Secretary, may waive that amount  
14 as necessary for national security purposes and in cases  
15 of immigration emergencies: *Provided further*, That of the  
16 total amount provided, \$15,770,000 shall be for activities  
17 to enforce laws against forced child labor in fiscal year  
18 2008, of which not to exceed \$6,000,000 shall remain  
19 available until expended: *Provided further*, That at least  
20 once per month the Secretary of Homeland Security or  
21 a designee of the Secretary shall obtain information from  
22 every prison, jail, and correctional facility in the United  
23 States to identify incarcerated aliens who may be deport-  
24 able and make every reasonable effort to remove such  
25 aliens judged deportable upon their release from custody.

## 1 FEDERAL PROTECTIVE SERVICE

2 The revenues and collections of security fees credited  
3 to this account shall be available until expended for nec-  
4 essary expenses related to the protection of federally-  
5 owned and leased buildings and for the operations of the  
6 Federal Protective Service: *Provided*, That none of the  
7 funds provided in this or any other Act, and none of the  
8 revenues or collections of security fees credited to this ac-  
9 count, may be obligated for any activity that reduces the  
10 number of in-service Federal Protective Service police offi-  
11 cers below the number of such officers as of October 1,  
12 2006, unless—

13 (1) the Director of the Federal Protective Serv-  
14 ice provides to the head of the relevant lead State  
15 and local law enforcement agencies for the jurisdic-  
16 tion concerned a report on the number and type of  
17 cases handled by the Federal Protective Service po-  
18 lice in that jurisdiction for the previous two fiscal  
19 years;

20 (2) the Director of the Federal Protective Serv-  
21 ice negotiates a Memorandum of Agreement with the  
22 head of each relevant State and local law enforce-  
23 ment agency for the jurisdiction concerned that ex-  
24 plains how the work identified in the report de-

1 scribed in section (1) will be addressed in the future;  
2 and

3 (3) the Director of the Federal Protective Serv-  
4 ice submits copies of each report under paragraph  
5 (1) and each memorandum under paragraph (2) to  
6 the Committees on Appropriations of the Senate and  
7 the House of Representatives by not later than 15  
8 days before the number of in-service Federal Protec-  
9 tive Service police officers is reduced for the con-  
10 cerned jurisdiction.

11 AUTOMATION MODERNIZATION

12 For expenses of immigration and customs enforce-  
13 ment automated systems, \$30,700,000, to remain avail-  
14 able until expended: *Provided*, That none of the funds  
15 made available under this heading may be obligated until  
16 the Committees on Appropriations of the Senate and the  
17 House of Representatives receive and approve a plan for  
18 expenditure prepared by the Secretary of Homeland Secu-  
19 rity that—

20 (1) meets the capital planning and investment  
21 control review requirements established by the Office  
22 of Management and Budget, including Circular A-  
23 11, part 7;

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



1 ceive and approve a plan for carrying out that privatiza-  
2 tion.

3           TRANSPORTATION SECURITY ADMINISTRATION

4                           AVIATION SECURITY

5           For necessary expenses of the Transportation Secu-  
6 rity Administration related to providing civil aviation secu-  
7 rity services pursuant to the Aviation and Transportation  
8 Security Act (Public Law 107-71; 115 Stat. 597; 49  
9 U.S.C. 40101 note), \$5,198,535,000, to remain available  
10 until September 30, 2009, of which not to exceed \$10,000  
11 shall be for official reception and representation expenses:  
12 *Provided*, That of the total amount made available under  
13 this heading, not to exceed \$4,218,194,000 shall be for  
14 screening operations, of which \$560,000,000 shall be  
15 available only for procurement and installation of checked  
16 baggage explosive detection systems; and not to exceed  
17 \$980,116,000 shall be for aviation security direction and  
18 enforcement: *Provided further*, That security service fees  
19 authorized under section 44940 of title 49, United States  
20 Code, shall be credited to this appropriation as offsetting  
21 collections and shall be available only for aviation security:  
22 *Provided further*, That the sum appropriated under this  
23 heading from the General Fund shall be reduced on a dol-  
24 lar-for-dollar basis as such offsetting collections are re-  
25 ceived during fiscal year 2008, so as to result in a final

1 fiscal year appropriation from the General Fund estimated  
2 at not more than \$2,488,310,000: *Provided further*, That  
3 any security service fees collected in excess of the amount  
4 made available under this heading shall become available  
5 during fiscal year 2009.

6 SURFACE TRANSPORTATION SECURITY

7 For necessary expenses of the Transportation Secu-  
8 rity Administration related to providing surface transpor-  
9 tation security activities, \$41,413,000, to remain available  
10 until September 30, 2009.

11 TRANSPORTATION THREAT ASSESSMENT AND  
12 CREDENTIALING

13 For necessary expenses for the development and im-  
14 plementation of screening programs of the Office of  
15 Transportation Threat Assessment and Credentialing,  
16 \$49,490,000, to remain available until September 30,  
17 2009: *Provided*, That if the Assistant Secretary of Home-  
18 land Security (Transportation Security Administration)  
19 determines that the Secure Flight program does not need  
20 to check airline passenger names against the full terrorist  
21 watch list, then the Assistant Secretary shall certify to the  
22 Committees on Appropriations of the Senate and the  
23 House of Representatives that no security risks are raised  
24 by screening airline passenger names only against a subset  
25 of the full terrorist watch list.

## 1                   TRANSPORTATION SECURITY SUPPORT

2           For necessary expenses of the Transportation Secu-  
3 rity Administration related to providing transportation se-  
4 curity support and intelligence pursuant to the Aviation  
5 and Transportation Security Act (Public Law 107-71;  
6 115 Stat. 597; 49 U.S.C. 40101 note), \$526,615,000, to  
7 remain available until September 30, 2009: *Provided*,  
8 That the Secretary of Homeland Security shall submit to  
9 the Committees on Appropriations of the Senate and the  
10 House of Representatives no later than 60 days after the  
11 date of enactment of this Act a detailed expenditure plan  
12 for checkpoint support and explosive detection systems re-  
13 furbishment, procurement, and installations on an airport-  
14 by-airport basis for fiscal year 2008: *Provided, further*,  
15 That notwithstanding any other provision of law, the ac-  
16 quisition management system shall be subject to the provi-  
17 sions of the Small Business Act (15 U.S.C. 631 et seq.).

## 18                   FEDERAL AIR MARSHALS

19           For necessary expenses of the Federal Air Marshals,  
20 \$722,000,000.

## 21                   COAST GUARD

## 22                   OPERATING EXPENSES

23           For necessary expenses for the operation and mainte-  
24 nance of the Coast Guard not otherwise provided for; pur-  
25 chase or lease of not to exceed 25 passenger motor vehi-  
26 cles, which shall be for replacement only; payments pursu-

1 ant to section 156 of Public Law 97–377 (42 U.S.C. 402  
2 note; 96 Stat. 1920); and recreation and welfare;  
3 \$5,885,242,000, of which \$340,000,000 shall be for de-  
4 fense-related activities; of which \$24,500,000 shall be de-  
5 rived from the Oil Spill Liability Trust Fund to carry out  
6 the purposes of section 1012(a)(5) of the Oil Pollution Act  
7 of 1990 (33 U.S.C. 2712(a)(5)); and of which not to ex-  
8 ceed \$20,000 shall be for official reception and representa-  
9 tion expenses: *Provided*, That none of the funds made  
10 available by this or any other Act shall be available for  
11 administrative expenses in connection with shipping com-  
12 missioners in the United States: *Provided further*, That  
13 none of the funds made available by this Act shall be for  
14 expenses incurred for yacht documentation under section  
15 12114 of title 46, United States Code, except to the extent  
16 fees are collected from yacht owners and credited to this  
17 appropriation.

18 ENVIRONMENTAL COMPLIANCE AND RESTORATION

19 For necessary expenses to carry out the environ-  
20 mental compliance and restoration functions of the Coast  
21 Guard under chapter 19 of title 14, United States Code,  
22 \$15,000,000, to remain available until expended.

23 RESERVE TRAINING

24 For necessary expenses of the Coast Guard Reserve,  
25 as authorized by law; operations and maintenance of the

1 reserve program; personnel and training costs; and equip-  
2 ment and services; \$126,883,000.

3 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

4 (INCLUDING RESCISSIONS OF FUNDS)

5 For necessary expenses of acquisition, construction,  
6 renovation, and improvement of aids to navigation, shore  
7 facilities, vessels, and aircraft, including equipment related  
8 thereto; and maintenance, rehabilitation, lease and oper-  
9 ation of facilities and equipment, as authorized by law;  
10 \$941,767,000, of which \$20,000,000 shall be derived from  
11 the Oil Spill Liability Trust Fund to carry out the pur-  
12 poses of section 1012(a)(5) of the Oil Pollution Act of  
13 1990 (33 U.S.C. 2712(a)(5)); of which \$9,200,000 shall  
14 be available until September 30, 2012, to acquire, repair,  
15 renovate, or improve vessels, small boats, and related  
16 equipment; of which \$113,600,000 shall be available until  
17 September 30, 2010, for other equipment; of which  
18 \$37,897,000 shall be available until September 30, 2010,  
19 for shore facilities and aids to navigation facilities; of  
20 which \$82,720,000 shall be available for personnel com-  
21 pensation and benefits and related costs; and of which  
22 \$698,350,000 shall be available until September 30, 2012,  
23 for the Integrated Deepwater Systems program: *Provided*,  
24 That of the funds made available for the Integrated Deep-  
25 water Systems program, \$257,400,000 is for aircraft and  
26 \$219,500,000 is for surface ships: *Provided further*, That

1 \$400,000,000 of the funds provided for the Integrated  
2 Deepwater Systems program may not be obligated until  
3 the Committees on Appropriations of the Senate and the  
4 House of Representatives receive and approve a plan for  
5 expenditure directly from the Coast Guard that—

6 (1) defines activities, milestones, yearly costs,  
7 and lifecycle costs for each procurement of a major  
8 asset, including an independent cost estimate for  
9 each;

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

13 (3) identifies competition to be conducted in  
14 each procurement;

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

17 (5) contains very limited indefinite delivery/in-  
18 definite quantity contracts and explains the need for  
19 any indefinite delivery/indefinite quantity contracts;

20 (6) complies with all applicable acquisition  
21 rules, requirements, and guidelines, and incorporates  
22 the best systems acquisition management practices  
23 of the Federal Government;

24 (7) complies with the capital planning and in-  
25 vestment control requirements established by the Of-

1        fice of Management and Budget, including circular  
2        A-11, part 7;

3            (8) includes a certification by the Head of Con-  
4        tracting Activity for the Coast Guard and the Chief  
5        Procurement Officer of the Department of Home-  
6        land Security that the Coast Guard has established  
7        sufficient controls and procedures and has sufficient  
8        staffing to comply with all contracting requirements  
9        and that any apparent conflicts of interest have been  
10       sufficiently addressed;

11           (9) includes a description of the process used to  
12        act upon deviations from the contractually specified  
13        performance requirements and clearly explains the  
14        actions taken on such deviations;

15           (10) includes a certification that the Assistant  
16        Commandant of the Coast Guard for Engineering  
17        and Logistics is designated as the technical author-  
18        ity for all engineering, design, and logistics decisions  
19        pertaining to the Integrated Deepwater Systems pro-  
20        gram;

21           (11) identifies use of the Defense Contract Au-  
22        diting Agency; and

23           (12) is reviewed by the Government Account-  
24        ability Office:

1 *Provided further*, That the Commandant of the Coast  
2 Guard is authorized to dispose of surplus real property,  
3 by sale or lease, and the proceeds shall be credited to this  
4 appropriation as offsetting collections and shall be avail-  
5 able until September 30, 2010: *Provided further*, That of  
6 amounts made available under this heading in Public Law  
7 109–90 for the Offshore Patrol Cutter, \$68,841,000 is re-  
8 scinded: *Provided further*, That of amounts made available  
9 under this heading in Public Law 109–90 and Public Law  
10 109–295 for unmanned aerial vehicles, \$38,608,000 is re-  
11 scinded: *Provided further*, That the Secretary of Homeland  
12 Security shall submit to the Committees on Appropria-  
13 tions of the Senate and the House of Representatives, in  
14 conjunction with the President’s fiscal year 2009 budget,  
15 a review of the Revised Deepwater Implementation Plan  
16 that identifies any changes to the plan for the fiscal year;  
17 an annual performance comparison of Deepwater assets  
18 to pre-Deepwater legacy assets; a status report of legacy  
19 assets; a detailed explanation of how the costs of legacy  
20 assets are being accounted for within the Deepwater pro-  
21 gram; and the earned value management system gold card  
22 data for each Deepwater asset: *Provided further*, That the  
23 Secretary shall submit to the Committees on Appropria-  
24 tions of the Senate and the House of Representatives a  
25 comprehensive review of the Revised Deepwater Imple-

1 mentation Plan every five years, beginning in fiscal year  
2 2011, that includes a complete projection of the acquisi-  
3 tion costs and schedule for the duration of the plan  
4 through fiscal year 2027: *Provided further*, That the Sec-  
5 retary shall annually submit to the Committees on Appro-  
6 priations of the Senate and the House of Representatives,  
7 at the time that the President’s budget is submitted under  
8 section 1105(a) of title 31, United States Code, a future-  
9 years capital investment plan for the Coast Guard that  
10 identifies for each capital budget line item—

11 (1) the proposed appropriation included in that  
12 budget;

13 (2) the total estimated cost of completion;

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

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

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

24 *Provided further*, That the Secretary shall ensure that  
25 amounts specified in the future-years capital investment

1 plan are consistent to the maximum extent practicable  
2 with proposed appropriations necessary to support the  
3 programs, projects, and activities of the Coast Guard in  
4 the President's budget as submitted under section 1105(a)  
5 of title 31, United States Code, for that fiscal year: *Pro-*  
6 *vided further*, That any inconsistencies between the capital  
7 investment plan and proposed appropriations shall be  
8 identified and justified.

9 ALTERATION OF BRIDGES

10 For necessary expenses for alteration or removal of  
11 obstructive bridges, as authorized by section 6 of the Act  
12 of July 16, 1952 (chapter 409; 33 U.S.C. 516),  
13 \$16,000,000, to remain available until expended.

14 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

15 For necessary expenses for applied scientific re-  
16 search, development, test, and evaluation; and for mainte-  
17 nance, rehabilitation, lease, and operation of facilities and  
18 equipment; as authorized by law; \$22,583,000, to remain  
19 available until expended, of which \$500,000 shall be de-  
20 rived from the Oil Spill Liability Trust Fund to carry out  
21 the purposes of section 1012(a)(5) of the Oil Pollution Act  
22 of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may  
23 be credited to and used for the purposes of this appropria-  
24 tion funds received from State and local governments,  
25 other public authorities, private sources, and foreign coun-

1 tries for expenses incurred for research, development, test-  
2 ing, and evaluation.

3 RETIRED PAY

4 For retired pay, including the payment of obligations  
5 otherwise chargeable to lapsed appropriations for this pur-  
6 pose, payments under the Retired Serviceman's Family  
7 Protection and Survivor Benefits Plans, payment for ca-  
8 reer status bonuses, concurrent receipts and combat-re-  
9 lated special compensation under the National Defense  
10 Authorization Act, and payments for medical care of re-  
11 tired personnel and their dependents under chapter 55 of  
12 title 10, United States Code, \$1,184,720,000, to remain  
13 available until expended.

14 UNITED STATES SECRET SERVICE

15 SALARIES AND EXPENSES

16 For necessary expenses of the United States Secret  
17 Service, including purchase of not to exceed 645 vehicles  
18 for police-type use for replacement only, and hire of pas-  
19 senger motor vehicles; purchase of motorcycles made in  
20 the United States; hire of aircraft; services of expert wit-  
21 nesses at such rates as may be determined by the Director  
22 of the Secret Service; rental of buildings in the District  
23 of Columbia, and fencing, lighting, guard booths, and  
24 other facilities on private or other property not in Govern-  
25 ment ownership or control, as may be necessary to per-  
26 form protective functions; payment of per diem or subsist-

1 ence allowances to employees where a protective assign-  
2 ment during the actual day or days of the visit of a  
3 protectee requires an employee to work 16 hours per day  
4 or to remain overnight at a post of duty; conduct of and  
5 participation in firearms matches; presentation of awards;  
6 travel of United States Secret Service employees on pro-  
7 tective missions without regard to the limitations on such  
8 expenditures in this or any other Act if approval is ob-  
9 tained in advance from the Committees on Appropriations  
10 of the Senate and the House of Representatives; research  
11 and development; grants to conduct behavioral research in  
12 support of protective research and operations; and pay-  
13 ment in advance for commercial accommodations as may  
14 be necessary to perform protective functions;  
15 \$1,392,171,000, of which not to exceed \$25,000 shall be  
16 for official reception and representation expenses: *Pro-*  
17 *vided*, That up to \$18,000,000 provided for protective  
18 travel shall remain available until September 30, 2009:  
19 *Provided further*, That the United States Secret Service  
20 is authorized to obligate funds in anticipation of reim-  
21 bursements from Executive agencies, as defined in section  
22 105 of title 5, United States Code, receiving training spon-  
23 sored by the James J. Rowley Training Center, except  
24 that total obligations at the end of the fiscal year shall  
25 not exceed total budgetary resources available under this

1 heading at the end of the fiscal year: *Provided further*,  
2 That none of the funds made available under this heading  
3 shall be available to compensate any employee for overtime  
4 in an annual amount in excess of \$35,000, except that  
5 the Secretary of Homeland Security, or the designee of  
6 the Secretary, may waive that amount as necessary for  
7 national security purposes: *Provided further*, That not-  
8 withstanding section 503(b) of this Act, none of the funds  
9 provided to the United States Secret Service by this or  
10 any previous appropriations Act shall be available for obli-  
11 gation or expenditure for programs, projects, or activities  
12 through a reprogramming of funds in excess of  
13 \$2,500,000 or 5 percent, whichever is less, that: (1) aug-  
14 ments existing programs, projects, or activities; (2) re-  
15 duces by 5 percent funding for any existing program,  
16 project, or activity, or reduces by 5 percent numbers of  
17 personnel as approved by the Congress; or (3) results from  
18 any general savings from a reduction in personnel that  
19 would result in a change in existing programs, projects,  
20 or activities as approved by Congress; unless the Commit-  
21 tees on Appropriations of the Senate and the House of  
22 Representatives are notified 15 days in advance of such  
23 reprogramming of funds.

1 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND  
2 RELATED EXPENSES

3 For necessary expenses for acquisition, construction,  
4 repair, alteration, and improvement of facilities,  
5 \$3,725,000, to remain available until expended.

6 TITLE III—PROTECTION, PREPAREDNESS,  
7 RESPONSE AND RECOVERY

8 NATIONAL PROTECTION AND PROGRAMS DIRECTORATE  
9 MANAGEMENT AND ADMINISTRATION

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

17 INFRASTRUCTURE PROTECTION AND INFORMATION  
18 SECURITY

19 For necessary expenses for infrastructure protection  
20 and information security programs and activities, as au-  
21 thorized by title II of the Homeland Security Act of 2002  
22 (6 U.S.C. 121 et seq.), \$532,881,000, of which  
23 \$471,787,000 shall remain available until September 30,  
24 2009.

1 UNITED STATES VISITOR AND IMMIGRANT STATUS  
2 INDICATOR TECHNOLOGY

3 For necessary expenses for the development of the  
4 United States Visitor and Immigrant Status Indicator  
5 Technology project, as authorized by section 110 of the  
6 Illegal Immigration Reform and Immigrant Responsibility  
7 Act of 1996 (8 U.S.C. 1365a), \$462,000,000, to remain  
8 available until expended: *Provided*, That of the total  
9 amount made available under this heading, \$232,000,000  
10 may not be obligated for the United States Visitor and  
11 Immigrant Status Indicator Technology project until the  
12 Committees on Appropriations of the Senate and the  
13 House of Representatives receive and approve a plan for  
14 expenditure prepared by the Secretary of Homeland Secu-  
15 rity that—

16 (1) meets the capital planning and investment  
17 control review requirements established by the Office  
18 of Management and Budget, including Circular A-  
19 11, part 7;

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

22 (3) complies with the acquisition rules, require-  
23 ments, guidelines, and systems acquisition manage-  
24 ment practices of the Federal Government;

1           (4) includes a certification by the Chief Infor-  
2           mation Officer of the Department of Homeland Se-  
3           curity that an independent verification and valida-  
4           tion agent is currently under contract for the  
5           project;

6           (5) is reviewed and approved by the Depart-  
7           ment of Homeland Security Investment Review  
8           Board, the Secretary of Homeland Security, and the  
9           Office of Management and Budget;

10          (6) is reviewed by the Government Account-  
11          ability Office;

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

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

19          (9) includes a detailed accounting of operation  
20          and maintenance, contractor services, and program  
21          costs associated with the management of identity  
22          services:

23 *Provided further,* That quarterly status reports on the  
24 US-VISIT program submitted to the Committees on Ap-  
25 propriations of the Senate and House of Representatives

1 shall include reporting on coordination with Western  
2 Hemisphere Travel Initiative planning and implementa-  
3 tion, the Secure Border Initiative, and other Departmental  
4 efforts that relate to US-VISIT goals and activities.

5 OFFICE OF HEALTH AFFAIRS

6 For the necessary expenses of the Office of Health  
7 Affairs, \$117,933,000; of which \$25,750,000 is for sala-  
8 ries and expenses; and of which \$92,183,000 is for bio-  
9 surveillance, BioWatch, medical readiness planning, chem-  
10 ical response, and other activities, to remain available until  
11 September 30, 2009: *Provided*, That not to exceed \$3,000  
12 shall be for official reception and representation expenses.

13 FEDERAL EMERGENCY MANAGEMENT AGENCY

14 MANAGEMENT AND ADMINISTRATION

15 For necessary expenses for management and admin-  
16 istration of the Federal Emergency Management Agency,  
17 \$685,000,000, including activities authorized by the Na-  
18 tional Flood Insurance Act of 1968 (42 U.S.C. 4001 et  
19 seq.), the Robert T. Stafford Disaster Relief and Emer-  
20 gency Assistance Act (42 U.S.C. 5121 et seq.), the Earth-  
21 quake Hazards Reduction Act of 1977 (42 U.S.C. 7701  
22 et seq.), the Defense Production Act of 1950 (50 U.S.C.  
23 App. 2061 et seq.), sections 107 and 303 of the National  
24 Security Act of 1947 (50 U.S.C. 404, 405), Reorganiza-  
25 tion Plan No. 3 of 1978 (5 U.S.C. App.), and the Home-

1 land Security Act of 2002 (6 U.S.C. 101 et seq.): *Pro-*  
2 *vided*, That not to exceed \$3,000 shall be for official recep-  
3 tion and representation expenses: *Provided further*, That  
4 of the total amount made available under this heading,  
5 \$35,000,000 shall be for Urban Search and Rescue, of  
6 which not to exceed \$1,600,000 may be made available  
7 for administrative costs: *Provided further*, That no less  
8 than \$6,000,000 shall be for the Office of the National  
9 Capital Region Coordination.

10 STATE AND LOCAL PROGRAMS

11 For grants, contracts, cooperative agreements, and  
12 other activities, including grants to State and local govern-  
13 ments for terrorism prevention activities, notwithstanding  
14 any other provision of law, \$3,101,000,000, which shall  
15 be allocated as follows:

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

1 under this paragraph to a State or to Puerto Rico  
2 shall be made available by the State or Puerto Rico  
3 to local governments within 60 days after the receipt  
4 of the funds.

5 (2) \$1,858,000,000 for discretionary grants, as  
6 determined by the Secretary of Homeland Security,  
7 of which—

8 (A) \$800,000,000 shall be for use in high-  
9 threat, high-density urban areas;

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

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

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

17 (E) \$400,000,000 shall be for intercity rail  
18 passenger transportation (as defined in section  
19 24102 of title 49, United States Code), freight  
20 rail, and transit security grants;

21 (F) \$50,000,000 shall be for buffer zone  
22 protection grants;

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

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

3 (I) \$17,000,000 shall be for Citizen Corps  
4 grants;

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

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

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

1 the grant announcement, and that the Federal  
2 Emergency Management Agency shall act on such  
3 applications not later than 60 days after the date on  
4 which such an application is received.

5 (3) \$293,000,000 for training, exercises, tech-  
6 nical assistance, and other programs:

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

22 FIREFIGHTER ASSISTANCE GRANTS

23 For grants authorized by the Federal Fire Prevention  
24 and Control Act of 1974 (15 U.S.C. 2201 et seq.),  
25 \$800,000,000, of which \$570,000,000 shall be available  
26 to carry out section 33 of that Act (15 U.S.C. 2229) and

1 \$230,000,000 shall be available to carry out section 34  
2 of that Act (15 U.S.C. 2229a), to remain available until  
3 September 30, 2009: *Provided*, That not to exceed 5 per-  
4 cent of the amount available under this heading shall be  
5 available for program administration.

6 EMERGENCY MANAGEMENT PERFORMANCE GRANTS

7 For necessary expenses for emergency management  
8 performance grants, as authorized by the National Flood  
9 Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-  
10 ert T. Stafford Disaster Relief and Emergency Assistance  
11 Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards  
12 Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Re-  
13 organization Plan No. 3 of 1978 (5 U.S.C. App.),  
14 \$300,000,000: *Provided*, That grants provided under this  
15 heading shall be distributed based on the formula used  
16 by the Department of Homeland Security in fiscal year  
17 2007: *Provided further*, That total administrative costs  
18 shall not exceed 3 percent of the total amount appro-  
19 priated under this heading.

20 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

21 The aggregate charges assessed during fiscal year  
22 2008, as authorized in title III of the Departments of Vet-  
23 erans Affairs and Housing and Urban Development, and  
24 Independent Agencies Appropriations Act, 1999 (42  
25 U.S.C. 5196e), shall not be less than 100 percent of the  
26 amount the Secretary of Homeland Security anticipates

1 is necessary for the radiological emergency preparedness  
2 program of the Department of Homeland Security for the  
3 next fiscal year: *Provided*, That the methodology for the  
4 assessment and collection of fees shall be fair and equi-  
5 table and shall reflect the cost of providing such services,  
6 including the administrative cost of collecting such fees:  
7 *Provided further*, That fees received under this heading  
8 shall be deposited in this account as offsetting collections  
9 and shall become available for authorized purposes on Oc-  
10 tober 1, 2008, and remain available until expended.

11 UNITED STATES FIRE ADMINISTRATION

12 For necessary expenses of the United States Fire Ad-  
13 ministration and for other purposes, as authorized by the  
14 Federal Fire Prevention and Control Act of 1974 (15  
15 U.S.C. 2201 et seq.) and the Homeland Security Act of  
16 2002 (6 U.S.C. 101 et seq.), \$43,300,000.

17 DISASTER RELIEF

18 For necessary expenses in carrying out the Robert  
19 T. Stafford Disaster Relief and Emergency Assistance Act  
20 (42 U.S.C. 5121 et seq.), \$1,700,000,000, to remain avail-  
21 able until expended.

22 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

23 For activities under section 319 of the Robert T.  
24 Stafford Disaster Relief and Emergency Assistance Act  
25 (42 U.S.C. 5162), \$875,000, of which \$580,000 is for ad-  
26 ministrative expenses to carry out the direct loan program

1 under that section and \$295,000 is for the cost of direct  
2 loans: *Provided*, That gross obligations for the principal  
3 amount of direct loans under that section shall not exceed  
4 \$25,000,000: *Provided further*, That the cost of a modi-  
5 fication of such a loan shall be as defined in section  
6 502(5)(D) of the Congressional Budget Act of 1974 (2  
7 U.S.C. 661a).

8 FLOOD MAP MODERNIZATION FUND

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

18 NATIONAL FLOOD INSURANCE FUND

19 (INCLUDING TRANSFER OF FUNDS)

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

1 which shall be derived from offsetting collections assessed  
2 and collected under section 1307 of the National Flood  
3 Insurance Act of 1968 (42 U.S.C. 4014), to remain avail-  
4 able until September 30, 2009, including up to  
5 \$34,000,000 for flood mitigation expenses under section  
6 1366 of that Act (42 U.S.C. 4104c), which shall be avail-  
7 able for transfer to the National Flood Mitigation Fund  
8 under section 1367 of that Act (42 U.S.C. 4104) until  
9 September 30, 2009: *Provided*, That any additional fees  
10 collected pursuant to section 1307 of that Act shall be  
11 credited as an offsetting collection to this account, to be  
12 available for flood hazard mitigation expenses: *Provided*  
13 *further*, That in fiscal year 2008, no funds shall be avail-  
14 able from the National Flood Insurance Fund under sec-  
15 tion 1310 of that Act (42 U.S.C. 4017) in excess of: (1)  
16 \$70,000,000 for operating expenses; (2) \$773,772,000 for  
17 commissions and taxes of agents; (3) such sums as are  
18 necessary for interest on Treasury borrowings; and (4)  
19 \$90,000,000 for flood mitigation actions with respect to  
20 severe repetitive loss properties under section 1361A of  
21 that Act (42 U.S.C. 4102a) and repetitive insurance  
22 claims properties under section 1323 of that Act (42  
23 U.S.C. 4030), which shall remain available until expended:  
24 *Provided further*, That total administrative costs shall not  
25 exceed 4 percent of the total appropriation.

## 1 NATIONAL FLOOD MITIGATION FUND

2 (INCLUDING TRANSFER OF FUNDS)

3 Notwithstanding subparagraphs (B) and (C) of sub-  
4 section (b)(3), and subsection (f), of section 1366 of the  
5 National Flood Insurance Act of 1968 (42 U.S.C. 4104c),  
6 \$34,000,000, to remain available until September 30,  
7 2009, for activities designed to reduce the risk of flood  
8 damage to structures pursuant to such Act, of which  
9 \$34,000,000 shall be derived from the National Flood In-  
10 surance Fund under section 1310 of that Act (42 U.S.C.  
11 4017).

## 12 NATIONAL PRE-DISASTER MITIGATION FUND

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

## 23 EMERGENCY FOOD AND SHELTER

24 To carry out an emergency food and shelter program  
25 pursuant to title III of the McKinney-Vento Homeless As-  
26 sistance Act (42 U.S.C. 11331 et seq.), \$153,000,000, to

1 remain available until expended: *Provided*, That total ad-  
2 ministrative costs shall not exceed 3.5 percent of the total  
3 amount made available under this heading.

4 TITLE IV—RESEARCH AND DEVELOPMENT,  
5 TRAINING, AND SERVICES

6 UNITED STATES CITIZENSHIP AND IMMIGRATION

7 SERVICES

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

18 FEDERAL LAW ENFORCEMENT TRAINING CENTER

19 SALARIES AND EXPENSES

20 For necessary expenses of the Federal Law Enforce-  
21 ment Training Center under section 884 of the Homeland  
22 Security Act of 2002 (6 U.S.C. 464), including materials  
23 and support costs of Federal law enforcement basic train-  
24 ing; purchase of not to exceed 117 vehicles for police-type  
25 use and hire of passenger motor vehicles; expenses for stu-

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

21 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND

22 RELATED EXPENSES

23 For acquisition of necessary additional real property  
24 and facilities, construction, and ongoing maintenance, fa-  
25 cility improvements, and related expenses of the Federal  
26 Law Enforcement Training Center, \$43,270,000, to re-



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, to remain available until Sep-  
18 tember 30, 2010: *Provided*, That none of the funds appro-  
19 priated under this heading shall be obligated for full-scale  
20 procurement of Advanced Spectroscopic Portal Monitors  
21 until the Secretary of Homeland Security submits to the  
22 Committees on Appropriations of the Senate and the  
23 House of Representatives a report certifying that a signifi-  
24 cant increase in operational effectiveness will be achieved  
25 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 five full business days in ad-  
21 vance of announcing publicly the intention of making an  
22 award of formula-based grants, law enforcement terrorism  
23 prevention grants, or high-threat, high-density urban  
24 areas grants: *Provided further*, That such notification shall

1 include a description of the project or projects to be fund-  
2 ed 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. (a) None of the funds appropriated in this  
19 Act may be obligated for a grant or contract awarded by  
20 a 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 (b) The Secretary of Homeland Security shall estab-  
2 lish an objective of awarding at least 3 percent of the total  
3 value of all contracts to be carried out with amounts ap-  
4 propriated in this Act to small business concerns.

5 SEC. 538. None of the funds provided in this Act  
6 shall be available to carry out section 872 of Public Law  
7 107–296.

8 SEC. 539. Section 44940(a)(2) of title 49, United  
9 States Code, is amended by striking the last sentence of  
10 subparagraph (A), and clause (iv) of subparagraph (B).

11 (RESCISSION OF FUNDS)

12 SEC. 540. From the unobligated balances of funds  
13 transferred to the Department of Homeland Security  
14 when it was created in 2003, excluding mandatory appro-  
15 priations, \$55,273,000 is rescinded, of which \$12,084,003  
16 shall be rescinded from Departmental Operations.

17 SEC. 541. None of the funds provided by this or pre-  
18 vious appropriation Acts shall be used to fund any position  
19 designated as a Principal Federal Official during any de-  
20 clared disasters or emergencies.

21 SEC. 542. Section 46301(a) of title 49, United States  
22 Code, is amended by adding at the end the following:

23 “(6) FAILURE TO COLLECT AIRPORT SECUR-  
24 RITY BADGES.—Notwithstanding paragraph (1), any  
25 employer (other than a governmental entity or air-  
26 port operator) who employs an employee to whom an

1       airport security badge or other identifier used to ob-  
2       tain access to a secure area of an airport is issued  
3       before, on, or after the date of enactment of this  
4       paragraph and who does not collect or make reason-  
5       able efforts to collect such badge from the employee  
6       on the date that the employment of the employee is  
7       terminated and does not notify the operator of the  
8       airport of such termination within 24 hours of the  
9       date of such termination shall be liable to the Gov-  
10      ernment for a civil penalty not to exceed \$10,000.”.

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

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



Union Calendar No. 106

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

**H. R. 2638**

[Report No. 110-181]

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**A BILL**

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 8, 2007

Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed