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109TH CONGRESS, 2d Session | HOUSE OF REPRESENTATIVES | REPORT 109–699

MAKING APPROPRIATIONS FOR THE DEPARTMENT OF HOMELAND SECURITY FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2007, AND FOR OTHER PURPOSES

SEPTEMBER 28, 2006.—Ordered to be printed

Mr. ROGERS of Kentucky, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 5441]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5441) "making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007, for the Department of Homeland Security and for other purposes, namely:

TITLE I

DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $94,470,000: Provided, That not to exceed $40,000 shall be for offi-

cial reception and representation expenses: Provided further, That of the funds provided under this heading, $5,000,000 shall not be available for obligation until the Secretary of Homeland Security submits a comprehensive port, container, and cargo security strategic plan to the Committees on Appropriations of the Senate and the House of Representatives; the Committee on Homeland Security of the House of Representatives; the Committee on Homeland Security and Governmental Affairs of the Senate; and the Committee on Commerce, Science, and Transportation of the Senate that requires screening all inbound cargo, doubles the percentage of inbound cargo currently inspected, sets minimum standards for securing inbound cargo, and includes the fiscal year 2007 performance requirements for port, container, and cargo security as specified in the joint explanatory statement accompanying this Act: Provided further, That of the funds provided under this heading, $10,000,000 shall not be available for obligation until the Secretary submits the Secure Border Initiative multi-year strategic plan to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committees on the Judiciary of the Senate and the House of Representatives no later than December 1, 2006, that includes: a comprehensive mission statement, an identification of long-term goals, an explanation of how long-term goals will be achieved, schedule and resource requirements for goal achievement, an identification of annual performance goals and how they link to long-term goals, an identification of annual performance measures used to gauge effectiveness towards goal achievement by goal, and an identification of major capital assets critical to program success.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), $153,640,000: Provided, That not to exceed $3,000 shall be for official reception and representation expenses: Provided further, That of the total amount provided, $8,206,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $26,000,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $349,013,000; of which $79,521,000 shall be available for salaries and expenses; and of which $269,492,000 shall be available for development and acquisition of information technology equipment,

software, services, and related activities for the Department of Homeland Security, and for the costs of conversion to narrowband communications, including the cost for operation of the land mobile radio legacy systems, to remain available until expended: Provided, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment: Provided further, That the Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 60 days after the date of enactment of this Act, an expenditure plan for all information technology projects that: (1) are funded under this heading; or (2) are funded by multiple components of the Department of Homeland Security through reimbursable agreements: Provided further, That such expenditure plan shall include each specific project funded, key milestones, all funding sources for each project, details of annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved by the project.

ANALYSIS AND OPERATIONS

For necessary expenses for information analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $299,663,000, to remain available until September 30, 2008, of which not to exceed $5,000 shall be for official reception and representation expenses.

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

For necessary expenses of the Office of the Federal Coordinator for Gulf Coast Rebuilding, $3,000,000: Provided, That $1,000,000 shall not be available for obligation until the Committees on Appropriations of the Senate and the House of Representatives receive an expenditure plan for fiscal year 2007.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $85,185,000, of which not to exceed $100,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General: Provided, That the Department of Homeland Security Inspector General shall investigate whether, and to what extent, in adjusting and settling claims resulting from Hurricane Katrina, insurers making flood insurance coverage available under the Write-Your-Own program pursuant to section 1345 of the National Flood Insurance Act of 1968 (42 U.S.C. 4081) and subpart C of part 62 of title 44, Code of Federal Regulations, improperly attributed damages from such hurricane to flooding covered under the insurance coverage provided under the national flood insurance program rather than to windstorms covered under coverage provided by such insurers or by windstorm insurance pools in which such insurers participated: Provided further, That the Department of Homeland Security Inspector General shall submit a report to Congress not later

than April 1, 2007, setting forth the conclusions of such investigation.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), $362,494,000, to remain available until expended: Provided, That of the total amount made available under this heading, $200,000,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology project until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that—

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

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

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

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

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

(6) is reviewed by the Government Accountability Office;

(7) includes a comprehensive strategic plan for the United States Visitor and Immigrant Status Indicator Technology project; and

(8) includes a complete schedule for the full implementation of a biometric exit program.

UNITED STATES CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports; purchase and lease of up to 4,500 (3,500 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $5,562,186,000; of which $379,602,000 shall be used to hire additional border patrol agents, of which $93,000,000 shall be available until September 30, 2008; of which $3,026,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee

pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $45,000 shall be for official reception and representation expenses; of which not less than $175,796,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; and of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: Provided, That of the amount provided under this heading, $100,000,000 of inspection and detection technology investments funding is designated as described in section 520 of this Act: Provided further, That for fiscal year 2007, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of United States Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies.

AUTOMATION MODERNIZATION

For expenses for customs and border protection automated systems, $451,440,000, to remain available until expended, of which not less than $316,800,000 shall be for the development of the Automated Commercial Environment: Provided, That of the total amount made available under this heading, $216,800,000 may not be obligated for the Automated Commercial Environment until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that—

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

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

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

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

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

(6) is reviewed by the Government Accountability Office.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for customs and border protection fencing, infrastructure, and technology, $1,187,565,000, to remain available until expended: Provided, That of the amount provided under this heading, $1,159,200,000 is designated as described in section 520 of this Act: Provided further, That of the amount provided under this heading, $950,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure, prepared by the Secretary of Homeland Security and submitted within 60 days after the date of enactment of this Act, to establish a security barrier along the border of the United States of fencing and vehicle barriers, where practicable, and other forms of tactical infrastructure and technology, that—

(1) defines activities, milestones, and costs for implementing the program;

(2) demonstrates how activities will further the goals and objectives of the Secure Border Initiative (SBI), as defined in the SBI multi-year strategic plan;

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

(4) reports on costs incurred, the activities completed, and the progress made by the program in terms of obtaining operational control of the entire border of the United States;

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

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

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

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

(9) is reviewed by the Government Accountability Office.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aerial vehicles, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of

Homeland Security; and at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $602,187,000, to remain available until expended: Provided, That of the amount provided under this heading, $232,000,000 of procurement is designated as described in section 520 of this Act: Provided further, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to United States Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2007 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $232,978,000, to remain available until expended: Provided, That of the amount provided under this heading, $110,000,000 is designated as described in section 520 of this Act.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; $3,887,000,000, of which not to exceed $7,500,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than $102,000 shall be for promotion of public awareness of the child pornography tipline; of which not less than $203,000 shall be for Project Alert; of which not less than $5,400,000 may be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided, $15,770,000 shall be for activities to enforce laws against forced child labor in fiscal year 2007, of which not to exceed $6,000,000 shall remain available until expended.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service: Provided, That the Secretary submit a report, approved by the Office of Management and Budget, to the Committees on Appropriations of the Senate and the House of Representatives no later than November 1, 2006, demonstrating how the operations of the Federal Protective Service will be fully funded in fiscal year 2007 through revenues and collection of security fees.

AUTOMATION MODERNIZATION

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

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

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

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

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

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

(6) is reviewed by the Government Accountability Office.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $56,281,000, to remain available until expended: Provided, That of the amount provided under this heading, $30,000,000 is designated as described in section 520 of this Act.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $4,731,814,000, to remain available until September 30, 2008, of which not to exceed $10,000 shall be for official reception and representation expenses: Provided,

That of the total amount made available under this heading, not to exceed $3,768,266,000 shall be for screening operations, of which $141,400,000 shall be available only for procurement of checked baggage explosive detection systems and $138,000,000 shall be available only for installation of checked baggage explosive detection systems; and not to exceed $963,548,000 shall be for aviation security direction and enforcement: Provided further, That of the funds appropriated under this heading, $5,000,000 shall not be obligated until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a detailed report in response to findings in the Department of Homeland Security Office of Inspector General report (OIG–04–44) concerning contractor fees: Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: Provided further, That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2007, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than $2,311,814,000: Provided further, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2008: Provided further, That notwithstanding section 44923 of title 49, United States Code, the share of the cost of the Federal Government for a project under any letter of intent shall be 75 percent for any medium or large hub airport and not more than 90 percent for any other airport, and all funding provided by section 44923(h) of title 49, United States Code, or from appropriations authorized under section 44923(i)(1) of title 49, United States Code, may be distributed in any manner deemed necessary to ensure aviation security and to fulfill the Government's planned cost share under existing letters of intent: Provided further, That by December 1, 2006, the Transportation Security Administration shall submit a detailed air cargo security action plan addressing each of the recommendations contained in the 2005 Government Accountability Office Report (GAO–06–76) on domestic air cargo security to the Committees on Appropriations of the Senate and the House of Representatives; the Committee on Homeland Security of the House of Representatives; the Committee on Homeland Security and Governmental Affairs of the Senate; and the Committee on Commerce, Science, and Transportation of the Senate: Provided further, That Members of the United States House of Representatives and United States Senate, including the leadership; and the heads of Federal agencies and commissions, including the Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General and Assistant Attorneys General and the United States attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget; shall not be exempt from Federal passenger and baggage screening: Provided further, That beginning in fiscal year 2007 and thereafter, reimbursement for security services and related equipment and supplies provided in support of general aviation access to the Ronald Reagan Washington National Airport shall be credited to this appropriation and shall be available until expended solely for those purposes: Pro-

vided further, That none of the funds in this Act shall be used to recruit or hire personnel into the Transportation Security Administration which would cause the agency to exceed a staffing level of 45,000 full-time equivalent screeners.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing surface transportation security activities, $37,200,000, to remain available until September 30, 2008.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, $39,700,000, to remain available until September 30, 2008.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $525,283,000, to remain available until September 30, 2008: Provided, That of the funds appropriated under this heading, $5,000,000 may not be obligated until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a detailed expenditure plan for explosive detection systems refurbishment, procurement, and installations on an airport-by-airport basis for fiscal year 2007: Provided further, That this plan shall be submitted no later than 60 days after the date of enactment of this Act.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, $714,294,000.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the United States Coast Guard not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $5,477,657,000, of which $340,000,000 shall be for defense-related activities; of which $24,255,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed $10,000 shall be for official reception and representation expenses: Provided, That none of the funds made available by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds made available by this Act shall be for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to

the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That not to exceed five percent of this appropriation may be transferred to the "Acquisition, Construction, and Improvements" appropriation for personnel compensation and benefits and related costs to adjust personnel assignment to accelerate management and oversight of new or existing projects without detrimentally affecting the management and oversight of other projects: Provided further, That the amount made available for "Personnel, Compensation, and Benefits" in the "Acquisition, Construction, and Improvements" appropriation shall not be increased by more than 10 percent by such transfers: Provided further, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified of each transfer within 30 days after it is executed by the Treasury.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the United States Coast Guard under chapter 19 of title 14, United States Code, $10,880,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; $122,448,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $1,330,245,000, of which $19,800,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $26,550,000 shall be available until September 30, 2011, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which $15,000,000 shall be available until September 30, 2011, to increase aviation capability; of which $119,823,000 shall be available until September 30, 2009, for other equipment; of which $22,000,000 shall be available until September 30, 2009, for shore facilities and aids to navigation facilities; of which $81,000,000 shall be available for personnel compensation and benefits and related costs; and of which $1,065,872,000 shall be available until September 30, 2011, for the Integrated Deepwater Systems program: Provided, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available until September 30, 2009: Provided further, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the President's fiscal year 2008 budget, a review of the Revised Deepwater Implementation Plan that identifies any changes to the

plan for the fiscal year; an annual performance comparison of Deepwater assets to pre-Deepwater legacy assets; a status report of legacy assets; a detailed explanation of how the costs of legacy assets are being accounted for within the Deepwater program; a description of how the Coast Guard is planning for the human resource needs of Deepwater assets; a description of the competitive process conducted in all contracts and subcontracts exceeding $5,000,000 within the Deepwater program; and the earned value management system gold card data for each Deepwater asset: Provided further, That the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a comprehensive review of the Revised Deepwater Implementation Plan every five years, beginning in fiscal year 2011, that includes a complete projection of the acquisition costs and schedule for the duration of the plan through fiscal year 2027: Provided further, That the Secretary shall annually submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

(1) the proposed appropriation included in that budget;

(2) the total estimated cost of completion;

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

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

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

Provided further, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent to the maximum extent practicable with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: Provided further, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: Provided further, That of the amount provided under this heading, $175,800,000 is designated as described in section 520 of this Act.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, as authorized by section 6 of the Truman-Hobbs Act (33 U.S.C. 516), $16,000,000, to remain available until expended.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; $17,000,000, to remain available until expended, of which $495,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): Provided, That there may be credited to and used for the purposes of this appropriation funds re-

ceived from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,063,323,000.

UNITED STATES SECRET SERVICE

PROTECTION, ADMINISTRATION, AND TRAINING

For necessary expenses of the United States Secret Service, including purchase of not to exceed 755 vehicles for police-type use, of which 624 shall be for replacement only, and hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $961,779,000, of which not to exceed $25,000 shall be for official reception and representation expenses: Provided, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2008: Provided further, That up to $18,400,000 for candidate nominee protection shall remain available until September 30, 2009: Provided further, That up to $1,000,000 for National Special Security Events shall remain available until expended: Provided further, That of the total amount provided under this heading, $2,000,000 shall not be available for obligation until the Director of the Secret Service submits a comprehensive workload re-balancing report to the Committees on Appropriations of the Senate and the House of Representatives that includes funding and position requirements for current investigative and protective operations: Provided further, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J.

Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year.

INVESTIGATIONS AND FIELD OPERATIONS

For necessary expenses for investigations and field operations of the United States Secret Service, not otherwise provided for, including costs related to office space and services of expert witnesses at such rate as may be determined by the Director of the Secret Service, $311,154,000; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $6,000,000 shall be a grant for activities related to the investigations of missing and exploited children and shall remain available until expended.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $3,725,000, to remain available until expended: Provided, That of the total amount provided under this heading, $500,000 shall not be available for obligation until the Director of the Secret Service submits a revised master plan to the Committees on Appropriations of the Senate and the House of Representatives for the James J. Rowley Training Center.

TITLE III

PREPAREDNESS AND RECOVERY

PREPAREDNESS

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the immediate Office of the Under Secretary for Preparedness, the Office of the Chief Medical Officer, and the Office of National Capital Region Coordination, $30,572,000, of which no less than $2,741,000 may be used for the Office of National Capital Region Coordination, and of which $6,459,000 shall be for the National Preparedness Integration Program: Provided, That none of the funds made available under this heading may be obligated for the National Preparedness Integration Program until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security: Provided further, That not to exceed $7,000 shall be for official reception and representation expenses: Provided further, That for purposes of planning, coordination and execution of mass evacuation during a disaster, the Governors of the State of West Virginia and the Commonwealth of Pennsylvania, or their designees, shall be included in efforts to integrate the activities of Federal, State, and local governments in the National Capital Region, as defined in section 882 of Public Law 107–296, the Homeland Security Act of 2002.

OFFICE OF GRANTS AND TRAINING

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $2,531,000,000, which shall be allocated as follows:

(1) $525,000,000 for formula-based grants and $375,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): Provided, That the application for grants shall be made available to States within 45 days after the date of enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and the Office of Grants and Training shall act within 90 days after receipt of an application: Provided further, That not less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds; except in the case of Puerto Rico, where not less than 50 percent of any grant under this paragraph shall be made available to local governments within 60 days after the receipt of the funds.

(2) $1,229,000,000 for discretionary grants, as determined by the Secretary of Homeland Security, of which—

(A) $770,000,000 shall be for use in high-threat, high-density urban areas: Provided, That not later than September 30, 2007, the Secretary shall distribute any unallocated funds made available for assistance to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code) determined by the Secretary to be at high-risk of international terrorist attack under title III of the Department of Homeland Security Appropriations Act, 2006 under the heading "Office for Domestic Preparedness—State and Local Programs" (Public Law 109–90; 119 Stat. 2075) in paragraph (2)(A): Provided further, That applicants shall identify for the Secretary's consideration prior threats or attacks (within or outside the United States) by a terrorist organization, network, or cell against an organization described in the previous proviso, and the Secretary shall consider prior threats or attacks (within or outside the United States) against like organizations when determining risk: Provided further, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives the high risk or potential high risk to each designated tax exempt grantee at least five full business days in advance of the announcement of any grant award;

(B) $210,000,000 shall be for port security grants pursuant to the purposes of section 70107(a) through (h) of title 46, United States Code, which shall be awarded based on risk notwithstanding subsection (a), for eligible costs as described in subsections (b)(2) through (4);

(C) $12,000,000 shall be for trucking industry security grants;

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

(E) $175,000,000 shall be for intercity rail passenger transportation (as defined in section 24102 of title 49, United States Code), freight rail, and transit security grants; and

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

Provided, That for grants under subparagraph (A), the application for grants shall be made available to States within 45 days after the date of enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and that the Office of Grants and Training shall act within 90 days after receipt of an application: Provided further, That no less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds: Provided further, That for grants under subparagraphs (B) through (F), the applications for such grants shall be made available to eligible applicants not later than 75 days after the date of enactment of this Act, eligible applicants shall submit applications not later than 45 days after the date of the grant announcement, and the Office of Grants and Training shall act on such applications not later than 60 days after the date on which such an application is received.

(3) $50,000,000 shall be available for the Commercial Equipment Direct Assistance Program.

(4) $352,000,000 for training, exercises, technical assistance, and other programs:

Provided, That none of the grants provided under this heading shall be used for the construction or renovation of facilities, except for a minor perimeter security project, not to exceed $1,000,000, as determined necessary by the Secretary of Homeland Security: Provided further, That the preceding proviso shall not apply to grants under subparagraphs (B), (E), and (F) of paragraph (2) of this heading: Provided further, That grantees shall provide additional reports on their use of funds, as determined necessary by the Secretary of Homeland Security: Provided further, That funds appropriated for law enforcement terrorism prevention grants under paragraph (1) of this heading and discretionary grants under paragraph (2)(A) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with the Office of Grants and Training certified training, as needed: Provided further, That the Government Accountability Office shall report on the validity, relevance, reliability, timeliness, and availability of the risk factors (including threat, vulnerability, and consequence) used by the Secretary for the purpose of allocating discretionary grants funded under this heading, and the application of those factors in the allocation of funds to the Committees on Appropriations of the Senate and the House of Representatives on its findings not later than 45 days after the date of enactment of this Act: Provided further, That within seven days after the date of enactment of this Act, the Secretary shall provide the Government Accountability Office with the risk methodology and other factors that will be used to allocate discretionary grants funded under this heading.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $662,000,000, of which $547,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and $115,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a), to remain available until September 30, 2008: Provided, That not to exceed five percent of this amount shall be available for program administration.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $200,000,000: Provided, That total administrative costs shall not exceed three percent of the total appropriation.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

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

UNITED STATES FIRE ADMINISTRATION AND TRAINING

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), $46,849,000.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $547,633,000, of which $470,633,000 shall remain available until September 30, 2008: Provided, That of the amount made available under this heading, $10,000,000 may not be obligated until the Secretary submits to the Committees on Appropriations of the Senate and House of Representatives the report required in House Report 109–241 accompanying the Department of Homeland Security Appropriations Act, 2006 (Public Law 109–90) on Department of Homeland Security resources necessary to implement mandatory se-

curity requirements for the Nation's chemical sector and to create a system for auditing and ensuring compliance with the security standards.

FEDERAL EMERGENCY MANAGEMENT AGENCY

ADMINISTRATIVE AND REGIONAL OPERATIONS

For necessary expenses for administrative and regional operations, $282,000,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That not to exceed $3,000 shall be for official reception and representation expenses.

READINESS, MITIGATION, RESPONSE, AND RECOVERY

For necessary expenses for readiness, mitigation, response, and recovery activities, $244,000,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That of the total amount made available under this heading, $25,000,000 shall be for Urban Search and Rescue Teams, of which not to exceed $1,600,000 may be made available for administrative costs.

PUBLIC HEALTH PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for countering potential biological, disease, and chemical threats to civilian populations, $33,885,000: Provided, That the total amount appropriated and, notwithstanding any other provision of law, the functions, personnel, assets, and liabilities of the National Disaster Medical System established under section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh–11(b)), including any functions of the Secretary of Homeland Security relating to such System, shall be permanently transferred to the Secretary of the Department of Health and Human Services effective January 1, 2007.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,500,000,000, to remain available until expended: Provided,

That of the total amount provided, not to exceed $13,500,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to natural disasters subject to section 503 of this Act.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

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

FLOOD MAP MODERNIZATION FUND

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

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

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

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding subparagraphs (B) and (C) of subsection (b)(3), and subsection (f), of section 1366 of the National Flood In-

surance Act of 1968 (42 U.S.C. 4104c), $31,000,000, to remain available until September 30, 2008, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $31,000,000 shall be derived from the National Flood Insurance Fund.

NATIONAL PREDISASTER MITIGATION FUND

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

EMERGENCY FOOD AND SHELTER

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

TITLE IV

RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, $181,990,000, of which $93,500,000 is available until expended: Provided, That $47,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a strategic transformation plan for United States Citizenship and Immigration Services that has been reviewed and approved by the Secretary of Homeland Security and reviewed by the Government Accountability Office.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $211,033,000, of which up to $43,910,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2008; of which $300,000 shall remain available until expended for Federal law en-

forcement agencies participating in training accreditation, to be distributed as determined by the Federal Law Enforcement Training Center for the needs of participating agencies; and of which not to exceed $12,000 shall be for official reception and representation expenses: Provided, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That section 1202(a) of Public Law 107–206 (42 U.S.C. 3771 note) is amended by striking "5 years after the date of the enactment of this Act" and inserting "December 31, 2007", and by striking "250" and inserting "350".

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $64,246,000, to remain available until expended: Provided, That of the amount provided under this heading, $22,000,000 is designated as described in section 520 of this Act: Provided further, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $135,000,000: Provided, That of the amount provided under this heading, $60,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an expenditure plan by program, project, and activity; with a detailed breakdown and justification of the management and administrative costs for each; prepared by the Secretary of Homeland Security that has been reviewed by the Government Accountability Office: Provided further, That the expenditure plan shall describe the method utilized to derive administration costs in fiscal year 2006 and the fiscal year 2007 budget request: Provided further, That not to exceed $3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.); and the purchase or lease of not to exceed five vehicles, $838,109,000, to remain available until expended: Provided, That of the amounts made available under this heading, $50,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a report prepared by the

Under Secretary of Science and Technology that describes the progress to address financial management deficiencies, improve its management controls, and implement performance measures and evaluations.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office and for management and administration of programs and activities, $30,468,000: Provided, That no funds will be made available for the reimbursement of individuals from other Federal agencies or organizations in fiscal year 2009: Provided further, That not to exceed $3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, AND OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation and operations, $272,500,000, to remain available until expended: Provided, That of the amount provided under this heading, $15,000,000 shall not be obligated until the Secretary of Homeland Security provides notification to the Committees on Appropriations of the Senate and the House of Representatives that the Domestic Nuclear Detection Office has entered into a Memorandum of Understanding with each Federal entity and organization: Provided further, That each Memorandum of Understanding shall include a description of the role, responsibilities, and resource commitment of each Federal entity or organization for the global architecture.

SYSTEMS ACQUISITION

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, $178,000,000, to remain available until September 30, 2009; and of which no less than $143,000,000 shall be for radiation portal monitors; and of which not to exceed $5,000,000 shall be for the Surge program: Provided, That none of the funds appropriated under this heading shall be obligated for full scale procurement of Advanced Spectroscopic Portal Monitors until the Secretary of Homeland Security has certified through a report to the Committees on Appropriations of the Senate and the House of Representatives that a significant increase in operational effectiveness will be achieved.

TITLE V

GENERAL PROVISIONS

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

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act: Provided, That bal-

ances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

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

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

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

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

SEC. 504. None of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to

make payments to the "Department of Homeland Security Working Capital Fund", except for the activities and amounts allowed in the President's fiscal year 2007 budget, excluding sedan service, shuttle service, transit subsidy, mail operations, parking, and competitive sourcing: Provided, That any additional activities and amounts shall be approved by the Committees on Appropriations of the Senate and the House of Representatives 30 days in advance of obligation.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2007 from appropriations for salaries and expenses for fiscal year 2007 in this Act shall remain available through September 30, 2008, in the account and for the purposes for which the appropriations were provided: Provided, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2007 until the enactment of an Act authorizing intelligence activities for fiscal year 2007.

SEC. 507. The Federal Law Enforcement Training Center shall lead the Federal law enforcement training accreditation process, to include representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 508. None of the funds in this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, or to issue a letter of intent totaling in excess of $1,000,000, or to announce publicly the intention to make such an award, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least three full business days in advance: Provided, That no notification shall involve funds that are not available for obligation: Provided further, That the Office of Grants and Training shall brief the Committees on Appropriations of the Senate and the House of Representatives five full business days in advance of announcing publicly the intention of making an award of formula-based grants; law enforcement terrorism prevention grants; or high-threat, high-density urban areas grants.

SEC. 509. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 510. The Director of the Federal Law Enforcement Training Center shall schedule basic and/or advanced law enforcement training at all four training facilities under the control of the Fed-

eral Law Enforcement Training Center to ensure that these training centers are operated at the highest capacity throughout the fiscal year.

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

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

SEC. 513. Notwithstanding any other provision of law, the authority of the Office of Personnel Management to conduct personnel security and suitability background investigations, update investigations, and periodic reinvestigations of applicants for, or appointees in, positions in the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, Analysis and Operations, Immigration and Customs Enforcement, the Directorate for Preparedness, and the Directorate of Science and Technology of the Department of Homeland Security is transferred to the Department of Homeland Security: Provided, That on request of the Department of Homeland Security, the Office of Personnel Management shall cooperate with and assist the Department in any investigation or reinvestigation under this section: Provided further, That this section shall cease to be effective at such time as the President has selected a single agency to conduct security clearance investigations pursuant to section 3001(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 50 U.S.C. 435b) and the entity selected pursuant to section 3001(b) of such Act has reported to Congress that the agency selected pursuant to such section 3001(c) is capable of conducting all necessary investigations in a timely manner or has authorized the entities within the Department of Homeland Security covered by this section to conduct their own investigations pursuant to section 3001 of such Act.

SEC. 514. (a) None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Secure Flight program or any other follow on or successor passenger prescreening program, until the Secretary of Homeland Security certifies, and the Government Accountability Office reports, to the Committees on Appropriations of the Senate and the House of Representatives, that all ten of the conditions contained in paragraphs (1) through (10) of section 522(a) of Public Law 108–334 (118 Stat. 1319) have been successfully met.

(b) The report required by subsection (a) shall be submitted within 90 days after the Secretary provides the requisite certification, and periodically thereafter, if necessary, until the Government Accountability Office confirms that all ten conditions have been successfully met.

(c) Within 90 days of enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a detailed plan that describes (1) the dates for achieving key milestones, including the date or timeframes that

the Secretary will certify the program under subsection (a); and (2) the methodology to be followed to support the Secretary's certification, as required under subsection (a).

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

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

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

SEC. 515. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 516. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 517. (a) None of the funds appropriated to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: Provided, That the Director of the United States Secret Service may enter into an agreement to perform such service on a fully reimbursable basis.

(b) Beginning in fiscal year 2008, none of the funds appropriated by this or any other Act to the United States Secret Service shall be made available for the protection of a person, other than persons granted protection under section 3056(a) of title 18, United States Code, and the Secretary of Homeland Security: Provided, That the Director of the United States Secret Service may enter into an agreement to perform such protection on a fully reimbursable basis for protectees not designated under section 3056(a) of title 18, United States Code.

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

SEC. 519. (a) The Secretary of Homeland Security is directed to research, develop, and procure new technologies to inspect and screen air cargo carried on passenger aircraft at the earliest date possible.

(b) Existing checked baggage explosive detection equipment and screeners shall be utilized to screen air cargo carried on passenger aircraft to the greatest extent practicable at each airport until technologies developed under subsection (a) are available.

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

SEC. 520. For purposes of this Act, any designation referring to this section is the designation of an amount as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by H. Res. 818 (109th Congress), and as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress) as made applicable to the Senate by section 7035 of Public Law 109–234.

SEC. 521. (a) RESCISSION.—From the unexpended balances of the United States Coast Guard "Acquisition, Construction, and Improvements" account specifically identified in the Joint Explanatory Statement (House Report 109–241) accompanying Public Law 109–90 for the Fast Response Cutter, the service life extension program of the current 110-foot Island Class patrol boat fleet, and accelerated design and production of the Fast Response Cutter, $78,693,508 are rescinded.

(b) ADDITIONAL APPROPRIATION.—For necessary expenses of the United States Coast Guard for "Acquisition, Construction, and Improvements", there is appropriated an additional $78,693,508, to remain available until September 30, 2009, for the service life extension program of the current 110-foot Island Class patrol boat fleet and the acquisition of traditional patrol boats ("parent craft").

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

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

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

SEC. 525. (a) Within 30 days after enactment of this Act, the Secretary of Homeland Security shall revise Department of Homeland Security (DHS) Management Directive (MD) 11056 to provide for the following:

(1) That when a lawful request is made to publicly release a document containing information designated as sensitive se-

curity information (SSI), the document shall be reviewed in a timely manner to determine whether any information contained in the document meets the criteria for continued SSI protection under applicable law and regulation and shall further provide that all portions that no longer require SSI designation be released, subject to applicable law, including sections 552 and 552a of title 5, United States Code;

(2) That sensitive security information that is three years old and not incorporated in a current transportation security directive, security plan, contingency plan, or information circular; or does not contain current information in one of the following SSI categories: equipment or personnel performance specifications, vulnerability assessments, security inspection or investigative information, threat information, security measures, security screening information, security training materials, identifying information of designated transportation security personnel, critical aviation or maritime infrastructure asset information, systems security information, confidential business information, or research and development information shall be subject to release upon request unless:

(A) the Secretary or his designee makes a written determination that identifies a rational reason why the information must remain SSI; or

(B) such information is otherwise exempt from disclosure under applicable law:

Provided, That any determination made by the Secretary under clause (a)(2)(A) shall be provided to the party making a request to release such information and to the Committees on Appropriations of the Senate and the House of Representatives as part of the annual reporting requirement pursuant to section 537 of the Department of Homeland Security Appropriations Act, 2006 (Public Law 109–90; 119 Stat. 2088); and

(3) Common and extensive examples of the individual categories of SSI information cited under 49 CFR 1520(b)(1) through (16) in order to minimize and standardize judgment by covered persons in the application of SSI marking.

(b) Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall report to the Committees on Appropriations of the Senate and the House of Representatives on the progress that the Department has made in implementing the requirements of this section and of section 537 of the Department of Homeland Security Appropriations Act, 2006 (Public Law 109–90; 119 Stat. 2088).

(c) Not later than one year from the date of enactment of this Act, the Government Accountability Office shall report to the Committees on Appropriations of the Senate and the House of Representatives on DHS progress and procedures in implementing the requirements of this section.

(d) That in civil proceedings in the United States District Courts, where a party seeking access to SSI demonstrates that the party has substantial need of relevant SSI in the preparation of the party's case and that the party is unable without undue hardship to obtain the substantial equivalent of the information by other means, the party or party's counsel shall be designated as a covered person under 49 CFR Part 1520.7 in order to have access to the SSI

at issue in the case, provided that the overseeing judge enters an order that protects the SSI from unauthorized or unnecessary disclosure and specifies the terms and conditions of access, unless upon completion of a criminal history check and terrorist assessment like that done for aviation workers on the persons seeking access to SSI, or based on the sensitivity of the information, the Transportation Security Administration or DHS demonstrates that such access to the information for the proceeding presents a risk of harm to the nation: Provided, That notwithstanding any other provision of law, an order granting access to SSI under this section shall be immediately appealable to the United States Courts of Appeals, which shall have plenary review over both the evidentiary finding and the sufficiency of the order specifying the terms and conditions of access to the SSI in question: Provided further, That notwithstanding any other provision of law, the Secretary may assess a civil penalty of up to $50,000 for each violation of 49 CFR Part 1520 by persons provided access to SSI under this provision.

SEC. 526. The Department of Homeland Security Working Capital Fund, established, pursuant to section 403 of Public Law 103–356 (31 U.S.C. 501 note), shall continue operations during fiscal year 2007.

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

SEC. 528. (a) The report required by Public Law 109–62 and Public Law 109–90 detailing the allocation and obligation of funds for "Disaster Relief" shall hereafter be submitted monthly and include: (1) status of the Disaster Relief Fund (DRF) including obligations, allocations, and amounts undistributed/unallocated; (2) allocations, obligations, and expenditures for Hurricanes Katrina, Rita, and Wilma; (3) information on national flood insurance claims; (4) information on manufactured housing data; (5) information on hotel/motel data; (6) obligations, allocations and expenditures by State for unemployment, crisis counseling, inspections, housing assistance, manufactured housing, public assistance and individual assistance; (7) mission assignment obligations by agency, including (i) the amounts reimbursed to other agencies that are in suspense because FEMA has not yet reviewed and approved the documentation supporting the expenditure and (ii) a disclaimer if the amounts of reported obligations and expenditures do not reflect the status of such obligations and expenditures from a government-wide perspective; (8) the amount of credit card purchases by agency and mission assignment; (9) specific reasons for all waivers granted and a description of each waiver; and (10) a list of all contracts that were awarded on a sole source or limited competition basis, including the dollar amount, the purpose of the contract and the reason for the lack of competitive award.

(b) The Secretary of Homeland Security shall at least quarterly obtain and report from agencies performing mission assignments each such agency's actual obligation and expenditure data.

(c) For any request for reimbursement from a Federal agency to the Department of Homeland Security to cover expenditures under the Stafford Act (42 U.S.C. § 5121 et seq.), or any mission assignment orders issued by the Department of Homeland Security for such purposes, the Secretary of Homeland Security shall take appro-

priate steps to ensure that each agency is periodically reminded of Department of Homeland Security policies on—

(1) the detailed information required in supporting documentation for reimbursements, and

(2) the necessity for timeliness of agency billings.

SEC. 529. RESCISSION. Of the unobligated balances from prior year appropriations made available for Science and Technology, $125,000,000 from "Research, Development, Acquisition, and Operations" are rescinded.

SEC. 530. None of the funds made available in this Act may be used to enforce section 4025(1) of Public Law 108–458 if the Assistant Secretary (Transportation Security Administration) determines that butane lighters are not a significant threat to civil aviation security: Provided, That the Assistant Secretary (Transportation Security Administration) shall notify the Committees on Appropriations of the Senate and the House of Representatives 15 days in advance of such determination including a report on whether the effectiveness of screening operations is enhanced by suspending enforcement of the prohibition.

SEC. 531. Within 45 days after the close of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report that includes total obligations and on-board versus funded full-time equivalent staffing levels.

SEC. 532. (a) UNITED STATES SECRET SERVICE USE OF PROCEEDS DERIVED FROM CRIMINAL INVESTIGATIONS.—During fiscal year 2007, with respect to any undercover investigative operation of the United States Secret Service (hereafter referred to in this section as the "Secret Service") that is necessary for the detection and prosecution of crimes against the United States—

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

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

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

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

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

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

(d) REPORTING AND DEPOSIT OF PROCEEDS UPON DISPOSITION OF CERTAIN BUSINESS ENTITIES.—If a corporation or business entity established or acquired as part of an undercover investigative operation under paragraph (2) of subsection (a) with a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Secret Service, as much in advance as the Director or designee determines is practicable, shall report the circumstance to the Secretary of Homeland Security. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(e) FINANCIAL AUDITS AND REPORTS.—

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

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

SEC. 533. The Director of the Domestic Nuclear Detection Office shall operate extramural and intramural research, development, demonstrations, testing and evaluation programs so as to distribute funding through grants, cooperative agreements, other transactions and contracts.

SEC. 534. Notwithstanding any other provision of law, the Secretary of Homeland Security shall consider the Hancock County Port and Harbor Commission in Mississippi eligible under the Federal Emergency Management Agency Public Assistance Program for all costs incurred for dredging from navigation channel in Little Lake, Louisiana, sediment deposited as a result of Hurricane George in 1998: Provided, That the appropriate Federal share shall apply to approval of this project.

SEC. 535. None of the funds made available in this Act for United States Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription

drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: Provided, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: Provided further, That the prescription drug may not be:

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

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

SEC. 536. The Department of Homeland Security shall, in approving standards for State and local emergency preparedness operational plans under section 613(b)(3) of the Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5196b(b)(3)), account for the needs of individuals with household pets and service animals before, during, and following a major disaster or emergency: Provided, That Federal agencies may provide assistance as described in section 403(a) of the Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5170b(a)) to carry out the plans described in the previous proviso.

SEC. 537. RESCISSION. From the unobligated balances from prior year appropriations made available for Transportation Security Administration "Aviation Security" and "Headquarters Administration", $4,776,000 are rescinded.

SEC. 538. RESCISSION. From the unobligated balances from prior year appropriations made available for Transportation Security Administration "Aviation Security", $61,936,000 are rescinded.

SEC. 539. RESCISSION. From the unexpended balances of the United States Coast Guard "Acquisition, Construction, and Improvements" account specifically identified in the Joint Explanatory Statement (House Report 109–241) accompanying the Department of Homeland Security Act, 2006 (Public Law 109–90) for the development of the Offshore Patrol Cutter, $20,000,000 are rescinded.

SEC. 540. RESCISSION. From the unexpended balances of the United States Coast Guard "Acquisition, Construction, and Improvements" account specifically identified in the Joint Explanatory Statement (House Report 109–241) accompanying the Department of Homeland Security Act, 2006 (Public Law 109–90) for the Automatic Identification System, $4,100,000 are rescinded.

SEC. 541. Notwithstanding the requirements of section 404(b)(2)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Army Corps of Engineers may use Lot 19, Block 1 of the Meadowview Acres Addition and Lot 8, Block 5 of the Meadowview Acres Addition in Augusta, Kansas, for building portions of the flood-control levee.

SEC. 542. Notwithstanding any time limitation established for a grant awarded under title I, chapter 6, Public Law 106–31, in the item relating to Federal Emergency Management Agency—Disaster Assistance for Unmet Needs, the City of Cuero, Texas, may use funds received under such grant program until September 30, 2007.

SEC. 543. None of the funds made available by this Act shall be used in contravention of the Federal buildings performance and reporting requirements of Executive Order No. 13123, part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251

et seq.), or subtitle A of title I of the Energy Policy Act of 2005 (including the amendments made thereby).

SEC. 544. The Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 545. None of the funds made available in this Act may be used in contravention of section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212).

SEC. 546. Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended by striking from "(1) DEVELOPMENT OF PLAN.—The Secretary" through "7208(k))." and inserting the following:

"(1) DEVELOPMENT OF PLAN AND IMPLEMENTATION.—

"(A) The Secretary of Homeland Security, in consultation with the Secretary of State, shall develop and implement a plan as expeditiously as possible to require a passport or other document, or combination of documents, deemed by the Secretary of Homeland Security to be sufficient to denote identity and citizenship, for all travel into the United States by United States citizens and by categories of individuals for whom documentation requirements have previously been waived under section 212(d)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)(B)). This plan shall be implemented not later than three months after the Secretary of State and the Secretary of Homeland Security make the certifications required in subsection (B), or June 1, 2009, whichever is earlier. The plan shall seek to expedite the travel of frequent travelers, including those who reside in border communities, and in doing so, shall make readily available a registered traveler program (as described in section 7208(k)).

"(B) The Secretary of Homeland Security and the Secretary of State shall jointly certify to the Committees on Appropriations of the Senate and the House of Representatives that the following criteria have been met prior to implementation of section 7209(b)(1)(A)—

"(i) the National Institute of Standards and Technology certifies that the Departments of Homeland Security and State have selected a card architecture that meets or exceeds International Organization for Standardization (ISO) security standards and meets or exceeds best available practices for protection of personal identification documents: Provided, That the National Institute of Standards and Technology shall also assist the Departments of Homeland Security and State to incorporate into the architecture of the card the best available practices to prevent the unauthorized use of information on the card: Provided further, That to facilitate efficient cross-border travel, the Departments of Homeland Security and State shall, to the maximum extent possible, develop an architecture that is compatible with information technology systems and infrastructure used by United States Customs and Border Protection;

"(ii) the technology to be used by the United States for the passport card, and any subsequent change to that technology, has been shared with the governments of Canada and Mexico;

"(iii) an agreement has been reached with the United States Postal Service on the fee to be charged individuals for the passport card, and a detailed justification has been submitted to the Committees on Appropriations of the Senate and the House of Representatives;

"(iv) an alternative procedure has been developed for groups of children traveling across an international border under adult supervision with parental consent;

"(v) the necessary technological infrastructure to process the passport cards has been installed, and all employees at ports of entry have been properly trained in the use of the new technology;

"(vi) the passport card has been made available for the purpose of international travel by United States citizens through land and sea ports of entry between the United States and Canada, Mexico, the Caribbean and Bermuda; and

"(vii) a single implementation date for sea and land borders has been established.".

SEC. 547. None of the funds made available in this Act may be used to award any contract for major disaster or emergency assistance activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act except in accordance with section 307 of such Act (42 U.S.C. 5150).

SEC. 548. None of the funds made available in the Act may be used to reimburse L.B.& B. Associates, Inc. or Olgoonik Logistics, LLC (or both) for attorneys fees related to pending litigation against Local 30 of the International Union of Operating Engineers.

SEC. 549. Notwithstanding any other provision of law, the acquisition management system of the Transportation Security Administration shall be subject to the provisions of the Small Business Act (15 U.S.C. 631 et seq).

SEC. 550. (a) No later than six months after the date of enactment of this Act, the Secretary of Homeland Security shall issue interim final regulations establishing risk-based performance standards for security of chemical facilities and requiring vulnerability assessments and the development and implementation of site security plans for chemical facilities: Provided, That such regulations shall apply to chemical facilities that, in the discretion of the Secretary, present high levels of security risk: Provided further, That such regulations shall permit each such facility, in developing and implementing site security plans, to select layered security measures that, in combination, appropriately address the vulnerability assessment and the risk-based performance standards for security for the facility: Provided further, That the Secretary may not disapprove a site security plan submitted under this section based on the presence or absence of a particular security measure, but the Secretary may disapprove a site security plan if the plan fails to satisfy the risk-based performance standards established by this section: Provided further, That the Secretary may approve alternative security pro-

grams established by private sector entities, Federal, State, or local authorities, or other applicable laws if the Secretary determines that the requirements of such programs meet the requirements of this section and the interim regulations: Provided further, That the Secretary shall review and approve each vulnerability assessment and site security plan required under this section: Provided further, That the Secretary shall not apply regulations issued pursuant to this section to facilities regulated pursuant to the Maritime Transportation Security Act of 2002, Public Law 107–295, as amended; Public Water Systems, as defined by section 1401 of the Safe Drinking Water Act, Public Law 93–523, as amended; Treatment Works as defined in section 212 of the Federal Water Pollution Control Act, Public Law 92–500, as amended; any facility owned or operated by the Department of Defense or the Department of Energy, or any facility subject to regulation by the Nuclear Regulatory Commission.

(b) Interim regulations issued under this section shall apply until the effective date of interim or final regulations promulgated under other laws that establish requirements and standards referred to in subsection (a) and expressly supersede this section: Provided, That the authority provided by this section shall terminate three years after the date of enactment of this Act.

(c) Notwithstanding any other provision of law and subsection (b), information developed under this section, including vulnerability assessments, site security plans, and other security related information, records, and documents shall be given protections from public disclosure consistent with similar information developed by chemical facilities subject to regulation under section 70103 of title 46, United States Code: Provided, That this subsection does not prohibit the sharing of such information, as the Secretary deems appropriate, with State and local government officials possessing the necessary security clearances, including law enforcement officials and first responders, for the purpose of carrying out this section, provided that such information may not be disclosed pursuant to any State or local law: Provided further, That in any proceeding to enforce this section, vulnerability assessments, site security plans, and other information submitted to or obtained by the Secretary under this section, and related vulnerability or security information, shall be treated as if the information were classified material.

(d) Any person who violates an order issued under this section shall be liable for a civil penalty under section 70119(a) of title 46, United States Code: Provided, That nothing in this section confers upon any person except the Secretary a right of action against an owner or operator of a chemical facility to enforce any provision of this section.

(e) The Secretary of Homeland Security shall audit and inspect chemical facilities for the purposes of determining compliance with the regulations issued pursuant to this section.

(f) Nothing in this section shall be construed to supersede, amend, alter, or affect any Federal law that regulates the manufacture, distribution in commerce, use, sale, other treatment, or disposal of chemical substances or mixtures.

(g) If the Secretary determines that a chemical facility is not in compliance with this section, the Secretary shall provide the owner or operator with written notification (including a clear explanation of deficiencies in the vulnerability assessment and site security plan)

and opportunity for consultation, and issue an order to comply by such date as the Secretary determines to be appropriate under the circumstances: Provided, That if the owner or operator continues to be in noncompliance, the Secretary may issue an order for the facility to cease operation, until the owner or operator complies with the order.

SEC. 551. (a) CONSTRUCTION OF BORDER TUNNEL OR PASSAGE.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"§ 554. Border tunnels and passages

"(a) Any person who knowingly constructs or finances the construction of a tunnel or subterranean passage that crosses the international border between the United States and another country, other than a lawfully authorized tunnel or passage known to the Secretary of Homeland Security and subject to inspection by Immigration and Customs Enforcement, shall be fined under this title and imprisoned for not more than 20 years.

"(b) Any person who knows or recklessly disregards the construction or use of a tunnel or passage described in subsection (a) on land that the person owns or controls shall be fined under this title and imprisoned for not more than 10 years.

"(c) Any person who uses a tunnel or passage described in subsection (a) to unlawfully smuggle an alien, goods (in violation of section 545), controlled substances, weapons of mass destruction (including biological weapons), or a member of a terrorist organization (as defined in section 2339B(g)(6)) shall be subject to a maximum term of imprisonment that is twice the maximum term of imprisonment that would have otherwise been applicable had the unlawful activity not made use of such a tunnel or passage.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"Sec. 554. Border tunnels and passages.".

(c) CRIMINAL FORFEITURE.—Section 982(a)(6) of title 18, United States Code, is amended by inserting "554," before "1425,".

(d) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this subsection, the United States Sentencing Commission shall promulgate or amend sentencing guidelines to provide for increased penalties for persons convicted of offenses described in section 554 of title 18, United States Code, as added by subsection (a).

(2) REQUIREMENTS.—In carrying out this subsection, the United States Sentencing Commission shall—

(A) ensure that the sentencing guidelines, policy statements, and official commentary reflect the serious nature of the offenses described in section 554 of title 18, United States Code, and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(B) provide adequate base offense levels for offenses under such section;

(C) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(i) the use of a tunnel or passage described in subsection (a) of such section to facilitate other felonies; and

(ii) the circumstances for which the sentencing guidelines currently provide applicable sentencing enhancements;

(D) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;

(E) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(F) ensure that the sentencing guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

SEC. 552. The Secretary of Homeland Security may not take any action to alter or reduce operations within the Civil Engineering Program of the Coast Guard nationwide, including the civil engineering units, facilities, design and construction centers, the Coast Guard Academy, and the Coast Guard Research and Development Center until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan on changes to the Civil Engineering Program of the Coast Guard: Provided, That the plan shall include a description of the current functions of the Civil Engineering Program and a description of any proposed modifications of such functions and of any proposed modification of personnel and offices, including the rationale for such modification; an assessment of the costs and benefits of such modification; any proposed alternatives to such modification; and the processes utilized by the Coast Guard and the Office of Management and Budget to analyze and assess such modification.

SEC. 553. None of the funds made available by this Act may be used to take an action that would violate Executive Order 13149 (65 Fed. Reg. 24607; relating to greening the government through Federal fleet and transportation efficiency).

SEC. 554. (a) The Transportation Security Administration shall require each air carrier and foreign air carrier that provides air transportation or intrastate air transportation to submit plans to the Transportation Security Administration on how such air carrier will participate in the voluntary provision of emergency services program established by section 44944(a) of title 49, United States Code.

(b)(1) Not more than 90 days after the date of the enactment of this Act, the Transportation Security Administration shall prepare a report that contains the following:

(A) Procedures that qualified individuals need to follow in order to participate in the program described in subsection (a).

(B) Relevant contacts for individuals interested in participating in the program described in subsection (a).

(2) The Transportation Security Administration shall make the report required by paragraph (1) available, by Internet web site or other appropriate method, to the following:

(A) The Congress.

(B) The emergency response agency of each State.

(C) The relevant organizations representing individuals to participate in the program.

SEC. 555. Not later than 90 days after the date of enactment of this Act, the Director of the Federal Emergency Management Agency in conjunction with the Director of the National Institute of Standards and Technology shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives outlining Federal earthquake response plans for high-risk earthquake regions in the United States as determined by the United States Geological Survey.

SEC. 556. Not later than six months after the date of enactment of this Act, the Secretary of Homeland Security shall establish revised procedures for expeditiously clearing individuals whose names have been mistakenly placed on a terrorist database list or who have names identical or similar to individuals on a terrorist database list. The Secretary shall advise Congress of the procedures established.

SEC. 557. Title VII of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5201) is amended by adding at the end the following:

"SEC. 706. FIREARMS POLICIES.

"(a) PROHIBITION ON CONFISCATION OF FIREARMS.—No officer or employee of the United States (including any member of the uniformed services), or person operating pursuant to or under color of Federal law, or receiving Federal funds, or under control of any Federal official, or providing services to such an officer, employee, or other person, while acting in support of relief from a major disaster or emergency, may—

"(1) temporarily or permanently seize, or authorize seizure of, any firearm the possession of which is not prohibited under Federal, State, or local law, other than for forfeiture in compliance with Federal law or as evidence in a criminal investigation;

"(2) require registration of any firearm for which registration is not required by Federal, State, or local law;

"(3) prohibit possession of any firearm, or promulgate any rule, regulation, or order prohibiting possession of any firearm, in any place or by any person where such possession is not otherwise prohibited by Federal, State, or local law; or

"(4) prohibit the carrying of firearms by any person otherwise authorized to carry firearms under Federal, State, or local law, solely because such person is operating under the direction, control, or supervision of a Federal agency in support of relief from the major disaster or emergency.

"(b) LIMITATION.—Nothing in this section shall be construed to prohibit any person in subsection (a) from requiring the temporary surrender of a firearm as a condition for entry into any mode of transportation used for rescue or evacuation during a major disaster or emergency, provided that such temporarily surrendered firearm is returned at the completion of such rescue or evacuation.

"(c) PRIVATE RIGHTS OF ACTION.—

"(1) IN GENERAL.—Any individual aggrieved by a violation of this section may seek relief in an action at law, suit in equity, or other proper proceeding for redress against any person who subjects such individual, or causes such individual to be subjected, to the deprivation of any of the rights, privileges, or immunities secured by this section.

"(2) REMEDIES.—In addition to any existing remedy in law or equity, under any law, an individual aggrieved by the seizure or confiscation of a firearm in violation of this section may bring an action for return of such firearm in the United States district court in the district in which that individual resides or in which such firearm may be found.

"(3) ATTORNEY FEES.—In any action or proceeding to enforce this section, the court shall award the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.".

SEC. 558. PILOT INTEGRATED SCANNING SYSTEM. (a) DESIGNATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security (referred to in this section as the "Secretary") shall designate three foreign seaports through which containers pass or are transshipped to the United States to pilot an integrated scanning system that couples nonintrusive imaging equipment and radiation detection equipment, which may be provided by the Megaports Initiative of the Department of Energy. In making designations under this subsection, the Secretary shall consider three distinct ports with unique features and differing levels of trade volume.

(2) COLLABORATION AND COOPERATION.—The Secretary shall collaborate with the Secretary of Energy and cooperate with the private sector and host foreign government to implement the pilot program under this subsection.

(b) IMPLEMENTATION.—Not later than one year after the date of the enactment of this Act, the Secretary shall achieve a full-scale implementation of the pilot integrated screening system, which shall—

(1) scan all containers destined for the United States that transit through the terminal;

(2) electronically transmit the images and information to the container security initiative personnel in the host country and/or Customs and Border Protection personnel in the United States for evaluation and analysis;

(3) resolve every radiation alarm according to established Department procedures;

(4) utilize the information collected to enhance the Automated Targeting System or other relevant programs; and

(5) store the information for later retrieval and analysis.

(c) EVALUATION.—The Secretary shall evaluate the pilot program in subsection (b) to determine whether such a system—

(1) has a sufficiently low false alarm rate for use in the supply chain;

(2) is capable of being deployed and operated at ports overseas, including consideration of cost, personnel, and infrastructure required to operate the system;

(3) is capable of integrating, where necessary, with existing systems;

(4) does not significantly impact trade capacity and flow of cargo at foreign or United States ports; and

(5) provides an automated notification of questionable or high-risk cargo as a trigger for further inspection by appropriately trained personnel.

(d) REPORT.—Not later than 120 days after achieving full-scale implementation under subsection (b), the Secretary, in consultation with the Secretary of Energy and the Secretary of State, shall submit a report, to the appropriate congressional committees, that includes—

(1) an evaluation of the lessons derived from the pilot program implemented under this section;

(2) an analysis of the efficacy of the Automated Targeted System or other relevant programs in utilizing the images captured to examine high-risk containers;

(3) an evaluation of software that is capable of automatically identifying potential anomalies in scanned containers; and

(4) a plan and schedule to expand the integrated scanning system developed under this section to other container security initiative ports.

(e) IMPLEMENTATION.—If the Secretary determines the available technology meets the criteria outlined in subsection (c), the Secretary, in cooperation with the Secretary of State, shall seek to secure the cooperation of foreign governments to initiate and maximize the use of such technology at foreign ports to scan all cargo bound for the United States as quickly as possible.

SEC. 559. (a) RESCISSION.—From the unexpended balances of the United States Secret Service "Salaries and Expenses" account specifically identified in the Joint Explanatory Statement (House Report 109–241) accompanying the Department of Homeland Security Act, 2006 (Public Law 109–90) for National Special Security Events, $2,500,000 are rescinded.

(b) ADDITIONAL APPROPRIATION.—For necessary expenses of the United States Secret Service "Protection, Administration, and Training", there is appropriated an additional $2,500,000, to remain available until expended for National Special Security Events.

SEC. 560. Transfer authority contained in section 505 of the Homeland Security Act, as amended by title VI of this Act, shall be used in accordance with the provisions of section 1531(a)(2) of title 31, United States Code.

TITLE VI—NATIONAL EMERGENCY MANAGEMENT

SEC. 601. SHORT TITLE.

This title may be cited as the "Post-Katrina Emergency Management Reform Act of 2006".

SEC. 602. DEFINITIONS.

In this title—

(1) the term "Administrator" means the Administrator of the Agency;

(2) the term "Agency" means the Federal Emergency Management Agency;

(3) the term "appropriate committees of Congress" means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) those committees of the House of Representatives that the Speaker of the House of Representatives determines appropriate;

(4) the term "catastrophic incident" means any natural disaster, act of terrorism, or other man-made disaster that results in extraordinary levels of casualties or damage or disruption severely affecting the population (including mass evacuations), infrastructure, environment, economy, national morale, or government functions in an area;

(5) the term "Department" means the Department of Homeland Security;

(6) the terms "emergency" and "major disaster" have the meanings given the terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(7) the term "emergency management" means the governmental function that coordinates and integrates all activities necessary to build, sustain, and improve the capability to prepare for, protect against, respond to, recover from, or mitigate against threatened or actual natural disasters, acts of terrorism, or other man-made disasters;

(8) the term "emergency response provider" has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101), as amended by this Act;

(9) the term "Federal coordinating officer" means a Federal coordinating officer as described in section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143);

(10) the term "individual with a disability" has the meaning given the term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

(11) the terms "local government" and "State" have the meaning given the terms in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101);

(12) the term "National Incident Management System" means a system to enable effective, efficient, and collaborative incident management;

(13) the term "National Response Plan" means the National Response Plan or any successor plan prepared under section 502(a)(6) of the Homeland Security Act of 2002 (as amended by this Act);

(14) the term "Secretary" means the Secretary of Homeland Security;

(15) the term "surge capacity" means the ability to rapidly and substantially increase the provision of search and rescue capabilities, food, water, medicine, shelter and housing, medical care, evacuation capacity, staffing (including disaster assistance employees), and other resources necessary to save lives and protect property during a catastrophic incident; and

(16) the term "tribal government" means the government of an Indian tribe or authorized tribal organization, or in Alaska a Native village or Alaska Regional Native Corporation.

Subtitle A—Federal Emergency Management Agency

SEC. 611. STRUCTURING THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended—

(1) by striking the title heading and inserting the following:

"TITLE V—NATIONAL EMERGENCY MANAGEMENT";

(2) by striking section 501;

(3) by striking section 503;

(4) by striking section 507;

(5) by striking section 510 (relating to urban and other high risk area communications capabilities);

(6) by redesignating sections 504, 505, 508, and 509 as sections 517, 518, 519, and 520, respectively;

(7) by redesignating section 510 (relating to procurement of security countermeasures for the strategic national stockpile) as section 521;

(8) by redesignating section 502 as section 504;

(9) by redesignating section 506 as section 502 and transferring that section to before section 504, as redesignated by paragraph (8) of this section;

(10) by inserting before section 502, as redesignated and transferred by paragraph (9) of this section, the following:

"SEC. 501. DEFINITIONS.

"In this title—

"(1) the term 'Administrator' means the Administrator of the Agency;

"(2) the term 'Agency' means the Federal Emergency Management Agency;

"(3) the term 'catastrophic incident' means any natural disaster, act of terrorism, or other man-made disaster that results in extraordinary levels of casualties or damage or disruption severely affecting the population (including mass evacuations), infrastructure, environment, economy, national morale, or government functions in an area;

"(4) the term 'Federal coordinating officer' means a Federal coordinating officer as described in section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143);

"(5) the term 'interoperable' has the meaning given the term 'interoperable communications' under section 7303(g)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)(1));

"(6) the term 'National Incident Management System' means a system to enable effective, efficient, and collaborative incident management;

"(7) the term 'National Response Plan' means the National Response Plan or any successor plan prepared under section 502(a)(6);

"(8) the term 'Regional Administrator' means a Regional Administrator appointed under section 507;

"(9) the term 'Regional Office' means a Regional Office established under section 507;

"(10) the term 'surge capacity' means the ability to rapidly and substantially increase the provision of search and rescue capabilities, food, water, medicine, shelter and housing, medical care, evacuation capacity, staffing (including disaster assistance employees), and other resources necessary to save lives and protect property during a catastrophic incident; and

"(11) the term 'tribal government' means the government of any entity described in section 2(10)(B).";

(11) by inserting after section 502, as redesignated and transferred by paragraph (9) of this section, the following:

"SEC. 503. FEDERAL EMERGENCY MANAGEMENT AGENCY.

"(a) IN GENERAL.—There is in the Department the Federal Emergency Management Agency, headed by an Administrator.

"(b) MISSION.—

"(1) PRIMARY MISSION.—The primary mission of the Agency is to reduce the loss of life and property and protect the Nation from all hazards, including natural disasters, acts of terrorism, and other man-made disasters, by leading and supporting the Nation in a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation.

"(2) SPECIFIC ACTIVITIES.—In support of the primary mission of the Agency, the Administrator shall—

"(A) lead the Nation's efforts to prepare for, protect against, respond to, recover from, and mitigate against the risk of natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents;

"(B) partner with State, local, and tribal governments and emergency response providers, with other Federal agencies, with the private sector, and with nongovernmental organizations to build a national system of emergency management that can effectively and efficiently utilize the full measure of the Nation's resources to respond to natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents;

"(C) develop a Federal response capability that, when necessary and appropriate, can act effectively and rapidly to deliver assistance essential to saving lives or protecting or preserving property or public health and safety in a natural disaster, act of terrorism, or other man-made disaster;

"(D) integrate the Agency's emergency preparedness, protection, response, recovery, and mitigation responsibilities to confront effectively the challenges of a natural disaster, act of terrorism, or other man-made disaster;

"(E) develop and maintain robust Regional Offices that will work with State, local, and tribal governments, emergency response providers, and other appropriate entities to identify and address regional priorities;

"(F) under the leadership of the Secretary, coordinate with the Commandant of the Coast Guard, the Director of Customs and Border Protection, the Director of Immigration and Customs Enforcement, the National Operations Center, and other agencies and offices in the Department to take full advantage of the substantial range of resources in the Department;

"(G) provide funding, training, exercises, technical assistance, planning, and other assistance to build tribal, local, State, regional, and national capabilities (including communications capabilities), necessary to respond to a natural disaster, act of terrorism, or other man-made disaster; and

"(H) develop and coordinate the implementation of a risk-based, all-hazards strategy for preparedness that builds those common capabilities necessary to respond to natural disasters, acts of terrorism, and other man-made disasters while also building the unique capabilities necessary to respond to specific types of incidents that pose the greatest risk to our Nation.

"(c) ADMINISTRATOR.—

"(1) IN GENERAL.—The Administrator shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) QUALIFICATIONS.—The Administrator shall be appointed from among individuals who have—

"(A) a demonstrated ability in and knowledge of emergency management and homeland security; and

"(B) not less than 5 years of executive leadership and management experience in the public or private sector.

"(3) REPORTING.—The Administrator shall report to the Secretary, without being required to report through any other official of the Department.

"(4) PRINCIPAL ADVISOR ON EMERGENCY MANAGEMENT.—

"(A) IN GENERAL.—The Administrator is the principal advisor to the President, the Homeland Security Council, and the Secretary for all matters relating to emergency management in the United States.

"(B) ADVICE AND RECOMMENDATIONS.—

"(i) IN GENERAL.—In presenting advice with respect to any matter to the President, the Homeland Security Council, or the Secretary, the Administrator shall, as the Administrator considers appropriate, inform the President, the Homeland Security Council, or the Secretary, as the case may be, of the range of emergency preparedness, protection, response, recovery, and mitigation options with respect to that matter.

"(ii) ADVICE ON REQUEST.—The Administrator, as the principal advisor on emergency management, shall provide advice to the President, the Homeland Security Council, or the Secretary on a particular matter when the President, the Homeland Security Council, or the Secretary requests such advice.

"(iii) RECOMMENDATIONS TO CONGRESS.—After informing the Secretary, the Administrator may make such recommendations to Congress relating to emer-

gency management as the Administrator considers appropriate.

"(5) CABINET STATUS.—

"(A) IN GENERAL.—The President may designate the Administrator to serve as a member of the Cabinet in the event of natural disasters, acts of terrorism, or other man-made disasters.

"(B) RETENTION OF AUTHORITY.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary under this Act.";

(12) in section 504, as redesignated by paragraph (8) of this section—

*(A) in the section heading, by inserting "**AUTHORITY AND**" before "**RESPONSIBILITIES**";*

(B) by striking the matter preceding paragraph (1) and inserting the following:

"(a) IN GENERAL.—The Administrator shall provide Federal leadership necessary to prepare for, protect against, respond to, recover from, or mitigate against a natural disaster, act of terrorism, or other man-made disaster, including—";

(C) in paragraph (6), by striking "and" at the end; and

(D) by striking paragraph (7) and inserting the following:

"(7) helping ensure the acquisition of operable and interoperable communications capabilities by Federal, State, local, and tribal governments and emergency response providers;

"(8) assisting the President in carrying out the functions under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and carrying out all functions and authorities given to the Administrator under that Act;

"(9) carrying out the mission of the Agency to reduce the loss of life and property and protect the Nation from all hazards by leading and supporting the Nation in a risk-based, comprehensive emergency management system of—

"(A) mitigation, by taking sustained actions to reduce or eliminate long-term risks to people and property from hazards and their effects;

"(B) preparedness, by planning, training, and building the emergency management profession to prepare effectively for, mitigate against, respond to, and recover from any hazard;

"(C) response, by conducting emergency operations to save lives and property through positioning emergency equipment, personnel, and supplies, through evacuating potential victims, through providing food, water, shelter, and medical care to those in need, and through restoring critical public services; and

"(D) recovery, by rebuilding communities so individuals, businesses, and governments can function on their own, return to normal life, and protect against future hazards;

"(10) increasing efficiencies, by coordinating efforts relating to preparedness, protection, response, recovery, and mitigation;

"(11) helping to ensure the effectiveness of emergency response providers in responding to a natural disaster, act of terrorism, or other man-made disaster;

"(12) supervising grant programs administered by the Agency;

"(13) administering and ensuring the implementation of the National Response Plan, including coordinating and ensuring the readiness of each emergency support function under the National Response Plan;

"(14) coordinating with the National Advisory Council established under section 508;

"(15) preparing and implementing the plans and programs of the Federal Government for—

"(A) continuity of operations;

"(B) continuity of government; and

"(C) continuity of plans;

"(16) minimizing, to the extent practicable, overlapping planning and reporting requirements applicable to State, local, and tribal governments and the private sector;

"(17) maintaining and operating within the Agency the National Response Coordination Center or its successor;

"(18) developing a national emergency management system that is capable of preparing for, protecting against, responding to, recovering from, and mitigating against catastrophic incidents;

"(19) assisting the President in carrying out the functions under the national preparedness goal and the national preparedness system and carrying out all functions and authorities of the Administrator under the national preparedness System;

"(20) carrying out all authorities of the Federal Emergency Management Agency and the Directorate of Preparedness of the Department as transferred under section 505; and

"(21) otherwise carrying out the mission of the Agency as described in section 503(b).

"(b) ALL-HAZARDS APPROACH.—In carrying out the responsibilities under this section, the Administrator shall coordinate the implementation of a risk-based, all-hazards strategy that builds those common capabilities necessary to prepare for, protect against, respond to, recover from, or mitigate against natural disasters, acts of terrorism, and other man-made disasters, while also building the unique capabilities necessary to prepare for, protect against, respond to, recover from, or mitigate against the risks of specific types of incidents that pose the greatest risk to the Nation."; and

(13) by inserting after section 504, as redesignated by paragraph (8) of this section, the following:

"SEC. 505. FUNCTIONS TRANSFERRED.

"(a) IN GENERAL.—Except as provided in subsection (b), there are transferred to the Agency the following:

"(1) All functions of the Federal Emergency Management Agency, including existing responsibilities for emergency alert systems and continuity of operations and continuity of government plans and programs as constituted on June 1, 2006, including all of its personnel, assets, components, authorities, grant programs, and liabilities, and including the functions of

the Under Secretary for Federal Emergency Management relating thereto.

"(2) The Directorate of Preparedness, as constituted on June 1, 2006, including all of its functions, personnel, assets, components, authorities, grant programs, and liabilities, and including the functions of the Under Secretary for Preparedness relating thereto.

"(b) EXCEPTIONS.—The following within the Preparedness Directorate shall not be transferred:

"(1) The Office of Infrastructure Protection.

"(2) The National Communications System.

"(3) The National Cybersecurity Division.

"(4) The Office of the Chief Medical Officer.

"(5) The functions, personnel, assets, components, authorities, and liabilities of each component described under paragraphs (1) through (4).

"SEC. 506. PRESERVING THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

"(a) DISTINCT ENTITY.—The Agency shall be maintained as a distinct entity within the Department.

"(b) REORGANIZATION.—Section 872 shall not apply to the Agency, including any function or organizational unit of the Agency.

"(c) PROHIBITION ON CHANGES TO MISSIONS.—

"(1) IN GENERAL.—The Secretary may not substantially or significantly reduce the authorities, responsibilities, or functions of the Agency or the capability of the Agency to perform those missions, authorities, responsibilities, except as otherwise specifically provided in an Act enacted after the date of enactment of the Post-Katrina Emergency Management Reform Act of 2006.

"(2) CERTAIN TRANSFERS PROHIBITED.—No asset, function, or mission of the Agency may be diverted to the principal and continuing use of any other organization, unit, or entity of the Department, except for details or assignments that do not reduce the capability of the Agency to perform its missions.

"(d) REPROGRAMMING AND TRANSFER OF FUNDS.—In reprogramming or transferring funds, the Secretary shall comply with any applicable provisions of any Act making appropriations for the Department for fiscal year 2007, or any succeeding fiscal year, relating to the reprogramming or transfer of funds.

"SEC. 507. REGIONAL OFFICES.

"(a) IN GENERAL.—There are in the Agency 10 regional offices, as identified by the Administrator.

"(b) MANAGEMENT OF REGIONAL OFFICES.—

"(1) REGIONAL ADMINISTRATOR.—Each Regional Office shall be headed by a Regional Administrator who shall be appointed by the Administrator, after consulting with State, local, and tribal government officials in the region. Each Regional Administrator shall report directly to the Administrator and be in the Senior Executive Service.

"(2) QUALIFICATIONS.—

"(A) IN GENERAL.—Each Regional Administrator shall be appointed from among individuals who have a dem-

onstrated ability in and knowledge of emergency management and homeland security.

"(B) CONSIDERATIONS.—In selecting a Regional Administrator for a Regional Office, the Administrator shall consider the familiarity of an individual with the geographical area and demographic characteristics of the population served by such Regional Office.

"(c) RESPONSIBILITIES.—

"(1) IN GENERAL.—The Regional Administrator shall work in partnership with State, local, and tribal governments, emergency managers, emergency response providers, medical providers, the private sector, nongovernmental organizations, multijurisdictional councils of governments, and regional planning commissions and organizations in the geographical area served by the Regional Office to carry out the responsibilities of a Regional Administrator under this section.

"(2) RESPONSIBILITIES.—The responsibilities of a Regional Administrator include—

"(A) ensuring effective, coordinated, and integrated regional preparedness, protection, response, recovery, and mitigation activities and programs for natural disasters, acts of terrorism, and other man-made disasters (including planning, training, exercises, and professional development);

"(B) assisting in the development of regional capabilities needed for a national catastrophic response system;

"(C) coordinating the establishment of effective regional operable and interoperable emergency communications capabilities;

"(D) staffing and overseeing 1 or more strike teams within the region under subsection (f), to serve as the focal point of the Federal Government's initial response efforts for natural disasters, acts of terrorism, and other man-made disasters within that region, and otherwise building Federal response capabilities to respond to natural disasters, acts of terrorism, and other man-made disasters within that region;

"(E) designating an individual responsible for the development of strategic and operational regional plans in support of the National Response Plan;

"(F) fostering the development of mutual aid and other cooperative agreements;

"(G) identifying critical gaps in regional capabilities to respond to populations with special needs;

"(H) maintaining and operating a Regional Response Coordination Center or its successor; and

"(I) performing such other duties relating to such responsibilities as the Administrator may require.

"(3) TRAINING AND EXERCISE REQUIREMENTS.—

"(A) TRAINING.—The Administrator shall require each Regional Administrator to undergo specific training periodically to complement the qualifications of the Regional Administrator. Such training, as appropriate, shall include training with respect to the National Incident Management

System, the National Response Plan, and such other subjects as determined by the Administrator.

"(B) EXERCISES.—The Administrator shall require each Regional Administrator to participate as appropriate in regional and national exercises.

"(d) AREA OFFICES.—

"(1) IN GENERAL.—There is an Area Office for the Pacific and an Area Office for the Caribbean, as components in the appropriate Regional Offices.

"(2) ALASKA.—The Administrator shall establish an Area Office in Alaska, as a component in the appropriate Regional Office.

"(e) REGIONAL ADVISORY COUNCIL.—

"(1) ESTABLISHMENT.—Each Regional Administrator shall establish a Regional Advisory Council.

"(2) NOMINATIONS.—A State, local, or tribal government located within the geographic area served by the Regional Office may nominate officials, including Adjutants General and emergency managers, to serve as members of the Regional Advisory Council for that region.

"(3) RESPONSIBILITIES.—Each Regional Advisory Council shall—

"(A) advise the Regional Administrator on emergency management issues specific to that region;

"(B) identify any geographic, demographic, or other characteristics peculiar to any State, local, or tribal government within the region that might make preparedness, protection, response, recovery, or mitigation more complicated or difficult; and

"(C) advise the Regional Administrator of any weaknesses or deficiencies in preparedness, protection, response, recovery, and mitigation for any State, local, and tribal government within the region of which the Regional Advisory Council is aware.

"(f) REGIONAL OFFICE STRIKE TEAMS.—

"(1) IN GENERAL.—In coordination with other relevant Federal agencies, each Regional Administrator shall oversee multi-agency strike teams authorized under section 303 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5144) that shall consist of—

"(A) a designated Federal coordinating officer;

"(B) personnel trained in incident management;

"(C) public affairs, response and recovery, and communications support personnel;

"(D) a defense coordinating officer;

"(E) liaisons to other Federal agencies;

"(F) such other personnel as the Administrator or Regional Administrator determines appropriate; and

"(G) individuals from the agencies with primary responsibility for each of the emergency support functions in the National Response Plan.

"(2) OTHER DUTIES.—The duties of an individual assigned to a Regional Office strike team from another relevant agency when such individual is not functioning as a member of the

strike team shall be consistent with the emergency preparedness activities of the agency that employs such individual.

"(3) LOCATION OF MEMBERS.—The members of each Regional Office strike team, including representatives from agencies other than the Department, shall be based primarily within the region that corresponds to that strike team.

"(4) COORDINATION.—Each Regional Office strike team shall coordinate the training and exercises of that strike team with the State, local, and tribal governments and private sector and nongovernmental entities which the strike team shall support when a natural disaster, act of terrorism, or other man-made disaster occurs.

"(5) PREPAREDNESS.—Each Regional Office strike team shall be trained as a unit on a regular basis and equipped and staffed to be well prepared to respond to natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents.

"(6) AUTHORITIES.—If the Administrator determines that statutory authority is inadequate for the preparedness and deployment of individuals in strike teams under this subsection, the Administrator shall report to Congress regarding the additional statutory authorities that the Administrator determines are necessary.

"SEC. 508. NATIONAL ADVISORY COUNCIL.

"(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of the Post-Katrina Emergency Management Reform Act of 2006, the Secretary shall establish an advisory body under section 871(a) to ensure effective and ongoing coordination of Federal preparedness, protection, response, recovery, and mitigation for natural disasters, acts of terrorism, and other man-made disasters, to be known as the National Advisory Council.

"(b) RESPONSIBILITIES.—The National Advisory Council shall advise the Administrator on all aspects of emergency management. The National Advisory Council shall incorporate State, local, and tribal government and private sector input in the development and revision of the national preparedness goal, the national preparedness system, the National Incident Management System, the National Response Plan, and other related plans and strategies.

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—The members of the National Advisory Council shall be appointed by the Administrator, and shall, to the extent practicable, represent a geographic (including urban and rural) and substantive cross section of officials, emergency managers, and emergency response providers from State, local, and tribal governments, the private sector, and nongovernmental organizations, including as appropriate—

"(A) members selected from the emergency management field and emergency response providers, including fire service, law enforcement, hazardous materials response, emergency medical services, and emergency management personnel, or organizations representing such individuals;

"(B) health scientists, emergency and inpatient medical providers, and public health professionals;

"(C) experts from Federal, State, local, and tribal governments, and the private sector, representing standards-

setting and accrediting organizations, including representatives from the voluntary consensus codes and standards development community, particularly those with expertise in the emergency preparedness and response field;

"(D) State, local, and tribal government officials with expertise in preparedness, protection, response, recovery, and mitigation, including Adjutants General;

"(E) elected State, local, and tribal government executives;

"(F) experts in public and private sector infrastructure protection, cybersecurity, and communications;

"(G) representatives of individuals with disabilities and other populations with special needs; and

"(H) such other individuals as the Administrator determines to be appropriate.

"(2) COORDINATION WITH THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES AND TRANSPORTATION.—In the selection of members of the National Advisory Council who are health or emergency medical services professionals, the Administrator shall work with the Secretary of Health and Human Services and the Secretary of Transportation.

"(3) EX OFFICIO MEMBERS.—The Administrator shall designate 1 or more officers of the Federal Government to serve as ex officio members of the National Advisory Council.

"(4) TERMS OF OFFICE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term of office of each member of the National Advisory Council shall be 3 years.

"(B) INITIAL APPOINTMENTS.—Of the members initially appointed to the National Advisory Council—

"(i) one-third shall be appointed for a term of 1 year; and

"(ii) one-third shall be appointed for a term of 2 years.

"(d) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—

"(1) IN GENERAL.—Notwithstanding section 871(a) and subject to paragraph (2), the Federal Advisory Committee Act (5 U.S.C. App.), including subsections (a), (b), and (d) of section 10 of such Act, and section 552b(c) of title 5, United States Code, shall apply to the National Advisory Council.

"(2) TERMINATION.—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the National Advisory Council.

"SEC. 509. NATIONAL INTEGRATION CENTER.

"(a) IN GENERAL.—There is established in the Agency a National Integration Center.

"(b) RESPONSIBILITIES.—

"(1) IN GENERAL.—The Administrator, through the National Integration Center, and in consultation with other Federal departments and agencies and the National Advisory Council, shall ensure ongoing management and maintenance of the National Incident Management System, the National Response Plan, and any successor to such system or plan.

"(2) SPECIFIC RESPONSIBILITIES.—The National Integration Center shall periodically review, and revise as appropriate, the

National Incident Management System and the National Response Plan, including—

"(A) establishing, in consultation with the Director of the Corporation for National and Community Service, a process to better use volunteers and donations;

"(B) improving the use of Federal, State, local, and tribal resources and ensuring the effective use of emergency response providers at emergency scenes; and

"(C) revising the Catastrophic Incident Annex, finalizing and releasing the Catastrophic Incident Supplement to the National Response Plan, and ensuring that both effectively address response requirements in the event of a catastrophic incident.

"(c) INCIDENT MANAGEMENT.—

"(1) IN GENERAL.—

"(A) NATIONAL RESPONSE PLAN.—The Secretary, acting through the Administrator, shall ensure that the National Response Plan provides for a clear chain of command to lead and coordinate the Federal response to any natural disaster, act of terrorism, or other man-made disaster.

"(B) ADMINISTRATOR.—The chain of the command specified in the National Response Plan shall—

"(i) provide for a role for the Administrator consistent with the role of the Administrator as the principal emergency management advisor to the President, the Homeland Security Council, and the Secretary under section 503(c)(4) and the responsibility of the Administrator under the Post-Katrina Emergency Management Reform Act of 2006, and the amendments made by that Act, relating to natural disasters, acts of terrorism, and other man-made disasters; and

"(ii) provide for a role for the Federal Coordinating Officer consistent with the responsibilities under section 302(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143(b)).

"(2) PRINCIPAL FEDERAL OFFICIAL.—The Principal Federal Official (or the successor thereto) shall not—

"(A) direct or replace the incident command structure established at the incident; or

"(B) have directive authority over the Senior Federal Law Enforcement Official, Federal Coordinating Officer, or other Federal and State officials.

"SEC. 510. CREDENTIALING AND TYPING.

"The Administrator shall enter into a memorandum of understanding with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, and organizations that represent emergency response providers, to collaborate on developing standards for deployment capabilities, including credentialing of personnel and typing of resources likely needed to respond to natural disasters, acts of terrorism, and other man-made disasters.

"SEC. 511. THE NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.

"(a) DEFINITION.—In this section, the term 'National Infrastructure Simulation and Analysis Center' means the National Infrastructure Simulation and Analysis Center established under section 1016(d) of the USA PATRIOT Act (42 U.S.C. 5195c(d)).

"(b) AUTHORITY.—

"(1) IN GENERAL.—There is in the Department the National Infrastructure Simulation and Analysis Center which shall serve as a source of national expertise to address critical infrastructure protection and continuity through support for activities related to—

"(A) counterterrorism, threat assessment, and risk mitigation; and

"(B) a natural disaster, act of terrorism, or other man-made disaster.

"(2) INFRASTRUCTURE MODELING.—

"(A) PARTICULAR SUPPORT.—The support provided under paragraph (1) shall include modeling, simulation, and analysis of the systems and assets comprising critical infrastructure, in order to enhance preparedness, protection, response, recovery, and mitigation activities.

"(B) RELATIONSHIP WITH OTHER AGENCIES.—Each Federal agency and department with critical infrastructure responsibilities under Homeland Security Presidential Directive 7, or any successor to such directive, shall establish a formal relationship, including an agreement regarding information sharing, between the elements of such agency or department and the National Infrastructure Simulation and Analysis Center, through the Department.

"(C) PURPOSE.—

"(i) IN GENERAL.—The purpose of the relationship under subparagraph (B) shall be to permit each Federal agency and department described in subparagraph (B) to take full advantage of the capabilities of the National Infrastructure Simulation and Analysis Center (particularly vulnerability and consequence analysis), consistent with its work load capacity and priorities, for real-time response to reported and projected natural disasters, acts of terrorism, and other man-made disasters.

"(ii) RECIPIENT OF CERTAIN SUPPORT.—Modeling, simulation, and analysis provided under this subsection shall be provided to relevant Federal agencies and departments, including Federal agencies and departments with critical infrastructure responsibilities under Homeland Security Presidential Directive 7, or any successor to such directive.

"SEC. 512. EVACUATION PLANS AND EXERCISES.

"(a) IN GENERAL.—Notwithstanding any other provision of law, and subject to subsection (d), grants made to States or local or tribal governments by the Department through the State Homeland Security Grant Program or the Urban Area Security Initiative may be used to—

"(1) establish programs for the development and maintenance of mass evacuation plans under subsection (b) in the event of a natural disaster, act of terrorism, or other man-made disaster;

"(2) prepare for the execution of such plans, including the development of evacuation routes and the purchase and stockpiling of necessary supplies and shelters; and

"(3) conduct exercises of such plans.

"(b) PLAN DEVELOPMENT.—In developing the mass evacuation plans authorized under subsection (a), each State, local, or tribal government shall, to the maximum extent practicable—

"(1) establish incident command and decision making processes;

"(2) ensure that State, local, and tribal government plans, including evacuation routes, are coordinated and integrated;

"(3) identify primary and alternative evacuation routes and methods to increase evacuation capabilities along such routes such as conversion of two-way traffic to one-way evacuation routes;

"(4) identify evacuation transportation modes and capabilities, including the use of mass and public transit capabilities, and coordinating and integrating evacuation plans for all populations including for those individuals located in hospitals, nursing homes, and other institutional living facilities;

"(5) develop procedures for informing the public of evacuation plans before and during an evacuation, including individuals—

"(A) with disabilities or other special needs;

"(B) with limited English proficiency; or

"(C) who might otherwise have difficulty in obtaining such information; and

"(6) identify shelter locations and capabilities.

"(c) ASSISTANCE.—

"(1) IN GENERAL.—The Administrator may establish any guidelines, standards, or requirements determined appropriate to administer this section and to ensure effective mass evacuation planning for State, local, and tribal areas.

"(2) REQUESTED ASSISTANCE.—The Administrator shall make assistance available upon request of a State, local, or tribal government to assist hospitals, nursing homes, and other institutions that house individuals with special needs to establish, maintain, and exercise mass evacuation plans that are coordinated and integrated into the plans developed by that State, local, or tribal government under this section.

"(d) MULTIPURPOSE FUNDS.—Nothing in this section may be construed to preclude a State, local, or tribal government from using grant funds in a manner that enhances preparedness for a natural or man-made disaster unrelated to an act of terrorism, if such use assists such government in building capabilities for terrorism preparedness.

"SEC. 513. DISABILITY COORDINATOR.

"(a) IN GENERAL.—After consultation with organizations representing individuals with disabilities, the National Council on Disabilities, and the Interagency Coordinating Council on Preparedness and Individuals with Disabilities, established under Executive

Order 13347 (6 U.S.C. 312 note), the Administrator shall appoint a Disability Coordinator. The Disability Coordinator shall report directly to the Administrator, in order to ensure that the needs of individuals with disabilities are being properly addressed in emergency preparedness and disaster relief.

"(b) RESPONSIBILITIES.—The Disability Coordinator shall be responsible for—

"(1) providing guidance and coordination on matters related to individuals with disabilities in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

"(2) interacting with the staff of the Agency, the National Council on Disabilities, the Interagency Coordinating Council on Preparedness and Individuals with Disabilities established under Executive Order No. 13347 (6 U.S.C. 312 note), other agencies of the Federal Government, and State, local, and tribal government authorities regarding the needs of individuals with disabilities in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

"(3) consulting with organizations that represent the interests and rights of individuals with disabilities about the needs of individuals with disabilities in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

"(4) ensuring the coordination and dissemination of best practices and model evacuation plans for individuals with disabilities;

"(5) ensuring the development of training materials and a curriculum for training of emergency response providers, State, local, and tribal government officials, and others on the needs of individuals with disabilities;

"(6) promoting the accessibility of telephone hotlines and websites regarding emergency preparedness, evacuations, and disaster relief;

"(7) working to ensure that video programming distributors, including broadcasters, cable operators, and satellite television services, make emergency information accessible to individuals with hearing and vision disabilities;

"(8) ensuring the availability of accessible transportation options for individuals with disabilities in the event of an evacuation;

"(9) providing guidance and implementing policies to ensure that the rights and wishes of individuals with disabilities regarding post-evacuation residency and relocation are respected;

"(10) ensuring that meeting the needs of individuals with disabilities are included in the components of the national preparedness system established under section 644 of the Post-Katrina Emergency Management Reform Act of 2006; and

"(11) any other duties as assigned by the Administrator.

"SEC. 514. DEPARTMENT AND AGENCY OFFICIALS.

"(a) DEPUTY ADMINISTRATORS.—The President may appoint, by and with the advice and consent of the Senate, not more than 4

Deputy Administrators to assist the Administrator in carrying out this title.

"(b) CYBERSECURITY AND COMMUNICATIONS.—There is in the Department an Assistant Secretary for Cybersecurity and Communications.

"(c) UNITED STATES FIRE ADMINISTRATION.—The Administrator of the United States Fire Administration shall have a rank equivalent to an assistant secretary of the Department.

"SEC. 515. NATIONAL OPERATIONS CENTER.

"(a) DEFINITION.—In this section, the term 'situational awareness' means information gathered from a variety of sources that, when communicated to emergency managers and decision-makers, can form the basis for incident management decisionmaking.

"(b) ESTABLISHMENT.—The National Operations Center is the principal operations center for the Department and shall—

"(1) provide situational awareness and a common operating picture for the entire Federal Government, and for State, local, and tribal governments as appropriate, in the event of a natural disaster, act of terrorism, or other man-made disaster; and

"(2) ensure that critical terrorism and disaster-related information reaches government decision-makers.

"SEC. 516. CHIEF MEDICAL OFFICER.

"(a) IN GENERAL.—There is in the Department a Chief Medical Officer, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) QUALIFICATIONS.—The individual appointed as Chief Medical Officer shall possess a demonstrated ability in and knowledge of medicine and public health.

"(c) RESPONSIBILITIES.—The Chief Medical Officer shall have the primary responsibility within the Department for medical issues related to natural disasters, acts of terrorism, and other man-made disasters, including—

"(1) serving as the principal advisor to the Secretary and the Administrator on medical and public health issues;

"(2) coordinating the biodefense activities of the Department;

"(3) ensuring internal and external coordination of all medical preparedness and response activities of the Department, including training, exercises, and equipment support;

"(4) serving as the Department's primary point of contact with the Department of Agriculture, the Department of Defense, the Department of Health and Human Services, the Department of Transportation, the Department of Veterans Affairs, and other Federal departments or agencies, on medical and public health issues;

"(5) serving as the Department's primary point of contact for State, local, and tribal governments, the medical community, and others within and outside the Department, with respect to medical and public health matters;

"(6) discharging, in coordination with the Under Secretary for Science and Technology, the responsibilities of the Department related to Project Bioshield; and

"(7) performing such other duties relating to such responsibilities as the Secretary may require.".

SEC. 612. TECHNICAL AND CONFORMING AMENDMENTS.

(a) EXECUTIVE SCHEDULE.—

(1) ADMINISTRATOR.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"Administrator of the Federal Emergency Management Agency.".

(2) DEPUTY ADMINISTRATORS.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Deputy Administrators, Federal Emergency Management Agency.".

(3) CHIEF MEDICAL OFFICER.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Chief Medical Officer, Department of Homeland Security.".

(b) OFFICERS OF THE DEPARTMENT.—Section 103(a) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)) is amended—

(1) by striking paragraph (5) and inserting the following:

"(5) An Administrator of the Federal Emergency Management Agency.";

(2) by striking paragraph (2); and

(3) by redesignating paragraphs (3) through (10) (as amended by this subsection) as paragraphs (2) through (9), respectively.

(c) REFERENCES.—Any reference to the Director of the Federal Emergency Management Agency, in any law, rule, regulation, certificate, directive, instruction, or other official paper shall be considered to refer and apply to the Administrator of the Federal Emergency Management Agency.

(d) DEFINITION.—Section 2(6) of the Homeland Security Act of 2002 (6 U.S.C. 101(6)) is amended by inserting "fire," after "safety,".

(e) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by striking the items relating to title V and sections 501 through 509 and inserting the following:

"TITLE V—NATIONAL EMERGENCY MANAGEMENT

"Sec. 501. Definitions.
"Sec. 502. Definition.
"Sec. 503. Federal Emergency Management Agency.
"Sec. 504. Authorities and responsibilities.
"Sec. 505. Functions transferred.
"Sec. 506. Preserving the Federal Emergency Management Agency.
"Sec. 507. Regional Offices.
"Sec. 508. National Advisory Council.
"Sec. 509. National Integration Center.
"Sec. 510. Credentialing and typing.
"Sec. 511. The National Infrastructure Simulation and Analysis Center.
"Sec. 512. Evacuation plans and exercises.
"Sec. 513. Disability Coordinator.
"Sec. 514. Department and Agency officials.
"Sec. 515. National Operations Center.
"Sec. 516. Chief Medical Officer.
"Sec. 517. Nuclear incident response.
"Sec. 518. Conduct of certain public health-related activities.
"Sec. 519. Use of national private sector networks in emergency response.
"Sec. 520. Use of commercially available technology, goods, and services.
"Sec. 521. Procurement of security countermeasures for strategic national stockpile.".

(f) INTERIM ACTIONS.—

(1) IN GENERAL.—During the period beginning on the date of enactment of this Act and ending on March 31, 2007, the Secretary, the Under Secretary for Preparedness, and the Director of the Federal Emergency Management Agency shall take such actions as are necessary to provide for the orderly implementation of any amendment under this subtitle that takes effect on March 31, 2007.

(2) REFERENCES.—Any reference to the Administrator of the Federal Emergency Management Agency in this title or an amendment by this title shall be considered to refer and apply to the Director of the Federal Emergency Management Agency until March 31, 2007.

SEC. 613. NATIONAL WEATHER SERVICE.

Nothing in this title shall alter or otherwise affect the authorities and activities of the National Weather Service to protect life and property, including under the Act of October 1, 1890 (26 Stat. 653–55).

SEC. 614. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of enactment of this Act.

(b) EXCEPTIONS.—The following shall take effect on March 31, 2007:

(1) The amendments made by section 611(11).

(2) The amendments made by section 611(12).

(3) Sections 505, 507, 508, and 514 of the Homeland Security Act of 2002, as amended by section 611(13) of this Act.

(4) The amendments made by subsection (a).

(5) The amendments made by subsection (b)(1).

Subtitle B—Personnel Provisions

CHAPTER 1—FEDERAL EMERGENCY MANAGEMENT AGENCY PERSONNEL

SEC. 621. WORKFORCE DEVELOPMENT.

(a) IN GENERAL.—Subpart I of part III of title 5, United States Code, is amended by adding at the end the following:

"CHAPTER 101—FEDERAL EMERGENCY MANAGEMENT AGENCY PERSONNEL

"Sec.
"10101. Definitions.
"10102. Strategic human capital plan.
"10103. Career paths.
"10104. Recruitment bonuses.
"10105. Retention bonuses.
"10106. Quarterly report on vacancy rate in employee positions.

"§ 10101. Definitions

"For purposes of this chapter—

"(1) the term 'Agency' means the Federal Emergency Management Agency;

"(2) the term 'Administrator' means the Administrator of the Federal Emergency Management Agency;

"(3) the term 'appropriate committees of Congress' has the meaning given the term in section 602 of the Post-Katrina Emergency Management Reform Act of 2006;

"(4) the term 'Department' means the Department of Homeland Security; and

"(5) the term 'Surge Capacity Force' refers to the Surge Capacity Force, described under section 624 of the Post-Katrina Emergency Management Reform Act of 2006.

"§ 10102. Strategic human capital plan

"(a) PLAN DEVELOPMENT.—Not later than 6 months after the date of enactment of this chapter, the Administrator shall develop and submit to the appropriate committees of Congress a strategic human capital plan to shape and improve the workforce of the Agency.

"(b) CONTENTS.—The strategic human capital plan shall include—

"(1) a workforce gap analysis, including an assessment of—

"(A) the critical skills and competencies that will be needed in the workforce of the Agency to support the mission and responsibilities of, and effectively manage, the Agency during the 10-year period beginning on the date of enactment of this chapter;

"(B) the skills and competencies of the workforce of the Agency on the day before the date of enactment of this chapter and projected trends in that workforce, based on expected losses due to retirement and other attrition; and

"(C) the staffing levels of each category of employee, including gaps in the workforce of the Agency on the day before the date of enactment of this chapter and in the projected workforce of the Agency that should be addressed to ensure that the Agency has continued access to the critical skills and competencies described in subparagraph (A);

"(2) a plan of action for developing and reshaping the workforce of the Agency to address the gaps in critical skills and competencies identified under paragraph (1)(C), including—

"(A) specific recruitment and retention goals, including the use of the bonus authorities under this chapter as well as other bonus authorities (including the program objective of the Agency to be achieved through such goals);

"(B) specific strategies for developing, training, deploying, compensating, and motivating and retaining the Agency workforce and its ability to fulfill the Agency's mission and responsibilities (including the program objectives of the Department and the Agency to be achieved through such strategies);

"(C) specific strategies for recruiting individuals who have served in multiple State agencies with emergency management responsibilities; and

"(D) specific strategies for the development, training, and coordinated and rapid deployment of the Surge Capacity Force; and

"(3) a discussion that—

"(A) details the number of employees of the Department not employed by the Agency serving in the Surge Capacity Force and the qualifications or credentials of such individuals;

"(B) details the number of individuals not employed by the Department serving in the Surge Capacity Force and the qualifications or credentials of such individuals;

"(C) describes the training given to the Surge Capacity Force during the calendar year preceding the year of submission of the plan under subsection (c);

"(D) states whether the Surge Capacity Force is able to adequately prepare for, respond to, and recover from natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents; and

"(E) describes any additional authorities or resources necessary to address any deficiencies in the Surge Capacity Force.

"(c) ANNUAL UPDATES.—Not later than May 1, 2007, and May 1st of each of the next 5 succeeding years, the Administrator shall submit to the appropriate committees of Congress an update of the strategic human capital plan, including an assessment by the Administrator, using results-oriented performance measures, of the progress of the Department and the Agency in implementing the strategic human capital plan.

"§ 10103. Career paths

"(a) IN GENERAL.—The Administrator shall—

"(1) ensure that appropriate career paths for personnel of the Agency are identified, including the education, training, experience, and assignments necessary for career progression within the Agency; and

"(2) publish information on the career paths described in paragraph (1).

"(b) EDUCATION, TRAINING, AND EXPERIENCE.—The Administrator shall ensure that all personnel of the Agency are provided the opportunity to acquire the education, training, and experience necessary to qualify for promotion within the Agency, including, as appropriate, the opportunity to participate in the Rotation Program established under section 844 of the Homeland Security Act of 2002.

"(c) POLICY.—The Administrator shall establish a policy for assigning Agency personnel to positions that provides for a balance between—

"(1) the need for such personnel to serve in career enhancing positions; and

"(2) the need to require service in a position for a sufficient period of time to provide the stability necessary—

"(A) to carry out the duties of that position; and

"(B) for responsibility and accountability for actions taken in that position.

"§ 10104. Recruitment bonuses

"(a) IN GENERAL.—The Administrator may pay a bonus to an individual in order to recruit the individual for a position within the Agency that would otherwise be difficult to fill in the absence

of such a bonus. Upon completion of the strategic human capital plan, such bonuses shall be paid in accordance with that plan.

"(b) BONUS AMOUNT.—

"(1) IN GENERAL.—The amount of a bonus under this section shall be determined by the Administrator, but may not exceed 25 percent of the annual rate of basic pay of the position involved.

"(2) FORM OF PAYMENT.—A bonus under this section shall be paid in the form of a lump-sum payment and shall not be considered to be part of basic pay.

"(c) SERVICE AGREEMENTS.—Payment of a bonus under this section shall be contingent upon the employee entering into a written service agreement with the Agency. The agreement shall include—

"(1) the period of service the individual shall be required to complete in return for the bonus; and

"(2) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed, and the effect of the termination.

"(d) ELIGIBILITY.—A bonus under this section may not be paid to an individual who is appointed to or holds—

"(1) a position to which an individual is appointed by the President, by and with the advice and consent of the Senate;

"(2) a position in the Senior Executive Service as a noncareer appointee (as defined in section 3132(a)); or

"(3) a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.

"(e) TERMINATION.—The authority to pay bonuses under this section shall terminate 5 years after the date of enactment of this chapter.

"(f) REPORTS.—

"(1) IN GENERAL.—The Agency shall submit to the appropriate committees of Congress, annually for each of the 5 years during which this section is in effect, a report on the operation of this section.

"(2) CONTENTS.—Each report submitted under this subsection shall include, with respect to the period covered by such report, a description of how the authority to pay bonuses under this section was used by the Agency, including—

"(A) the number and dollar amount of bonuses paid to individuals holding positions within each pay grade, pay level, or other pay classification; and

"(B) a determination of the extent to which such bonuses furthered the purposes of this section.

"§ 10105. Retention bonuses

"(a) AUTHORITY.—The Administrator may pay, on a case-by-case basis, a bonus under this section to an employee of the Agency if—

"(1) the unusually high or unique qualifications of the employee or a special need of the Agency for the employee's services makes it essential to retain the employee; and

"(2) the Administrator determines that, in the absence of such a bonus, the employee would be likely to leave—

"(A) the Federal service; or

"(B) for a different position in the Federal service.

"(b) SERVICE AGREEMENT.—Payment of a bonus under this section is contingent upon the employee entering into a written service agreement with the Agency to complete a period of service with the Agency. Such agreement shall include—

"(1) the period of service the individual shall be required to complete in return for the bonus; and

"(2) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed, and the effect of the termination.

"(c) BONUS AMOUNT.—

"(1) IN GENERAL.—The amount of a bonus under this section shall be determined by the Administrator, but may not exceed 25 percent of the annual rate of basic pay of the position involved.

"(2) FORM OF PAYMENT.—A bonus under this section shall be paid in the form of a lump-sum payment and shall not be considered to be part of basic pay.

"(d) LIMITATION.—A bonus under this section—

"(1) may not be based on any period of service which is the basis for a recruitment bonus under section 10104;

"(2) may not be paid to an individual who is appointed to or holds—

"(A) a position to which an individual is appointed by the President, by and with the advice and consent of the Senate;

"(B) a position in the Senior Executive Service as a noncareer appointee (as defined in section 3132(a)); or

"(C) a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character; and

"(3) upon completion of the strategic human capital plan, shall be paid in accordance with that plan.

"(e) TERMINATION OF AUTHORITY.—The authority to grant bonuses under this section shall expire 5 years after the date of enactment of this chapter.

"(f) REPORTS.—

"(1) IN GENERAL.—The Office of Personnel Management shall submit to the appropriate committees of Congress, annually for each of the first 5 years during which this section is in effect, a report on the operation of this section.

"(2) CONTENTS.—Each report submitted under this subsection shall include, with respect to the period covered by such report, a description of how the authority to pay bonuses under this section was used by the Agency, including, with respect to each such agency—

"(A) the number and dollar amount of bonuses paid to individuals holding positions within each pay grade, pay level, or other pay classification; and

"(B) a determination of the extent to which such bonuses furthered the purposes of this section.

"§ 10106. Quarterly report on vacancy rate in employee positions

"(a) INITIAL REPORT.—

"(1) IN GENERAL.—Not later than 3 months after the date of enactment of this chapter, the Administrator shall develop and submit to the appropriate committees of Congress a report on the vacancies in employee positions of the Agency.

"(2) CONTENTS.—The report under this subsection shall include—

"(A) vacancies of each category of employee position;

"(B) the number of applicants for each vacancy for which public notice has been given;

"(C) the length of time that each vacancy has been pending;

"(D) hiring-cycle time for each vacancy that has been filled; and

"(E) a plan for reducing the hiring-cycle time and reducing the current and anticipated vacancies with highly-qualified personnel.

"(b) QUARTERLY UPDATES.—Not later than 3 months after submission of the initial report, and every 3 months thereafter until 5 years after the date of enactment of this chapter, the Administrator shall submit to the appropriate committees of Congress an update of the report under subsection (a), including an assessment by the Administrator of the progress of the Agency in filling vacant employee positions of the Agency.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for part III title 5, United States Code, is amended by inserting after the item relating to chapter 99 the following:

"101 Federal Emergency Management Agency Personnel .....10101".

SEC. 622. ESTABLISHMENT OF HOMELAND SECURITY ROTATION PROGRAM AT THE DEPARTMENT OF HOMELAND SECURITY.

(a) ESTABLISHMENT.—Title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361 et seq.) is amended by inserting after section 843 the following:

"SEC. 844. HOMELAND SECURITY ROTATION PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish the Homeland Security Rotation Program (in this section referred to as the 'Rotation Program') for employees of the Department. The Rotation Program shall use applicable best practices, including those from the Chief Human Capital Officers Council.

"(2) GOALS.—The Rotation Program established by the Secretary shall—

"(A) be established in accordance with the Human Capital Strategic Plan of the Department;

"(B) provide middle and senior level employees in the Department the opportunity to broaden their knowledge through exposure to other components of the Department;

"(C) expand the knowledge base of the Department by providing for rotational assignments of employees to other components;

"(D) build professional relationships and contacts among the employees in the Department;

"(E) invigorate the workforce with exciting and professionally rewarding opportunities;

"(F) incorporate Department human capital strategic plans and activities, and address critical human capital deficiencies, recruitment and retention efforts, and succession planning within the Federal workforce of the Department; and

"(G) complement and incorporate (but not replace) rotational programs within the Department in effect on the date of enactment of this section.

"(3) ADMINISTRATION.—

"(A) IN GENERAL.—The Chief Human Capital Officer shall administer the Rotation Program.

"(B) RESPONSIBILITIES.—The Chief Human Capital Officer shall—

"(i) provide oversight of the establishment and implementation of the Rotation Program;

"(ii) establish a framework that supports the goals of the Rotation Program and promotes cross-disciplinary rotational opportunities;

"(iii) establish eligibility for employees to participate in the Rotation Program and select participants from employees who apply;

"(iv) establish incentives for employees to participate in the Rotation Program, including promotions and employment preferences;

"(v) ensure that the Rotation Program provides professional education and training;

"(vi) ensure that the Rotation Program develops qualified employees and future leaders with broad-based experience throughout the Department;

"(vii) provide for greater interaction among employees in components of the Department; and

"(viii) coordinate with rotational programs within the Department in effect on the date of enactment of this section.

"(4) ALLOWANCES, PRIVILEGES, AND BENEFITS.—All allowances, privileges, rights, seniority, and other benefits of employees participating in the Rotation Program shall be preserved.

"(5) REPORTING.—Not later than 180 days after the date of the establishment of the Rotation Program, the Secretary shall submit a report on the status of the Rotation Program, including a description of the Rotation Program, the number of employees participating, and how the Rotation Program is used in succession planning and leadership development to the appropriate committees of Congress.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 843 the following:

"Sec. 844. Homeland Security Rotation Program.".

SEC. 623. HOMELAND SECURITY EDUCATION PROGRAM.

(a) ESTABLISHMENT.—Title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361 et seq.) is amended by inserting after section 844 (as added by section 622 of this Act) the following:

"SEC. 845. HOMELAND SECURITY EDUCATION PROGRAM.

"(a) ESTABLISHMENT.—The Secretary, acting through the Administrator, shall establish a graduate-level Homeland Security Education Program in the National Capital Region to provide educational opportunities to senior Federal officials and selected State and local officials with homeland security and emergency management responsibilities. The Administrator shall appoint an individual to administer the activities under this section.

"(b) LEVERAGING OF EXISTING RESOURCES.—To maximize efficiency and effectiveness in carrying out the Program, the Administrator shall use existing Department-reviewed Master's Degree curricula in homeland security, including curricula pending accreditation, together with associated learning materials, quality assessment tools, digital libraries, exercise systems and other educational facilities, including the National Domestic Preparedness Consortium, the National Fire Academy, and the Emergency Management Institute. The Administrator may develop additional educational programs, as appropriate.

"(c) STUDENT ENROLLMENT.—

"(1) SOURCES.—The student body of the Program shall include officials from Federal, State, local, and tribal governments, and from other sources designated by the Administrator.

"(2) ENROLLMENT PRIORITIES AND SELECTION CRITERIA.—The Administrator shall establish policies governing student enrollment priorities and selection criteria that are consistent with the mission of the Program.

"(3) DIVERSITY.—The Administrator shall take reasonable steps to ensure that the student body represents racial, gender, and ethnic diversity.

"(d) SERVICE COMMITMENT.—

"(1) IN GENERAL.—Before any employee selected for the Program may be assigned to participate in the program, the employee shall agree in writing—

"(A) to continue in the service of the agency sponsoring the employee during the 2-year period beginning on the date on which the employee completes the program, unless the employee is involuntarily separated from the service of that agency for reasons other than a reduction in force; and

"(B) to pay to the Government the amount of the additional expenses incurred by the Government in connection with the employee's education if the employee is voluntarily separated from the service to the agency before the end of the period described in subparagraph (A).

"(2) PAYMENT OF EXPENSES.—

"(A) EXEMPTION.—An employee who leaves the service of the sponsoring agency to enter into the service of another agency in any branch of the Government shall not be required to make a payment under paragraph (1)(B), unless the head of the agency that sponsored the education of the employee notifies that employee before the date on which the employee enters the service of the other agency that payment is required under that paragraph.

"(B) AMOUNT OF PAYMENT.—If an employee is required to make a payment under paragraph (1)(B), the agency that sponsored the education of the employee shall determine the

amount of the payment, except that such amount may not exceed the pro rata share of the expenses incurred for the time remaining in the 2-year period.

"(3) RECOVERY OF PAYMENT.—If an employee who is required to make a payment under this subsection does not make the payment, a sum equal to the amount of the expenses incurred by the Government for the education of that employee is recoverable by the Government from the employee or his estate by—

"(A) setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; or

"(B) such other method as is provided by lay for the recovery of amounts owing to the Government.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. et seq.), as amended by section 622, is amended by inserting after the item relating to section 844 the following:

"Sec. 845. Homeland Security Education Program.".

SEC. 624. SURGE CAPACITY FORCE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall prepare and submit to the appropriate committees of Congress a plan to establish and implement a Surge Capacity Force for deployment of individuals to respond to natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents.

(2) AUTHORITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the plan shall provide for individuals in the Surge Capacity Force to be trained and deployed under the authorities set forth in the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

(B) EXCEPTION.—If the Administrator determines that the existing authorities are inadequate for the training and deployment of individuals in the Surge Capacity Force, the Administrator shall report to Congress as to the additional statutory authorities that the Administrator determines necessary.

(b) EMPLOYEES DESIGNATED TO SERVE.—The plan shall include procedures under which the Secretary shall designate employees of the Department who are not employees of the Agency and shall, in conjunction with the heads of other Executive agencies, designate employees of those other Executive agencies, as appropriate, to serve on the Surge Capacity Force.

(c) CAPABILITIES.—The plan shall ensure that the Surge Capacity Force—

(1) includes a sufficient number of individuals credentialed in accordance with section 510 of the Homeland Security Act of 2002, as amended by this Act, that are capable of deploying rapidly and efficiently after activation to prepare for, respond to, and recover from natural disasters, acts of terrorism, and

other man-made disasters, including catastrophic incidents; and

(2) includes a sufficient number of full-time, highly trained individuals credentialed in accordance with section 510 of the Homeland Security Act of 2002, as amended by this Act, to lead and manage the Surge Capacity Force.

(d) TRAINING.—The plan shall ensure that the Administrator provides appropriate and continuous training to members of the Surge Capacity Force to ensure such personnel are adequately trained on the Agency's programs and policies for natural disasters, acts of terrorism, and other man-made disasters.

(e) NO IMPACT ON AGENCY PERSONNEL CEILING.—Surge Capacity Force members shall not be counted against any personnel ceiling applicable to the Federal Emergency Management Agency.

(f) EXPENSES.—The Administrator may provide members of the Surge Capacity Force with travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for the purpose of participating in any training that relates to service as a member of the Surge Capacity Force.

(g) IMMEDIATE IMPLEMENTATION OF SURGE CAPACITY FORCE INVOLVING FEDERAL EMPLOYEES.—As soon as practicable after the date of enactment of this Act, the Administrator shall develop and implement—

(1) the procedures under subsection (b); and

(2) other elements of the plan needed to establish the portion of the Surge Capacity Force consisting of individuals designated under those procedures.

CHAPTER 2—EMERGENCY MANAGEMENT CAPABILITIES

SEC. 631. STATE CATASTROPHIC INCIDENT ANNEX.

Section 613 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196b) is amended—

(1) in subsection (b)(3) by inserting "including a catastrophic incident annex," after "plans,"; and

(2) by redesignating subsections (c) through (g) and subsections (d) through (h), respectively; and

(3) by inserting after subsection (b) the following:

"(c) CATASTROPHIC INCIDENT ANNEX.—

"(1) CONSISTENCY.—A catastrophic incident annex submitted under subsection (b)(3) shall be—

"(A) modeled after the catastrophic incident annex of the National Response Plan; and

"(B) consistent with the national preparedness goal established under section 643 of the Post-Katrina Emergency Management Reform Act of 2006, the National Incident Management System, the National Response Plan, and other related plans and strategies.

"(2) CONSULTATION.—In developing a catastrophic incident annex submitted under subsection (b)(3), a State shall consult with and seek appropriate comments from local governments, emergency response providers, locally governed multijurisdictional councils of government, and regional planning commissions.".

SEC. 632. EVACUATION PREPAREDNESS TECHNICAL ASSISTANCE.

The Administrator, in coordination with the heads of other appropriate Federal agencies, shall provide evacuation preparedness technical assistance to State, local, and tribal governments, including the preparation of hurricane evacuation studies and technical assistance in developing evacuation plans, assessing storm surge estimates, evacuation zones, evacuation clearance times, transportation capacity, and shelter capacity.

SEC. 633. EMERGENCY RESPONSE TEAMS.

Section 303 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5144) is amended—

*(1) by striking "**SEC. 303.**" and all that follows through "The President shall" and inserting the following:*

"SEC. 303. EMERGENCY SUPPORT AND RESPONSE TEAMS.

"(a) EMERGENCY SUPPORT TEAMS.—The President shall"; and

(2) by adding at the end the following:

"(b) EMERGENCY RESPONSE TEAMS.—

"(1) ESTABLISHMENT.—In carrying out subsection (a), the President, acting through the Director of the Federal Emergency Management Agency, shall establish—

"(A) at a minimum 3 national response teams; and

"(B) sufficient regional response teams, including Regional Office strike teams under section 507 of the Homeland Security Act of 2002; and

"(C) other response teams as may be necessary to meet the incident management responsibilities of the Federal Government.

"(2) TARGET CAPABILITY LEVEL.—The Director shall ensure that specific target capability levels, as defined pursuant to the guidelines established under section 646(a) of the Post-Katrina Emergency Management Reform Act of 2006, are established for Federal emergency response teams.

"(3) PERSONNEL.—The President, acting through the Director, shall ensure that the Federal emergency response teams consist of adequate numbers of properly planned, organized, equipped, trained, and exercised personnel to achieve the established target capability levels. Each emergency response team shall work in coordination with State and local officials and onsite personnel associated with a particular incident.

"(4) READINESS REPORTING.—The Director shall evaluate team readiness on a regular basis and report team readiness levels in the report required under section 652(a) of the Post-Katrina Emergency Management Reform Act of 2006.".

SEC. 634. URBAN SEARCH AND RESCUE RESPONSE SYSTEM.

(a) IN GENERAL.—There is in the Agency a system known as the Urban Search and Rescue Response System.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the system for fiscal year 2008, an amount equal to the amount appropriated for the system for fiscal year 2007 and an additional $20,000,000.

SEC. 635. METROPOLITAN MEDICAL RESPONSE GRANT PROGRAM.

(a) IN GENERAL.—There is a Metropolitan Medical Response Program.

(b) PURPOSES.—The program shall include each purpose of the program as it existed on June 1, 2006.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program for fiscal year 2008, an amount equal to the amount appropriated for the program for fiscal year 2007 and an additional $30,000,000.

SEC. 636. LOGISTICS.

The Administrator shall develop an efficient, transparent, and flexible logistics system for procurement and delivery of goods and services necessary for an effective and timely response to natural disasters, acts of terrorism, and other man-made disasters and for real-time visibility of items at each point throughout the logistics system.

SEC. 637. PREPOSITIONED EQUIPMENT PROGRAM.

(a) IN GENERAL.—The Administrator shall establish a prepositioned equipment program to preposition standardized emergency equipment in at least 11 locations to sustain and replenish critical assets used by State, local, and tribal governments in response to (or rendered inoperable by the effects of) natural disasters, acts of terrorism, and other man-made disasters.

(b) NOTICE.—The Administrator shall notify State, local, and tribal officials in an area in which a location for the prepositioned equipment program will be closed not later than 60 days before the date of such closure.

SEC. 638. HURRICANE KATRINA AND HURRICANE RITA RECOVERY OFFICES.

(a) ESTABLISHMENT.—In order to provide all eligible Federal assistance to individuals and State, local, and tribal governments affected by Hurricane Katrina or Hurricane Rita in a customer-focused, expeditious, effective, and consistent manner, the Administrator shall establish, in coordination with the appropriate States, a recovery office. The Administrator may establish recovery offices for each of the following States, if necessary:

(1) Mississippi.

(2) Louisiana.

(3) Alabama.

(4) Texas.

(b) STRUCTURE.—Each recovery office shall have an executive director, appointed by the Administrator, and a senior management team.

(c) RESPONSIBILITIES.—Each executive director, in coordination with State, local, and tribal governments, private sector entities, and nongovernmental organizations, including faith-based and other community humanitarian relief entities, shall provide assistance in a timely and effective manner to residents of the Gulf Coast region for recovering from Hurricane Katrina or Hurricane Rita.

(d) STAFFING.—

(1) IN GENERAL.—Each recovery office shall be staffed by multi-year term, temporary employees and permanent employees.

(2) STAFFING LEVELS.—Staffing levels of a recovery office shall be commensurate with current and projected workload and shall be evaluated on a regular basis.

(e) PERFORMANCE MEASURES.—To ensure that each recovery office is meeting its objectives, the Administrator shall identify performance measures that are specific, measurable, achievable, relevant, and timed, including—

(1) public assistance program project worksheet completion rates; and

(2) public assistance reimbursement times.

(f) CLOSEOUT INCENTIVES.—The Administrator shall provide incentives for the timely closeout of public assistance projects under sections 406 and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172 and 5173).

(g) TERMINATION.—Each recovery office shall terminate at the discretion of the Administrator.

SEC. 639. BASIC LIFE SUPPORTING FIRST AID AND EDUCATION.

The Administrator shall enter into agreements with organizations to provide funds to emergency response providers to provide education and training in life supporting first aid to children.

SEC. 640. IMPROVEMENTS TO INFORMATION TECHNOLOGY SYSTEMS.

(a) MEASURES TO IMPROVE INFORMATION TECHNOLOGY SYSTEMS.—The Administrator, in coordination with the Chief Information Officer of the Department, shall take appropriate measures to update and improve the information technology systems of the Agency, including measures to—

(1) ensure that the multiple information technology systems of the Agency (including the National Emergency Management Information System, the Logistics Information Management System III, and the Automated Deployment Database) are, to the extent practicable, fully compatible and can share and access information, as appropriate, from each other;

(2) ensure technology enhancements reach the headquarters and regional offices of the Agency in a timely fashion, to allow seamless integration;

(3) develop and maintain a testing environment that ensures that all system components are properly and thoroughly tested before their release;

(4) ensure that the information technology systems of the Agency have the capacity to track disaster response personnel, mission assignments task orders, commodities, and supplies used in response to a natural disaster, act of terrorism, or other man-made disaster;

(5) make appropriate improvements to the National Emergency Management Information System to address shortcomings in such system on the date of enactment of this Act; and

(6) provide training, manuals, and guidance on information technology systems to personnel, including disaster response personnel, to help ensure employees can properly use information technology systems.

(b) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing the implementation of this section, including a description of any actions taken, improvements made, and remaining problems and a description of any ad-

ditional funding needed to make necessary and appropriate improvements to the information technology systems of the Agency.

SEC. 640a. DISCLOSURE OF CERTAIN INFORMATION TO LAW ENFORCEMENT AGENCIES.

In the event of circumstances requiring an evacuation, sheltering, or mass relocation, the Administrator may disclose information in any individual assistance database of the Agency in accordance with section 552a(b) of title 5, United States Code (commonly referred to as the "Privacy Act"), to any law enforcement agency of the Federal Government or a State, local, or tribal government in order to identify illegal conduct or address public safety or security issues, including compliance with sex offender notification laws.

Subtitle C—Comprehensive Preparedness System

CHAPTER 1—NATIONAL PREPAREDNESS SYSTEM

SEC. 641. DEFINITIONS.

In this chapter:

(1) CAPABILITY.—The term "capability" means the ability to provide the means to accomplish one or more tasks under specific conditions and to specific performance standards. A capability may be achieved with any combination of properly planned, organized, equipped, trained, and exercised personnel that achieves the intended outcome.

(2) HAZARD.—The term "hazard" has the meaning given that term under section 602(a)(1) of the Robert T. Stafford Disaster Relief and Assistance Act (42 U.S.C. 5195a).

(3) MISSION ASSIGNMENT.—The term "mission assignment" means a work order issued to a Federal agency by the Agency, directing completion by that agency of a specified task and setting forth funding, other managerial controls, and guidance.

(4) NATIONAL PREPAREDNESS GOAL.—The term "national preparedness goal" means the national preparedness goal established under section 643.

(5) NATIONAL PREPAREDNESS SYSTEM.—The term "national preparedness system" means the national preparedness system established under section 644.

(6) NATIONAL TRAINING PROGRAM.—The term "national training program" means the national training program established under section 648(a).

(7) OPERATIONAL READINESS.—The term "operational readiness" means the capability of an organization, an asset, a system, or equipment to perform the missions or functions for which it is organized or designed.

(8) PERFORMANCE MEASURE.—The term "performance measure" means a quantitative or qualitative characteristic used to gauge the results of an outcome compared to its intended purpose.

(9) PERFORMANCE METRIC.—The term "performance metric" means a particular value or characteristic used to measure the outcome that is generally expressed in terms of a baseline and a target.

(10) PREVENTION.—The term "prevention" means any activity undertaken to avoid, prevent, or stop a threatened or actual act of terrorism.

SEC. 642. NATIONAL PREPAREDNESS.

In order to prepare the Nation for all hazards, including natural disasters, acts of terrorism, and other man-made disasters, the President, consistent with the declaration of policy under section 601 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195) and title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.), as amended by this Act, shall develop a national preparedness goal and a national preparedness system.

SEC. 643. NATIONAL PREPAREDNESS GOAL.

(a) ESTABLISHMENT.—The President, acting through the Administrator, shall complete, revise, and update, as necessary, a national preparedness goal that defines the target level of preparedness to ensure the Nation's ability to prevent, respond to, recover from, and mitigate against natural disasters, acts of terrorism, and other man-made disasters.

(b) NATIONAL INCIDENT MANAGEMENT SYSTEM AND NATIONAL RESPONSE PLAN.—The national preparedness goal, to the greatest extent practicable, shall be consistent with the National Incident Management System and the National Response Plan.

SEC. 644. ESTABLISHMENT OF NATIONAL PREPAREDNESS SYSTEM.

(a) ESTABLISHMENT.—The President, acting through the Administrator, shall develop a national preparedness system to enable the Nation to meet the national preparedness goal.

(b) COMPONENTS.—The national preparedness system shall include the following components:

(1) Target capabilities and preparedness priorities.
(2) Equipment and training standards.
(3) Training and exercises.
(4) Comprehensive assessment system.
(5) Remedial action management program.
(6) Federal response capability inventory.
(7) Reporting requirements.
(8) Federal preparedness.

(c) NATIONAL PLANNING SCENARIOS.—The national preparedness system may include national planning scenarios.

SEC. 645. NATIONAL PLANNING SCENARIOS.

(a) IN GENERAL.—The Administrator, in coordination with the heads of appropriate Federal agencies and the National Advisory Council, may develop planning scenarios to reflect the relative risk requirements presented by all hazards, including natural disasters, acts of terrorism, and other man-made disasters, in order to provide the foundation for the flexible and adaptive development of target capabilities and the identification of target capability levels to meet the national preparedness goal.

(b) DEVELOPMENT.—In developing, revising, and replacing national planning scenarios, the Administrator shall ensure that the scenarios—

(1) reflect the relative risk of all hazards and illustrate the potential scope, magnitude, and complexity of a broad range of representative hazards; and

(2) provide the minimum number of representative scenarios necessary to identify and define the tasks and target capabilities required to respond to all hazards.

SEC. 646. TARGET CAPABILITIES AND PREPAREDNESS PRIORITIES.

(a) ESTABLISHMENT OF GUIDELINES ON TARGET CAPABILITIES.—Not later than 180 days after the date of enactment of this Act, the Administrator, in coordination with the heads of appropriate Federal agencies, the National Council on Disability, and the National Advisory Council, shall complete, revise, and update, as necessary, guidelines to define risk-based target capabilities for Federal, State, local, and tribal government preparedness that will enable the Nation to prevent, respond to, recover from, and mitigate against all hazards, including natural disasters, acts of terrorism, and other man-made disasters.

(b) DISTRIBUTION OF GUIDELINES.—The Administrator shall ensure that the guidelines are provided promptly to the appropriate committees of Congress and the States.

(c) OBJECTIVES.—The Administrator shall ensure that the guidelines are specific, flexible, and measurable.

(d) TERRORISM RISK ASSESSMENT.—With respect to analyzing and assessing the risk of acts of terrorism, the Administrator shall consider—

(1) the variables of threat, vulnerability, and consequences related to population (including transient commuting and tourist populations), areas of high population density, critical infrastructure, coastline, and international borders; and

(2) the most current risk assessment available from the Chief Intelligence Officer of the Department of the threats of terrorism against the United States.

(e) PREPAREDNESS PRIORITIES.—In establishing the guidelines under subsection (a), the Administrator shall establish preparedness priorities that appropriately balance the risk of all hazards, including natural disasters, acts of terrorism, and other man-made disasters, with the resources required to prevent, respond to, recover from, and mitigate against the hazards.

(f) MUTUAL AID AGREEMENTS.—The Administrator may provide support for the development of mutual aid agreements within States.

SEC. 647. EQUIPMENT AND TRAINING STANDARDS.

(a) EQUIPMENT STANDARDS.—

(1) IN GENERAL.—The Administrator, in coordination with the heads of appropriate Federal agencies and the National Advisory Council, shall support the development, promulgation, and updating, as necessary, of national voluntary consensus standards for the performance, use, and validation of equipment used by Federal, State, local, and tribal governments and nongovernmental emergency response providers.

(2) REQUIREMENTS.—The national voluntary consensus standards shall—

(A) be designed to achieve equipment and other capabilities consistent with the national preparedness goal, including the safety and health of emergency response providers;

(B) to the maximum extent practicable, be consistent with existing national voluntary consensus standards;

(C) take into account, as appropriate, threats that may not have been contemplated when the existing standards were developed; and

(D) focus on maximizing operability, interoperability, interchangeability, durability, flexibility, efficiency, efficacy, portability, sustainability, and safety.

(b) TRAINING STANDARDS.—The Administrator shall—

(1) support the development, promulgation, and regular updating, as necessary, of national voluntary consensus standards for training; and

(2) ensure that the training provided under the national training program is consistent with the standards.

(c) CONSULTATION WITH STANDARDS ORGANIZATIONS.—In carrying out this section, the Administrator shall consult with representatives of relevant public and private sector national voluntary consensus standards development organizations.

SEC. 648. TRAINING AND EXERCISES.

(a) NATIONAL TRAINING PROGRAM.—

(1) IN GENERAL.—Beginning not later than 180 days after the date of enactment of this Act, the Administrator, in coordination with the heads of appropriate Federal agencies, the National Council on Disability, and the National Advisory Council, shall carry out a national training program to implement the national preparedness goal, National Incident Management System, National Response Plan, and other related plans and strategies.

(2) TRAINING PARTNERS.—In developing and implementing the national training program, the Administrator shall—

(A) work with government training facilities, academic institutions, private organizations, and other entities that provide specialized, state-of-the-art training for emergency managers or emergency response providers; and

(B) utilize, as appropriate, training courses provided by community colleges, State and local public safety academies, State and private universities, and other facilities.

(b) NATIONAL EXERCISE PROGRAM.—

(1) IN GENERAL.—Beginning not later than 180 days after the date of enactment of this Act, the Administrator, in coordination with the heads of appropriate Federal agencies, the National Council on Disability, and the National Advisory Council, shall carry out a national exercise program to test and evaluate the national preparedness goal, National Incident Management System, National Response Plan, and other related plans and strategies.

(2) REQUIREMENTS.—The national exercise program—

(A) shall be—

(i) as realistic as practicable, based on current risk assessments, including credible threats, vulnerabilities, and consequences, and designed to stress the national preparedness system;

(ii) designed, as practicable, to simulate the partial or complete incapacitation of a State, local, or tribal government;

(iii) carried out, as appropriate, with a minimum degree of notice to involved parties regarding the timing and details of such exercises, consistent with safety considerations;

(iv) designed to provide for systematic evaluation of readiness; and

(v) designed to address the unique requirements of populations with special needs; and

(B) shall provide assistance to State, local, and tribal governments with the design, implementation, and evaluation of exercises that—

(i) conform to the requirements under subparagraph (A);

(ii) are consistent with any applicable State, local, or tribal strategy or plan; and

(iii) provide for systematic evaluation of readiness.

(3) NATIONAL LEVEL EXERCISES.—The Administrator shall periodically, but not less than biennially, perform national exercises for the following purposes:

(A) To test and evaluate the capability of Federal, State, local, and tribal governments to detect, disrupt, and prevent threatened or actual catastrophic acts of terrorism, especially those involving weapons of mass destruction.

(B) To test and evaluate the readiness of Federal, State, local, and tribal governments to respond and recover in a coordinated and unified manner to catastrophic incidents.

SEC. 649. COMPREHENSIVE ASSESSMENT SYSTEM.

(a) ESTABLISHMENT.—The Administrator, in coordination with the National Council on Disability and the National Advisory Council, shall establish a comprehensive system to assess, on an ongoing basis, the Nation's prevention capabilities and overall preparedness, including operational readiness.

(b) PERFORMANCE METRICS AND MEASURES.—The Administrator shall ensure that each component of the national preparedness system, National Incident Management System, National Response Plan, and other related plans and strategies, and the reports required under section 652 is developed, revised, and updated with clear and quantifiable performance metrics, measures, and outcomes.

(c) CONTENTS.—The assessment system established under subsection (a) shall assess—

(1) compliance with the national preparedness system, National Incident Management System, National Response Plan, and other related plans and strategies;

(2) capability levels at the time of assessment against target capability levels defined pursuant to the guidelines established under section 646(a);

(3) resource needs to meet the desired target capability levels defined pursuant to the guidelines established under section 646(a); and

(4) performance of training, exercises, and operations.

SEC. 650. REMEDIAL ACTION MANAGEMENT PROGRAM.

The Administrator, in coordination with the National Council on Disability and the National Advisory Council, shall establish a remedial action management program to—

(1) analyze training, exercises, and real-world events to identify and disseminate lessons learned and best practices;

(2) generate and disseminate, as appropriate, after action reports to participants in exercises and real-world events; and

(3) conduct remedial action tracking and long-term trend analysis.

SEC. 651. FEDERAL RESPONSE CAPABILITY INVENTORY.

(a) IN GENERAL.—In accordance with section 611(h)(1)(C) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(h)(1)(C), the Administrator shall accelerate the completion of the inventory of Federal response capabilities.

(b) CONTENTS.—The inventory shall include—

(1) for each capability—

(A) the performance parameters of the capability;

(B) the timeframe within which the capability can be brought to bear on an incident; and

(C) the readiness of the capability to respond to all hazards, including natural disasters, acts of terrorism, and other man-made disasters; and

(2) emergency communications assets maintained by the Federal Government and, if appropriate, State, local, and tribal governments and the private sector.

(c) DEPARTMENT OF DEFENSE.—The Administrator, in coordination with the Secretary of Defense, shall develop a list of organizations and functions within the Department of Defense that may be used, pursuant to the authority provided under the National Response Plan and sections 402, 403, and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170a, 5170b, 5192), to provide support to civil authorities during natural disasters, acts of terrorism, and other man-made disasters.

(d) DATABASE.—The Administrator shall establish an inventory database to allow—

(1) real-time exchange of information regarding capabilities, readiness, or the compatibility of equipment;

(2) easy identification and rapid deployment during an incident; and

(3) the sharing of inventories with other Federal agencies, as appropriate.

SEC. 652. REPORTING REQUIREMENTS.

(a) FEDERAL PREPAREDNESS REPORT.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, and annually thereafter, the Administrator, in coordination with the heads of appropriate Federal agencies, shall submit to the appropriate committees of Congress a report on the Nation's level of preparedness for all hazards, including natural disasters, acts of terrorism, and other man-made disasters.

(2) CONTENTS.—Each report shall include—

(A) an assessment of how Federal assistance supports the national preparedness system;

(B) the results of the comprehensive assessment carried out under section 649;

(C) a review of the inventory described in section 651(a); and

(D) an assessment of resource needs to meet preparedness priorities established under section 646(e), including—

(i) an estimate of the amount of Federal, State, local, and tribal expenditures required to attain the preparedness priorities; and

(ii) the extent to which the use of Federal assistance during the preceding fiscal year achieved the preparedness priorities.

(b) CATASTROPHIC RESOURCE REPORT.—

(1) IN GENERAL.—The Administrator shall develop and submit to the appropriate committees of Congress annually an estimate of the resources of the Agency and other Federal agencies needed for and devoted specifically to developing the capabilities of Federal, State, local, and tribal governments necessary to respond to a catastrophic incident.

(2) CONTENTS.—Each estimate under paragraph (1) shall include the resources both necessary for and devoted to—

(A) planning;

(B) training and exercises;

(C) Regional Office enhancements;

(D) staffing, including for surge capacity during a catastrophic incident;

(E) additional logistics capabilities;

(F) other responsibilities under the catastrophic incident annex and the catastrophic incident supplement of the National Response Plan;

(G) State, local, and tribal government catastrophic incident preparedness; and

(H) covering increases in the fixed costs or expenses of the Agency, including rent or property acquisition costs or expenses, taxes, contributions to the working capital fund of the Department, and security costs for the year after the year in which such estimate is submitted.

(c) STATE PREPAREDNESS REPORT.—

(1) IN GENERAL.—Not later than 15 months after the date of enactment of this Act, and annually thereafter, a State receiving Federal preparedness assistance administered by the Department shall submit a report to the Administrator on the State's level of preparedness.

(2) CONTENTS.—Each report shall include—

(A) an assessment of State compliance with the national preparedness system, National Incident Management System, National Response Plan, and other related plans and strategies;

(B) an assessment of current capability levels and a description of target capability levels; and

(C) an assessment of resource needs to meet the preparedness priorities established under section 646(e), including—

(i) an estimate of the amount of expenditures required to attain the preparedness priorities; and

(ii) the extent to which the use of Federal assistance during the preceding fiscal year achieved the preparedness priorities.

SEC. 653. FEDERAL PREPAREDNESS.

(a) AGENCY RESPONSIBILITY.—In support of the national preparedness system, the President shall ensure that each Federal agency with coordinating, primary, or supporting responsibilities under the National Response Plan—

(1) has the operational capability to meet the national preparedness goal, including—

(A) the personnel to make and communicate decisions;

(B) organizational structures that are assigned, trained, and exercised for the missions of the agency;

(C) sufficient physical resources; and

(D) the command, control, and communication channels to make, monitor, and communicate decisions;

(2) complies with the National Incident Management System;

(3) develops, trains, and exercises rosters of response personnel to be deployed when the agency is called upon to support a Federal response; and

(4) develops deliberate operational plans and the corresponding capabilities, including crisis planning, to respond effectively to natural disasters, acts of terrorism, and other man-made disasters in support of the National Response Plan to ensure a coordinated Federal response.

(b) OPERATIONAL PLANS.—An operations plan developed under subsection (a)(4) shall meet the following requirements:

(1) The operations plan shall be coordinated under a unified system with a common terminology, approach, and framework.

(2) The operations plan shall be developed, in coordination with State, local, and tribal government officials, to address both regional and national risks.

(3) The operations plan shall contain, as appropriate, the following elements:

(A) Concepts of operations.

(B) Critical tasks and responsibilities.

(C) Detailed resource and personnel requirements, together with sourcing requirements.

(D) Specific provisions for the rapid integration of the resources and personnel of the agency into the overall response.

(4) The operations plan shall address, as appropriate, the following matters:

(A) Support of State, local, and tribal governments in conducting mass evacuations, including—

(i) transportation and relocation;

(ii) short- and long-term sheltering and accommodation;

(iii) provisions for populations with special needs, keeping families together, and expeditious location of missing children; and

(iv) policies and provisions for pets.

(B) The preparedness and deployment of public health and medical resources, including resources to address the needs of evacuees and populations with special needs.

(C) The coordination of interagency search and rescue operations, including land, water, and airborne search and rescue operations.

(D) The roles and responsibilities of the Senior Federal Law Enforcement Official with respect to other law enforcement entities.

(E) The protection of critical infrastructure.

(F) The coordination of maritime salvage efforts among relevant agencies.

(G) The coordination of Department of Defense and National Guard support of civilian authorities.

(H) To the extent practicable, the utilization of Department of Defense, National Air and Space Administration, National Oceanic and Atmospheric Administration, and commercial aircraft and satellite remotely sensed imagery.

(I) The coordination and integration of support from the private sector and nongovernmental organizations.

(J) The safe disposal of debris, including hazardous materials, and, when practicable, the recycling of debris.

(K) The identification of the required surge capacity.

(L) Specific provisions for the recovery of affected geographic areas.

(c) MISSION ASSIGNMENTS.—To expedite the provision of assistance under the National Response Plan, the President shall ensure that the Administrator, in coordination with Federal agencies with responsibilities under the National Response Plan, develops prescripted mission assignments, including logistics, communications, mass care, health services, and public safety.

(d) CERTIFICATION.—The President shall certify on an annual basis that each Federal agency with coordinating, primary, or supporting responsibilities under the National Response Plan complies with subsections (a) and (b).

(e) CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Secretary of Defense with regard to—

(1) the command, control, training, planning, equipment, exercises, or employment of Department of Defense forces; or

(2) the allocation of Department of Defense resources.

SEC. 654. USE OF EXISTING RESOURCES.

In establishing the national preparedness goal and national preparedness system, the Administrator shall use existing preparedness documents, planning tools, and guidelines to the extent practicable and consistent with this Act.

CHAPTER 2—ADDITIONAL PREPAREDNESS

SEC. 661. EMERGENCY MANAGEMENT ASSISTANCE COMPACT GRANTS.

(a) IN GENERAL.—The Administrator may make grants to administer the Emergency Management Assistance Compact consented to by the Joint Resolution entitled "Joint Resolution granting the consent of Congress to the Emergency Management Assistance Compact" (Public Law 104–321; 110 Stat. 3877).

(b) USES.—A grant under this section shall be used—

(1) to carry out recommendations identified in the Emergency Management Assistance Compact after-action reports for the 2004 and 2005 hurricane season;

(2) to administer compact operations on behalf of all member States and territories;

(3) to continue coordination with the Agency and appropriate Federal agencies;

(4) to continue coordination with State, local, and tribal government entities and their respective national organizations; and

(5) to assist State and local governments, emergency response providers, and organizations representing such providers with credentialing emergency response providers and the typing of emergency response resources.

(c) COORDINATION.—The Administrator shall consult with the Administrator of the Emergency Management Assistance Compact to ensure effective coordination of efforts in responding to requests for assistance.

(d) AUTHORIZATION.—There is authorized to be appropriated to carry out this section $4,000,000 for fiscal year 2008. Such sums shall remain available until expended.

SEC. 662. EMERGENCY MANAGEMENT PERFORMANCE GRANTS.

There is authorized to be appropriated for the Emergency Management Performance Grants Program for fiscal year 2008, an amount equal to the amount appropriated for the program for fiscal year 2007 and an additional $175,000,000.

SEC. 663. TRANSFER OF NOBLE TRAINING CENTER.

The Noble Training Center is transferred to the Center for Domestic Preparedness. The Center for Domestic Preparedness shall integrate the Noble Training Center into the program structure of the Center for Domestic Preparedness.

SEC. 664. NATIONAL EXERCISE SIMULATION CENTER.

The President shall establish a national exercise simulation center that—

(1) uses a mix of live, virtual, and constructive simulations to—

(A) prepare elected officials, emergency managers, emergency response providers, and emergency support providers at all levels of government to operate cohesively;

(B) provide a learning environment for the homeland security personnel of all Federal agencies;

(C) assist in the development of operational procedures and exercises, particularly those based on catastrophic incidents; and

(D) allow incident commanders to exercise decision-making in a simulated environment; and

(2) uses modeling and simulation for training, exercises, and command and control functions at the operational level.

Subtitle D—Emergency Communications

SEC. 671. EMERGENCY COMMUNICATIONS.

(a) SHORT TITLE.—This section may be cited as the "21st Century Emergency Communications Act of 2006".

(b) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following new title:

"TITLE XVIII—EMERGENCY COMMUNICATIONS

"SEC. 1801. OFFICE OF EMERGENCY COMMUNICATIONS.

"(a) IN GENERAL.—There is established in the Department an Office of Emergency Communications.

"(b) DIRECTOR.—The head of the office shall be the Director for Emergency Communications. The Director shall report to the Assistant Secretary for Cybersecurity and Communications.

"(c) RESPONSIBILITIES.—The Director for Emergency Communications shall—

"(1) assist the Secretary in developing and implementing the program described in section 7303(a)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(1)), except as provided in section 314;

"(2) administer the Department's responsibilities and authorities relating to the SAFECOM Program, excluding elements related to research, development, testing, and evaluation and standards;

"(3) administer the Department's responsibilities and authorities relating to the Integrated Wireless Network program;

"(4) conduct extensive, nationwide outreach to support and promote the ability of emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other manmade disasters;

"(5) conduct extensive, nationwide outreach and foster the development of interoperable emergency communications capabilities by State, regional, local, and tribal governments and public safety agencies, and by regional consortia thereof;

"(6) provide technical assistance to State, regional, local, and tribal government officials with respect to use of interoperable emergency communications capabilities;

"(7) coordinate with the Regional Administrators regarding the activities of Regional Emergency Communications Coordination Working Groups under section 1805;

"(8) promote the development of standard operating procedures and best practices with respect to use of interoperable emergency communications capabilities for incident response, and facilitate the sharing of information on such best practices for achieving, maintaining, and enhancing interoperable emergency communications capabilities for such response;

"(9) coordinate, in cooperation with the National Communications System, the establishment of a national response capability with initial and ongoing planning, implementation,

and training for the deployment of communications equipment for relevant State, local, and tribal governments and emergency response providers in the event of a catastrophic loss of local and regional emergency communications services;

"(10) assist the President, the National Security Council, the Homeland Security Council, and the Director of the Office of Management and Budget in ensuring the continued operation of the telecommunications functions and responsibilities of the Federal Government, excluding spectrum management;

"(11) establish, in coordination with the Director of the Office for Interoperability and Compatibility, requirements for interoperable emergency communications capabilities, which shall be nonproprietary where standards for such capabilities exist, for all public safety radio and data communications systems and equipment purchased using homeland security assistance administered by the Department, excluding any alert and warning device, technology, or system;

"(12) review, in consultation with the Assistant Secretary for Grants and Training, all interoperable emergency communications plans of Federal, State, local, and tribal governments, including Statewide and tactical interoperability plans, developed pursuant to homeland security assistance administered by the Department, but excluding spectrum allocation and management related to such plans;

"(13) develop and update periodically, as appropriate, a National Emergency Communications Plan under section 1802;

"(14) perform such other duties of the Department necessary to support and promote the ability of emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters; and

"(15) perform other duties of the Department necessary to achieve the goal of and maintain and enhance interoperable emergency communications capabilities.

"(d) PERFORMANCE OF PREVIOUSLY TRANSFERRED FUNCTIONS.—The Secretary shall transfer to, and administer through, the Director for Emergency Communications the following programs and responsibilities:

"(1) The SAFECOM Program, excluding elements related to research, development, testing, and evaluation and standards.

"(2) The responsibilities of the Chief Information Officer related to the implementation of the Integrated Wireless Network.

"(3) The Interoperable Communications Technical Assistance Program.

"(e) COORDINATION.—The Director for Emergency Communications shall coordinate—

"(1) as appropriate, with the Director of the Office for Interoperability and Compatibility with respect to the responsibilities described in section 314; and

"(2) with the Administrator of the Federal Emergency Management Agency with respect to the responsibilities described in this title.

"(f) SUFFICIENCY OF RESOURCES PLAN.—

"(1) REPORT.—Not later than 120 days after the date of enactment of this section, the Secretary shall submit to Congress

a report on the resources and staff necessary to carry out fully the responsibilities under this title.

"(2) COMPTROLLER GENERAL REVIEW.—The Comptroller General shall review the validity of the report submitted by the Secretary under paragraph (1). Not later than 60 days after the date on which such report is submitted, the Comptroller General shall submit to Congress a report containing the findings of such review.

"SEC. 1802. NATIONAL EMERGENCY COMMUNICATIONS PLAN.

"(a) IN GENERAL.—The Secretary, acting through the Director for Emergency Communications, and in cooperation with the Department of National Communications System (as appropriate), shall, in cooperation with State, local, and tribal governments, Federal departments and agencies, emergency response providers, and the private sector, develop not later than 180 days after the completion of the baseline assessment under section 1803, and periodically update, a National Emergency Communications Plan to provide recommendations regarding how the United States should—

"(1) support and promote the ability of emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters; and

"(2) ensure, accelerate, and attain interoperable emergency communications nationwide.

"(b) COORDINATION.—The Emergency Communications Preparedness Center under section 1806 shall coordinate the development of the Federal aspects of the National Emergency Communications Plan.

"(c) CONTENTS.—The National Emergency Communications Plan shall—

"(1) include recommendations developed in consultation with the Federal Communications Commission and the National Institute of Standards and Technology for a process for expediting national voluntary consensus standards for emergency communications equipment for the purchase and use by public safety agencies of interoperable emergency communications equipment and technologies;

"(2) identify the appropriate capabilities necessary for emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters;

"(3) identify the appropriate interoperable emergency communications capabilities necessary for Federal, State, local, and tribal governments in the event of natural disasters, acts of terrorism, and other man-made disasters;

"(4) recommend both short-term and long-term solutions for ensuring that emergency response providers and relevant government officials can continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters;

"(5) recommend both short-term and long-term solutions for deploying interoperable emergency communications systems for Federal, State, local, and tribal governments throughout the Nation, including through the provision of existing and emerging technologies;

"(6) identify how Federal departments and agencies that respond to natural disasters, acts of terrorism, and other man-made disasters can work effectively with State, local, and tribal governments, in all States, and with other entities;

"(7) identify obstacles to deploying interoperable emergency communications capabilities nationwide and recommend short-term and long-term measures to overcome those obstacles, including recommendations for multijurisdictional coordination among Federal, State, local, and tribal governments;

"(8) recommend goals and timeframes for the deployment of emergency, command-level communications systems based on new and existing equipment across the United States and develop a timetable for the deployment of interoperable emergency communications systems nationwide; and

"(9) recommend appropriate measures that emergency response providers should employ to ensure the continued operation of relevant governmental communications infrastructure in the event of natural disasters, acts of terrorism, or other man-made disasters.

"SEC. 1803. ASSESSMENTS AND REPORTS.

"(a) BASELINE ASSESSMENT.—Not later than 1 year after the date of enactment of this section and not less than every 5 years thereafter, the Secretary, acting through the Director for Emergency Communications, shall conduct an assessment of Federal, State, local, and tribal governments that—

"(1) defines the range of capabilities needed by emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters;

"(2) defines the range of interoperable emergency communications capabilities needed for specific events;

"(3) assesses the current available capabilities to meet such communications needs;

"(4) identifies the gap between such current capabilities and defined requirements; and

"(5) includes a national interoperable emergency communications inventory to be completed by the Secretary of Homeland Security, the Secretary of Commerce, and the Chairman of the Federal Communications Commission that—

"(A) identifies for each Federal department and agency—

"(i) the channels and frequencies used;

"(ii) the nomenclature used to refer to each channel or frequency used; and

"(iii) the types of communications systems and equipment used; and

"(B) identifies the interoperable emergency communications systems in use by public safety agencies in the United States.

"(b) CLASSIFIED ANNEX.—The baseline assessment under this section may include a classified annex including information provided under subsection (a)(5)(A).

"(c) SAVINGS CLAUSE.—In conducting the baseline assessment under this section, the Secretary may incorporate findings from as-

sessments conducted before, or ongoing on, the date of enactment of this title.

"(d) PROGRESS REPORTS.—Not later than one year after the date of enactment of this section and biennially thereafter, the Secretary, acting through the Director for Emergency Communications, shall submit to Congress a report on the progress of the Department in achieving the goals of, and carrying out its responsibilities under, this title, including—

"(1) a description of the findings of the most recent baseline assessment conducted under subsection (a);

"(2) a determination of the degree to which interoperable emergency communications capabilities have been attained to date and the gaps that remain for interoperability to be achieved;

"(3) an evaluation of the ability to continue to communicate and to provide and maintain interoperable emergency communications by emergency managers, emergency response providers, and relevant government officials in the event of—

"(A) natural disasters, acts of terrorism, or other man-made disasters, including Incidents of National Significance declared by the Secretary under the National Response Plan; and

"(B) a catastrophic loss of local and regional communications services;

"(4) a list of best practices relating to the ability to continue to communicate and to provide and maintain interoperable emergency communications in the event of natural disasters, acts of terrorism, or other man-made disasters; and

"(A) an evaluation of the feasibility and desirability of the Department developing, on its own or in conjunction with the Department of Defense, a mobile communications capability, modeled on the Army Signal Corps, that could be deployed to support emergency communications at the site of natural disasters, acts of terrorism, or other man-made disasters.

"SEC. 1804. COORDINATION OF DEPARTMENT EMERGENCY COMMUNICATIONS GRANT PROGRAMS.

"(a) COORDINATION OF GRANTS AND STANDARDS PROGRAMS.—The Secretary, acting through the Director for Emergency Communications, shall ensure that grant guidelines for the use of homeland security assistance administered by the Department relating to interoperable emergency communications are coordinated and consistent with the goals and recommendations in the National Emergency Communications Plan under section 1802.

"(b) DENIAL OF ELIGIBILITY FOR GRANTS.—

"(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Grants and Planning, and in consultation with the Director for Emergency Communications, may prohibit any State, local, or tribal government from using homeland security assistance administered by the Department to achieve, maintain, or enhance emergency communications capabilities, if—

"(A) such government has not complied with the requirement to submit a Statewide Interoperable Communications Plan as required by section 7303(f) of the Intel-

ligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f));

"(B) such government has proposed to upgrade or purchase new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards and has not provided a reasonable explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards; and

"(C) as of the date that is 3 years after the date of the completion of the initial National Emergency Communications Plan under section 1802, national voluntary consensus standards for interoperable emergency communications capabilities have not been developed and promulgated.

"(2) STANDARDS.—The Secretary, in coordination with the Federal Communications Commission, the National Institute of Standards and Technology, and other Federal departments and agencies with responsibility for standards, shall support the development, promulgation, and updating as necessary of national voluntary consensus standards for interoperable emergency communications.

"SEC. 1805. REGIONAL EMERGENCY COMMUNICATIONS COORDINATION.

"(a) IN GENERAL.—There is established in each Regional Office a Regional Emergency Communications Coordination Working Group (in this section referred to as an 'RECC Working Group'). Each RECC Working Group shall report to the relevant Regional Administrator and coordinate its activities with the relevant Regional Advisory Council.

"(b) MEMBERSHIP.—Each RECC Working Group shall consist of the following:

"(1) NON-FEDERAL.—Organizations representing the interests of the following:

"(A) State officials.

"(B) Local government officials, including sheriffs.

"(C) State police departments.

"(D) Local police departments.

"(E) Local fire departments.

"(F) Public safety answering points (9–1–1 services).

"(G) State emergency managers, homeland security directors, or representatives of State Administrative Agencies.

"(H) Local emergency managers or homeland security directors.

"(I) Other emergency response providers as appropriate.

"(2) FEDERAL.—Representatives from the Department, the Federal Communications Commission, and other Federal departments and agencies with responsibility for coordinating interoperable emergency communications with or providing emergency support services to State, local, and tribal governments.

"(c) COORDINATION.—Each RECC Working Group shall coordinate its activities with the following:

"(1) Communications equipment manufacturers and vendors (including broadband data service providers).

"(2) Local exchange carriers.
"(3) Local broadcast media.
"(4) Wireless carriers.
"(5) Satellite communications services.
"(6) Cable operators.
"(7) Hospitals.
"(8) Public utility services.
"(9) Emergency evacuation transit services.
"(10) Ambulance services.
"(11) HAM and amateur radio operators.
"(12) Representatives from other private sector entities and nongovernmental organizations as the Regional Administrator determines appropriate.

"(d) DUTIES.—The duties of each RECC Working Group shall include—

"(1) assessing the survivability, sustainability, and interoperability of local emergency communications systems to meet the goals of the National Emergency Communications Plan;

"(2) reporting annually to the relevant Regional Administrator, the Director for Emergency Communications, the Chairman of the Federal Communications Commission, and the Assistant Secretary for Communications and Information of the Department of Commerce on the status of its region in building robust and sustainable interoperable voice and data emergency communications networks and, not later than 60 days after the completion of the initial National Emergency Communications Plan under section 1802, on the progress of the region in meeting the goals of such plan;

"(3) ensuring a process for the coordination of effective multijurisdictional, multi-agency emergency communications networks for use during natural disasters, acts of terrorism, and other man-made disasters through the expanded use of emergency management and public safety communications mutual aid agreements; and

"(4) coordinating the establishment of Federal, State, local, and tribal support services and networks designed to address the immediate and critical human needs in responding to natural disasters, acts of terrorism, and other man-made disasters.

"SEC. 1806. EMERGENCY COMMUNICATIONS PREPAREDNESS CENTER.

"(a) ESTABLISHMENT.—There is established the Emergency Communications Preparedness Center (in this section referred to as the 'Center').

"(b) OPERATION.—The Secretary, the Chairman of the Federal Communications Commission, the Secretary of Defense, the Secretary of Commerce, the Attorney General of the United States, and the heads of other Federal departments and agencies or their designees shall jointly operate the Center in accordance with the Memorandum of Understanding entitled, 'Emergency Communications Preparedness Center (ECPC) Charter'.

"(c) FUNCTIONS.—The Center shall—

"(1) serve as the focal point for interagency efforts and as a clearinghouse with respect to all relevant intergovernmental information to support and promote (including specifically by working to avoid duplication, hindrances, and counteractive ef-

forts among the participating Federal departments and agencies)—

"(A) the ability of emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters; and

"(B) interoperable emergency communications;

"(2) prepare and submit to Congress, on an annual basis, a strategic assessment regarding the coordination efforts of Federal departments and agencies to advance—

"(A) the ability of emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters; and

"(B) interoperable emergency communications;

"(3) consider, in preparing the strategic assessment under paragraph (2), the goals stated in the National Emergency Communications Plan under section 1802; and

"(4) perform such other functions as are provided in the Emergency Communications Preparedness Center (ECPC) Charter described in subsection (b)(1).

"SEC. 1807. URBAN AND OTHER HIGH RISK AREA COMMUNICATIONS CAPABILITIES.

"(a) IN GENERAL.—The Secretary, in consultation with the Chairman of the Federal Communications Commission and the Secretary of Defense, and with appropriate State, local, and tribal government officials, shall provide technical guidance, training, and other assistance, as appropriate, to support the rapid establishment of consistent, secure, and effective interoperable emergency communications capabilities in the event of an emergency in urban and other areas determined by the Secretary to be at consistently high levels of risk from natural disasters, acts of terrorism, and other man-made disasters.

"(b) MINIMUM CAPABILITIES.—The interoperable emergency communications capabilities established under subsection (a) shall ensure the ability of all levels of government, emergency response providers, the private sector, and other organizations with emergency response capabilities—

"(1) to communicate with each other in the event of an emergency;

"(2) to have appropriate and timely access to the Information Sharing Environment described in section 1016 of the National Security Intelligence Reform Act of 2004 (6 U.S.C. 321); and

"(3) to be consistent with any applicable State or Urban Area homeland strategy or plan.

"SEC. 1808. DEFINITION.

"In this title, the term 'interoperable' has the meaning given the term 'interoperable communications' under section 7303(g)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)(1)).".

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

"TITLE XVIII—EMERGENCY COMMUNICATIONS

"Sec. 1801. Office for Emergency Communications
"Sec. 1802. National Emergency Communications Plan
"Sec. 1803. Assessments and reports
"Sec. 1804. Coordination of Federal emergency communications grant programs
"Sec. 1805. Regional emergency communications coordination
"Sec. 1806. Emergency Communications Preparedness Center
"Sec. 1807. Urban and other high risk area communications capabilities
"Sec. 1808. Definition.".

SEC. 672. OFFICE FOR INTEROPERABILITY AND COMPATIBILITY.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following:

"SEC. 314. OFFICE FOR INTEROPERABILITY AND COMPATIBILITY.

"(a) CLARIFICATION OF RESPONSIBILITIES.—The Director of the Office for Interoperability and Compatibility shall—

"(1) assist the Secretary in developing and implementing the science and technology aspects of the program described in subparagraphs (D), (E), (F), and (G) of section 7303(a)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(1));

"(2) in coordination with the Federal Communications Commission, the National Institute of Standards and Technology, and other Federal departments and agencies with responsibility for standards, support the creation of national voluntary consensus standards for interoperable emergency communications;

"(3) establish a comprehensive research, development, testing, and evaluation program for improving interoperable emergency communications;

"(4) establish, in coordination with the Director for Emergency Communications, requirements for interoperable emergency communications capabilities, which shall be nonproprietary where standards for such capabilities exist, for all public safety radio and data communications systems and equipment purchased using homeland security assistance administered by the Department, excluding any alert and warning device, technology, or system;

"(5) carry out the Department's responsibilities and authorities relating to research, development, testing, evaluation, or standards-related elements of the SAFECOM Program;

"(6) evaluate and assess new technology in real-world environments to achieve interoperable emergency communications capabilities;

"(7) encourage more efficient use of existing resources, including equipment, to achieve interoperable emergency communications capabilities;

"(8) test public safety communications systems that are less prone to failure, support new nonvoice services, use spectrum more efficiently, and cost less than existing systems;

"(9) coordinate with the private sector to develop solutions to improve emergency communications capabilities and achieve interoperable emergency communications capabilities; and

"(10) conduct pilot projects, in coordination with the Director for Emergency Communications, to test and demonstrate technologies, including data and video, that enhance—

"(A) the ability of emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters; and

"(B) interoperable emergency communications capabilities.

"(b) COORDINATION.—The Director of the Office for Interoperability and Compatibility shall coordinate with the Director for Emergency Communications with respect to the SAFECOM program.

"(c) SUFFICIENCY OF RESOURCES.—The Secretary shall provide the Office for Interoperability and Compatibility the resources and staff necessary to carry out the responsibilities under this section.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 313 the following:

"Sec. 314. Office for Interoperability and Compatibility.".

SEC. 673. EMERGENCY COMMUNICATIONS INTEROPERABILITY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), as amended by this Act, is amended by adding at the end the following:

"SEC. 315. EMERGENCY COMMUNICATIONS INTEROPERABILITY RESEARCH AND DEVELOPMENT.

"(a) IN GENERAL.—The Under Secretary for Science and Technology, acting through the Director of the Office for Interoperability and Compatibility, shall establish a comprehensive research and development program to support and promote—

"(1) the ability of emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters; and

"(2) interoperable emergency communications capabilities among emergency response providers and relevant government officials, including by—

"(A) supporting research on a competitive basis, including through the Directorate of Science and Technology and Homeland Security Advanced Research Projects Agency; and

"(B) considering the establishment of a Center of Excellence under the Department of Homeland Security Centers of Excellence Program focused on improving emergency response providers' communication capabilities.

"(b) PURPOSES.—The purposes of the program established under subsection (a) include—

"(1) supporting research, development, testing, and evaluation on emergency communication capabilities;

"(2) understanding the strengths and weaknesses of the public safety communications systems in use;

"(3) examining how current and emerging technology can make emergency response providers more effective, and how Federal, State, local, and tribal government agencies can use this technology in a coherent and cost-effective manner;

"(4) investigating technologies that could lead to long-term advancements in emergency communications capabilities and supporting research on advanced technologies and potential systemic changes to dramatically improve emergency communications; and

"(5) evaluating and validating advanced technology concepts, and facilitating the development and deployment of interoperable emergency communication capabilities.

"(c) DEFINITIONS.—For purposes of this section, the term 'interoperable', with respect to emergency communications, has the meaning given the term in section 1808.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 314, as added by this Act, the following:

"Sec. 315. Emergency communications interoperability research and development.".

SEC. 674. 911 AND E911 SERVICES REPORT.

Not later than 180 days after the date of enactment of this Act, the Chairman of the Federal Communications Commission shall submit a report to Congress on the status of efforts of State, local, and tribal governments to develop plans for rerouting 911 and E911 services in the event that public safety answering points are disabled during natural disasters, acts of terrorism, and other manmade disasters.

SEC. 675. SAVINGS CLAUSE.

Nothing in this subtitle shall be construed to transfer to the Office of Emergency Communications any function, personnel, asset, component, authority, grant program, or liability of the Federal Emergency Management Agency as constituted on June 1, 2006.

Subtitle E—Stafford Act Amendments

SEC. 681. GENERAL FEDERAL ASSISTANCE.

(a) MAJOR DISASTERS.—Section 402 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170a) is amended—

(1) in paragraph (1), by striking "efforts" and inserting "response or recovery efforts, including precautionary evacuations";

(2) in paragraph (2), by striking the semicolon and inserting ", including precautionary evacuations and recovery;";

(3) in paragraph (3)—

(A) in subparagraph (D), by striking "and" at the end; and

(B) by adding at the end the following:

"(F) recovery activities, including disaster impact assessments and planning;";

(4) in paragraph (4), by striking the period and inserting "; and"; and

(5) by adding at the end the following:

"(5) provide accelerated Federal assistance and Federal support where necessary to save lives, prevent human suffering, or mitigate severe damage, which may be provided in the absence of a specific request and in which case the President—

"(A) shall, to the fullest extent practicable, promptly notify and coordinate with officials in a State in which such assistance or support is provided; and

"(B) shall not, in notifying and coordinating with a State under subparagraph (A), delay or impede the rapid deployment, use, and distribution of critical resources to victims of a major disaster.".

(b) EMERGENCIES.—Section 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5192) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking the semicolon and inserting ", including precautionary evacuations;";

(B) in paragraph (6), by striking "and" after the semicolon;

(C) in paragraph (7), by striking the period and inserting "; and"; and

(D) by adding at the end the following:

"(8) provide accelerated Federal assistance and Federal support where necessary to save lives, prevent human suffering, or mitigate severe damage, which may be provided in the absence of a specific request and in which case the President—

"(A) shall, to the fullest extent practicable, promptly notify and coordinate with a State in which such assistance or support is provided; and

"(B) shall not, in notifying and coordinating with a State under subparagraph (A), delay or impede the rapid deployment, use, and distribution of critical resources to victims of an emergency.";

(2) in subsection (b), by striking the period and inserting ", including precautionary evacuations."; and

(3) by adding at the end the following:

"(c) GUIDELINES.—The President shall promulgate and maintain guidelines to assist Governors in requesting the declaration of an emergency in advance of a natural or man-made disaster (including for the purpose of seeking assistance with special needs and other evacuation efforts) under this section by defining the types of assistance available to affected States and the circumstances under which such requests are likely to be approved.".

SEC. 682. NATIONAL DISASTER RECOVERY STRATEGY.

(a) IN GENERAL.—The Administrator, in coordination with the Secretary of Housing and Urban Development, the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of the Treasury, the Secretary of Transportation, the Administrator of the Small Business Administration, the Assistant Secretary for Indian Affairs of the Department of the Interior, and the heads of other appropriate Federal agencies, State, local, and tribal government officials (including through the National Advisory Council), and representatives of appropriate nongovernmental organizations shall develop, coordinate, and maintain a National Disaster Recovery Strategy to serve as a guide to recovery efforts after major disasters and emergencies.

(b) CONTENTS.—The National Disaster Recovery Strategy shall—

(1) outline the most efficient and cost-effective Federal programs that will meet the recovery needs of States, local and tribal governments, and individuals and households affected by a major disaster;

(2) clearly define the role, programs, authorities, and responsibilities of each Federal agency that may be of assistance in providing assistance in the recovery from a major disaster;

(3) promote the use of the most appropriate and cost-effective building materials (based on the hazards present in an area) in any area affected by a major disaster, with the goal of encouraging the construction of disaster-resistant buildings; and

(4) describe in detail the programs that may be offered by the agencies described in paragraph (2), including—

(A) discussing funding issues;

(B) detailing how responsibilities under the National Disaster Recovery Strategy will be shared; and

(C) addressing other matters concerning the cooperative effort to provide recovery assistance.

(c) REPORT.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing in detail the National Disaster Recovery Strategy and any additional authorities necessary to implement any portion of the National Disaster Recovery Strategy.

(2) UPDATE.—The Administrator shall submit to the appropriate committees of Congress a report updating the report submitted under paragraph (1)—

(A) on the same date that any change is made to the National Disaster Recovery Strategy; and

(B) on a periodic basis after the submission of the report under paragraph (1), but not less than once every 5 years after the date of the submission of the report under paragraph (1).

SEC. 683. NATIONAL DISASTER HOUSING STRATEGY.

(a) IN GENERAL.—The Administrator, in coordination with representatives of the Federal agencies, governments, and organizations listed in subsection (b)(2) of this section, the National Advisory Council, the National Council on Disability, and other entities at the Administrator's discretion, shall develop, coordinate, and maintain a National Disaster Housing Strategy.

(b) CONTENTS.—The National Disaster Housing Strategy shall—

(1) outline the most efficient and cost effective Federal programs that will best meet the short-term and long-term housing needs of individuals and households affected by a major disaster;

(2) clearly define the role, programs, authorities, and responsibilities of each entity in providing housing assistance in the event of a major disaster, including—

(A) the Agency;

(B) the Department of Housing and Urban Development;

(C) the Department of Agriculture;

(D) the Department of Veterans Affairs;

(E) the Department of Health and Human Services;

(F) the Bureau of Indian Affairs;

(G) any other Federal agency that may provide housing assistance in the event of a major disaster;

(H) the American Red Cross; and

(I) State, local, and tribal governments;

(3) describe in detail the programs that may be offered by the entities described in paragraph (2), including—

(A) outlining any funding issues;

(B) detailing how responsibilities under the National Disaster Housing Strategy will be shared; and

(C) addressing other matters concerning the cooperative effort to provide housing assistance during a major disaster;

(4) consider methods through which housing assistance can be provided to individuals and households where employment and other resources for living are available;

(5) describe programs directed to meet the needs of special needs and low-income populations and ensure that a sufficient number of housing units are provided for individuals with disabilities;

(6) describe plans for the operation of clusters of housing provided to individuals and households, including access to public services, site management, security, and site density;

(7) describe plans for promoting the repair or rehabilitation of existing rental housing, including through lease agreements or other means, in order to improve the provision of housing to individuals and households under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174); and

(8) describe any additional authorities necessary to carry out any portion of the strategy.

(c) GUIDANCE.—The Administrator should develop and make publicly available guidance on—

(1) types of housing assistance available under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) to individuals and households affected by an emergency or major disaster;

(2) eligibility for such assistance (including, where appropriate, the continuation of such assistance); and

(3) application procedures for such assistance.

(d) REPORT.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing in detail the National Disaster Housing Strategy, including programs directed to meeting the needs of special needs populations.

(2) UPDATED REPORT.—The Administrator shall submit to the appropriate committees of Congress a report updating the report submitted under paragraph (1)—

(A) on the same date that any change is made to the National Disaster Housing Strategy; and

(B) on a periodic basis after the submission of the report under paragraph (1), but not less than once every 5

years after the date of the submission of the report under paragraph (1).

SEC. 684. HAZARD MITIGATION GRANT PROGRAM FORMULA.

The third sentence of section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended by striking "7.5 percent" and inserting "15 percent for amounts not more than $2,000,000,000, 10 percent for amounts of more than $2,000,000,000 and not more than $10,000,000,000, and 7.5 percent on amounts of more than $10,000,000,000 and not more than $35,333,000,000".

SEC. 685. HOUSING ASSISTANCE.

Section 408(c)(4) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) is amended—

(1) by inserting "or semi-permanent" after "permanent"; and

(2) by striking "remote".

SEC. 686. MAXIMUM AMOUNT UNDER INDIVIDUAL ASSISTANCE PROGRAMS.

Section 408(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)) is amended—

(1) by striking paragraph (2)(C); and

(2) in paragraph (3)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

SEC. 687. COORDINATING OFFICERS.

Section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143(b)) is amended by adding after subsection (c) the following:

"(d) Where the area affected by a major disaster or emergency includes parts of more than 1 State, the President, at the discretion of the President, may appoint a single Federal coordinating officer for the entire affected area, and may appoint such deputy Federal coordinating officers to assist the Federal coordinating officer as the President determines appropriate.".

SEC. 688. DEFINITIONS.

Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended—

(1) by amending paragraph (9) to read as follows:

"(9) PRIVATE NONPROFIT FACILITY.—

"(A) IN GENERAL.—The term 'private nonprofit facility' means private nonprofit educational, utility, irrigation, emergency, medical, rehabilitational, and temporary or permanent custodial care facilities (including those for the aged and disabled) and facilities on Indian reservations, as defined by the President.

"(B) ADDITIONAL FACILITIES.—In addition to the facilities described in subparagraph (A), the term 'private nonprofit facility' includes any private nonprofit facility that provides essential services of a governmental nature to the general public (including museums, zoos, performing arts facilities, community arts centers, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter

workshops, and facilities that provide health and safety services of a governmental nature), as defined by the President.";

(2) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively; and

(3) by inserting after paragraph (5) the following:

"(6) INDIVIDUAL WITH A DISABILITY.—The term 'individual with a disability' means an individual with a disability as defined in section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)).".

SEC. 689. INDIVIDUALS WITH DISABILITIES.

(a) GUIDELINES.—Not later than 90 days after the date of enactment of this Act, and in coordination with the National Advisory Council, the National Council on Disability, the Interagency Coordinating Council on Preparedness and Individuals With Disabilities established under Executive Order 13347 (6 U.S.C. 312 note), and the Disability Coordinator (established under section 513 of the Homeland Security Act of 2002, as added by this Act), the Administrator shall develop guidelines to accommodate individuals with disabilities, which shall include guidelines for—

(1) the accessibility of, and communications and programs in, shelters, recovery centers, and other facilities; and

(2) devices used in connection with disaster operations, including first aid stations, mass feeding areas, portable payphone stations, portable toilets, and temporary housing.

(b) ESSENTIAL ASSISTANCE.—Section 403(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b(a)) is amended—

(1) in paragraph (2), by inserting "durable medical equipment," after "medicine"; and

(2) in paragraph (3)—

(A) in subparagraph (B), by inserting "durable medical equipment," after "medicine";

(B) in subparagraph (H), by striking "and" at the end;

(C) in subparagraph (I), by striking the period and inserting "; and"; and

(D) by adding at the end the following:

"(J) provision of rescue, care, shelter, and essential needs—

"(i) to individuals with household pets and service animals; and

"(ii) to such pets and animals.".

(c) FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.—Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) is amended—

(1) in subsection (b)(1), by inserting ", or with respect to individuals with disabilities, rendered inaccessible or uninhabitable," after "uninhabitable"; and

(2) in subsection (d)(1)(A)—

(A) in clause (i), by striking "and" after the semicolon;

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following:

"(ii) meets the physical accessibility requirements for individuals with disabilities; and".

SEC. 689a. NONDISCRIMINATION IN DISASTER ASSISTANCE.

Section 308(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5151(a)) is amended by inserting "disability, English proficiency," after "age,".

SEC. 689b. REUNIFICATION.

(a) DEFINITIONS.—In this section:

(1) CHILD LOCATOR CENTER.—The term "Child Locator Center" means the National Emergency Child Locator Center established under subsection (b).

(2) DECLARED EVENT.—The term "declared event" means a major disaster or emergency.

(3) DISPLACED ADULT.—The term "displaced adult" means an individual 21 years of age or older who is displaced from the habitual residence of that individual as a result of a declared event.

(4) DISPLACED CHILD.—The term "displaced child" means an individual under 21 years of age who is displaced from the habitual residence of that individual as a result of a declared event.

(b) NATIONAL EMERGENCY CHILD LOCATOR CENTER.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator, in coordination with the Attorney General of the United States, shall establish within the National Center for Missing and Exploited Children the National Emergency Child Locator Center. In establishing the National Emergency Child Locator Center, the Administrator shall establish procedures to make all relevant information available to the National Emergency Child Locator Center in a timely manner to facilitate the expeditious identification and reunification of children with their families.

(2) PURPOSES.—The purposes of the Child Locator Center are to—

(A) enable individuals to provide to the Child Locator Center the name of and other identifying information about a displaced child or a displaced adult who may have information about the location of a displaced child;

(B) enable individuals to receive information about other sources of information about displaced children and displaced adults; and

(C) assist law enforcement in locating displaced children.

(3) RESPONSIBILITIES AND DUTIES.—The responsibilities and duties of the Child Locator Center are to—

(A) establish a toll-free telephone number to receive reports of displaced children and information about displaced adults that may assist in locating displaced children;

(B) create a website to provide information about displaced children;

(C) deploy its staff to the location of a declared event to gather information about displaced children;

(D) assist in the reunification of displaced children with their families;

(E) provide information to the public about additional resources for disaster assistance;

(F) work in partnership with Federal, State, and local law enforcement agencies;

(G) provide technical assistance in locating displaced children;

(H) share information on displaced children and displaced adults with governmental agencies and nongovernmental organizations providing disaster assistance;

(I) use its resources to gather information about displaced children;

(J) refer reports of displaced adults to—

(i) an entity designated by the Attorney General to provide technical assistance in locating displaced adults; and

(ii) the National Emergency Family Registry and Locator System as defined under section 689c(a);

(K) enter into cooperative agreements with Federal and State agencies and other organizations such as the American Red Cross as necessary to implement the mission of the Child Locator Center; and

(L) develop an emergency response plan to prepare for the activation of the Child Locator Center.

(c) CONFORMING AMENDMENTS.—Section 403(1) of the Missing Children's Assistance Act (42 U.S.C. 5772(1)) is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by adding "or" after the semicolon; and

(3) by inserting after subparagraph (B) the following:

"(C) the individual is an individual under 21 years of age who is displaced from the habitual residence of that individual as a result of an emergency or major disaster (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).".

(d) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Transportation and Infrastructure and the Committee on the Judiciary of the House of Representatives a report describing in detail the status of the Child Locator Center, including funding issues and any difficulties or issues in establishing the Center or completing the cooperative agreements described in subsection (b)(3)(K).

SEC. 689c. NATIONAL EMERGENCY FAMILY REGISTRY AND LOCATOR SYSTEM.

(a) DEFINITIONS.—In this section—

(1) the term "displaced individual" means an individual displaced by an emergency or major disaster; and

(2) the term "National Emergency Family Registry and Locator System" means the National Emergency Family Registry and Locator System established under subsection (b).

(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish a National Emergency Family Registry and Locator System to help reunify families separated after an emergency or major disaster.

(c) OPERATION OF SYSTEM.—The National Emergency Family Registry and Locator System shall—

(1) allow a displaced adult (including medical patients) to voluntarily register (and allow an adult that is the parent or guardian of a displaced child to register such child), by submitting personal information to be entered into a database (such as the name, current location of residence, and any other relevant information that could be used by others seeking to locate that individual);

(2) ensure that information submitted under paragraph (1) is accessible to those individuals named by a displaced individual and to those law enforcement officials;

(3) be accessible through the Internet and through a toll-free number, to receive reports of displaced individuals; and

(4) include a means of referring displaced children to the National Emergency Child Locator Center established under section 689b.

(d) PUBLICATION OF INFORMATION.—Not later than 210 days after the date of enactment of this Act, the Administrator shall establish a mechanism to inform the public about the National Emergency Family Registry and Locator System and its potential usefulness for assisting to reunite displaced individuals with their families.

(e) COORDINATION.—Not later than 90 days after the date of enactment of this Act, the Administrator shall enter a memorandum of understanding with the Department of Justice, the National Center for Missing and Exploited Children, the Department of Health and Human Services, and the American Red Cross and other relevant private organizations that will enhance the sharing of information to facilitate reuniting displaced individuals (including medical patients) with their families.

(f) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing in detail the status of the National Emergency Family Registry and Locator System, including any difficulties or issues in establishing the System, including funding issues.

SEC. 689d. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

Section 408(c)(1)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)(A)) is amended—

(1) in clause (i), by adding at the end the following: "Such assistance may include the payment of the cost of utilities, excluding telephone service."; and

(2) in clause (ii), by inserting "security deposits," after "hookups,".

SEC. 689e. DISASTER RELATED INFORMATION SERVICES.

Subtitle A of title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.) is amended by adding at the end the following:

"SEC. 616. DISASTER RELATED INFORMATION SERVICES.

"(a) IN GENERAL.—Consistent with section 308(a), the Director of Federal Emergency Management Agency shall—

"(1) identify, in coordination with State and local governments, population groups with limited English proficiency and take into account such groups in planning for an emergency or major disaster;

"(2) ensure that information made available to individuals affected by a major disaster or emergency is made available in formats that can be understood by—

"(A) population groups identified under paragraph (1); and

"(B) individuals with disabilities or other special needs; and

"(3) develop and maintain an informational clearinghouse of model language assistance programs and best practices for State and local governments in providing services related to a major disaster or emergency.

"(b) GROUP SIZE.—For purposes of subsection (a), the Director of Federal Emergency Management Agency shall define the size of a population group.".

SEC. 689f. TRANSPORTATION ASSISTANCE AND CASE MANAGEMENT SERVICES TO INDIVIDUALS AND HOUSEHOLDS.

Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.), is amended by adding at the end the following:

"SEC. 425. TRANSPORTATION ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

"The President may provide transportation assistance to relocate individuals displaced from their predisaster primary residences as a result of an incident declared under this Act or otherwise transported from their predisaster primary residences under section 403(a)(3) or 502, to and from alternative locations for short or long-term accommodation or to return an individual or household to their predisaster primary residence or alternative location, as determined necessary by the President.

"SEC. 426. CASE MANAGEMENT SERVICES.

"The President may provide case management services, including financial assistance, to State or local government agencies or qualified private organizations to provide such services, to victims of major disasters to identify and address unmet needs.".

SEC. 689g. DESIGNATION OF SMALL STATE AND RURAL ADVOCATE.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (15 U.S.C. 5141 et seq.) is amended by adding at the end the following:

"SEC. 326. DESIGNATION OF SMALL STATE AND RURAL ADVOCATE.

"(a) IN GENERAL.—The President shall designate in the Federal Emergency Management Agency a Small State and Rural Advocate.

"(b) RESPONSIBILITIES.—The Small State and Rural Advocate shall be an advocate for the fair treatment of small States and rural communities in the provision of assistance under this Act.

"(c) DUTIES.—The Small State and Rural Advocate shall—

"(1) participate in the disaster declaration process under section 401 and the emergency declaration process under section 501, to ensure that the needs of rural communities are being addressed;

"(2) assist small population States in the preparation of requests for major disaster or emergency declarations; and

"(3) conduct such other activities as the Director of the Federal Emergency Management Agency considers appropriate.".

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report detailing the extent to which disaster declaration regulations—

(1) meet the particular needs of States with populations of less than 1,500,000 individuals; and

(2) comply with statutory restrictions on the use of arithmetic formulas and sliding scales based on income or population.

(c) STATUTORY CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to authorize major disaster or emergency assistance that is not authorized as of the date of enactment of this Act.

SEC. 689h. REPAIR, RESTORATION, AND REPLACEMENT OF DAMAGED PRIVATE NONPROFIT EDUCATIONAL FACILITIES.

Section 406(a)(3)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(a)(3)(B)) is amended by inserting "education," after "communications,".

SEC. 689i. INDIVIDUALS AND HOUSEHOLDS PILOT PROGRAM.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—The President, acting through the Administrator, in coordination with State, local, and tribal governments, shall establish and conduct a pilot program. The pilot program shall be designed to make better use of existing rental housing, located in areas covered by a major disaster declaration, in order to provide timely and cost-effective temporary housing assistance to individuals and households eligible for assistance under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) where alternative housing options are less available or less cost-effective.

(2) ADMINISTRATION.—

(A) IN GENERAL.—For the purposes of the pilot program under this section, the Administrator may—

(i) enter into lease agreements with owners of multi-family rental property located in areas covered by a major disaster declaration to house individuals and households eligible for assistance under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174);

(ii) make improvements to properties under such lease agreements;

(iii) use the pilot program where the program is cost effective in that the cost to the Government for the lease agreements is in proportion to the savings to the Government by not providing alternative housing; and

(iv) limit repairs to those required to ensure that the housing units shall meet Federal housing quality standards.

(B) IMPROVEMENTS TO LEASED PROPERTIES.—Under the terms of any lease agreement for a property described under

subparagraph (A)(ii), the value of the contribution of the Agency to such improvements—

(i) shall be deducted from the value of the lease agreement; and

(ii) may not exceed the value of the lease agreement.

(3) CONSULTATION.—In administering the pilot program under this section, the Administrator may consult with State, local, and tribal governments.

(4) REPORT.—

(A) IN GENERAL.—Not later than March 31, 2009, the Administrator shall submit to the appropriate committees of Congress a report regarding the effectiveness of the pilot program.

(B) CONTENTS.—The Administrator shall include in the report—

(i) an assessment of the effectiveness of the pilot program under this section, including an assessment of cost-savings to the Federal Government and any benefits to individuals and households eligible for assistance under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) under the pilot program;

(ii) findings and conclusions of the Administrator with respect to the pilot program;

(iii) an assessment of additional authorities needed to aid the Agency in its mission of providing disaster housing assistance to individuals and households eligible for assistance under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174), either under the pilot program under this section or other potential housing programs; and

(iv) any recommendations of the Administrator for additional authority to continue or make permanent the pilot program.

(b) PILOT PROGRAM PROJECT APPROVAL.—The Administrator shall not approve a project under the pilot program after December 31, 2008.

SEC. 689j. PUBLIC ASSISTANCE PILOT PROGRAM.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—The President, acting through the Administrator, and in coordination with State and local governments, shall establish and conduct a pilot program to—

(A) reduce the costs to the Federal Government of providing assistance to States and local governments under sections 403(a)(3)(A), 406, and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 1570b(a)(3), 5172, 5172);

(B) increase flexibility in the administration of sections 403(a)(3)(A), 406, and 407 of that Act; and

(C) expedite the provision of assistance to States and local governments provided under sections 403(a)(3)(A), 406, and 407 of that Act.

(2) PARTICIPATION.—Only States and local governments that elect to participate in the pilot program may participate in the pilot program for a particular project.

(3) INNOVATIVE ADMINISTRATION.—

(A) IN GENERAL.—For purposes of the pilot program, the Administrator shall establish new procedures to administer assistance provided under the sections referred to in paragraph (1).

(B) NEW PROCEDURES.—The new procedures established under subparagraph (A) may include 1 or more of the following:

(i) Notwithstanding section 406(c)(1)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 1571(c)(1)(A)), providing an option for a State or local government to elect to receive an in-lieu contribution in an amount equal to 90 percent of the Federal share of the Federal estimate of the cost of repair, restoration, reconstruction, or replacement of a public facility owned or controlled by the State or local government and of management expenses.

(ii) Making grants on the basis of estimates agreed to by the local government (or where no local government is involved, by the State government) and the Administrator to provide financial incentives and disincentives for the local government (or where no local government is involved, for the State government) for the timely or cost effective completion of projects under sections 403(a)(3)(A), 406, and 407 of that Act.

(iii) Increasing the Federal share for removal of debris and wreckage for States and local governments that have a debris management plan approved by the Administrator and have pre-qualified 1 or more debris and wreckage removal contractors before the date of declaration of the major disaster.

(iv) Using a sliding scale for the Federal share for removal of debris and wreckage based on the time it takes to complete debris and wreckage removal.

(v) Using a financial incentive to recycle debris.

(vi) Reimbursing base wages for employees and extra hires of a State or local government involved in or administering debris and wreckage removal.

(4) WAIVER.—The Administrator may waive such regulations or rules applicable to the provisions of assistance under the sections referred to in paragraph (1) as the Administrator determines are necessary to carry out the pilot program under this section.

(b) REPORT.—

(1) IN GENERAL.—Not later than March 31, 2009, the Administrator shall submit to the appropriate committees of Congress a report regarding the effectiveness of the pilot program under this section.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) an assessment by the Administrator of any administrative or financial benefits of the pilot program;

(B) an assessment by the Administrator of the effect, including any savings in time and cost, of the pilot program;

(C) any identified legal or other obstacles to increasing the amount of debris recycled after a major disaster;

(D) any other findings and conclusions of the Administrator with respect to the pilot program; and

(E) any recommendations of the Administrator for additional authority to continue or make permanent the pilot program.

(c) DEADLINE FOR INITIATION OF IMPLEMENTATION.—The Administrator shall initiate implementation of the pilot program under this section not later than 90 days after the date of enactment of this Act.

(d) PILOT PROGRAM PROJECT DURATION.—The Administrator may not approve a project under the pilot program under this section after December 31, 2008.

SEC. 689k. DISPOSAL OF UNUSED TEMPORARY HOUSING UNITS.

(a) IN GENERAL.—Notwithstanding section 408(d)(2)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(d)(2)(B)), if the Administrator authorizes the disposal of an unused temporary housing unit that is owned by the Agency on the date of enactment of this Act and is not used to house individuals or households under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) after that date, such unit shall be disposed of under subchapter III of chapter 5 of subtitle I of title 40, United States Code.

(b) TRIBAL GOVERNMENTS.—Housing units described in subsection (a) shall be disposed of in coordination with the Department of the Interior or other appropriate agencies in order to transfer such units to tribal governments if appropriate.

Subtitle F—Prevention of Fraud, Waste, and Abuse

SEC. 691. ADVANCE CONTRACTING.

(a) INITIAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit a report under paragraph (2) identifying—

(A) recurring disaster response requirements, including specific goods and services, for which the Agency is capable of contracting for in advance of a natural disaster or act of terrorism or other man-made disaster in a cost effective manner;

(B) recurring disaster response requirements, including specific goods and services, for which the Agency can not contract in advance of a natural disaster or act of terrorism or other man-made disaster in a cost effective manner; and

(C) a contracting strategy that maximizes the use of advance contracts to the extent practical and cost-effective.

(2) SUBMISSION.—The report under paragraph (1) shall be submitted to the appropriate committees of Congress.

(b) ENTERING INTO CONTRACTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall enter into 1 or more contracts for each type of goods or services identified under subsection (a)(1)(A), and in accordance with the contracting strategy identified in subsection (a)(1)(C). Any contract for goods or services identified in subsection (a)(1)(A) previously awarded may be maintained in fulfilling this requirement.

(2) CONSIDERED FACTORS.—Before entering into any contract under this subsection, the Administrator shall consider section 307 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5150), as amended by this Act.

(3) PRENEGOTIATED FEDERAL CONTRACTS FOR GOODS AND SERVICES.—The Administrator, in coordination with State and local governments and other Federal agencies, shall establish a process to ensure that Federal prenegotiated contracts for goods and services are coordinated with State and local governments, as appropriate.

(4) PRENEGOTIATED STATE AND LOCAL CONTRACTS FOR GOODS AND SERVICES.—The Administrator shall encourage State and local governments to establish prenegotiated contracts with vendors for goods and services in advance of natural disasters and acts of terrorism or other man-made disasters.

(c) MAINTENANCE OF CONTRACTS.—After the date described under subsection (b), the Administrator shall have the responsibility to maintain contracts for appropriate levels of goods and services in accordance with subsection (a)(1)(C).

(d) REPORT ON CONTRACTS NOT USING COMPETITIVE PROCEDURES.—At the end of each fiscal quarter, beginning with the first fiscal quarter occurring at least 90 days after the date of enactment of this Act, the Administrator shall submit a report on each disaster assistance contract entered into by the Agency by other than competitive procedures to the appropriate committees of Congress.

SEC. 692. LIMITATIONS ON TIERING OF SUBCONTRACTORS.

(a) REGULATIONS.—The Secretary shall promulgate regulations applicable to contracts described in subsection (c) to minimize the excessive use by contractors of subcontractors or tiers of subcontractors to perform the principal work of the contract.

(b) SPECIFIC REQUIREMENT.—At a minimum, the regulations promulgated under subsection (a) shall preclude a contractor from using subcontracts for more than 65 percent of the cost of the contract or the cost of any individual task or delivery order (not including overhead and profit), unless the Secretary determines that such requirement is not feasible or practicable.

(c) COVERED CONTRACTS.—This section applies to any cost-reimbursement type contract or task or delivery order in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) entered into by the Department to facilitate response to or recovery from a natural disaster or act of terrorism or other man-made disaster.

SEC. 693. OVERSIGHT AND ACCOUNTABILITY OF FEDERAL DISASTER EXPENDITURES.

(a) AUTHORITY OF ADMINISTRATOR TO DESIGNATE FUNDS FOR OVERSIGHT ACTIVITIES.—The Administrator may designate up to 1

percent of the total amount provided to a Federal agency for a mission assignment as oversight funds to be used by the recipient agency for performing oversight of activities carried out under the Agency reimbursable mission assignment process. Such funds shall remain available until expended.

(b) USE OF FUNDS.—

(1) TYPES OF OVERSIGHT ACTIVITIES.—Oversight funds may be used for the following types of oversight activities related to Agency mission assignments:

(A) Monitoring, tracking, and auditing expenditures of funds.

(B) Ensuring that sufficient management and internal control mechanisms are available so that Agency funds are spent appropriately and in accordance with all applicable laws and regulations.

(C) Reviewing selected contracts and other activities.

(D) Investigating allegations of fraud involving Agency funds.

(E) Conducting and participating in fraud prevention activities with other Federal, State, and local government personnel and contractors.

(2) PLANS AND REPORTS.—Oversight funds may be used to issue the plans required under subsection (e) and the reports required under subsection (f).

(c) RESTRICTION ON USE OF FUNDS.—Oversight funds may not be used to finance existing agency oversight responsibilities related to direct agency appropriations used for disaster response, relief, and recovery activities.

(d) METHODS OF OVERSIGHT ACTIVITIES.—

(1) IN GENERAL.—Oversight activities may be carried out by an agency under this section either directly or by contract. Such activities may include evaluations and financial and performance audits.

(2) COORDINATION OF OVERSIGHT ACTIVITIES.—To the extent practicable, evaluations and audits under this section shall be performed by the inspector general of the agency.

(e) DEVELOPMENT OF OVERSIGHT PLANS.—

(1) IN GENERAL.—If an agency receives oversight funds for a fiscal year, the head of the agency shall prepare a plan describing the oversight activities for disaster response, relief, and recovery anticipated to be undertaken during the subsequent fiscal year.

(2) SELECTION OF OVERSIGHT ACTIVITIES.—In preparing the plan, the head of the agency shall select oversight activities based upon a risk assessment of those areas that present the greatest risk of fraud, waste, and abuse.

(3) SCHEDULE.—The plan shall include a schedule for conducting oversight activities, including anticipated dates of completion.

(f) FEDERAL DISASTER ASSISTANCE ACCOUNTABILITY REPORTS.—A Federal agency receiving oversight funds under this section shall submit annually to the Administrator and the appropriate committees of Congress a consolidated report regarding the use of such funds, including information summarizing oversight activities and the results achieved.

(g) DEFINITION.—In this section, the term "oversight funds" means funds referred to in subsection (a) that are designated for use in performing oversight activities.

SEC. 694. USE OF LOCAL FIRMS AND INDIVIDUALS.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended by striking section 307 and inserting the following:

"SEC. 307. USE OF LOCAL FIRMS AND INDIVIDUALS.

"(a) CONTRACTS OR AGREEMENTS WITH PRIVATE ENTITIES.—

"(1) IN GENERAL.—In the expenditure of Federal funds for debris clearance, distribution of supplies, reconstruction, and other major disaster or emergency assistance activities which may be carried out by contract or agreement with private organizations, firms, or individuals, preference shall be given, to the extent feasible and practicable, to those organizations, firms, and individuals residing or doing business primarily in the area affected by such major disaster or emergency.

"(2) CONSTRUCTION.—This subsection shall not be considered to restrict the use of Department of Defense resources under this Act in the provision of assistance in a major disaster.

"(3) SPECIFIC GEOGRAPHIC AREA.—In carrying out this section, a contract or agreement may be set aside for award based on a specific geographic area.

"(b) IMPLEMENTATION.—

"(1) CONTRACTS NOT TO ENTITIES IN AREA.—Any expenditure of Federal funds for debris clearance, distribution of supplies, reconstruction, and other major disaster or emergency assistance activities which may be carried out by contract or agreement with private organizations, firms, or individuals, not awarded to an organization, firm, or individual residing or doing business primarily in the area affected by such major disaster shall be justified in writing in the contract file.

"(2) TRANSITION.—Following the declaration of an emergency or major disaster, an agency performing response, relief, and reconstruction activities shall transition work performed under contracts in effect on the date on which the President declares the emergency or major disaster to organizations, firms, and individuals residing or doing business primarily in any area affected by the major disaster or emergency, unless the head of such agency determines that it is not feasible or practicable to do so.

"(c) PRIOR CONTRACTS.—Nothing in this section shall be construed to require any Federal agency to breach or renegotiate any contract in effect before the occurrence of a major disaster or emergency.".

SEC. 695. LIMITATION ON LENGTH OF CERTAIN NONCOMPETITIVE CONTRACTS.

(a) REGULATIONS.—The Secretary shall promulgate regulations applicable to contracts described in subsection (c) to restrict the contract period of any such contract entered into using procedures other than competitive procedures pursuant to the exception provided in paragraph (2) of section 303(c) of the Federal Property and Admin-

istrative Services Act of 1949 (41 U.S.C. 253(c)) to the minimum contract period necessary—

(1) to meet the urgent and compelling requirements of the work to be performed under the contract; and

(2) to enter into another contract for the required goods or services through the use of competitive procedures.

(b) SPECIFIC CONTRACT PERIOD.—The regulations promulgated under subsection (a) shall require the contract period to not to exceed 150 days, unless the Secretary determines that exceptional circumstances apply.

(c) COVERED CONTRACTS.—This section applies to any contract in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) entered into by the Department to facilitate response to or recovery from a natural disaster, act of terrorism, or other man-made disaster.

SEC. 696. FRAUD, WASTE, AND ABUSE CONTROLS.

(a) IN GENERAL.—The Administrator shall ensure that—

(1) all programs within the Agency administering Federal disaster relief assistance develop and maintain proper internal management controls to prevent and detect fraud, waste, and abuse;

(2) application databases used by the Agency to collect information on eligible recipients must record disbursements;

(3) such tracking is designed to highlight and identify ineligible applications; and

(4) the databases used to collect information from applications for such assistance must be integrated with disbursements and payment records.

(b) AUDITS AND REVIEWS REQUIRED.—The Administrator shall ensure that any database or similar application processing system for Federal disaster relief assistance programs administered by the Agency undergoes a review by the Inspector General of the Agency to determine the existence and implementation of such internal controls required under this section and the amendments made by this section.

(c) VERIFICATION MEASURES FOR INDIVIDUALS AND HOUSEHOLDS PROGRAM.—Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following:

"(i) VERIFICATION MEASURES.—In carrying out this section, the President shall develop a system, including an electronic database, that shall allow the President, or the designee of the President, to—

"(1) verify the identity and address of recipients of assistance under this section to provide reasonable assurance that payments are made only to an individual or household that is eligible for such assistance;

"(2) minimize the risk of making duplicative payments or payments for fraudulent claims under this section;

"(3) collect any duplicate payment on a claim under this section, or reduce the amount of subsequent payments to offset the amount of any such duplicate payment;

"(4) provide instructions to recipients of assistance under this section regarding the proper use of any such assistance, regardless of how such assistance is distributed; and

"(5) conduct an expedited and simplified review and appeal process for an individual or household whose application for assistance under this section is denied.".

SEC. 697. REGISTRY OF DISASTER RESPONSE CONTRACTORS.

(a) DEFINITIONS.—In this section—

(1) the term "registry" means the registry created under subsection (b); and

(2) the terms "small business concern", "small business concern owned and controlled by socially and economically disadvantaged individuals", "small business concern owned and controlled by women", and "small business concern owned and controlled by service-disabled veterans" have the meanings given those terms under the Small Business Act (15 U.S.C. 631 et seq.).

(b) REGISTRY.—

(1) IN GENERAL.—The Administrator shall establish and maintain a registry of contractors who are willing to perform debris removal, distribution of supplies, reconstruction, and other disaster or emergency relief activities.

(2) CONTENTS.—The registry shall include, for each business concern—

(A) the name of the business concern;

(B) the location of the business concern;

(C) the area served by the business concern;

(D) the type of good or service provided by the business concern;

(E) the bonding level of the business concern; and

(F) whether the business concern is—

(i) a small business concern;

(ii) a small business concern owned and controlled by socially and economically disadvantaged individuals;

(iii) a small business concern owned and controlled by women; or

(iv) a small business concern owned and controlled by service-disabled veterans.

(3) SOURCE OF INFORMATION.—

(A) SUBMISSION.—Information maintained in the registry shall be submitted on a voluntary basis and be kept current by the submitting business concerns.

(B) ATTESTATION.—Each business concern submitting information to the registry shall submit—

(i) an attestation that the information is true; and

(ii) documentation supporting such attestation.

(C) VERIFICATION.—The Administrator shall verify that the documentation submitted by each business concern supports the information submitted by that business concern.

(4) AVAILABILITY OF REGISTRY.—The registry shall be made generally available on the Internet site of the Agency.

(5) CONSULTATION OF REGISTRY.—As part of the acquisition planning for contracting for debris removal, distribution of supplies in a disaster, reconstruction, and other disaster or emer-

gency relief activities, a Federal agency shall consult the registry.

SEC. 698. FRAUD PREVENTION TRAINING PROGRAM.

The Administrator shall develop and implement a program to provide training on the prevention of waste, fraud, and abuse of Federal disaster relief assistance relating to the response to or recovery from natural disasters and acts of terrorism or other man-made disasters and ways to identify such potential waste, fraud, and abuse.

Subtitle G—Authorization of Appropriations

SEC. 699. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title and the amendments made by this title for the administration and operations of the Agency—

(1) for fiscal year 2008, an amount equal to the amount appropriated for fiscal year 2007 for administration and operations of the Agency, multiplied by 1.1;

(2) for fiscal year 2009, an amount equal to the amount described in paragraph (1), multiplied by 1.1; and

(3) for fiscal year 2010, an amount equal to the amount described in paragraph (2), multiplied by 1.1.

SEC. 699A. Except as expressly provided otherwise, any reference to "this Act" contained in this title shall be treated as referring only to the provisions of this title.

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

And the Senate agree to the same.

HAROLD ROGERS,
ZACH WAMP,
TOM LATHAM,
JO ANN EMERSON,
JOHN E. SWEENEY,
JIM KOLBE,
ANDER CRENSHAW,
JOHN R. CARTER,
JERRY LEWIS,
MARTIN OLAV SABO,
DAVID E. PRICE,
JOSÉ E. SERRANO,
LUCILLE ROYBAL-ALLARD,
SANFORD D. BISHOP,
MARION BERRY,
CHET EDWARDS,
DAVID R. OBEY,
Managers on the Part of the House.

JUDD GREGG,
THAD COCHRAN,
TED STEVENS,
ARLEN SPECTER,
PETE V. DOMENICI,

RICHARD C. SHELBY,
LARRY E. CRAIG,
R.F. BENNETT,
WAYNE ALLARD,
ROBERT C. BYRD,
DANIEL K. INOUYE,
PATRICK J. LEAHY,
BARBARA A. MIKULSKI,
HERB KOHL,
PATTY MURRAY,
HARRY REID,
DIANNE FEINSTEIN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5441), making appropriations for the Department of Homeland Security (DHS) for the fiscal year ending September 30, 2007, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Senate Amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill. Throughout the accompanying explanatory statement, the managers refer to the Committee and the Committees on Appropriations. Unless otherwise noted, in both instances, the managers are referring to the House Subcommittee on Homeland Security and the Senate Subcommittee on Homeland Security.

The language and allocations contained in House Report 109–476 and Senate Report 109–273 should be complied with unless specifically addressed to the contrary in the conference report and statement of managers. The statement of managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where both the House and Senate reports address a particular issue not specifically addressed in the conference report or joint statement of managers, the conferees have determined the House report and the Senate report are not inconsistent and are to be interpreted accordingly. In cases where the House or Senate report directs the submission of a report, such report is to be submitted to both Committees on Appropriations. Further, in a number of instances, House Report 109–476 and Senate Report 109–273 direct agencies to report to the Committees by specific dates. In those instances, and unless alternative dates are provided in the accompanying explanatory statement, agencies are directed to provide these reports to the Committees on Appropriations no later than January 23, 2007.

CLASSIFIED PROGRAMS

Recommended adjustments to classified programs are addressed in a classified annex accompanying this statement of managers.

TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

The conferees agree to provide $94,470,000 instead of $83,684,000 as proposed by the House and $82,622,000 as proposed

by the Senate. The conferees have made reductions to the budget request due to a large number of vacancies and unobligated balances within certain offices. Funding shall be allocated as follows:

Immediate Office of the Secretary	$2,540,000
Immediate Office of the Deputy Secretary	1,185,000
Chief of Staff	2,560,000
Office of Counternarcotics Enforcement	2,360,000
Executive Secretary	4,450,000
Office of Policy	29,305,000
Secure Border Coordination Office	4,500,000
Office of Public Affairs	6,000,000
Office of Legislative and Intergovernmental Affairs	5,449,000
Office of General Counsel	12,759,000
Office of Civil Rights and Liberties	13,000,000
Citizenship and Immigration Services Ombudsman	5,927,000
Privacy Officer	4,435,000
Total	94,470,000

COMPREHENSIVE PORT, CONTAINER, AND CARGO SECURITY STRATEGY

The conferees are committed to building upon and improving the Department's programs directed toward port, container, and cargo security, such as Customs and Border Protection's Container Security Initiative and Customs-Trade Partnership Against Terrorism; the Coast Guard's port security patrols and facility operations; and Science and Technology's cargo security research programs. The conferees believe these programs must evolve to combat new and emerging threats, as well as to support the continuous growth of international trade. To date, DHS has not produced a strategic plan for this critical mission area. To address this issue, the conferees withhold $5,000,000 from obligation from the Office of the Secretary and Executive Management until the Secretary submits a port, container, and cargo security strategic plan to the Committees on Appropriations; the Senate Committee on Commerce, Science and Transportation; the Senate Committee on Homeland Security and Governmental Affairs; and the House Committee on Homeland Security. This plan shall comply with all reporting and performance requirements specified in the House report.

SECURE BORDER INITIATIVE STRATEGIC PLAN

The conferees direct the Secretary to submit the Secure Border Initiative multi-year strategic plan to the Committees on Appropriations, the Senate Committee on Homeland Security and Governmental Affairs, the House Committee on Homeland Security, and the Committees on the Judiciary. This plan shall demonstrate how the Department of Homeland Security (DHS) will obtain operational control of the borders in five years, as specified in bill language. The conferees withhold $10,000,000 from obligation from the Office of the Secretary and Executive Management until the Secretary submits this plan.

OFFICE OF POLICY

The conferees agree to provide $29,305,000 for the Office of Policy instead of $27,093,000 as proposed by the House and $31,093,000 as proposed by the Senate. Within this total, funding

has been provided for policy oversight for the Secure Border Initiative, screening coordination and operations, as well as a technical full-time equivalent (FTE) adjustment. The Secure Border Coordination Office is funded as an independent office.

The conferees support a strong, centralized Office of Policy to further the Department's mission. The conferees are concerned the office is becoming too compartmentalized and encourage the office to remain flexible to address the most pressing policy issues confronting the Department, both in the short and long term.

SECURE BORDER COORDINATION OFFICE

The conferees agree to provide $4,500,000 for the Secure Border Coordination Office, instead of $5,000,000 as proposed by the House for the Secure Border Initiative Program Executive Office (SBI PEO) and $4,000,000 as proposed by the Senate for the SBI PEO within the Office of Policy. Funds provided above the budget request are to enhance program planning and performance management.

The conferees fund the Secure Border Coordination Office as a distinct office within the Office of the Secretary and Executive Management because it is a functional office charged with the integration of the Department's border security and immigration enforcement programs rather than formulation of policy. The Office of Policy, in the Office of the Secretary, will continue to have an oversight responsibility for policy related to the Secure Border Initiative.

The conferees view the Secure Border Coordination Office as the focal point for the Department's transition from a fragmented and stove-piped border security organization to an integrated system capable of producing real results. This is illustrated by the data contained within the September 2006 bi-monthly status report on DHS' border security performance. The conferees note both the quality of this report as a standard for DHS to emulate and recognize the timeliness with which the report was submitted. The conferees direct the Secure Border Coordination Office to continue to submit bi-monthly status reports through the end of fiscal year 2007, as specified by the House correspondence dated June 21, 2006, and direct the Secretary to ensure all information contained within the report is appropriately classified.

The conferees provide considerable resources to border security and immigration enforcement in this Act as well as in fiscal year 2006 appropriations and view the Secure Border Coordination Office as accountable for linking these resources to the stated goal of gaining operational control of our borders within five years. The conferees expect to see a detailed justification for the staffing and resources of this office within the fiscal year 2008 budget request.

OFFICE OF COUNTERNARCOTICS ENFORCEMENT

The conferees agree to provide $2,360,000 for a separate Office of Counternarcotics Enforcement, as proposed by the Senate, instead of $2,741,000 within the Office of Chief of Staff as proposed by the House. The conferees view this office as responsible for monitoring the resource needs of the traditional counternarcotics func-

tions of the DHS agencies, as well as examining the nexus of drugs and terrorism. The conferees agree that this office does not belong within the Office of the Chief of Staff and have provided for the establishment of an independent office within the Office of the Secretary and Executive Management. However, the conferees question the necessity and efficacy of separating this office from the Office of Policy given its analysis and policy formulation mission and encourage DHS to consider this as part of its fiscal year 2008 budget submission.

The Office is directed to report, in conjunction with the fiscal year 2008 budget request, on its annual productivity and performance as directed in the House report.

EXECUTIVE SECRETARY

The conferees agree to provide $4,450,000 for the Executive Secretary instead of $5,001,000 as proposed by the House and $4,090,000 as proposed by the Senate. Within this funding level, the conferees agree to the technical FTE adjustment and associated funding as requested and one additional full-time position. In late 2005, the Executive Secretary was charged with improving responsiveness to Congress by responding to Congressional inquiries within two weeks. The conferees direct the Executive Secretary to report quarterly, with the first report due on January 31, 2007, on its success meeting this two-week goal and its plans to sustain this standard given the volume of Congressional interest in DHS issues.

TRAINING

The conferees direct the Secretary to brief the Committees on Appropriations on the inventory of funds supporting training in the Preparedness Directorate and the Federal Emergency Management Agency (FEMA) in fiscal year 2007 as discussed in the House report. In addition, the conferees direct that greater detail be included as part of the fiscal year 2008 Congressional budget justifications.

CONTRACT STAFF

The conferees agree with Senate language directing the Secretary to update its contract staffing report, no later than February 8, 2007, to include data for fiscal year 2006, projected contract staff for fiscal year 2007, and plans to reduce these types of contract employees.

GRANT AWARDS

The conferees continue to be disappointed by the Department's slow pace of awarding important security funds to state and local governments. Therefore, bill language is included under Grants and Training requiring port, rail and transit, trucking, intercity bus, and buffer zone protection grants, as well as State Homeland Security Grants, Law Enforcement Terrorism Prevention, and Urban Area Security Initiative funds to be awarded by a date certain in fiscal year 2007.

UNOBLIGATED BALANCES

The Office of the Secretary and Executive Management appears to continue to lack an appropriate plan for use of available funding, as unobligated dollars remain high throughout the year. The conferees are particularly disappointed the Office of Civil Rights and Liberties, the Citizenship and Immigration Services Ombudsman, and the Privacy Officer are not using available resources to meet growing responsibilities. The Department is directed to provide the Committees on Appropriations with an expenditure plan for these offices no later than November 1, 2006.

VANCOUVER OLYMPICS

The conferees direct the Secretary to conduct a review, in conjunction with appropriate Washington State and Canadian entities, and to report to the Committees on Appropriations, the Senate Committee on Homeland Security and Governmental Affairs, and the House Committee on Homeland Security, within six months after enactment of this Act, on all relevant security issues related to the 2010 Vancouver Olympic and Paralympic Games, including expected increases in border flow, necessary enhancements to border security, estimated border crossing wait times, and the need for additional border personnel. The Secretary, in coordination with the Secretary of State, the Federal Communications Commission, and relevant agencies in the States of Alaska, Idaho, Montana, Oregon, and Washington, shall also evaluate the technical and operational interoperability challenges facing regional, local, state, and federal authorities in preparing for the 2010 Olympic and Paralympic Games. The conferees direct the Secretary to submit a plan to address these challenges to the Committees on Appropriations; the Senate Committee on Commerce, Science, and Transportation; the Senate Committee on Homeland Security and Governmental Affairs; the House Committee on Homeland Security; and the House Committee on Energy and Commerce, six months after enactment of this Act.

DATA-MINING

The conferees continue to be concerned with the Department's possible use or development of data-mining technology and direct the DHS Privacy Officer to submit a report consistent with the terms and conditions listed in section 549 of the Senate bill. The conferees expect the report to include information on how it has implemented the recommendations laid out in the Department's data-mining report received July 18, 2006.

TRANSFER AUTHORITY

The conferees direct the Secretary to provide the Committees on Appropriations a report by November 1, 2006, with any recommendations for transfers, reprogrammings, and if appropriate, budget requests, pursuant to 31 USC 1105, in order to implement new authorities contained in Title VI.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

The conferees agree to provide $153,640,000 instead of $70,489,000 as proposed by the House and $163,456,000 as proposed by the Senate. The conferees have made reductions to the budget request due to a large number of vacancies and unobligated balances within certain offices. Funding shall be allocated as follows:

Under Secretary for Management	$1,870,000
Office of Security	52,640,000
Office of the Chief Procurement Officer	16,895,000
Office of the Chief Human Capital Officer	8,811,000
MAX–HR Human Resource System	25,000,000
Office of the Chief Administrative Officer	40,218,000
Nebraska Avenue Complex (DHS headquarters)	8,206,000
Total	153,640,000

OFFICE OF THE CHIEF PROCUREMENT OFFICER

The conferees have fully funded the budget request for the Office of the Chief Procurement Officer. Because the Department has experienced numerous procurement problems, the conferees support the Department's efforts to hire more procurement staff both within this office, as well as within a variety of DHS components. The Chief Procurement Officer shall develop a procurement oversight plan, identifying necessary oversight resources and how improvements in the Department's performance of its procurement functions will be achieved. This plan shall be provided to the Committees on Appropriations and the Government Accountability Office (GAO) no later than January 23, 2007. The conferees direct GAO to brief the Committees no later than April 16, 2007, on their analysis of this plan.

The conferees direct GAO to review DHS compliance during fiscal years 2005–06 with section 503(a)(5) of P.L. 108–334 and P.L. 109–90, which prohibit DHS from reprogramming funds that were appropriated for federal FTEs for contracting out similar functions, and report to the Committees on Appropriations by March 1, 2007.

HEADQUARTERS

While the conferees have fully funded the budget request of $8,206,000 for enhancements to the DHS headquarters on Nebraska Avenue, no funding has been provided to move the U.S. Coast Guard headquarters to the St. Elizabeths complex. This move has been proposed as the first phase to consolidate most or all of DHS at the St. Elizabeths campus. However, the Department is unable to elaborate on the reasons why St. Elizabeths is the best location for a permanent DHS headquarters, what other sites have been considered, which specific components would move to that site, the total space requirements for DHS headquarters, and the total costs associated with using the St. Elizabeths site as a headquarters location. The Department must develop a comprehensive long-term plan for the future location of all DHS offices and components, rather than the piecemeal approach currently being used. As such, the conferees prohibit the Department from relocating the Coast Guard's headquarters, or any other DHS component, until

DHS completes a new, comprehensive headquarters master plan and submits a prospectus for Congressional review and approval. In addition, the conferees direct the Department to regularly update the Committees on Appropriations on the expenditure of funds provided to improve the current DHS headquarters on Nebraska Avenue, as specified in the Senate report.

MAX–HR HUMAN RESOURCES SYSTEM

The conferees agree to provide $25,000,000 for the MAX–HR human resources system and direct the Secretary to submit an updated expenditure plan to the Committees on Appropriations within 90 days after enactment of this Act. This plan shall list all contract obligations, by contractor and year, and include the purpose of the contract.

OFFICE OF THE CHIEF FINANCIAL OFFICER

The conferees agree to provide $26,000,000 instead of $43,480,000 as proposed by the House and $26,018,000 as proposed by the Senate. A slight funding reduction has been made to the budget request due to the large number of vacancies.

RESOURCE MANAGEMENT TRANSFORMATION OFFICE (EMERGE2)

The conferees provide no funding for the Resource Management Transformation Office (eMerge2) as proposed by the Senate, instead of $18,000,000 for eMerge2 as proposed by the House. The conferees understand DHS has moved away from the original system-centric eMerge2 program and has determined necessary improvements for the Resource Management Transformation Office should also encompass training, financial policy, process changes, and internal controls. Because DHS has about $40,000,000 in unobligated balances from eMerge2 funding provided to the Office of the Chief Information Officer (CIO), the conferees direct the Chief Financial Officer (CFO) to use these remaining funds for financial management improvements, and to continue to coordinate systems improvements with the CIO. The CFO must submit an expenditure plan for these remaining funds by November 15, 2006.

SHARED SERVICES

In spite of clear direction in sections 503 and 504, the conferees are dismayed by an apparent disregard for consistent and transparent budget execution within the Preparedness Directorate. Sections 503 and 504 delineate permissible transfer authority and require notification to the Committees on Appropriations; the conferees are concerned that these transfers exceeded the limits set forth in those general provisions, particularly with regard to funding new activities. As a result, the conferees direct the CFO to review the use of shared services throughout the Department and specifically within Preparedness to ensure that they are in compliance with appropriation law and the proper use of the Economy Act. Such blatant disregard of the Appropriations Act will not be tolerated again.

ALIGNING RESOURCES TO MISSION

The conferees are concerned about the ability of some Departmental agencies to effectively align resource requirements to workload and mission needs. To address this issue, the conferees have included specific reporting requirements and/or re-aligned the funding structure of select agencies experiencing difficulty aligning resources to mission, such as U.S. Customs and Border Protection, Federal Protective Service, Science and Technology Directorate, Infrastructure Protection and Information Security, and U.S. Secret Service. The conferees are committed to improving the budgetary systems of these components and recognize the CFO's efforts in mission cost modeling across the entire Department. In the case of the Secret Service, the conferees provide funding through an entirely new appropriations account structure and recognize this may pose unique challenges. The conferees direct the CFO to support the Secret Service's transition to this new account structure by assisting the agency in the improvement of its budget execution and real-time tracking of resource hours.

ANNUAL APPROPRIATIONS JUSTIFICATIONS

The conferees direct the CFO to submit all of its fiscal year 2008 budget justifications (classified and unclassified) concurrent with the submission of the President's budget request and at the level of detail specified in the House report. In addition, the annual appropriations justifications should include explicit information by appropriations account, program, project, and activity on all reimbursable agreements and uses of the Economy Act exceeding $50,000.

MONTHLY EXECUTION AND STAFFING REPORTS

Both the House and Senate Committees have been repeatedly frustrated over the Department's inability to provide a monthly budget execution report detailing the status of the total obligational authority available and the status of allotting, obligating and expending these funds by each agency. For the past two years, the CFO has been unable to provide this required monthly report on a timely basis. The conferees modify and retain a general provision (section 531) requiring the submission of this data, including the Working Capital Fund, at the level of detail shown in the table of detailed funding levels displayed at the end of the statement of managers accompanying this Act. The monthly budget execution report shall include total obligational authority appropriated (new budget authority plus unobligated carryover), undistributed obligational authority, amount allotted, current year obligations, unobligated authority (the difference between total obligational authority and current year obligations), beginning unexpended obligations, year-to-date expenditures, and year-end unexpended obligations, of the Department of Homeland Security. This monthly report must also include on-board versus funded full-time equivalent staffing levels, as proposed by the Senate. The conferees direct this report to be submitted not more than 45 days after the close of each month. Based on the Department's historical

ability to deliver the reports on a timely basis, the conferees will revisit the bill provision in future appropriations Acts.

IMPROPER PAYMENTS

The conferees are concerned the Department is not complying with the Improper Payments Information Act of 2002. The Department reported in its fiscal year 2005 Performance and Accountability Report that none of its programs were deemed to be at significant risk of making improper payments, despite the fact that GAO found problems with billions of dollars in payments responding to Hurricanes Katrina and Rita. According to the Office of Management and Budget Memorandum 30–13, "significant" is defined to mean at least 2.5 percent of all payments made are improper, and the absolute dollar figure associated with that 2.5 percent or more totals at least $10,000,000. The Improper Payment Information Act requires federal programs and activities deemed to be at "significant" risk of making improper payments to report improper payment information to Congress. The conferees expect the Department to comply with the Improper Payments Information Act.

OFFICE OF THE CHIEF INFORMATION OFFICER

The conferees agree to provide $349,013,000 for the Office of the Chief Information Officer (CIO) instead of $364,765,000 as proposed by the House and $306,765,000 as proposed by the Senate. Funding shall be allocated as follows:

Salaries and Expenses	$79,521,000
Information Technology Services	61,013,000
Security Activities	89,387,000
Wireless Programs	86,438,000
Homeland Secure Data Network	32,654,000
Total	$349,013,000

EMERGE2

The conferees direct the CIO to use the remaining unobligated balances of approximately $40,000,000 from the eMerge2 program for financial management improvements, and to continue to coordinate systems improvements with the Chief Financial Officer.

INFORMATION TECHNOLOGY OVERSIGHT

The conferees support language contained in the House report on information technology oversight and direct that no funds be made available in this Act for obligation for any information technology procurement of $2,500,000 or more without approval of the DHS CIO. These procurements must conform to DHS' Enterprise Architecture or justify any deviation from it.

NATIONAL CENTER FOR CRITICAL INFORMATION PROCESSING AND STORAGE (NCCIPS)

The conferees agree to include $53,000,000 for NCCIPS data centers. Of these funds, $12,000,000 shall be provided for the ongoing efforts to develop and transition the Department's multiple data centers to the NCCIPS. The conferees support the Senate's

recommendation to identify and secure the NCCIPS secondary site and provide the remaining $41,000,000 for those activities. To provide for continuity of operations and fulfill back-up requirements, the conferees direct the secondary facility and infrastructure be at a separate remote location and the site selection be conducted in a fair and open evaluation process. NCCIPS is intended to migrate and consolidate critical infrastructure information, thereby reducing unnecessary and duplicative investments by the government. The conferees believe that integrating the multiple centers and infrastructure to the primary and secondary NCCIPS data centers will present significant opportunities for cost saving and provide the best investment for DHS critical information requirements.

In consolidating the data centers to the NCCIPS, consistent with section 888 of Public Law 107–296, the conferees instruct the Department to implement the consolidation plan in a manner that shall not result in a reduction to the Coast Guard's Operations System Center mission or its government-employed or contract staff levels.

COMMON OPERATING PICTURE

The conferees acknowledge that DHS has made significant progress developing systems such as the Homeland Security Information Network, U.S. Public Private Partnership, and Infrastructure Critical Asset Viewer, which facilitate communications, situational awareness, and provide for the sharing of information between DHS and its federal, state, local, and commercial partners. These systems each address a specific functional or customer requirement and lay the groundwork for a comprehensive national incident prevention and response system. The conferees encourage DHS to continue developing these types of systems and the DHS CIO to integrate all federal systems into a common architecture that would address a broader functional and customer base to include integration with state fusion centers.

HOMELAND SECURITY PRESIDENTIAL DIRECTIVE—12

The conferees understand the Department and other federal agencies are attempting to comply with the Homeland Security Presidential Directive–12 mandate to begin using Personal Identity Verification (PIV) cards for new employees and contractors by October 27, 2006. The conferees provide the requested amount of $2,966,000 for the Smartcard program. The conferees encourage the Department to work expeditiously toward implementation of PIV, card life cycle management and certificate services and provide to the Committees on Appropriations a briefing on the Department's plans to implement this directive by December 1, 2006.

ANALYSIS AND OPERATIONS

The conferees agree to provide $299,663,000 for Analysis and Operations instead of $298,663,000 as proposed by the House and the Senate. Up to $1,000,000 is for an independent study on the feasibility of creating a counter terrorism intelligence agency.

SITUATIONAL AWARENESS TEAMS

The conferees direct the National Operations Center and Immigration and Customs Enforcement (ICE) to brief the Committees on Appropriations, with written materials, on the number and composition of the situational awareness teams, their locations, actual and planned deployments in fiscal years 2006 and 2007, impacts of the operations on ICE, and the associated budgets and staffing resource needs.

FUSION CENTERS

The conferees support language contained in the House report on fusion centers and direct the Department to report on the role of these fusion centers, the total number of operational fusion centers, their effectiveness, their funding sources and amounts, and where additional fusion centers are necessary.

OPERATIONS CENTERS

The conferees support language in the Senate report on operations centers and direct the Government Accountability Office to analyze the role of the National Operations Center and the numerous DHS component operations centers and to make recommendations regarding the operation and coordination of these centers and report to the Committees their findings.

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

The conferees agree to provide $3,000,000 for the Office of the Federal Coordinator for Gulf Coast Rebuilding as proposed by the House instead of no funding as proposed by the Senate. Within the funding provided, $1,000,000 is unavailable for obligation until the Committees on Appropriations receive an expenditure plan for fiscal year 2007. Any funding above the amount provided must be reprogrammed or transferred in accordance with section 503 of this Act.

OFFICE OF INSPECTOR GENERAL

The conferees agree to provide $85,185,000 for the Office of Inspector General instead of $96,185,000 as proposed by the House and $90,185,000 as proposed by the Senate.

DISASTER RELIEF FUNDING

In addition to the funding provided above, $13,500,000 is available for transfer from the Disaster Relief Fund instead of no funding as proposed by the House and $15,000,000 as proposed by the Senate. The funds are to continue and expand audits and investigations related to the Gulf Coast hurricanes, including flood insurance issues. The Inspector General is required to notify the Committees on Appropriations no less than 15 days prior to any transfer from the Disaster Relief Fund.

SECURE BORDER INITIATIVE

The conferees support the Secure Border Initiative (SBI), but are concerned that major technology contracts that are expected to be awarded through the SBI program require substantial management and oversight. The conferees direct the Inspector General to review and report on any contract or task order relating to the SBI program valued at more than $20,000,000. These reviews should begin no earlier than 180 days after a contract has been awarded.

ANALYSIS, DISSEMINATION, VISUALIZATION, INSIGHT AND SEMANTIC ENHANCEMENT (ADVISE) PROGRAM

The ADVISE program is designed to extract relationships and correlations from large amounts of data to produce actionable intelligence on terrorists. A prototype is currently available to analysts in Intelligence and Analysis using departmental and other data, including some on U.S. citizens. The conferees understand up to $40,000,000 has been obligated for ADVISE. The ADVISE program plan, total costs and privacy impacts are unclear and therefore the conferees direct the Inspector General to conduct a comprehensive program review and report within nine months of enactment of this Act.

TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY (US–VISIT)

The conferees agree to provide $362,494,000 as proposed by the House instead of $399,494,000 as proposed by the Senate. Within this amount, $60,080,000 is available to implement 10-print enrollment capability, and to continue the development of interoperability between DHS' Automated Biometric Identification System (IDENT) and the Federal Bureau of Investigation's Integrated Automated Fingerprint Identification System (IAFIS).

STRATEGIC PLANNING

The conferees support language contained in the House and Senate reports concerning the submission of a strategic plan for US–VISIT. The conferees direct the strategic plan to include: the cost and schedule of migration to a ten-fingerprint system with interoperability of IAFIS and IDENT fingerprint databases; a complete schedule for the full implementation of the exit portion of the program; and a plan of how US–VISIT fits into the Department's larger border and immigration initiatives.

IDENT/IAFIS AND 10-PRINT ENROLLMENT

The conferees reiterate their strong support for on-going efforts to ensure interoperability between the IDENT and IAFIS biometric databases and are pleased with the movement towards ten-print enrollment in US–VISIT. The conferees continue to believe that these critical border integrity activities must occur as expeditiously as possible.

THE WESTERN HEMISPHERE TRAVEL INITIATIVE (WHTI)

The conferees direct the Secretary to report on the architecture for the WHTI "PASS" card, as specified in the Senate report. This report should address the Department's plans and abilities to address all requirements included within section 546 of this Act.

UNITED STATES CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

The conferees agree to provide $5,562,186,000, instead of $5,433,310,000 as proposed by the House and $5,329,874,000 as proposed by the Senate. This includes: $2,277,510,000 for border security between ports of entry, including funds to support an additional 1,500 Border Patrol agents and an additional $20,000,000 for Border Patrol vehicles. The conferees agree to transfer $3,100,000 for the costs of salaries, equipment, and operations for the Customs Patrol Officers ("Shadow Wolves") to Immigration and Customs Enforcement.

The conference agreement includes $1,860,491,000 for border security inspections and trade facilitation, including: $34,800,000 for an additional 450 United States Customs and Border Protection (CBP) officers; an additional $147,000,000 for non-intrusive inspection equipment; $6,800,000, as requested, for the Immigration Advisory Program; $4,750,000 to continue textile transshipment enforcement; $10,165,000, as requested, for the operations and maintenance of the Advanced Training Center; and funds to support 100 percent validation and periodic re-validation of all Customs-Trade Partnership Against Terrorism (C–TPAT) certified partners and 100 percent manifest review of cargo shipped from all Container Security Initiative (CSI) ports. The conferees provide $1,027,000, as requested, for other technology investments, including the In-Bond Cargo Container Security Program, within a consolidated program, project, and activity for inspections, trade, and travel facilitation at ports of entry. The conferees do not include $1,200,000, as requested, for the Fraudulent Document Analysis Unit, as proposed by the Senate.

The conference agreement includes $175,796,000 for Air and Marine personnel compensation and benefits, including: $5,500,000, as requested, for the Great Falls, Montana airwing; $3,100,000 to fully staff the Air and Marine Operations Center; $5,000,000 to activate the North Dakota airwing; and $2,800,000 to fully staff the New York and Washington airwings.

The following table specifies funding by budget program, project, and activity:

Headquarters, Management, and Administration:	
Management and Administration, Border Security Inspections and Trade Facilitation	$658,943,000
Management and Administration, Border Security and Control between Ports of Entry	589,446,000
Subtotal, Headquarters Management and Administration	1,248,389,000
Border Security Inspections and Trade Facilitation:	
Inspections, Trade, and Travel Facilitation at Ports of Entry	1,326,665,000
Harbor Maintenance Fee Collection (Trust Fund)	3,026,000
Container Security Initiative	139,312,000
Other international programs	8,701,000
Customs-Trade Partnership Against Terrorism	54,730,000

Free and Secure Trade (FAST)/NEXUS/SENTRI	11,243,000
Inspection and Detection Technology Investments	241,317,000
Automated Targeting Systems	27,298,000
National Targeting Center	23,635,000
Training	24,564,000
Subtotal, Border Security Inspections and Trade Facilitation	1,860,491,000
Border Security and Control between Ports of Entry:	
Border Security and Control	2,239,586,000
Training	37,924,000
Subtotal, Border Security and Control between POEs	2,277,510,000
Air and Marine Personnel Compensation and Benefits	175,796,000
Total	5,562,186,000

RESOURCE ALLOCATION MODEL

The conferees are concerned with the ability of CBP to effectively align its staffing resources to its mission requirements. The conferees direct CBP to submit by January 23, 2007, a resource allocation model for current and future year staffing requirements, as specified by the House and Senate reports. Specifically, this report should assess optimal staffing levels at all land, air, and sea ports of entry and provide a complete explanation of CBP's methodology for aligning staffing levels to threats, vulnerabilities, and workload across all mission areas.

Of particular concern is CBP's ability to effectively process the growing processing workload at the nation's airports that are experiencing significant growth in passenger volume and wait times. The conferees recognize the airports listed in the House and Senate reports as experiencing exceptional growth in workload and processing challenges. The conferees direct CBP to include in its resource allocation model for airports the number of flights that took longer than 60-minutes to process. The airport processing section of the resource allocation model shall comply with the content requirements specified within the House and Senate reports. CBP shall expand the wait time information per airport on its website, as specified by the House and Senate reports.

HEADQUARTERS, MANAGEMENT, AND ADMINISTRATION

The conferees agree to provide $1,248,389,000 as proposed by the House instead of $1,258,389,000 as proposed by the Senate. The conferees are concerned with the lack of visibility into the exceptionally large CBP headquarters, management, and administration program, project, and activity levels and direct CBP to provide a detailed justification along functional or operational lines in the fiscal year 2008 budget request.

PORT, CARGO, AND CONTAINER SECURITY

The conferees recognize port, cargo, and container security as a major issue confronting CBP. To address this issue, the conferees provide $181,800,000 for an additional 450 CBP officers and critical non-intrusive inspection equipment and fully fund the budget request for all cargo security and trade facilitation programs within CBP. The conferees also include stringent reporting and performance requirements for port, cargo, and container security under the

Office of the Secretary and Executive Management. CBP is directed to comply with all aspects of reporting requirements specified in the statement of managers and the House report regarding the port, cargo, and container strategic plan. The conferees encourage CBP to prioritize the assignment of additional officers funded by this Act to the nation's busiest ports of entry, especially seaports. The conferees note that sufficient funding is provided in this Act to allow CBP to meet the strategic plan requirements of 100 percent initial validation and periodic re-validation of all C–TPAT certified partners as well as for 100 percent manifest review at all CSI ports.

IMMIGRATION ADVISORY PROGRAM

The conferees believe CBP's Immigration Advisory Program (IAP) has shown great potential to prevent people who are identified as national security threats or are inadmissible from traveling to the United States. The conferees provide $6,800,000, as requested, to support CBP's proposed expansion of the IAP to London and Tokyo within fiscal year 2007. The conferees direct CBP to report on the performance of the IAP no later than January 23, 2007.

AGRICULTURAL INSPECTIONS

The conferees are concerned with the steps the Department is taking to improve the targeting of agricultural inspections and direct the Secretary to submit a report consistent with section 541 of the Senate bill.

ONE FACE AT THE BORDER INITIATIVE

The conferees recognize the benefits of cross-training legacy customs, immigration, and agricultural inspection officers as part of CBP's "One Face at the Border Initiative" and direct CBP to ensure that all personnel assigned to primary and secondary inspection duties at ports of entry have received adequate training in all relevant inspection functions.

METHAMPHETAMINE

The conferees direct CBP to continue to focus on methamphetamine in its reporting and analysis of trade flows to prevent the spread of this dangerous narcotic throughout the United States.

TEXTILE TRANSSHIPMENT ENFORCEMENT

The conferees include $4,750,000 to continue textile transshipment enforcement. The conferees direct CBP to report on its execution of the five-year strategic plan submitted to Congress, including enforcement activities, numbers of seizures and penalties imposed, as well as a status report of personnel responsible for enforcing textile laws.

ENFORCEMENT OF TRADE REMEDIES LAWS

The conferees have ensured, within the amounts provided for this account, the availability of sufficient funds to enforce the antidumping authority contained in section 754 of the Tariff Act of 1930 (19 U.S.C. 1675c).

The conferees direct CBP to continue to work with the Departments of Commerce and Treasury, and the Office of the United States Trade Representative, and all other relevant agencies to increase collections and to provide an annual report within 30 days of each year's distributions under the law summarizing CBP's efforts to collect past due amounts and increase current collections, particularly with respect to cases involving unfairly-traded Asian imports. The conferees direct CBP to update that report, in particular, by breaking out the non-collected amounts for each of the fiscal years 2004, 2005, 2006, 2007, and each year thereafter, by order and claimant, along with a description of each of the specific reasons for the non-collection with respect to each order.

CBP is also directed to report to the Committees on Appropriations no later than February 8, 2007, on the amounts of anti-dumping and countervailing duties held by CBP in the Clearing Account for unliquidated entries as of October 1, 2006, segregated by case number and Department of Commerce period of review. In that same report, CBP is to explain what other enforcement actions it is taking to collect unpaid duties owed the U.S. government; how it has implemented the five recommendations for executive action that were contained in GAO Report (GAO–05–979); and explain whether CBP has completed all of the initiatives, processes, and procedures identified in its February 2005 report to the Committees on Appropriations (including Attachment 1) concerning implementation of the recommendations that were contained in the U.S. Treasury Department Office of the Inspector General report on the Continued Dumping and Subsidy Offset Act.

CBP is also directed to provide the Committees with prior notice of how CBP plans to clarify or provide guidelines for the preparation of Continued Dumping and Subsidy Offset Act (CDSOA) certification of claims and any modifications or revisions of regulations that may be proposed by CBP concerning CDSOA.

BORDER SECURITY

The conferees agree to provide $379,602,000 for an additional 1,500 Border Patrol agents instead of $325,447,000 as proposed by the House and $330,602,000 as proposed by the Senate. With the additional funding provided in this Act, the Border Patrol agent workforce should increase to 14,819 agents.

NORTHERN BORDER STAFFING

The conferees continue to be concerned with erosions in the level of Border Patrol agent staffing along the Northern Border. Given the Secretary's responses to hearing questions, the conferees expect the Department to meet its stated goal of relocating experienced agents to the Northern Border equal to 10 percent of new agent hiring.

BORDER SECURITY TECHNOLOGY

The conferees agree to not fund border security technology within the salaries and expenses appropriation and instead create a new, integrated appropriation for fencing, tactical infrastructure, and technology.

BORDER PATROL VEHICLES

The conferees are extremely disappointed by CBP's insufficient vehicle fleet planning considering the rapid growth of the agency's workforce and operations. Furthermore, the conferees are unclear on the cost-benefit analysis CBP uses to compare operating costs of standard commercial vehicles to those that may be more appropriate for unique topographical and environmental conditions along our border. CBP is directed to re-submit its Vehicle Fleet Management Plan by January 23, 2007, in accordance with all requirements specified in the House and Senate reports, and including a full description of the process CBP uses to evaluate vehicles to meet both mission requirements and cost constraints.

BORDER TUNNEL POLICY

The conferees concur with the reporting requirement in the Senate report on development of a Departmental policy regarding tunnels as well as the need to budget for tunnel remediation in future budget submissions as discussed in the House report.

CARRIZO CANE

The conferees understand the removal of Carrizo cane from certain Rio Grande border locations may improve conditions for Border Patrol operations, and direct CBP to utilize the resources necessary for this removal, if it is determined to be necessary. Further, CBP is directed, in conjunction with the Department of the Interior, to develop a pilot project to test various means of eradication and control of Carrizo cane.

AUTOMATION MODERNIZATION

The conferees agree to provide $451,440,000 as proposed by the House instead of $461,207,000 as proposed by the Senate. This amount includes funding for the Automated Commercial Environment (ACE), the Integrated Trade Data System (ITDS), and the costs of the legacy Automated Commercial System. Of this funding, not less than $316,800,000 shall be for ACE and ITDS, of which $16,000,000 is for ITDS. Bill language prohibits the obligation of $216,800,000 until the Committees on Appropriations receive and approve an automation modernization expenditure plan.

ACE PROGRAM OVERSIGHT

The conferees support House language on ACE program oversight and direct CBP to improve oversight by assuring releases are ready to proceed beyond critical design and production readiness review before deployment. Also, CBP shall ensure ACE aligns its goals, benefits, desired business outcomes, and performance metrics. Future appropriations decisions will be affected by CBP's progress towards these goals over the year.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

The conferees agree to provide $1,187,565,000 for the integrated border security fencing, tactical infrastructure, and technology system instead of $115,000,000 as proposed by the House

within the CBP salaries and expenses appropriation and $131,559,000 for border security technology within a separate technology modernization appropriation and $106,006,000 for tactical infrastructure within the CBP construction appropriation as proposed by the Senate. Funds are available until expended. When combined with recently enacted supplemental funds, a total of $1,512,565,000 is available for this purpose in fiscal year 2007. Within the total provided, $30,500,000 is provided for the San Diego Border Infrastructure System and $57,823,000 is provided for tactical infrastructure in Western Arizona. The conferees direct the Secretary to submit, within 60 days after the date of enactment of this Act, an expenditure plan for establishing a security barrier along the border of the United States to the Committees on Appropriations, as specified in bill language. The conferees withhold $950,000,000 until the expenditure plan is received and approved.

BUDGET JUSTIFICATION

To support DHS' integrated, systems-based approach to border security, funding requested separately for border security technology and tactical infrastructure is combined into one account. CBP is directed to integrate its future budget requests for border security fencing, tactical infrastructure, and technology within this account. CBP is further directed to provide a fiscal year 2008 budget justification subdivided by program, project, and activity levels for operations and maintenance, procurement, systems engineering and integration, and program management.

CONTRACT MANAGEMENT

The conferees direct CBP and the Secure Border Coordination Office to work with the Department's Office of the Chief Procurement Officer (CPO) and Office of the Chief Financial Officer (CFO) to rigorously oversee all contracts and subcontracts awarded for the integrated border security fencing, tactical infrastructure, and technology system, and work to minimize excessive use by contractors of subcontractors or tiers of subcontractors to perform the principal work of the contract. If interagency contracts are utilized, the Secure Border Coordination Office is directed to confirm to the CPO and CFO that the scope of the contract is appropriate and that performance of the CBP portion of the contract is measured and controlled by CBP. The acquisition management system utilized for the funds within this account must produce credible, reliable and timely data that is promptly reviewed by the CBP acquisition workforce. Performance shortfalls must be addressed quickly with approved action plans. The conferees expect the Secure Border Coordination Office to operate under clear, consistent, and enforceable acquisition policies and processes for all contracts awarded through the Department's Secure Border Initiative. The conferees further expect the Department to ensure CBP's acquisition workforce has the skills needed to carry out its responsibilities effectively.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

The conferees agree to provide $602,187,000 instead of $373,199,000 as proposed by the House and $458,499,000 as proposed by the Senate. This includes: $70,000,000 for the P–3 service life extension program and additional P–3 flight hours; $20,000,000 for helicopter acquisition; $20,000,000 for the acquisition of unmanned aerial vehicles (UAVs) and related support systems; $10,000,000 for the missionization of manned covert surveillance aircraft; $2,000,000 for marine interceptor boat replacement; $64,000,000 for the acquisition or refurbishment of two medium lift helicopters; $58,000,000 for the acquisition of two multi-role aircraft; and $18,700,000 for Northern Border airwings, of which $12,000,000 is provided for the establishment of the fourth Northern Border airwing in Grand Forks, North Dakota, and $5,500,000 is provided for the new Northern Border airwing in Great Falls, Montana. The conferees direct CBP to include sufficient funds in its fiscal year 2008 budget submission to establish the fifth and final Northern Border airwing in Detroit, Michigan. The conferees do not include a rescission of $14,000,000 as proposed by the Senate.

UAV INCIDENT REPORT

The conferees direct CBP to submit the official findings regarding the April 25, 2006, UAV mishap to the Committees on Appropriations, the Senate Committee on Homeland Security and Governmental Affairs, and the House Committee on Homeland Security no later than January 23, 2007.

NORTHERN BORDER UAV PILOT

The conferees encourage the Secretary to work expeditiously with the Administrator of the Federal Aviation Administration to establish and conduct a pilot program to test unmanned aerial vehicles for border surveillance along the U.S.-Canada border at Northern Border airwing bases consistent with section 551 of the Senate bill.

CONSTRUCTION

The conferees agree to provide $232,978,000 instead of $175,154,000 as proposed by the House and $288,084,000 as proposed by the Senate. This includes: $59,100,000 for facilities to accommodate 1,500 additional Border Patrol agents; $50,900,000 to accelerate the CBP master plan construction; and $32,100,000 for the Advanced Training Center. The conferees have funded the $106,006,000 requested for fencing and tactical infrastructure in the new Border Security Fencing, Infrastructure, and Technology appropriation. The conferees include funding for the Ajo, Arizona station at no less than the requested level. The conferees direct CBP to provide a spending plan and a revised master plan consistent with the Senate report to the Committees on Appropriations that reflects all funding provided for CBP major construction in this Act and in P.L. 109–234.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

The conferees agree to provide $3,887,000,000 for Immigration and Customs Enforcement (ICE) salaries and expenses, instead of $3,850,257,000 as proposed by the House and $3,798,357,000 as proposed by the Senate. This includes $153,400,000 for additional bed space capacity, with corresponding personnel and support, $94,000,000 for additional removal and transportation capacity, and $76,000,000 for 23 additional fugitive operations teams and associated bed space. When these new resources are combined with fiscal year 2006 supplemental funding, ICE will sustain an average bed space capacity of 27,500, as proposed by the President.

The conference agreement includes further new funding, as follows: $4,600,000 for internal controls and procurement management; $5,000,000 for the Office of Professional Responsibility; $10,000,000 for Compliance Enforcement Units; $30,000,000 for expanded Worksite Enforcement efforts; $20,000,000 for additional vehicles for Detention and Removal Operations; $10,000,000 for additional vehicles for the Office of Investigations; $6,800,000 for the Trade Transparency Unit; $2,000,000 for the Criminal Alien Program; $2,500,000 for Alternatives to Detention; and $1,000,000 for the Human Smuggling and Trafficking Center.

Finally, the agreement includes: $21,806,000 for the Law Enforcement Support Center; $5,400,000 for training to support implementation of section 287(g) of the Immigration and Nationality Act; $3,100,000 for the costs of salaries, equipment and operations for the Customs Patrol Officers ("Shadow Wolves") to reflect their transfer from U.S. Customs and Border Protection; $8,000,000 for the Cyber Crimes Center and support of its Child Exploitation Unit, including $5,000,000 for continued investment in computer forensic storage and digital evidence processing capacity; $4,750,000 to continue textile transshipment efforts; and $2,000,000 for what the conferees expect to be the final year for ICE to fund the Legal Orientation Program. The following table specifies funding by budget activity:

Headquarters Management and Administration:	
Personnel Compensation and Benefits, Services and other	$140,000,000
Headquarters Managed IT investment	134,013,000
Subtotal, Headquarters Management and Administration	274,013,000
Legal Proceedings	187,353,000
Investigations:	
Domestic Operations	1,285,229,000
International Operations	104,681,000
Subtotal, Investigations	1,389,910,000
Intelligence	51,379,000
Detention and Removal:	
Custody Operations	1,381,767,000
Transportation and Removal	238,284,000
Fugitive Operations	183,200,000
Criminal Alien Program	137,494,000
Alternatives to Detention	43,600,000
Subtotal, Detention and Removal	1,984,345,000

Total, Salaries and Expenses	$3,887,000,000

DETENTION AND REMOVALS REPORTING

The conferees direct ICE to submit a quarterly report to the Committees on Appropriations as described in the Senate report, with the first fiscal year 2007 quarterly report due no later than January 30, 2007.

DETAINEE BONDS

The conferees direct ICE to submit a report to the Committees on Appropriations on how to improve information sharing and cooperation with detention bondholders, including incentives to reduce the number of aliens who abscond after receiving final Orders of Removal, and to locate and remove absconders.

LEGAL ORIENTATION PROGRAM

The conferees concur with the language expressing support for the Legal Orientation Program as contained in House Report 109–476 and, consistent with the direction in the fiscal year 2006 Appropriations Act, strongly direct ICE and the Department to work with the Executive Office for Immigration Review and the Office of Management and Budget to ensure any future funding for this program is included in appropriations requests for the Department of Justice.

SECTION 287(g) ASSISTANCE

The conferees include $5,400,000 for the costs associated with implementing section 287(g) of the Immigration and Nationality Act. The conferees expect funding to be used for the training and other ICE operational costs directly associated with implementing cooperative efforts with state and local law enforcement pursuant to section 287(g) of the Immigration and Nationality Act, and not to acquire or provide information technology infrastructure for participating state and local law enforcement agencies. The conferees direct ICE to provide the Committees on Appropriations, not later than December 1, 2006, a detailed expenditure plan for use of section 287(g) funding appropriated in fiscal years 2006 and 2007, to include direct assistance to state and local agencies, and an updated report no later than June 1, 2007.

DETENTION MANAGEMENT AND CONSOLIDATION

The conferees expect ICE to make the best possible use of its detention funding, and are concerned the Secretary has not yet transmitted the national detention management plan required by the fiscal year 2006 Appropriations Act, keeping $5,000,000 unavailable for obligation. The conferees direct this report be released as soon as possible and expect it to address the elements in the House report, including mechanisms ICE will use to accomplish consolidation and regional approaches described in its April 2006 report on a national detention contract approach.

IMMIGRATION ENFORCEMENT COOPERATION WITH STATE AND LOCAL GOVERNMENT

The conferees are greatly concerned with the burden of illegal immigration on state and local law enforcement agencies, and agree with the language in the House report calling for expanded cooperation between federal, state and local law enforcement agencies. To explore a more comprehensive approach, the conferees direct ICE, in coordination with the Secure Border Coordination Office, to examine the feasibility of establishing high intensity immigration trafficking and smuggling areas, analogous to existing programs directed at countering drugs and money laundering. The conferees include $1,000,000 under Domestic Investigations for this purpose and direct ICE to submit its findings and implementation options to the Committees on Appropriations no later than June 30, 2007.

UNACCOMPANIED ALIEN MINORS

The conferees are concerned by reports of unaccompanied alien children not being routinely transferred from DHS custody to the Office of Refugee Resettlement (ORR) within the three-to-five day timeframe stipulated in the 1996 Flores Settlement agreement, but held in unacceptable conditions (e.g., Border Patrol stations or jail-like facilities) for many days. The conferees direct ICE to contact ORR immediately upon notification of apprehension of such children, and ensure these children are transferred to ORR custody within 72 hours. The conferees also direct ICE to continue negotiations with ORR to resolve differences over processing and transfer of custody; to explore transfer of responsibility for such children to ORR; and to encourage ORR to establish facilities near DHS detention facilities. The conferees direct ICE, in conjunction with CBP, to submit a report to the Committees on Appropriations, detailing by month for each of fiscal years 2005 and 2006: the number of unaccompanied alien minors detained by DHS for 72 hours or less, and the number held more than 72 hours, with an explanation for each child held in excess of 72 hours. Further, the report should include recommendations for actions to improve coordination between DHS and ORR. The conferees direct ICE to consider using holistic age-determination methodologies as described in the House report.

The conferees are also concerned about the dearth of repatriation services for such children, who face uncertain fates in their homelands, and urge DHS, in consultation with the Department of State and ORR, to develop policies and procedures to ensure such children are safely repatriated to their home countries, including placement with their families or other sponsoring agencies.

ICE FIELD OFFICES

The conferees direct ICE to submit a report on the costs and need for establishing sub-offices in Colorado Springs and Greeley, Colorado.

VISA SECURITY PROGRAM

The conferees are disturbed bureaucratic obstacles have prevented ICE from deploying Visa Security Units (VSU) to key overseas locations, needlessly preventing highly trained personnel from taking their posts overseas, and leaving critical gaps in our ability to identify individuals from high-risk areas who should not acquire U.S. visas and travel to the U.S. The conferees direct the Secretary, in consultation with the Secretary of State, to brief the Committees on Appropriations not later than January 23, 2007, on progress in staffing its overseas locations, listing all planned and actual VSU positions and funding for fiscal years 2006 and 2007; the number of positions and locations not yet filled; the numbers and posting of VSU officers not deployed to their intended locations; and specific actions planned and underway, resources required, and administrative decisions necessary to ensure all planned visa security units are fully operational as soon as possible.

TEXTILE TRANSSHIPMENT ENFORCEMENT

The conferees include $4,750,000 to continue textile transshipment enforcement and direct ICE to report on its execution of the five-year strategic plan submitted to Congress, including details on ICE textile enforcement cases (number initiated, closed, and resulting in prosecutions, arrests, and penalties), as well as a status report of personnel responsible for enforcing textile laws.

FEDERAL PROTECTIVE SERVICE

The conferees agree to provide bill language making revenues and security fees collected by the Federal Protective Service (FPS) available until expended, without the limitation of $516,011,000 proposed by the House and Senate, and requiring a report from the Secretary on FPS financial management. The conferees understand the current projection for fiscal year 2007 collections is $567,000,000, and direct FPS to notify the Committees on Appropriations should this estimate change.

FPS FINANCIAL MANAGEMENT

The conferees are disappointed with the slow response of the Department and the Office of Management and Budget (OMB) to the growing FPS funding shortfall. OMB and the Department failed to evaluate and properly set fees for fiscal year 2006, allowing a festering funding imbalance to explode into full-blown crisis, forcing reductions in other homeland security priorities. Furthermore, the Department has indicated FPS could face even larger shortfalls in fiscal year 2007. The conferees direct ICE, the Department, and OMB, as they continue efforts to resolve weaknesses in FPS financial management and procurement, to ensure no transfers are used to cover basic FPS operations, activities and investment. The conferees expect such fiscal year 2007 costs to be covered by the fees FPS assesses and collects from the federal agencies whose facilities it protects. The conferees direct the Secretary, in consultation with OMB, to report to the Committees on Appropriations no later than November 1, 2006, on the extent and cause of any budgetary shortfall; the Department's detailed plan to provide

sufficient revenue to operate in fiscal year 2007; and how the Department will fix FPS financial, procurement, and accounting processes and policies. Furthermore, the conferees direct the Secretary to submit an updated report no later than April 30, 2007, including actual and estimated collections and obligations by month for the full fiscal year.

AUTOMATION MODERNIZATION

The conferees agree to provide $15,000,000 for Automation Modernization instead of no appropriation as proposed by the House and $20,000,000 as proposed by the Senate. Of these funds, $13,000,000 may not be obligated until the Committees on Appropriations receive and approve an expenditure plan.

CONSTRUCTION

The conferees agree to provide $56,281,000 instead of $26,281,000 as proposed by the House and $101,281,000 as proposed by the Senate. The conferees include $30,000,000 for infrastructure improvements at current Detention Centers in order to improve the overall efficiency of the detention process, as described in the Senate report. The conferees direct the Department to submit a detailed spending plan for the infrastructure improvement project described in the Senate report.

The following table specifies funding by project and activity:

Projects and Activity:	
Krome, Florida: 250-bed secure dormitory	$ 6,409,000
Krome, Florida, maintenance	5,000,000
Port Isabel, Texas, Infrastructure	9,000,000
Facility Repair and Alterations	5,872,000
Infrastructure Improvement Project	30,000,000
Total, Construction	56,281,000

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

The conferees agree to provide $4,731,814,000 instead of $4,704,414,000 as proposed by the House and $4,751,580,000 as proposed by the Senate. In addition to the amounts appropriated, a mandatory appropriation of $250,000,000 is available to support the Aviation Security Capital Fund. Bill language is also included to reflect the collection of $2,420,000,000 from aviation user fees as authorized. The following table specifies funding by budget activity:

Screener Workforce:	
Privatized screening	$148,600,000
Passenger and baggage screeners, personnel, compensation and benefits	2,470,200,000
Subtotal, screener workforce	2,618,800,000
Screening training and other	244,466,000
Human resource services	207,234,000
Checkpoint support	173,366,000
EDS/ETD Systems.	
EDS purchase	141,400,000
EDS installation	138,000,000
EDS/ETD maintenance	222,000,000

Operation integration	23,000,000
Subtotal, EDS/ETD systems	524,400,000
Total, screening operations	$3,768,266,000
Aviation, regulation and other enforcement	217,516,000
Airport management, information technology and support	666,032,000
Federal flight deck officer and flight crew training	25,000,000
Air cargo	55,000,000
Subtotal, aviation security direction and enforcement	963,548,000
Total, Aviation Security	$4,731,814,000

STAFFING LEVELS

The conferees agree to provide $2,470,200,000 for federal screeners, as requested in the budget. The conferees continue longstanding bill language capping the full-time equivalent (FTE) workforce at 45,000 as proposed by the House. The conferees expect the Transportation Security Administration (TSA) to have no more than 45,000 FTE screeners by the end of fiscal year 2007. At this time, TSA is about 4,000 screeners below this level. As such, the conferees recognize TSA may need to realign its workforce throughout the year due to attrition or advances in detection technologies. TSA has the flexibility to hire screeners during the fiscal year at those airports where additional or replacement screeners are necessary to maintain sufficient aviation security and customer service.

PRIVATIZED SCREENING AIRPORTS

The conferees agree to provide $148,600,000 as proposed by the House and the Senate. TSA is directed to notify the Committees on Appropriations if TSA expects to spend less than the appropriated amount due to situations where no additional airports express interest in converting, either fully or partially, to privatized screening, or where airports currently using privatized screening convert to using federal screeners. TSA shall adjust its program, project, and activity (PPA) line items, within ten days, to account for any changes in private screening contracts and screener personnel, compensation and benefits to reflect the award of contracts under the screening partnership program, or the movement from privatized screening into federal screening.

SCREENERS AT COMMERCIAL AIRPORTS AND HELIPORTS

The conferees are concerned with TSA's current screening policy at 24 commercial airports and heliports in the United States that have requested TSA screening but continue to operate with temporary screening or none at all. The conferees remind TSA that section 44901 of the Aviation and Transportation Security Act requires all passengers to be screened, by either TSA or contracted screeners, before they board commercial aircraft. Vision 100—the Century of Aviation Reauthorization Act (P.L. 108–176) further clarified TSA's screening requirements for charter air carriers with a maximum take-off weight of more than 12,500 pounds and for the deployment of screeners to certain airports. The conferees direct TSA to provide screening at those airports and heliports that have

requested screening and encourage TSA to consider contracting out the screening function if TSA does not believe it would be efficient to place TSA personnel in these locations.

CHECKPOINT SUPPORT

The conferees agree to provide $173,366,000 as proposed by the House instead of $180,966,000 as proposed by the Senate. TSA shall place a priority on expanding the use of emerging technologies at the highest risk airports so screeners can better detect threats to our aviation system. The conferees do not increase funding for this activity above the budget request because TSA projects it will have about $56,000,000 in carryover balances from previous fiscal years to address checkpoint support activities in 2007. The conferees direct TSA to develop a strategic plan for screening passengers and carry on baggage for all types of explosives, including a timeline for deploying emerging technologies to airports and the percent of passengers and carry on baggage currently and projected to be screened by these emerging technologies. This plan should take into account appropriations included in this Act, as well as all prior year unobligated balances.

EXPLOSIVE DETECTION SYSTEMS PURCHASES

The conferees agree to provide $141,400,000 for explosive detection systems (EDS) procurement as proposed by the Senate instead of $136,000,000 as proposed by the House. Of this total, up to $6,000,000 shall be for refurbishment of EDS machines to maximize and extend the useful life of those EDS machines manufacturers are willing to place back under warranty. In addition, $47,000,000 shall be for the procurement of multiple next-generation, in-line and stand alone EDS systems. The conferees direct that no EDS funding shall be used to procure explosive trace detection machines (ETDs) unless they are necessary for secondary screening of checked baggage, to replace an aging ETD system in those airports that are primarily dependent on ETD technologies, or to procure new ETD systems for new, small airports or heliports that are federalized.

EDS INSTALLATIONS

The conferees agree to provide a total of $388,000,000 for EDS installation, including $250,000,000 in mandatory funding from the Aviation Security Capital Fund and $138,000,000 in this Act. This funding is sufficient to fulfill the Letters of Intent, install next-generation EDSs at airports nationwide, and complete other pending airport modifications.

EDS/ETD MAINTENANCE

The conferees agree to provide $222,000,000 for EDS/ETD maintenance instead of $234,000,000 as proposed by the House and $210,000,000 as proposed by the Senate. The conferees encourage TSA to combine funding for maintenance of all equipment (Checkpoint, EDS, and ETD) into one PPA in fiscal year 2008 to provide a more complete picture of all maintenance costs for equipment deployed throughout our nation's airports.

AIR CARGO

TSA has been slow to obligate funding for air cargo security. TSA projects one-tenth of the air cargo budget will be carried into fiscal year 2007. The conferees encourage TSA to use some of these unobligated balances or the fiscal year 2007 appropriation to hire additional permanent staff to enhance TSA's analytic air cargo security capabilities.

WAIT TIMES

The conferees direct TSA to review airport wait times over the past three years, identify those airports with above average times, and provide this review with the fiscal year 2008 budget.

ALTERNATIVE SCREENING PROCEDURES

Both the House and Senate reports expressed concern over TSA's occasional use of alternative screening procedures. The conferees support reporting requirements contained in both House Report 109–476 and Senate Report 109–273, including: develop performance measures and targets; track the use of alternative screening procedures at airports; assess the effectiveness of these measures; conduct covert testing at airports using these techniques; and develop a plan to stop alternative screening measures. TSA shall report to the Committees on Appropriations; the House Committee on Homeland Security; and the Senate Committee on Commerce, Science and Transportation on implementation of these requirements.

CHANGES TO AVIATION SECURITY POLICY

The conferees are aware that TSA is considering revising the aviation security policy. These revisions may require changes to staffing, such as who monitors airport exit lanes, who may be a ticket checker, and who may move baggage to and from EDS machines. Each of these policy decisions has a cost implication. Before moving forward with any proposed change, TSA shall brief the Committees on Appropriations on the security and fiscal impact of each change and outline the ramifications to the fiscal year 2007 appropriation. If these costs exceed transfer and reprogramming thresholds, TSA must notify the Committees as required by section 503 of this Act.

PROHIBITED ITEMS

The conferees direct the Comptroller General to report to the Committees on Appropriations no later than six months after the enactment of this Act on the impact on public safety and on the effectiveness of screening operations resulting from the modification announced by TSA on December 2, 2005, to the list of items permitted and prohibited from being carried aboard a passenger aircraft.

SURFACE TRANSPORTATION SECURITY

The conferees agree to provide $37,200,000 as proposed by the House and the Senate. Within this total, $24,000,000 is for surface

transportation staffing and operations and $13,200,000 is for rail security inspectors and canines.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

The conferees agree to provide a direct appropriation of $39,700,000 instead of $74,700,000 as proposed by the House and $29,700,000 as proposed by the Senate. In addition, the conferees anticipate TSA will collect $76,101,000 in fees. Funding is provided as follows:

Direct Appropriation:	
Secure flight	$15,000,000
Crew vetting	14,700,000
Screening administration and operations	10,000,000
Subtotal, direct appropriations	39,700,000
Fee Collections:	
Registered traveler	35,101,000
Transportation worker identification credential	20,000,000
Hazardous materials	19,000,000
Alien flight school (transfer from DOJ)	2,000,000
Subtotal, fee collections	76,101,000

TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL

The conferees are very supportive of expeditious implementation of the transportation worker identification credential (TWIC) program. Because TSA submitted a reprogramming request to expedite this program, a direct appropriation is no longer necessary in fiscal year 2007. The conferees do not incorporate either House or Senate language on TWIC.

SECURE FLIGHT

The conferees agree to provide $15,000,000 as proposed by the Senate instead of $40,000,000 as proposed by the House. While the conferees remain supportive of the Secure Flight concept, TSA has been reviewing and rebaselining this program since the beginning of 2006, resulting in further delays to this program. At this time, TSA cannot justify its fiscal year 2007 budget request, cannot explain how this program will move forward or detail the associated costs. More than $21,000,000 of funding provided in fiscal year 2006 will remain available for obligation in fiscal year 2007. Within 90 days after enactment of this Act, TSA shall submit a detailed plan on achieving key milestones, as well as certification of this program as discussed in section 514 of this Act.

In addition, the conferees are concerned TSA has made little progress in ensuring the security of its Secure Flight passenger screening program, and because of this, names are checked only against the No Fly and Selectee lists, not the full terrorist watch list. The conferees direct TSA to provide a detailed program plan if the Administration believes that security vulnerability exists between the lists used for Secure Flight and the full terrorist watch list as discussed in the House report.

TECHNICAL ASSISTANCE TO AIRLINES

The conferees direct TSA to provide airlines with technical or other assistance to better align their reservation and ticketing sys-

tems with terrorist databases to assist in alleviating travel delays and other problems associated with mistaken identification.

SCREENING ADMINISTRATION AND OPERATIONS

The conferees agree to provide $10,000,000 for screening administration and operations. The conferees expect these funds may be used to support the following programs, if necessary: transportation worker identification credential, armed law enforcement officer identity verification, alien flight school, and sterile area credential checks. None of the funds may be used to augment the Secure Flight program. In addition, the conferees do not expect these funds to be used to pay for airmen and pilot checks, activities that are currently a Federal Aviation Administration responsibility. TSA shall provide the Committees on Appropriations a plan further elaborating how these funds will be utilized by January 23, 2007.

TRANSPORTATION SECURITY SUPPORT

The conferees agree to provide $525,283,000 instead of $503,283,000 as proposed by the House and $618,865,000 as proposed by the Senate. The conferees are aware of a large number of vacancies within this program. Funding is provided as follows:

Headquarters administration	$294,191,000
Information technology	210,092,000
Intelligence	21,000,000
Subtotal, transportation security support	525,283,000

EXPENDITURE PLAN

The conferees include bill language requiring TSA to submit an expenditure plan to the Committees on Appropriations detailing explosive detection systems procurement, refurbishment, and installation on an airport-by-airport basis for fiscal year 2007 no later than 60 days after enactment of this Act, as discussed in the House report. The conferees include bill language withholding $5,000,000 from obligation until this plan is received.

TRANSPORTATION SECURITY LABORATORY

The conferees do not agree to a Senate provision transferring the Transportation Security Lab (TSL) from the Science and Technology Directorate (S&T) to TSA. This action is taken in large part as a result of the successful negotiation of a Memorandum of Understanding between the two agencies signed on August 22, 2006. The conferees direct TSA to work with S&T to determine appropriate research and technology requirements to sustain current and advance future aviation security capabilities. Further, S&T should clearly reflect resource needs for the TSL in the fiscal year 2008 budget request to achieve these requirements. The conferees further direct S&T to work expeditiously with TSA to develop a research execution plan that meets the needs of TSA within the amounts provided.

FINANCIAL MANAGEMENT

The conferees are concerned financial management within TSA has not fully recovered from the lack of internal controls that were

in place in its two start-up years. The conferees understand the TSA may face financial obligations due to this mismanagement and direct TSA to work expeditiously to determine if a violation of the Anti-Deficiency Act took place. If there is a shortfall, TSA shall submit a plan to the Committees on Appropriations that addresses the shortfall.

FEDERAL AIR MARSHALS

The conferees agree to provide $714,294,000 for the Federal Air Marshals (FAMs) instead of $699,294,000 as proposed by the House and the Senate. Within this total, $628,494,000 is for management and administration and $85,800,000 is for travel and training.

MULTI-MODAL SECURITY ENHANCEMENT TEAMS

TSA has been piloting a program to use FAMs in multi-modal security enhancement teams to counter potential criminal or terrorist activities throughout the transportation sector, as well as supplement local or state law enforcement agencies in railroad and transit systems, within ports, and on ferries. The conferees recognize that this mission goes beyond what has been authorized for FAMs. Following the events in London, it is imperative air marshals first and foremost focus is protecting the aviation environment, including passenger flights deemed to be a high security threat, before expanding their roles into other transportation modes.

UNITED STATES COAST GUARD

OPERATING EXPENSES

The conferees agree to provide $5,477,657,000 instead of $5,481,643,000 as proposed by the House and $5,534,349,000 as proposed by the Senate. Within this amount, $340,000,000 is available for defense-related activities as proposed by both the House and the Senate. The conferees have fully funded the budget request except $5,986,000 is reduced from centrally managed accounts due to high unobligated balances and no funding is provided for the new Coast Guard headquarters at the St. Elizabeths campus. In addition, the conferees include $15,000,000 for port security inspections to double the amount of foreign port assessments, to conduct unannounced inspections of domestic port facilities, and for additional port vulnerability and threat assessments, if necessary. Funding for operating expenses shall be allocated as follows:

Military pay and allowance:	
Military pay and allowance	$2,342,434,000
Military health care	337,324,000
Permanent change of station	108,518,000
Subtotal, military pay and allowance	2,788,276,000
Civilian pay and benefits:	569,434,000
Training and recruiting:	
Training and education	83,556,000
Recruitment	97,320,000
Subtotal, training and recruiting	180,876,000

Operating funds and unit level maintenance:	
Atlantic Command	188,982,000
Pacific Command	196,449,000
1st District	50,388,000
7th District	63,771,000
8th District	39,985,000
9th District	28,756,000
13th District	20,569,000
14th District	15,754,000
17th District	25,604,000
Headquarters directorates	255,253,000
Headquarters managed units	125,104,000
Other activities	759,000
Subtotal, operating funds and unit level maintenance	1,011,374,000
Centrally managed accounts:	201,968,000
Intermediate and depot level maintenance:	
Aeronautical maintenance	265,979,000
Electronic maintenance	111,736,000
Civil/ocean engineering and shore facilities maintenance	176,394,000
Vessel maintenance	156,620,000
Subtotal, intermediate and depot level maintenance	710,729,000
Port security inspections:	15,000,000
Total, operating expenses	5,477,657,000

PERSONNEL

Bill language is provided in this Act to allow the Coast Guard to transfer up to five percent of the Operating Expenses (OE) appropriation to the Acquisition, Construction, and Improvements (AC&I) appropriation for personnel, compensation and benefits provided notice is given to the Committees on Appropriations within 30 days of the transfer. The conferees are aware of the Coast Guard's interest in consolidating OE and AC&I personnel funding in the OE account in order to provide greater flexibility to meet changing personnel requirements. While the conferees support this consolidation, a new PPA structure reflective of this consolidation does not accompany this Act in order to allow the Coast Guard to provide sufficient background materials to the Committees. The conferees encourage the Coast Guard to include the consolidation of OE and AC&I personnel funding, and personnel funding in other accounts, as appropriate, into the OE account in its fiscal year 2008 budget submission. The budget submission shall include a crosswalk of the merged accounts, which tracks personnel and resources from the current PPA structure to the new structure proposed in the budget submission.

NEW HEADQUARTERS BUILDING

The conferees have not provided funding for a new Coast Guard headquarters building. According to DHS, relocating the Coast Guard headquarters to St. Elizabeths campus in Washington, D.C. would be the first phase of a larger effort to move most or all of DHS headquarters' functions to that location. However, the Department has not finalized a plan identifying what specific components would move to the site; the total space requirements for DHS headquarters; and total costs associated with using the St. Elizabeths site as a headquarters' location. Until such a

plan has been completed and reviewed by Congress, it is premature to relocate the Coast Guard headquarters.

MERCHANT MARINERS LICENSING

The conferees support increasing locations where merchant mariner applicants may appear for fingerprinting and identification, as discussed in the House report, and direct the Coast Guard to complete this new rule expeditiously.

LONG RANGE AIDS TO NAVIGATION (LORAN)–C

The President's budget proposed terminating the LORAN–C program. The conferees assume the continuation of the LORAN–C program until: (1) the appropriate entities within the Executive Branch have agreed in writing to the termination, (2) the public has been notified, and (3) the appropriate countries have been notified under existing international agreements. Within 15 days of a coordinated Executive Branch decision to terminate LORAN–C, the Coast Guard is directed to provide a report to the Committees on Appropriations on the entities within the Executive Branch that agreed to the termination, the date such entities agreed to the termination, and names of the officials who agreed to the termination. Further, the report shall also include the date and methods used to notify the public and foreign countries, as appropriate under existing international agreements, of the program's termination.

INAPPROPRIATE BEHAVIOR AT THE COAST GUARD ACADEMY

As discussed in the House report, the conferees direct GAO to study the progress made by the Coast Guard Academy in response to sexual harassment claims and report its findings to the Committees on Appropriations; the House Committee on Transportation and Infrastructure; and the Senate Committee on Commerce, Science and Transportation no later than 180 days after enactment.

LIVE-FIRE EXERCISES

The conferees are concerned Coast Guard's recent proposal to establish live-fire zones on the Great Lakes was not well-coordinated with the public, and therefore direct Coast Guard to provide public notice of safety zone closures for weapons training beyond just marine band radio to include notices to harbormasters and local media.

REPORT ON BASE CLOSURES AND THE FEDERAL CITY PROJECT

The conferees direct Coast Guard to comply with the reporting requirement of Senate bill section 553 no later than 90 days after the enactment of this Act.

MISSION HOUR EMPHASIS AND ACQUISITION REPORTS

The conferees direct Coast Guard to continue submitting quarterly mission hour emphasis and acquisition reports to the Committees on Appropriations consistent with the deadlines articulated under section 360 of Division I of Public Law 108–7.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

The conferees agree to provide $10,880,000 as proposed by the Senate instead of $11,880,000 as proposed by the House.

RESERVE TRAINING

The conferees agree to provide $122,448,000 instead of $122,348,000 as proposed by the House and $123,948,000 as proposed by the Senate.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The conferees agree to provide $1,330,245,000 instead of $1,139,663,000 as proposed by the House and $1,145,329,000 as proposed by the Senate. Funding is provided as follows:

Vessels and Critical Infrastructure:	
Response boat medium	$24,750,000
Special purpose craft-law enforcement	1,800,000
Subtotal, vessels and critical infrastructure	26,550,000
Aircraft:	
Replacement HH–60 aircraft	15,000,000
Subtotal, aircraft	15,000,000
Other Equipment:	
Rescue 21	39,600,000
Automatic identification system	11,238,000
High frequency recap	2,475,000
National Capital Region air defense	66,510,000
Subtotal, Other Equipment	119,823,000
Shore Facilities and Aids to Navigation	22,000,000
Personnel and Related Support:	
Direct personnel costs	80,500,000
AC&I core	500,000
Subtotal, Personnel and Related Support	81,000,000
Integrated Deepwater System:	
Aircraft:	
Maritime patrol aircraft	148,116,000
VTOL unmanned aerial vehicles (UAVs)	4,950,000
HH–60 conversion projects	49,302,000
HC–130H conversion/sustainment projects	48,955,000
HH–65 re-engining project	32,373,000
Armed helicopter equipment	55,740,000
C–130J missionization	4,950,000
Subtotal, Aircraft	344,386,000
Surface Ships:	
National security cutter, construction	417,780,000
Fast response cutter	41,580,000
IDS patrol boat long range interceptor	1,188,000
Medium endurance cutter sustainment	45,318,000
Replacement patrol boat	48,000,000
Subtotal, Surface Ships	553,866,000
C4ISR	50,000,000
Logistics	36,000,000
System engineering and management	35,145,000
Government program management	46,475,000
Subtotal, Integrated Deepwater System	1,065,872,000
Total, Acquisition, Construction, and Improvements	1,330,245,000

REPLACEMENT PATROL BOAT

The conferees remain concerned with the lack of Coast Guard leadership in addressing the impending patrol boat crisis and note Coast Guard's surface ship management assessment is "red" for cost, schedule and contract administration. The Coast Guard has yet to decide the deployment profile, dry-docking, service life, crewing, and concept of operations of the much needed replacement patrol boat in part because the Coast Guard did not admit to the need for a replacement patrol boat until recently despite repeated direction from the conferees. Given the significant gap in patrol boat hours and the delays of the Fast Response Cutter (FRC) program, the conferees strongly encourage the Coast Guard to proceed expeditiously to evaluate replacement patrol boat designs and conduct a proposal effort as early in 2007 as possible. The conferees provide $126,693,508 for replacement patrol boats to address an immediate need. This funding consists of a reappropriation of $78,693,508 as discussed in section 521 of this Act and a new appropriation of $48,000,000 as shown on the table above. Any delay in this acquisition negates the purpose of this funding: to fill the gap in patrol boat hours until the Fast Response Cutters are operational. This funding may also be used for service life extensions of the existing 110-foot Island class patrol boats, which become increasingly critical as replacement patrol boat decisions are delayed. The conferees direct the Coast Guard to provide monthly briefings on the patrol boat replacement effort and development of FRC, as well as a detailed plan for the replacement patrol boat, including critical decision points and dates, and planned service life extensions of existing 110-foot patrol boats, within two months after enactment of this Act.

C4ISR

Even though C4ISR is pointed to by the Coast Guard as a Deepwater success due to new capabilities like AIS and SIPRNET, Coast Guard listed C4ISR design efforts as over cost and behind schedule in a report submitted to the Committees on Appropriations in August 2006. The conferees understand a stop work order has been issued for Increment 2 and this increment is being "rescoped". The conferees are concerned the Coast Guard needs to devote more management attention to resolving C4ISR design problems and directs the Coast Guard to provide a briefing on its plan to resolve them. Furthermore, the conferees direct the Coast Guard to improve the linkage between C4ISR and demonstrate its value to operations.

RESCUE 21

The conferees agree to provide $39,600,000 for Rescue 21. Funding may be expended to complete the Anuenue Project as proposed by the Senate. Bill language limiting the obligation of funding for vessel subsystem, as proposed by the House, is not included.

The Rescue 21 program has had repeated problems with software development, cost overruns, and schedule delays, causing the Coast Guard to terminate the vessel subsystem portion of this contract. Due to past failures, the conferees direct the Coast Guard to

brief the Committees on Appropriations on a quarterly basis, the first briefing by January 31, 2007, on the status of this program and provide supporting documentation, including a detailed breakout of its revised cost and schedule and fully justify each estimate, as discussed in the House report.

REPLACEMENT OF GULFPORT STATION

Public Law 109–234 provides funds for the relocation of the Coast Guard Station in Gulfport, Mississippi. Due to changing circumstances after Hurricane Katrina, these funds are for design and construction of a replacement station on the current site in keeping with the architectural design of the community.

COUNTERTERRORISM TRAINING INFRASTRUCTURE SHOOT HOUSE

The conferees do not provide funding for the counterterrorism training infrastructure shoot house as proposed by the House instead of $1,683,000 as proposed by the Senate. While the conferees are not predisposed against the need for a counterterrorism training infrastructure shoot house, the Coast Guard failed to adequately explain the complete costs of this project and outyear funding needs.

ALTERATION OF BRIDGES

The conferees agree to provide $16,000,000 instead of $17,000,000 as proposed by the House and $15,000,000 as proposed by the Senate. Within this total, funds shall be allocated as follows:

Burlington Northern Railroad Bridge in Burlington, Iowa	$1,000,000
Canadian Pacific Railway Bridge in LaCrosse, Wisconsin	2,000,000
Chelsea Street Bridge in Chelsea, Massachusetts	3,000,000
Elgin, Joliet, and Eastern Railway Company Bridge in Morris, Illinois	1,000,000
Fourteen Mile Bridge in Mobile, Alabama	7,000,000
Galveston Causeway Bridge in Galveston, Texas	2,000,000
Total	16,000,000

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

The conferees agree to provide $17,000,000 instead of $13,860,000 as proposed by the House and $17,573,000 as proposed by the Senate.

MEDICARE ELIGIBLE RETIREE HEALTH CARE FUND CONTRIBUTION

The conferees include a permanent and indefinite appropriation of $278,704,000 for Medicare-eligible retiree health care fund contribution as proposed by both the House and the Senate.

RETIRED PAY

The conferees agree to provide $1,063,323,000 as proposed by both the House and the Senate.

UNITED STATES SECRET SERVICE

NEW APPROPRIATIONS ACCOUNT STRUCTURE

The conferees are very concerned about the ability of the U.S. Secret Service (USSS) to effectively align its resource requirements to workload and mission needs. To ensure accountability in budgeting for the dual missions of protection and investigations, the conferees provide funding for the USSS in a new appropriations account structure, depicted in detail tables that follow. The conferees recognize the agency's concerns regarding the ability of its budgetary systems to obligate and track funds in line with this new structure and have included language under the Office of the Chief Financial Officer directing support in budget execution and the real-time tracking of resource hours. The conferees direct the Secret Service to apply the reprogramming and transfer guidelines contained within section 503 of this Act, as needed, to adapt to the new account structure as well as to preserve the interdependent relationship between protection and investigations. The conferees direct the USSS to report on the status of its budgetary improvements, including the implementation of refined performance metrics, as specified by the House report.

PROTECTION, ADMINISTRATION, AND TRAINING

The conferees agree to provide $961,779,000 instead of $956,399,000 as proposed by the House and $918,028,000 as proposed by the Senate. This includes: $18,400,000 for Presidential candidate nominee protection; $1,000,000 for National Special Security Events; and an additional $11,500,000 to support the protection costs of the 2008 Presidential Campaign and the President's post-Presidency protective detail. Of the funds provided under this heading, $2,000,000 is not available for obligation until the Committees on Appropriations receive the overdue workload rebalancing report, specified in the House report. The conferees include a general provision (section 559) that rescinds $2,500,000 in unobligated balances for National Special Security Events and reappropriates the same amount, extending its availability until expended.

The following table specifies funding by budget program, project, and activity:

Protection:	
Protection of persons and facilities	$651,247,000
Protective intelligence activities	55,509,000
National Special Security Events	1,000,000
Presidential Candidate Nominee Protection	18,400,000
White House mail screening	16,201,000
Subtotal, Protection	742,357,000
Administration Headquarters, management and administration	169,370,000
Training: James J. Rowley Training Center	50,052,000
Total, Protection, Administration, and Training	961,779,000

2008 PRESIDENTIAL CAMPAIGN

The conferees do not agree to create a new appropriation for protective activities related to the 2008 Presidential Campaign and National Special Security Events and instead provide requested funds in a separate program, project, and activity within the Pro-

tection, Administration, and Training appropriation. Funds provided for the 2008 Presidential campaign are available until September 30, 2009. The conferees direct the Secret Service to submit a comprehensive expenditure plan, as specified by the House report, for the 2008 Presidential Campaign through the 2009 Presidential inauguration. Further, the conferees direct the Secret Service to submit quarterly reports, with the first report due on January 23, 2007, on the status of filling the required special agent billets to support the post-Presidency protective detail.

FUNDING PRIORITIES

The conferees are concerned with the Secret Service's ability to address its critical resource needs while carrying an apparent shortfall within base budget for protection. The conferees have fully funded the request for protective terrorist countermeasures at $17,200,000 and have provided an additional $11,500,000 for the 2008 Presidential campaign and the post-Presidency protective detail. Prior to the obligation of these funds, the Secret Service shall assess the status of its base budget shortfall in fiscal year 2007 and apply these resources where required to meet the agency's highest priority needs, in accordance with section 503 of this Act.

INVESTIGATONS AND FIELD OPERATIONS

The conferees agree to provide $311,154,000 instead of $312,499,000 as proposed by the House and $304,205,000 as proposed by the Senate. The amount provided under this heading fully funds the budget request and includes: $236,093,000 for domestic field operations; $22,616,000 for international field office administration and operations, including an additional $1,000,000 to support the costs of re-constituting a resident office in Moscow, Russia; $44,079,000 for the Electronic Crimes Special Agent Program and Electronic Crimes Task Forces; and $8,366,000 for the National Center for Missing and Exploited Children, of which $6,000,000 is for grants and $2,366,000 is for forensic support.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The conferees agree to provide $3,725,000 as proposed by the House and Senate. Of the total provided under this heading, $500,000 is unavailable for obligation until the Committees on Appropriations receive the revised James J. Rowley Training Center master plan.

TITLE III—PREPAREDNESS AND RECOVERY

PREPAREDNESS

MANAGEMENT AND ADMINISTRATION

The conferees agree to provide $30,572,000 for management and administration of the Preparedness Directorate as proposed by the Senate instead of $39,468,000 as proposed by the House. Included in this amount is $16,392,000 for the immediate Office of the Under Secretary for Preparedness; $4,980,000 for the Office of

the Chief Medical Officer; $2,741,000 for the Office of National Capital Region Coordination; and $6,459,000 for the National Preparedness Integration Program (NPIP).

In spite of clear direction in sections 503 and 504 of P.L. 109–90, the conferees are troubled by an apparent disregard for consistent and transparent budget execution within the Preparedness Directorate. As a result, the conferees direct the Government Accountability Office (GAO) to review the Department's use of shared services within the entire Preparedness Directorate and report to the Committees on Appropriations. The review shall focus on compliance with appropriation law and the proper use of the Economy Act. The conferees are concerned that the Preparedness Directorate is funding new activities for which funds were not specifically appropriated and are not shared services. The conferees direct the Preparedness Directorate to provide all relevant supporting documents to GAO on an expedited basis. The conferees further direct the Preparedness Directorate to provide to the Committees on Appropriations, within 30 days after enactment, a budget execution plan by program, project, and activity.

NATIONAL CAPITAL REGION COORDINATION

The conferees are concerned that planning for evacuation of the National Capital Region during a disaster has not incorporated all of the pertinent officials from the appropriate states. Despite requests for such officials to be included by Congress and the effected states, no such joint planning efforts have occurred. Therefore, the conferees include bill language requiring the Preparedness Directorate to include the Governors of the State of West Virginia and the Commonwealth of Pennsylvania in the National Capital Region planning process for mass evacuations. Further, the conferees direct the Preparedness Directorate to include officials from the counties and municipalities that contain the evacuation routes and their tributaries in the planning process. The Secretary shall provide a report to the Committees on Appropriations on the implementation of the planning process, including a list of participants, no later than January 23, 2007, and quarterly thereafter, on the progress made to implement such plans.

NATIONAL PREPAREDNESS INTEGRATION PROGRAM

The conferees note requests for a prioritization of the initiatives proposed to be accomplished by the NPIP have not been fulfilled. Without this prioritization, the conferees were unable to support a level above that recommended by the Senate. The conferees include bill language withholding the funds provided for the NPIP until the Committees on Appropriations receive and approve an expenditure plan.

The conferees are concerned with the concept of creating a Federal Preparedness Coordinator (FPC) for placement in each Federal Emergency Management Agency (FEMA) Regional Office. The conferees agree that an official overseeing preparedness by region is appropriate. However, the conferees are not convinced that creating a senior executive position in the Preparedness Directorate, who reports through a chain of command that does not include response and recovery personnel in FEMA, will further the

nation's readiness. Separating preparedness and response functions is detrimental during a disaster and, as demonstrated in past disasters, leads to a lack of communication and a lack of situational awareness, with dire consequences. During emergencies, state emergency managers need clear communications and missions, not confusion and redundancy. The conferees direct the Under Secretary to focus NPIP funding on plan modernization and resolving interoperability issues, as outlined by the Under Secretary, and discourage the use of funds to hire FPCs.

NATIONAL PREPAREDNESS GOAL

The conferees are disturbed by the delay in issuing the final National Preparedness Goal (Goal). In the fiscal year 2006 statement of managers accompanying the conference report (H. Report 109–241), the conferees directed the Department to issue the final Goal, including the final Universal Task List and Target Capabilities List, no later than December 31, 2005. To date, the final Goal and its component pieces have not been published. Absent the final Goal, national preparedness lacks clear direction and resources cannot be most efficiently allocated. The conferees direct the Department to publish the final Goal, without further unnecessary delay. In addition, the Secretary shall provide a report to the Committees on Appropriations explaining what substantive improvements have been made to the Goal as a result of the delay.

INSPECTOR GENERAL REPORT ON THE NATIONAL ASSET DATABASE

Not later than 30 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Appropriations a report addressing compliance with the recommendations set forth in the July 6, 2006, Inspector General report entitled "Progress in Developing the National Asset Database." The report shall include the status of the prioritization of assets into high-value, medium-value, and low-value asset tiers, and how such tiers will be used by the Secretary in the allocation of grant funds.

HURRICANE KATRINA LESSONS LEARNED

One year after Hurricanes Katrina, Rita and Wilma the conferees remain concerned by slow progress of improvement particularly in the areas of training and exercises to better prepare for future emergencies. The conferees expect the relevant Congressional Committees will be briefed by November 1, 2006, on improvements to training and exercises as recommended by the White House, House, and Senate investigations into Katrina.

NATIONAL EMERGENCY COMMUNICATIONS STRATEGY

The conferees direct the Preparedness Directorate and FEMA to coordinate revised strategy, procedures, and instructions for supporting national emergency response communications operations. The Department shall consider the findings and recommendations of the after action reports for Hurricane Katrina and other disasters produced by the White House, federal agencies, the Congress, the GAO, and the Inspector General, as well as state and local government commissions who have reported on communications. The

conferees direct the Secretary to report to the Committees on Appropriations on the progress of this effort by March 1, 2007. The report shall also include an assessment of short-term (defined as within two years after the date of enactment of this Act), intermediate-term (defined as between two years and four years after such date of enactment), and long-term (defined as more than four years after such date of enactment) actions necessary for the Department to take in order to assist federal, state, and local governments achieve communications interoperability, including equipment acquisition, governance structure, and training.

OFFICE OF GRANTS AND TRAINING

SALARIES AND EXPENSES

The conferees agree that not to exceed three percent of Homeland Security Grant Program funds and discretionary grants may be used to fund salaries and expenses.

STATE AND LOCAL PROGRAMS

The conferees agree to provide $2,531,000,000 instead of $2,594,000,000 as proposed by the House and $2,400,000,000 as proposed by the Senate. State and Local Programs funding is allocated as follows:

State Formula Grants:	
State Homeland Security Program	$525,000,000
Law Enforcement Terrorism Prevention Program	375,000,000
Subtotal, State Formula Grants	900,000,000
Discretionary Grants:	
High-Threat, High-Density Urban Area	770,000,000
Port Security	210,000,000
Trucking Security	12,000,000
Intercity Bus Security	12,000,000
Rail and Transit Security	175,000,000
Buffer Zone Protection Plan	50,000,000
Subtotal, Discretionary Grants	1,229,000,000
Commercial Equipment Direct Assistance Program	50,000,000
National Programs:	
National Domestic Preparedness Consortium	145,000,000
National Exercise Program	49,000,000
Metropolitan Medical Response System	33,000,000
Technical Assistance	18,000,000
Demonstration Training Grants	30,000,000
Continuing Training Grants	31,000,000
Citizen Corps	15,000,000
Evaluations and Assessments	19,000,000
Rural Domestic Preparedness Consortium	12,000,000
Subtotal, National Programs	352,000,000
Total, State and Local Programs	$2,531,000,000

For purposes of eligibility for funds under this heading, any county, city, village, town, district, borough, parish, port authority, transit authority, intercity rail provider, commuter rail system, freight rail provider, water district, regional planning commission, council of government, Indian tribe with jurisdiction over Indian country, authorized tribal organization, Alaska Native village, independent authority, special district, or other political subdivision of any state shall constitute a "local unit of government".

The conferees urge the Department to work with state and local governments to ensure regional authorities, such as port, transit, or tribal authorities, are given due consideration in the distribution of state formula grants.

The conferees direct the Office of Grants and Training (G and T) to continue to distribute Homeland Security Grant Program grants in a manner consistent with the fiscal year 2006 practice. The conferees disagree with House language regarding the use of authorized and traditional terrorist focused funding and direct G and T to not alter the manner in which grant funds are distributed. While certain grants are authorized to be all-hazard, G and T is directed to ensure that terrorism-focused funds provided herein are not misdirected. The Department should continue its efforts to evaluate State Homeland Security Program (SHSP), Law Enforcement Terrorism Protection Program (LETPP), and High-Threat, High-Density Urban Area grants (also known as the Urban Areas Security Initiative or UASI) applications based on risk and on how effectively these grants will address identified homeland security needs. In those areas of the country where the risk is very high, the Department shall work aggressively to ensure these applications are produced in a manner in which appropriate levels of funding reflect the level of threat. The conferees agree that states must identify gaps in levels of preparedness and how funding will close those gaps. The Department is encouraged to consider the need for mass evacuation planning and pre-positioning of equipment for mass evacuations in allocating first responder funds and in allocating training, exercises and technical assistance funds through the national programs.

The conferees include bill language requiring the GAO to report on the validity, relevance, reliability, timeliness, and availability of the risk factors, and the application of those factors in the allocation of discretionary grants to the Committees on Appropriations no later than 45 days after enactment. The Secretary is required to provide GAO with the necessary information seven days after enactment of this Act. The conferees direct the Preparedness Directorate to brief the Committees on Appropriations by November 1, 2006, on the steps it is taking to make transparent to states its risk-based grant methodology.

The conferees agree that for SHSP, LETPP, and UASI grants, application kits shall be made available 45 days after enactment of this Act, states shall have 90 days to apply after the grant is announced, and G and T shall act on an application 90 days after receipt of an application. The conferees further agree that no less than 80 percent of these funds shall be passed by the state to local units of government within 60 days of the state receiving funds, except in the case of Puerto Rico, where no less than 50 percent of any grant under this paragraph shall be made available to local governments within 60 days after the receipt of the funds. The conferees direct the Secretary to submit a report to the Committees on Appropriations containing an assessment of state compliance in fiscal years 2005 and 2006 with the requirement to pass through funds in 60 days, accompanied by recommendations, if appropriate, to improve compliance.

The conferees are disappointed with the slow pace of discretionary transportation and infrastructure grant awards in fiscal year 2006. Bill language is included requiring port, trucking, intercity bus, intercity passenger rail transportation, and buffer zone protection grant applications to be made available 75 days after enactment; applicants shall have 45 days to apply after the grant is announced; and G and T shall act on an application within 60 days after receipt of an application.

The conferees continue and modify a provision requiring notification of the Committees on Appropriations before grant notifications are made. For Homeland Security Grant Program funds, G and T will brief the Committees on Appropriations five full business days in advance of any notifications.

The conferees expect G and T to continue all current overtime reimbursement practices. The conferees continue bill language prohibiting the use of funds for construction, except for Port Security, Rail and Transit Security, and the Buffer Zone Protection grants. However, bill language is included to allow SHSP, LETPP, and UASI grants to be used for minor perimeter security projects and minor construction or renovation of necessary guard facilities, fencing, and related efforts, not to exceed $1,000,000 as deemed necessary by the Secretary. The conferees further agree the installation of communication towers that are included in a jurisdiction's interoperable communications plan does not constitute construction for the purposes of this Act.

The Secretary of Homeland Security is encouraged to consult with the National Council on Radiation Protection and Measurements and other qualified governmental and non-governmental organizations in preparing guidance and recommendation for emergency responders to assist recovery operations, and to protect the general public with respect to radiological terrorism, threats, and events.

STATE FORMULA GRANTS

The conferees agree to provide $525,000,000 for the State Homeland Security Program instead of $545,000,000 as proposed by the House and $500,000,000 as proposed by the Senate. The conferees provide $375,000,000 for the Law Enforcement Terrorism Protection Program instead of $400,000,000 as proposed by the House and $350,000,000 as proposed by the Senate.

DISCRETIONARY GRANTS

The conferees agree to provide $1,229,000,000 instead of $1,235,000,000 as proposed by the House and $1,172,000,000 as proposed by the Senate. Within this total, $770,000,000 is made available to the Secretary for discretionary grants to high-threat, high-density urban areas. The conferees include bill language requiring the Secretary to distribute funds allocated in fiscal year 2006 for grants to non-profit organizations determined by the Secretary to be at high risk of terrorist attack. The Secretary shall consider prior threats or attacks against like organizations when determining risk, and shall notify the Committees on Appropriations of the high risk or potential high risk to each designated tax

exempt grantee at least five full business days in advance of the announcement of any grant award.

The conferees agree that for discretionary transportation and infrastructure grants, Transportation Security Administration (TSA) and Infrastructure Protection and Information Security (IPIS) shall retain operational subject matter expertise of these grants and will be fully engaged in the administration of related grant programs. The Office of Grants and Training shall also continue to work with the Science and Technology Directorate (S&T) on the identification of possible research and design requirements for rail and transit security.

PORT SECURITY

The conferees agree to provide $210,000,000 as proposed by the Senate instead of $200,000,000 as proposed by the House. The conferees direct G and T to ensure all port security grants are coordinated with the state, local port authority, and the Captain of the Port, so all vested parties are aware of grant determinations and that limited resources are maximized. The conferees further direct G and T to work with IPIS to determine the threat environment at individual ports and with the Coast Guard to evaluate each port's vulnerability. The conferees expect funds to be directed to ports with the highest risk and largest vulnerabilities.

TRUCKING INDUSTRY SECURITY

The conferees agree to provide $12,000,000 for this program, $7,000,000 above the House and Senate levels, to maintain and enhance current training levels, and to work toward the Highway Watch stated goal of enrolling 1,000,000 truckers.

INTERCITY BUS SECURITY

The conferees agree to provide $12,000,000 for Intercity Bus Security grants as proposed by the Senate instead of $10,000,000 as proposed by the House. The conferees agree with language in the Senate report that intercity bus security grants will support the improvement of ticket identification, the installation of driver shields, the enhancement of emergency communications, enhancement of facility security, and further implementation of passenger screening.

RAIL AND TRANSIT SECURITY

The conferees agree to provide $175,000,000, instead of $200,000,000 as proposed by the House and $150,000,000 as proposed by the Senate.

The conferees are concerned the nation's rails are vulnerable, at-risk systems since they are not designed to adequately resist, respond to, manage or rapidly recover from natural or manmade crises. The conferees encourage G and T to coordinate with short line and regional railroads to address the rail system's security and safety challenges for both manmade and natural disasters.

BUFFER ZONE PROTECTION PROGRAM

The Committee recommends $50,000,000 for the Buffer Zone Protection Program (BZPP), as proposed by the House and Senate. The conferees concur with House report language directing G and T to continue to work with IPIS to identify critical infrastructure, assess vulnerabilities at those sites, and direct funding to resolve those vulnerabilities. The conferees do not agree to language contained in the Senate report relating to BZPP grants and the protection of federal facilities. The conferees note that under current guidance, federal facilities are not eligible for BZPP grants.

COMMERCIAL EQUIPMENT DIRECT ASSISTANCE PROGRAM (CEDAP)

The conferees agree to provide $50,000,000, instead of $75,000,000 as proposed by the House and $40,000,000 as proposed by the Senate. The conferees direct the Department to award funding through CEDAP only if projects or equipment are consistent with State Homeland Security Strategies and the unmet essential capabilities identified through HSPD–8.

NATIONAL PROGRAMS

NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM

The conferees agree to provide $145,000,000 as proposed by the Senate instead of $135,000,000 as proposed by the House. This funding shall be distributed in a manner consistent with fiscal year 2006. The conferees concur with Senate report language directing G and T to prepare a long-range strategic plan for the National Domestic Preparedness Consortium.

METROPOLITAN MEDICAL RESPONSE SYSTEM

The conferees agree to provide $33,000,000 instead of $30,000,000 as proposed by the House and $35,000,000 as proposed by the Senate.

TECHNICAL ASSISTANCE

The conferees agree to provide $18,000,000 as proposed by the Senate instead of $25,000,000 as proposed by the House.

The conferees support the House language that the Department continues the National Memorial Institute for the Prevention of Terrorism's (MIPT) Lessons Learned Information Sharing and Responder Knowledge Base under the oversight of the Preparedness Directorate. The conferees direct the Department to continue these important public service programs and ensure MIPT's inclusion in any competition.

DEMONSTRATION TRAINING GRANTS

The conferees agree to provide $30,000,000 as proposed by the House instead of $25,000,000 as proposed by the Senate.

CONTINUING TRAINING GRANTS

The conferees agree to provide $31,000,000 instead of $35,000,000 as proposed by the House and $30,000,000 as proposed

by the Senate. The conferees recommend full funding for the graduate-level homeland security education programs currently supported by the Department and encourage the Department to leverage these existing programs to meet the growing need for graduate-level education.

CITIZEN CORPS

The conferees agree to provide $15,000,000 instead of $20,000,000 as proposed by the Senate. The House did not provide funds for this program.

RURAL DOMESTIC PREPAREDNESS CONSORTIUM

The conferees agree to provide $12,000,000 as proposed by the House. The Senate did not provide funds for this program. The conferees direct G and T to continue the development of specialized and innovative training curricula for rural first responders and ensure the coordination of such efforts with existing Office of Grants and Training partners.

NATIONWIDE PLAN REVIEW PHASE 2 REPORT

The Preparedness Directorate and the Federal Emergency Management Agency are directed to brief the Committees on Appropriations 45 days after the date of enactment of this Act and quarterly thereafter, on the progress made to implement each of the conclusions of the June 16, 2006, Nationwide Plan Review Phase 2 Report. The first briefing shall include a detailed timeline for the completion of implementing each conclusion with major milestones and how the implementation of the conclusions are being coordinated with the guidelines developed by the Department for state and local governments as required in Public Law 109–90. The conferees direct the Department to work with all stakeholders to resolve the findings of the Nationwide Plan Review Phase 2 in accordance with the fiscal year 2007 Senate Report.

EMERGENCY MEDICAL SERVICES

The conferees remain concerned with the lack of first responder grant funding being provided to the Emergency Medical Services (EMS) community and direct G and T to require in its grant guidance that state and local governments include EMS representatives in planning committees as an equal partner and to facilitate a nationwide EMS needs assessment. In addition, no later than January 23, 2007, the Department shall report to the Committees on Appropriations, the House Committee on Homeland Security, and the Senate Committee on Homeland Security and Governmental Affairs, on the use of Homeland Security Grant Program funds and Firefighter Assistance Grant funds for EMS.

FIREFIGHTER ASSISTANCE GRANTS

The conferees agree to provide $662,000,000 instead of $655,200,000 as proposed by the House and $680,000,000 as proposed by the Senate. Of this amount, $115,000,000 shall be for firefighter staffing, as authorized by section 34 of the Federal Fire Pre-

vention and Control Act of 1974, instead of $112,100,000 as proposed by the House and $127,500,000 as proposed by the Senate.

The conferees concur with language in the Senate report directing the Department to favor those grant applications that take a regional approach in equipment purchases and their future deployment.

The conferees further agree to make $3,000,000 available for implementation of section 205(c) of Public Law 108–169, the United States Fire Administration Reauthorization Act of 2003.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

The conferees agree to provide $200,000,000 instead of $186,000,000 as proposed by the House and $220,000,000 as proposed by the Senate.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The conferees agree to provide for the receipt and expenditure of fees collected, as authorized by Public Law 105–276 and as proposed by both the House and Senate.

UNITED STATES FIRE ADMINISTRATION AND TRAINING

The conferees agree to provide $46,849,000 for the United States Fire Administration and Training as proposed by the House and instead of $45,887,000 as proposed by the Senate. Of this amount, $5,500,000 is for the Noble Training Center.

The FIRE Act requires the United States Fire Administration to submit to the Congress by April 28, 2006, an assessment of capability gaps that fire departments currently possess in equipment, training and staffing. While the U.S. Fire Administration has completed the assessment, it has not been submitted to the Congress. The conferees direct the Secretary to submit the report no later than November 1, 2006.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

The conferees agree to provide $547,633,000 for Infrastructure Protection and Information Security (IPIS) instead of $549,140,000 as proposed by the House and $525,056,000 as proposed by the Senate. Funding is allocated as follows:

Management and Administration	$77,000,000
Critical Infrastructure Outreach and Partnership	101,100,000
Critical Infrastructure Identification and Evaluation	69,000,000
National Infrastructure Simulation and Analysis Center	25,000,000
Biosurveillance	8,218,000
Protective Actions	32,043,000
Cyber Security	92,000,000
National Security/Emergency Preparedness Telecommunications	143,272,000
Total	$547,633,000

BUDGET

The conferees support language contained in the House report concerning the format of the IPIS fiscal year 2008 budget justification with budget lines that align with the operational divisions and programs of IPIS as well as language directing the Department to

fully display program transfers. The conferees direct the Department to work with the Committees on Appropriations to create an acceptable budget structure.

BUDGET OFFICE

The conferees direct DHS to establish a budget office within IPIS and include sufficient funds for two positions. The budget officer and staff will support the Office of Infrastructure Protection and the Office of Information Security in its efforts to align its budget with its organizational structure, better formulate and execute its resources, and perform other budgetary and financial activities, as necessary.

CRITICAL INFRASTRUCTURE IDENTIFICATION AND EVALUATION

The conferees agree to provide $69,000,000 for Critical Infrastructure Identification and Evaluation instead of $71,631,000 as proposed by the House and $67,815,000 as proposed by the Senate. The conferees support the budget request for the Protective Security Analysis Center.

CHEMICAL SITE SECURITY

The conferees support language in the House report providing $10,000,000 for the Chemical Site Security program and direct the Department to provide the Committees on Appropriations an expenditure plan showing how these resources will be used.

CHEMICAL SECTOR SECURITY RESOURCE NEEDS

The conferees include bill language withholding $10,000,000 until the Committees on Appropriations receive the report required in the statement of the managers (House Report 109–241) accompanying P.L. 109–90 on departmental resources necessary to implement mandatory security requirements for the nation's chemical sector.

CRITICAL INFRASTRUCTURE OUTREACH AND PARTNERSHIP

The conferees agree to provide $101,100,000 for Critical Infrastructure Outreach and Partnership as proposed by the House instead of $104,600,000 as proposed by the Senate. The conferees provide $5,000,000 for the Homeland Secure Information Network, as requested.

CYBER SECURITY AND INFORMATION SHARING INITIATIVE

The conferees agree to provide $16,700,000 to continue the National Cyber Security Division's Cyber Security and Information Sharing Initiative instead of $11,700,000 as proposed by the Senate.

BOMBING PREVENTION

The conferees support language contained in the Senate report on the Office of Bombing Prevention directing the Secretary to develop a national strategy for bombing prevention, including a review of existing federal, state, and local efforts in this effort. The

strategy shall be submitted to the Committees on Appropriations no later than January 23, 2007.

BUFFER ZONE PROTECTION PROGRAM

The conferees encourage the Department to continue the chemical and other high risk sector Buffer Zone Protection Program in fiscal year 2007. The conferees note $25,000,000 was allocated in fiscal year 2006 for this program and encourage IPIS to utilize section 503 of this Act to provide appropriate funding in fiscal year 2007, if funding is available.

TRANSPORTATION VULNERABILITY REPORT

The conferees direct the Secretary to submit a report to the Committees on Appropriations; the Senate Committee on Commerce, Science, and Transportation; and the House Committee on Transportation and Infrastructure no later than March 1, 2007, describing the security vulnerabilities of all rail, transit, and highway bridges and tunnels connecting Northern New Jersey, New York and the five boroughs of New York City.

FEDERAL EMERGENCY MANAGEMENT AGENCY

The conferees do not incorporate Senate language on an organization review.

ADMINISTRATIVE AND REGIONAL OPERATIONS

The conferees agree to provide $282,000,000 instead of $254,499,000 as proposed by the House and $249,499,000 as proposed by the Senate.

WORKFORCE STRATEGY

The conferees remain concerned about the numerous personnel and senior leadership vacancies within the Federal Emergency Management Agency (FEMA). Therefore, the conferees provide an additional $30,000,000 to fund up to 250 permanent disaster staff to replace the existing temporary Stafford Act workforce. The House and Senate reports direct FEMA to develop a comprehensive workforce strategy, which includes hiring goals for vacant positions, retention initiatives, training needs, and resource needs to bolster its workforce. The conferees direct the Administrator to submit to the Committees on Appropriations the strategic human capital plan outlined in Title VI.

The conferees concur with House report language directing the Department to finish the national build-out of the Digital Emergency Alert System with Public Television and to provide for origination of emergency alert messages from authorized local and state officials.

READINESS, MITIGATION, RESPONSE, AND RECOVERY

The conferees agree to provide $244,000,000 instead of $240,199,000 as proposed by the House and $240,000,000 as proposed by the Senate.

URBAN SEARCH AND RESCUE

Of the funds provided for Readiness, Mitigation, Response, and Recovery, the conferees agree to provide $25,000,000 for urban search and rescue instead of $19,817,000 as proposed by the House and $30,000,000 as proposed by Senate.

CATASTROPHIC PLANNING

The conferees concur with House report language requesting an expenditure plan for catastrophic planning but do not withhold funding until such time as this plan is submitted.

HURRICANE KATRINA LESSONS LEARNED

The conferees continue to be concerned about FEMA's ability to incorporate the lessons learned from Hurricane Katrina, in particular in the areas of logistics tracking, incident management capability of the National Response Coordination Center, temporary housing for evacuated residents, and debris removal. The conferees direct FEMA to brief the Committees on Appropriations on the status of continuing improvements and changes to FEMA as a result of lessons learned from Hurricane Katrina.

DISASTER SPENDING PROGRAMS

The conferees are concerned by the findings of the Government Accountability Office, the DHS Inspector General, and others regarding the fraud and abuse associated with victim assistance programs and other disaster spending for the 2005 Gulf Coast hurricanes. The conferees concur with language in the House and Senate reports directing FEMA to correct weaknesses in its disaster assistance claims system. The conferees expect FEMA to include corrective actions for the disaster claims system in the brief to the Committees on Appropriations on Hurricane Katrina Lessons Learned.

The conferees understand FEMA has begun comprehensive modernization of its legacy information management systems into an Enterprise Content Management System and development of such a system is a basic requirement for FEMA to have the capacity to handle expected future caseloads. The conferees encourage FEMA to pursue this improved document reporting and tracking system.

CONTRACTS

FEMA shall provide a quarterly report to the Committees on Appropriations regarding all contracts issued during any disaster. The report shall include a detailed justification for any contract entered into using procedures based upon the unusual and compelling urgency exception to competitive procedures requirements under section 303(c)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)) or section 2304(c)(2) of title 10, United States Code. Justification details by individual contract are to include, at least: the amount of funds, the timeframe, the contractor, a specific reason why the contract could not be competed and how action may be taken to ensure competition of the contract in the future without impeding timely disaster response.

LOGISTICS CENTERS

The conferees direct the Department to brief the Committees on Appropriations on the strategic or business plan that guided the site selection for the logistics centers and locations for prepositioned items and any plans for future movement of assets or actions to extend or add centers or the locations of prepositioned items. The conferees concur with language in the House and Senate reports regarding pre-positioning Meals-Ready-to-Eat.

The conferees direct FEMA to use no less than $5,000,000 to develop a demonstration program with regional and local governments in the formation of innovative public and private logistical partnerships and centers to improve readiness, increase response capacity, and maximize the management and impact of homeland security resources.

The conferees agree the lack of coordinated incident management contributed to failures at all levels of government during Hurricane Katrina. The White House Report: "The Federal Response to Hurricane Katrina: Lessons Learned" states, "DHS should establish and maintain a deployable communications capability to quickly gain and retain situational awareness when responding to catastrophic events". The conferees agree and direct DHS to support deployment of integrated and regional near real-time information and incident tracking systems. The conferees encourage DHS to work with regional state emergency managers to deploy an operationally ready National Incident Management System (NIMS) compliant incident management system for use by the first responder community that includes redundant 24/7 online capability.

NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN

The conferees encourage FEMA to assess how the National Center for Missing and Exploited Children and state family assistance call centers can best contribute to the National Response Plan in helping disaster victims locate family members. The Secretary shall submit a report to the Committees on Appropriations no later than 45 days after enactment of this Act.

NATIONAL INCIDENT MANAGEMENT SYSTEM

Of the funds provided for Readiness, Mitigation, Response, and Recovery, the conferees agree to provide $30,000,000 for the National Incident Management System (NIMS) as proposed by the House. The conferees direct FEMA to use no less than $10,000,000 to continue to implement NIMS nationwide, with a focus specifically on standards identification, testing and evaluation of equipment, and gap and lessons learned identification.

LEVEE RECERTIFICATION

The conferees understand FEMA is in the process of revising its levee certification regulations and guidance. The conferees expect FEMA to utilize the latest findings of the Army Corps of Engineers levee inventory when developing its regulations and guidance. The conferees direct FEMA to provide a status report, no later than 60 days after enactment of this Act, on its processes for

levee certification. This status report should include the Army Corps of Engineers levee inventory, the number and location of levees that require certification, the estimated costs of recertifying, the resources required to fulfill the new certification regulations, and a description of the Administration's policy on how these cost requirements should be met.

EMERGENCY PREPAREDNESS DEMONSTRATION PROGRAM

The conferees understand the emergency preparedness demonstration program is in the information collection phase. The conferees direct FEMA to expand this pilot demonstration project so information from Hurricane Katrina victims can be added to this study. The conferees recognize this may cause the time of the study to lengthen and direct FEMA to provide an interim report to the Committees on Appropriations by March 31, 2007.

PUBLIC HEALTH PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

The conferees provide $33,885,000 for public health programs to fund the National Disaster Medical System (NDMS), as proposed in the budget, and include bill language transferring all the funding, components, and functions of the NDMS to the Department of Health and Human Services, effective January 1, 2007.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $1,500,000,000, instead of $1,676,891,000, as proposed by the House and $1,582,000,000 as proposed by the Senate. The conferees include bill language as proposed by the Senate, permitting up to $13,500,000 for the Office of Inspector General to be drawn from the Disaster Relief Fund for audits and investigations related to natural disasters.

The conferees understand FEMA intends to use the almost 20,000 manufactured housing units that were not used in the 2005 hurricane season for future disasters, and encourage FEMA to do so. The conferees are concerned a portion of the 128,000 units currently occupied will come back into the FEMA stock as previous disaster victims find other living arrangements and units are refurbished in accordance with FEMA policy. The conferees direct FEMA to take an aggressive approach in managing the manufactured housing supply in a cost-effective manner and to brief the Committees on Appropriations regarding the supply on hand, the cost of maintenance and storage, the anticipated use, and strategic storage location of unoccupied manufactured units.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

The conferees agree to provide $569,000 for administrative expenses as proposed by both the House and Senate. Gross obligations for the principal amount of direct loans shall not exceed $25,000,000 as proposed by both the House and Senate.

FLOOD MAP MODERNIZATION FUND

The conferees agree to provide $198,980,000 as proposed by both the House and Senate for the Flood Map Modernization Fund. The conferees recognize the importance of the Flood Map Modernization Program to state and local governments. When allocating funds, the conferees encourage FEMA to prioritize as criteria the number of stream and coastal miles within the state, the Mississippi River Delta region, and the participation of the state in leveraging non-federal contributions. The conferees further direct FEMA to recognize and support those states that integrate the Flood Map Modernization Program with other state programs to enhance greater security efforts and capabilities in the areas of emergency management, transportation planning and disaster response. The conferees recognize the usefulness of updated flood maps in state planning, and encourage this efficient use of federal dollars.

The conferees are concerned the Flood Map Modernization Program is using outdated and inaccurate data when developing its maps. The conferees direct FEMA, in consultation with the Office of Management and Budget, to review technologies by other Federal agencies, such as the National Oceanic and Atmospheric Administration, the National Geospatial Intelligence Agency, and the Department of Defense, use to collect elevation data. The conferees expect a briefing no later than 180 days after enactment of this Act on the technologies available, the resources needed for each technology, and a recommendation of what is most effective for the Flood Map Modernization Program.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $38,230,000 for salaries and expenses as proposed by both the House and Senate. The conferees further agree to provide up to $50,000,000 for severe repetitive loss property mitigation expenses under section 1361A of the National Flood Insurance Act of 1968 and a repetitive loss property mitigation pilot program under section 1323 of the National Flood Insurance Act; and up to $90,358,000 for other flood mitigation activities, of which up to $31,000,000 is available for transfer to the National Flood Mitigation Fund. Total funding of $128,588,000 is offset by premium collections. The conferees further agree on limitations of $70,000,000 for operating expenses, $692,999,000 for agents' commissions and taxes, and "such sums" for interest on Treasury borrowings.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $31,000,000 by transfer from the National Flood Insurance Fund as proposed by the House and Senate.

NATIONAL PREDISASTER MITIGATION FUND

The conferees agree to provide $100,000,000 as proposed by the House instead of $149,978,000 as proposed by the Senate. While the conferees are supportive of the Predisaster Mitigation program, they remain concerned by the slow pace of implementation and the obligation of the funds. This program has a large unobligated balance of $53,000,000. The conferees encourage FEMA to implement lessons learned, as described in the report on impediments to timely obligations of the Fund submitted to the Committees on Appropriations in compliance with the Senate Report 109–83 accompanying the fiscal year 2006 Department of Homeland Security Appropriations Act (P.L. 109–90) and direct FEMA to brief the Committees on Appropriations on the progress of the implementation.

EMERGENCY FOOD AND SHELTER

The conferees agree to provide $151,470,000 as proposed by both the House and Senate.

TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

The conferees agree to provide $181,990,000 as proposed by the House instead of $134,990,000 as proposed by the Senate for United States Citizenship and Immigration Services (USCIS), of which $93,500,000 is available until expended. The conference agreement includes $47,000,000 for USCIS business system and information technology transformation, including converting immigration records into digital format, to remain available until expended; $21,100,000 for the Systematic Alien Verification for Entitlements (SAVE) program; and $113,890,000 to expand the Employment Eligibility Verification (EEV) program. Current estimates of fee collections are $1,804,000,000, for total resources available to USCIS of $1,985,990,000. The conferees direct that, of these collections, not to exceed $5,000 shall be for official reception and representation expenses.

The following table specifies funding by budget activity, and includes both direct appropriations and estimated collections:

Direct Appropriations:	
Business and IT Transformation	$47,000,000
Systematic Alien Verification for Entitlements (SAVE)	21,100,000
Employment Eligibility Verification (EEV)	113,890,000
Subtotal, Direct Appropriations	181,990,000
Adjudication Services (fee accounts):	
Pay and Benefits	624,600,000
Operating Expenses:	
District Operations	385,400,000
Service Center Operations	267,000,000
Asylum, Refugee and International Operations	75,000,000
Records Operations	67,000,000
Subtotal, Adjudication Services	1,419,000,000
Information and Customer Services (Immigration Examination Fee Accounts):	
Pay and Benefits	81,000,000

Operating Expenses:	
National Customer Service Center	48,000,000
Information Services	15,000,000
Subtotal, Information and Customer Services	144,000,000
Administration (Immigration Examination Fee Accounts):	
Pay and Benefits	45,000,000
Operating Expenses	196,000,000
Subtotal, Administration	241,000,000
Fraud Prevention and Detection Fee Account	31,000,000
H–1B Non-Immigrant Petitioner Fee Account	13,000,000
Total, U.S. Citizenship and Immigration Services	1,985,990,000

BUSINESS AND INFORMATION TECHNOLOGY TRANSFORMATION

The conferees include $47,000,000 to support the business system and information technology transformation process at USCIS. The conferees direct USCIS not to obligate these funds until the Committees on Appropriations have received and approved a strategic transformation plan and expenditure plan that has been reviewed by the Secretary and the Government Accountability Office. The expenditure plan should include a detailed breakout of costs associated with the USCIS business and information technology transformation effort in fiscal year 2007, a report on how the transformation process is aligned with USCIS and Departmental Enterprise Architecture, and details on expected project performance and deliverables.

The Department stated in its request that it would also apply $65,000,000 in fee revenues to this effort, for a total fiscal year 2007 program of $112,000,000. The conferees expect the aforementioned expenditure plan will reflect all resources associated with transformation efforts, and address the impact of availability of such fee revenue.

SECURITY AND INTERNAL AFFAIRS

The conferees are concerned with reports that USCIS may be at risk for security lapses, in part because the Office of Security and Investigations has a significant case backlog, and in part because some USCIS adjudicators may lack necessary security clearances. As a result, critical enforcement actions could be delayed, or adjudicators could find themselves unable to access relevant watchlist databases, increasing the risk that immigration benefits could be granted to ineligible recipients. The conferees direct USCIS to work closely with Immigration and Customs Enforcement and the Office of the Inspector General to address these security vulnerabilities.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

The conferees agree to provide $211,033,000, instead of $210,507,000 as proposed by the House and $207,634,000 as proposed by the Senate. Included in this amount is $1,042,000 for salaries and expenses at the Counterterrorism Operations Training Facility. The increase from the budget request includes $4,691,000 for training resources proposed to be funded in Customs and Bor-

der Protection and $4,444,000 for training resources proposed to be funded in Immigration and Customs Enforcement. The conferees also extend the rehired annuitant authority through December 31, 2007.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The conferees agree to provide $64,246,000, instead of $42,246,000 as proposed by the House and $63,246,000 as proposed by the Senate. Included in this amount is $1,000,000 for the construction of the Counterterrorism Operations Training Facility. The increase from the budget request includes $22,000,000 for renovation and construction needs at the Artesia, New Mexico training center.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

The conferees agree to provide $135,000,000 for management and administration of Science and Technology (S&T) instead of $180,901,000 as proposed by the House and $104,414,000 as proposed by the Senate. This amount includes $7,594,000 for the immediate Office of the Under Secretary and $127,406,000 for other salaries and expenses.

The conferees provide funding under this account for the salary, expenses and benefits of full-time federal and contract employees; S&T's portion of the Working Capital Fund; and for S&T Business Operations.

Funding for other management and administration costs such as laboratory construction and maintenance; individuals and detailees provided through the Intergovernmental Personnel Act; and contract support associated with certain projects within the portfolio will be provided within the "Research, Development, Acquisition and Operations" account. The conferees direct S&T to report to the Committees on Appropriations any assessment of the aforementioned costs exceeding five percent of the total program appropriation, which shall be subject to section 503 of this Act. The conferees include bill language withholding $60,000,000 until the Committees receive and approve an expenditure plan described in the bill.

FIVE-YEAR RESEARCH PLAN AND BUSINESS MODEL

The conferees expect S&T to greatly improve its research strategic plan and its budget documents. These documents should reflect the new vision for S&T as proposed by the Under Secretary. The conferees direct the Under Secretary to develop a five-year research plan, which outlines its priorities, performance measures for each portfolio and resources needed to meet its mission. This plan should also incorporate a business model for its output of services and technologies to its end user. The conferees expect the Under Secretary to brief the Committees on Appropriations no later than 180 days after the date of enactment of this Act.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

The conferees agree to provide $838,109,000 for research, development, acquisition, and operations instead of $775,370,000 as proposed by the House and $714,041,000 as proposed by the Senate.

The following table specifies funding by budget activity:

Biological Countermeasures	$350,200,000
Chemical Countermeasures	60,000,000
Explosives Countermeasures	86,582,000
Threat and Vulnerability, Testing and Assessment	35,000,000
Conventional Missions	85,622,000
Standards Coordination	22,131,000
Emergent Prototypical Technologies	19,451,000
Critical Infrastructure Protection	35,413,000
University Programs	50,000,000
Counter MANPADS	40,000,000
Safety Act	4,710,000
Cyber Security	20,000,000
Interoperability and Compatibility	27,000,000
Pacific Northwest National Laboratory	2,000,000
Total	838,109,000

BIOLOGICAL COUNTERMEASURES

The conferees agree to provide $350,200,000 for Biological Countermeasures instead of $337,200,000 as proposed by the House and $327,200,000 as proposed by the Senate. Of the amount provided, the conferees agree to provide up to $82,800,000 for the BioWatch program. The conferees also agree to provide $23,000,000 for site selection and other pre-construction activities for the National Bio and Agrodefense Facility. The conferees expect the Department to submit a project schedule, including expected completion dates and funding requirements for all phases of the project, to the Committees on Appropriations within 45 days after the date of enactment of this Act.

BIOLOGICAL COUNTERMEASURES STRATEGIC PLAN

The conferees believe DHS should establish an architecture to outline and coordinate federal biological activities, and to chart future federal activities and goals. S&T, in consultation with the DHS Chief Medical Officer, Department of Health and Human Services, United States Department of Agriculture, and other participating federal departments, shall submit a strategic plan to the Committees on Appropriations; the House Homeland Security Committee; the House Science Committee; the Senate Commerce, Science and Transportation Committee; the Senate Energy and Natural Resources Committee; and the Senate Homeland Security and Governmental Affairs Committee outlining the various missions of each agency and how they relate to one another. Further, the strategic plan should specifically describe DHS's roles and responsibilities; its framework for deploying biological sensors, including how detector alerts will be managed; its plans to enhance advanced animal vaccine research and other agro-terrorism defense efforts; its overall fulfillment of the Department's obligations under HSPD–10; and how its other activities relate to and will be coordinated with similar efforts by other government agencies.

URBAN DISPERSION

The conferees support the House report language on Urban Dispersion recommending continued funding of this program.

EXPLOSIVES COUNTERMEASURES

The conferees agree to provide $86,582,000 for explosives countermeasures, instead of $76,582,000 as proposed by the House and a total of $86,582,000 as proposed by the Senate, of which $81,582,000 was included in the Transportation Security Administration account. The conferees include $13,500,000 for Manhattan II as proposed by the House.

The conferees are concerned about the recent discoveries by British officials of terrorist efforts to bring explosives aboard aircraft. S&T has efforts underway to find and develop practical technologies for detecting explosive substances regardless of their shape or form. The conferees direct S&T to aggressively pursue its efforts to develop such technologies and strengthen any efforts to find explosives.

TRANSPORTATION SECURITY LABORATORY (TSL)

The conferees agree to keep the TSL within S&T. The conferees direct S&T to work with Transportation Security Administration (TSA) to determine appropriate detection research and technology requirements to sustain current and advance future aviation security capabilities. S&T should clearly reflect resource needs for the TSL in the fiscal year 2008 budget request to achieve these requirements. The conferees further direct S&T to work expeditiously with TSA to develop a research execution plan that meets the needs of TSA within the amounts provided.

PACIFIC NORTHWEST NATIONAL LABORATORY

The conferees include $2,000,000 for construction of radiological laboratories at the Pacific Northwest National Laboratory and direct the Department to fully fund its obligations and characterize its efforts at this site in the fiscal year 2008 budget submission.

CONVENTIONAL MISSIONS

The conferees agree to provide $85,622,000 for Conventional Missions, as proposed by the House instead of $80,000,000 as proposed by the Senate. The conferees provide funding for the Regional Technology Integration initiative at the fiscal year 2007 request level. The conferees support Senate report language encouraging S&T to continue funding for technology which enables users to collect and analyze surveillance data to detect suspicious activities in the vicinity of critical ports and infrastructure. The conferees also support Senate report language continuing the Regional Research Pilot program at the fiscal year 2006 level.

NEW TECHNOLOGIES

The conferees believe new technologies may significantly help the Department as it seeks to secure our homeland. The conferees

encourage the Department to develop such technologies as singlet oxygen generating chemical and enzymatic systems, airborne rapid imaging, privacy Real ID technology, anti-microbial coating free masks, lightweight miniature cooling systems for protective gear, body armor designed to reduce back problems, security of open source systems, nanotechnology based flow cytometer, doorless maritime cargo container security technology, deployment research of water and air system biosensors, photonic and microsystem technologies for high threat problem-solving and coordinate standards for intelligent video software.

EMERGENT AND PROTOTYPICAL TECHNOLOGIES

The conferees provide $19,451,000 for Emergent and Prototypical Technologies as proposed by the House instead of $12,500,000 as proposed by the Senate. The conferees support House report language supporting the budget request for the Public Safety and Security Institute for Technology centralized clearinghouse. The conferees direct DHS to work with the operators of the relevant databases, websites and portals within DHS, including the Responder Knowledge Base, to integrate this information into the centralized clearinghouse.

CRITICAL INFRASTRUCTURE PROTECTION

The conferees agree to provide $35,413,000 for Critical Infrastructure Protection research, including $20,000,000 to support existing work in research and development and application of technology for community-based critical infrastructure protection efforts. The conferees provide up to $5,000,000 for modeling and simulation.

UNIVERSITY PROGRAMS

The University program has the potential to facilitate cutting-edge research on homeland security issues. The conferees encourage S&T to solicit a wide variety of research projects from the plethora of universities engaged in homeland security research that focus on the greatest risks facing the nation. The conferees direct the Under Secretary of Science and Technology to brief the Committees on Appropriations, no later than 60 days after the date of the enactment of this Act, on the University-Based Centers of Excellence Program goals for fiscal year 2007 and outcomes projected for each center for the next three years.

COUNTER-MAN PORTABLE AIR DEFENSE SYSTEMS

The conferees provide $35,000,000 as proposed by the Senate for a comprehensive passenger aircraft suitability assessment. The conferees urge S&T to include the passenger airline industry in the evaluation phase of this assessment. The conferees direct the Under Secretary to brief the Committees on Appropriations, no later than 60 days after the enactment of this Act, on the expenditure plan for this suitability assessment.

PROJECT 25 STANDARDS

Federal funding for first responder communication equipment should be compliant with Project 25 standards, where necessary. The conferees direct the Under Secretary of Science and Technology, in conjunction with the Director of the National Institute of Standards and Technology, to establish a program to assess the compliance of first responder communication equipment with Project 25 standards.

TUNNEL DETECTION

The conferees support the language in Senate Report 109–273 requiring a briefing by the Under Secretary on tunnel detection technologies being researched and developed to detect and prevent illegal entry into the United States. The briefing should also provide an assessment of the applicability of using existing military and other tunnel detection technologies along our borders.

INTERNET PROTOCOL INTEROPERABILITY

The conferees direct the Office of Interoperability and Compatibility to amend SAFECOM guidelines to clarify that, for purposes of providing near-term interoperability, funding requests to improve interoperability need not be limited to the purchase of new radios, but can also fund the purchase of Internet-Protocol (IP) based interoperability solutions that connect existing and future radios over an IP interoperability network. Likewise, funding requests for transmission equipment to construct mutual aid channels and upgrade such channels with IP connectivity will also be considered, so long as P–25 and other digital radios utilizing the public safety portions of the 700 MHz band can operate over an IP interoperability network.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

The conferees agree to provide $30,468,000 for management and administration as proposed by both the House and the Senate.

ARCHITECTURE INVESTMENTS AND BUDGETING

The conferees direct the Domestic Nuclear Detection Office (DNDO) to provide a report to the Committees on Appropriations, no later than November 1, 2006, on the budget crosscut of federal agencies involved in domestic nuclear detection. The budget crosscut should include investments of all agencies, how these investments will meet the goals of the global strategy, the performance measures associated with these investments, identification of investment gaps, and what budgetary mechanisms DNDO will use to ensure it requests appropriate resources.

RADIOACTIVE SOURCES

The conferees are concerned the risks and vulnerabilities of radioactive sources may not have not been adequately characterized and addressed. DNDO should work with the Nuclear Regulatory

Commission to determine the risks associated with, and strengthen the regulation and control of, radioactive sources as necessary.

RESEARCH, DEVELOPMENT, AND OPERATIONS

The conferees agree to provide $272,500,000 for Research, Development, and Operations. Within the total, sufficient funds are provided for the Cargo Advanced Automated Radiography Systems as well as the Radiological and Nuclear Forensic and Attributions programs. The total also includes no more than $9,000,000 for the new university research program proposed in the budget. The conferees make $15,000,000 unavailable for obligation until the Secretary provides notification it has entered into a Memorandum of Understanding with each federal agency and organization participating in its global architecture, which describe the role, responsibilities, and resource commitments of each.

SYSTEMS ACQUISITION

ADVANCED SPECTROSCOPIC PORTAL MONITORS

The conferees are concerned preliminary testing of Advanced Spectroscopic Portal (ASP) monitors indicates the effectiveness of the new technology may fall well short of levels anticipated in DNDO's cost-benefit analysis. To date, the conferees have not received validated quantitative evidence that ASP monitors perform more effectively in an operational environment compared to current generation portal monitors. Therefore, the conferees include bill language prohibiting DNDO from full scale procurement of ASP monitors until the Secretary has certified and reports to the Committees on Appropriations that a significant increase in operational effectiveness merits such a decision. The conferees recognize the potential benefit of ASP technology and encourage continued testing and piloting of these systems.

CONTAINER SECURITY

As described under the Office of the Secretary and Executive Management, the conferees strongly support port, container, and cargo security. As part of the Department's strategic plan, U.S. Customs and Border Protection and DNDO are directed to achieve 100 percent radiation examination of containers entering the United States through the busiest 22 seaports of entry by December 31, 2007.

TITLE V—GENERAL PROVISIONS

Section 501. The conferees continue a provision proposed by the House and Senate that no part of any appropriation shall remain available for obligation beyond the current year unless expressly provided.

Section 502. The conferees continue a provision proposed by the House and Senate that unexpended balances of prior appropriations may be merged with new appropriations accounts and used for the same purpose, subject to reprogramming guidelines.

Section 503. The conferees continue a provision proposed by the House and Senate that provides authority to reprogram appro-

priations within an account and to transfer not to exceed 5 percent between appropriations accounts with 15-day advance notification of the Committees on Appropriations. A detailed funding table identifying each Congressional control level for reprogramming purposes is included at the end of this report. These reprogramming guidelines shall be complied with by all agencies funded by the Department of Homeland Security Appropriations Act, 2007.

The conferees expect the Department to submit reprogramming requests on a timely basis, and to provide complete explanations of the reallocations proposed, including detailed justifications of the increases and offsets, and any specific impact the proposed changes will have on the budget request for the following fiscal year and future-year appropriations requirements. Each request submitted to the Committees should include a detailed table showing the proposed revisions at the account, program, project, and activity level to the funding and staffing (full-time equivalent position) levels for the current fiscal year and to the levels requested in the President's budget for the following fiscal year.

The conferees expect the Department to manage its programs and activities within the levels appropriated. The conferees are concerned with the number of reprogramming proposals submitted for consideration by the Department and remind the Department that reprogramming or transfer requests should be submitted only in the case of an unforeseeable emergency or situation that could not have been predicted when formulating the budget request for the current fiscal year. Further, the conferees note that when the Department submits a reprogramming or transfer request to the Committees on Appropriations and does not receive identical responses from the House and Senate, it is the responsibility of the Department to reconcile the House and Senate differences before proceeding, and if reconciliation is not possible, to consider the reprogramming or transfer request unapproved.

The Department is not to propose a reprogramming or transfer of funds after June 30th unless there are exceptional or extraordinary circumstances such that lives or property are placed in imminent danger.

Section 504. The conferees continue a provision proposed by the Senate that none of the funds appropriated or otherwise available to the Department may be used to make payment to the Department's Working Capital Fund, except for activities and amounts allowed in the President's fiscal year 2007 budget, excluding sedan service, shuttle service, transit subsidy, mail operations, parking, and competitive sourcing. The House bill contained no similar provision.

Section 505. The conferees continue a provision proposed by the House and Senate that not to exceed 50 percent of unobligated balances remaining at the end of fiscal year 2007 from appropriations made for salaries and expenses shall remain available through fiscal year 2008 subject to reprogramming guidelines.

Section 506. The conferees continue a provision proposed by the House and Senate deeming that funds for intelligence activities are specifically authorized during fiscal year 2007 until the enactment of an Act authorizing intelligence activities for fiscal year 2007.

Section 507. The conferees continue a provision proposed by the House and Senate directing the Federal Law Enforcement Training Center (FLETC) to lead the Federal law enforcement training accreditation process.

Section 508. The conferees continue and modify a provision proposed by the House and Senate requiring notification of the Committees on Appropriations three business days before any grant allocation, discretionary grant award, discretionary contract award, letter of intent, or public announcement of the intention to make such an award totaling in excess of $1,000,000. Additionally, the Department is required to brief the Committees on Appropriations five full business days prior to announcing publicly the intention to make a State Homeland Security Program; Law Enforcement Terrorism Prevention Program; or High-Threat, High-Density Urban Areas grant award.

Section 509. The conferees continue a provision proposed by the House and Senate that no agency shall purchase, construct, or lease additional facilities for federal law enforcement training without advance approval of the Committees on Appropriations.

Section 510. The conferees continue a provision proposed by the House and Senate that FLETC shall schedule basic and advanced law enforcement training at all four training facilities under its control to ensure that these training centers are operated at the highest capacity.

Section 511. The conferees continue a provision proposed by the House and Senate that none of the funds may be used for any construction, repair, alteration, and acquisition project for which a prospectus, as required by the Public Buildings Act of 1959, has not been approved.

Section 512. The conferees continue a provision proposed by the House and Senate that none of the funds may be used in contravention of the Buy American Act.

Section 513. The conferees continue a provision proposed by the House and Senate related to the transfer of the authority to conduct background investigations from the Office of Personnel Management to DHS. The conferees are concerned by delays in personnel security and suitability background investigations, update investigations and periodic reinvestigations for Departmental employees and, in particular for positions within the Office of the Secretary and Executive Management, Office of the Under Secretary for Management, Analysis and Operations, Immigration and Customs Enforcement, the Directorate of Science and Technology, and the Directorate for Preparedness. The conferees direct this authority be used to expeditiously process background investigations, including updates and reinvestigations, as necessary.

Section 514. The conferees continue and modify a provision proposed by the House and Senate to prohibit the obligation of funds for the Secure Flight program, except on a test basis, until the requirements of section 522 of Public Law 108–334 have been met and certified by the Secretary of DHS and reported by the Government Accountability Office (GAO). The conferees direct the GAO to continue to evaluate DHS and Transportation Security Administration (TSA) actions to meet the ten conditions listed in section 522(a) of Public Law 108–334 and to report to the Committees

on Appropriations, either incrementally as the Department meets additional conditions, or when all conditions have been met by the Department. The provision also prohibits the obligation of funds to develop or test algorithms assigning risk to passengers not on government watch lists and for a commercial database that is obtained from or remains under the control of a non-federal entity, excluding Passenger Name Record data obtained from air carriers. Within 90 days after enactment of this Act, TSA shall submit a detailed plan on achieving key milestones, as well as certification of this program.

Section 515. The conferees continue a provision proposed by the House and Senate prohibiting funds to be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

Section 516. The conferees continue a provision proposed by the House and Senate regarding competitive sourcing.

Section 517. The conferees continue and modify a provision proposed by the House and Senate regarding the reimbursement to the Secret Service for the cost of protective services.

Section 518. The conferees continue a provision proposed by the House and Senate directing the Secretary of Homeland Security, in consultation with industry stakeholders, to develop standards and protocols for increasing the use of explosive detection equipment to screen air cargo when appropriate.

Section 519. The conferees continue and modify a provision proposed by the House and Senate directing TSA to utilize existing checked baggage explosive detection equipment and screeners to screen cargo on passenger aircraft when practicable and requiring TSA to report air cargo inspection statistics to the Committees on Appropriations within 45 days of the end of each quarter of the fiscal year.

Section 520. The conferees include a new provision regarding the designation of funds.

Section 521. The conferees include and modify a provision proposed by the House rescinding $78,693,508 for the Coast Guard's service life extension program of the 110-foot Island Class patrol boat and accelerated design and production of the fast response cutter and appropriating the same amount for acquisition of replacement patrol boats and service life extensions. The Senate bill contained a similar provision in Title II.

Section 522. The conferees continue a provision proposed by the House and Senate that directs that only the Privacy Officer, appointed pursuant to section 222 of the Homeland Security Act of 2002, may alter, direct that changes be made to, delay or prohibit the transmission of a Privacy Officer report to Congress.

Section 523. The conferees continue a provision proposed by the House and Senate requiring only those employees who are trained in contract management to perform contract management.

Section 524. The conferees continue and modify a provision proposed by the House and Senate directing that any funds appropriated or transferred to TSA "Aviation Security", "Administration" and "Transportation Security Support" in fiscal years 2004, 2005, and 2006 that are recovered or deobligated shall be available only for procurement and installation of explosive detection systems for

air cargo, baggage and checkpoint screening systems subject to notification.

Section 525. The conferees continue and modify a provision proposed by the House and Senate requiring DHS to revise, within 30 days after enactment, its management directive on Sensitive Security Information (SSI) to among other things, provide for the release of certain SSI information that is three years old unless the Secretary makes a written determination that identifies a rational reason why the information must remain SSI. The conferees expect this rational reason written determination to identify and describe the specific risk to the national transportation system. The provision also contains a mechanism for SSI to be used in civil judicial proceedings if the judge determines that is needed. The conferees expect that a party will be able to demonstrate undue hardship to the judge if equivalent information is not available in one month's time. The conferees expect the criminal history records check and terrorist threat assessment on the persons seeking access to SSI in civil proceedings to be identical to that conducted for aviation workers. The conferees further expect any DHS demonstration of risk or harm to the nation in a judicial proceeding include a description of the specific risk to the national transportation system. This is consistent with demonstrations made for classified information.

Section 526. The conferees continue a provision proposed by the House and Senate extending the authorization of the Working Capital Fund in fiscal year 2007.

Section 527. The conferees continue a provision proposed by the House and Senate rescinding $16,000,000 from the unobligated balances from prior year appropriations made available for the "Counterterrorism Fund".

Section 528. The conferees continue and modify a provision proposed by the House requiring monthly Disaster Relief Fund financial reports. These changes are in part based on recommendations made by the Government Accountability Office in report GAO–06–834. The Senate bill contained no similar provision.

Section 529. The conferees continue and modify a provision proposed by the Senate rescinding $125,000,000 from unexpended balances of the Science and Technology Directorate, as proposed by the Senate and modified by the conferees. The House bill contained no similar provision.

Section 530. The conferees continue a provision proposed by the Senate regarding the enforcement of section 4025(1) of Public Law 108–458. The House bill contained no similar provision.

Section 531. The conferees continue and modify a provision proposed by the House and Senate requiring the Chief Financial Officer to submit monthly budget execution and staffing reports within 45 days after the close of each month.

Section 532. The conferees continue and modify a provision proposed by the House relating to undercover investigative operations authority of the Secret Service for fiscal year 2007. The Senate bill contained no similar provision.

Section 533. The conferees continue a provision proposed by the House directing the Director of the Domestic Nuclear Detection Office to operate extramural and intramural research, develop-

ment, demonstration, testing, and evaluation programs so as to distribute funding through grants, cooperative agreements, other transactions and contracts. The Senate bill contained no similar provision.

Section 534. The conferees continue a provision proposed by the Senate regarding the Hancock County Port and Harbor Commission of Mississippi. The House bill contained no similar provision.

Section 535. The conferees continue and modify a provision proposed by the House and Senate regarding the importation of prescription drugs.

Section 536. The conferees continue a provision proposed by the Senate directing the Department of Homeland Security to account for the needs of household pets and service animals in approving standards for state and local emergency preparedness operational plans under the Stafford Act. The House bill contained no similar provision.

Section 537. The conferees continue a provision proposed by the House and Senate rescinding $4,776,000 of unobligated balances from prior year appropriations made available for Transportation Security Administration "Aviation Security" and "Headquarters Administration".

Section 538. The conferees continue a provision proposed by the Senate rescinding $61,936,000 from the unobligated balances of prior year appropriations for TSA "Aviation Security". The House bill contained no similar provision.

Section 539. The conferees continue a provision proposed by the Senate rescinding $20,000,000 from unexpended balances of the United States Coast Guard "Acquisition, Construction, and Improvements" account identified in House Report 109–241 for the development of the Offshore Patrol Cutter. The House bill contained no similar provision.

Section 540. The conferees include a new provision rescinding $4,100,000 from the Coast Guard's Automatic Identification System. The Senate bill contained a similar proposal. The House bill contained no similar proposal.

Section 541. The conferees continue a provision proposed by the House permitting the Army Corps of Engineers to use specific Meadowview Acres Addition lots in Augusta, Kansas, for building portions of the flood-control levee. The conferees expect FEMA to cooperate with and assist the Army Corps of Engineers with regard to this section. The Senate bill contained no similar provision.

Section 542. The conferees continue a provision proposed by the Senate permitting the City of Cuero, Texas, to use grant funds awarded under title I, chapter 6, Public Law 106–31 until September 30, 2007. The House bill contained a similar provision.

Section 543. The conferees continue a provision proposed by the House prohibiting the use of funds to contravene the federal buildings performance and reporting requirements of Executive Order 13123, part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.), or subtitle A of title I of the Energy Policy Act of 2005. The Senate bill contained no similar provision.

Section 544. The conferees continue a provision proposed by the Senate classifying the instructor staff at the Federal Law Enforcement Training Center as inherently governmental for purposes of the Federal Activities Inventory Reform Act of 1998. The House bill contained no similar provision.

Section 545. The conferees continue a provision proposed by the House prohibiting the use of funds to contravene section 303 of the Energy Policy Act. The Senate bill contained no similar provision.

Section 546. The conferees continue and modify a provision proposed by the Senate regarding the Western Hemisphere Travel Initiative. The House bill contained no similar provision.

Section 547. The conferees continue a provision proposed by the House prohibiting the use of funds to award a contract for major disaster or emergency assistance activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, except in accordance with section 307 of that Act. The Senate bill contained no similar provision.

Section 548. The conferees continue a provision proposed by the House prohibiting funds to be used to reimburse L.B. & B. Associates, Inc. or Olgoonik Logistics LLC for attorney fees related to litigation against Local 30 of the International Union of Operating Engineers. The Senate bill contained no similar provision.

Section 549. The conferees continue and modify a provision proposed by the Senate regarding the Transportation Security Administration's Acquisition Management System. The House bill contained no similar provision.

Section 550. The conferees continue and modify a provision proposed by the Senate to require the Secretary to issue interim risk-based security regulations on high risk chemical facilities. This three-year authorization gives the Secretary and facilities flexibility to achieve the appropriate risk reduction, but also provides the Secretary the means to inspect and sanction non-compliant facilities, including authority to shut down non-compliant facilities until they comply. The provision protects sensitive information, but allows it to be shared with appropriate authorities. The House bill contained no similar provision.

Section 551. The conferees continue a provision proposed by the Senate regarding unlawful border tunnels. The House bill contained no similar provision.

Section 552. The conferees continue and modify a provision proposed by the Senate prohibiting the Secretary of Homeland Security from altering or reducing the Coast Guard's civil engineering program until Congress receives and approves any planned changes. The House bill contained no similar provision.

Section 553. The conferees continue a provision proposed by the Senate prohibiting the use of funds in contravention to Executive Order 13149, relating to fleet and transportation efficiency. The House bill contained no similar provision.

Section 554. The conferees continue a provision proposed by the Senate requiring each air carrier to submit a plan to the Transportation Security Administration on how it will participate in the voluntary provision of the emergency services program. The House bill contained no similar provision.

Section 555. The conferees continue a provision proposed by the Senate requiring the Director of the Federal Emergency Management Agency, in conjunction with the Director of the National Institute of Standards and Technology, to report on federal earthquake response plans for high-risk earthquake regions. The House bill contained no similar provision.

Section 556. The conferees continue a provision proposed by the Senate directing the Secretary of Homeland Security to revise procedures for clearing individuals who have been mistakenly placed on a terrorist database list. The House bill contained no similar provision.

Section 557. The conferees continue and modify a provision proposed by the Senate prohibiting the confiscation of firearms during certain national emergencies. The House bill contained no similar provision.

Section 558. The conferees continue and modify a provision proposed by the Senate to pilot an integrated scanning system at foreign seaports. The House bill contained no similar provision.

Section 559. The conferees include a new provision rescinding $2,500,000 from the United States Secret Service National Special Security Event Fund and re-appropriating the same amount to the same account available until expended.

Section 560. The conferees include a new provision requiring the transfer authority contained in section 505 of the Homeland Security Act, as amended by Title VI of this Act, concerning the reorganization of FEMA be subject to 31 U.S.C. 1531(a)(2).

PROVISIONS NOT ADOPTED

The conference agreement deletes section 516 of the House bill maintaining the United States Secret Service as a distinct entity within the Department of Homeland Security. The provision is already enacted into law (section 607 of Public Law 109–177).

The conference agreement deletes section 520 of the House bill and Section 520 of the Senate bill relating to the transportation worker identification credential.

The conference agreement deletes section 534 of the Senate bill transferring the Transportation Security Laboratory to the Transportation Security Administration.

The conference agreement deletes section 536 of the House bill prohibiting the Transportation Security Administration from employing nonscreener personnel in certain situations.

The conference agreement deletes section 536 of the Senate bill prohibiting the use of funds for the Office of the Federal Coordinator for Gulf Coast Rebuilding until certain conditions are met. This issue is addressed in the statement of managers under Departmental Management and Operations.

The conference agreement deletes section 541 of the House bill reducing funds for the Office of the Secretary and Executive Management and adding funds to Fire Fighter Assistance Grants.

The conference agreement deletes section 541 of the Senate bill requiring a report on agriculture inspections. This requirement is addressed in the statement of managers under Customs and Border Protection.

The conference agreement deletes section 542 of the House bill adding funds to the Secret Service and Federal Emergency Management Agency.

The conference agreement deletes section 542 of the Senate bill requiring the conference report accompanying H.R. 5441 to contain any limitation, directive, or earmarking agreed upon by both the House and Senate.

The conference agreement deletes section 543 of the House bill relating to a limitation on funds to be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

The conference agreement deletes section 543 of the Senate bill requiring reports submitted to the Committees on Appropriations and the annual budget justifications to be posted on the Department's website with 48 hours. The conferees note the Director of the Office of Management and Budget's decision to post budget justifications and related material on a public web site within two weeks of submitting the material to Congress (OMB circular A–11).

The conference agreement deletes section 544 of the House bill prohibiting the use of funds to provide information to foreign governments about activities of organized volunteer civilian action groups, unless required by international treaty.

The conference agreement deletes section 544 of the Senate bill providing funds to the Chief Financial Officer from the Office of Domestic Preparedness. This requirement is addressed in the statement of managers under Office of the Chief Financial Officer.

The conference agreement deletes section 545 of the Senate bill prohibiting the use of funds for the Long Range Aids to Navigation stations, except for certain geographic areas. This requirement is addressed in the statement of managers under United States Coast Guard.

The conference agreement deletes section 546 of the Senate bill regarding statutory limitations of the number of TSA employees.

The conference agreement deletes section 547 of the Senate bill requiring a report on actions to achieve interoperable communications. This issue is addressed in the statement of managers under Preparedness.

The conference agreement deletes section 549 of the Senate bill relating to data-mining. This requirement is addressed in the statement of managers under Office of the Secretary and Executive Management.

The conference agreement deletes section 551 of the Senate bill requiring the Department of Homeland Security to conduct a pilot program at the Northern Border air wing bases to test unmanned aerial vehicles. This requirement is addressed in the statement of managers under Customs and Border Protection.

The conference agreement deletes section 552 of the Senate bill requiring Immigration and Customs Enforcement to report on the costs and need of establishing a sub-office in Greeley, Colorado. This requirement is addressed in the statement of managers under Immigration and Customs Enforcement.

The conference agreement deletes section 553 of the Senate bill requiring a report on locating existing Louisiana facilities and assets of the Coast Guard in the Federal City Project of New Orleans,

Louisiana. This requirement is addressed in the statement of managers under United States Coast Guard.

The conference agreement deletes section 554 of the Senate bill that authorizes the Coast Guard to buy law enforcement patrol boats. This requirement is addressed in the statement of managers under United States Coast Guard.

The conference agreement deletes section 555 of the Senate bill regarding the screening of municipal solid waste.

The conference agreement deletes section 557 of the Senate bill requiring the Secretary of Homeland Security to inspect and levy a fee to inspect international shipments of municipal solid waste.

The conference agreement deletes section 558 of the Senate bill requiring the evaluation of interoperable communications for the 2010 Olympics. This requirement is addressed in the statement of managers under Office of the Secretary and Executive Management.

The conference agreement deletes section 560 of the Senate bill reducing the amounts made available under this Act for travel, transportation, printing, and reproduction.

The conference agreement deletes section 565 of the Senate bill allowing the Coast Guard to use funds from its Operating Expenses for the National Capital Region Air Defense mission. This issue is addressed in the statement of managers under United States Coast Guard.

The conference agreement deletes section 566 of the Senate bill reflecting the sense of the Senate on combating methamphetamine. This is addressed in the statement of managers under Customs and Border Protection.

The conference agreement deletes section 567 of the Senate bill requiring the Secretary of Homeland Security to report on the compliance with the recommendations of the Inspector General relating to the National Asset Database. This requirement is addressed in the statement of managers under Preparedness.

The conference agreement deletes section 568 of the Senate bill requiring the Inspector General to review any Secure Border Initiative contracts awarded over $20,000,000. This requirement is addressed in the statement of managers under Office of Inspector General.

The conference agreement deletes section 569 of the Senate bill permitting funds from Title VI to be used for the establishment of the Northern Border air wing site in Michigan. This requirement is addressed in the statement of managers under Customs and Border Protection.

The conference agreement deletes section 572 of the Senate bill to expand the National Infrastructure Simulation and Analysis Center. This issue is addressed in Title VI of this Act.

The conference agreement deletes section 573 of the Senate bill requiring the Secretary of Homeland Security to consult with the National Council on Radiation Protection and Measurement and other organizations in preparing guidance with respect to radiological terrorism, threats, and events. This requirement is addressed in the statement of managers under Preparedness.

The conference agreement deletes section 574 of the Senate bill requiring the Comptroller General to report on the effect on public

safety and screening operations from modifications to the list of items prohibited from being carried on commercial aircraft. This requirement is addressed in the statement of managers under Transportation Security Administration.

TITLE VI—BORDER SECURITY INFRASTRUCTURE ENHANCEMENTS

The conference agreement does not include Title VI of the Senate bill, "Border Security Infrastructure Enhancements." The House bill contained no similar matter. These matters are addressed in Titles I–IV of this Conference Report and the accompanying statement of managers.

The conference agreement includes new National Emergency Management authority in Title VI of this Conference Report. The Senate bill included "United States Emergency Management Authority" in Title VIII. The House bill contained no similar matter.

TITLE VII—SUPPLEMENTAL APPROPRIATIONS FOR PORT SECURITY ENHANCEMENTS

The conference agreement does not include Title VII of the Senate bill, "Supplemental Appropriations for Port Security Enhancements." The House bill contained no similar matter. These matters are addressed in Titles I–IV of this Conference Report and the accompanying statement of managers.

TITLE VIII—UNITED STATES EMERGENCY MANAGEMENT AUTHORITY

The conference agreement does not include Title VIII of the Senate bill, "United States Emergency Management Authority." The House bill contained no similar matter. The conferees include new National Emergency Management authority in Title VI of this Conference Report.

TITLE IX—BORDER ENFORCEMENT RELIEF ACT

The conference agreement does not include Title IX of the Senate bill, "Border Enforcement Relief Act." The House bill contained no similar matter.

The conference agreement contains no appropriations as defined in House Resolution 1000 that were not otherwise addressed in the House or Senate bills or reports.

CONFERENCE RECOMMENDATIONS

The conference agreement's detailed funding recommendations for programs in this bill are contained in the table listed below.

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	Budget Request	Conference
TITLE I - DEPARTMENTAL MANAGEMENT AND OPERATIONS		
Departmental Operations		
Office of the Secretary and Executive Management:		
Immediate Office of the Secretary	3,148	2,540
Immediate Office of the Deputy Secretary	1,648	1,185
Chief of Staff	2,901	2,560
Office of Counternarcotics Enforcement	2,878	2,360
Executive Secretary	5,001	4,450
Office of Policy	31,093	29,305
Secure Border Coordination Office	---	4,500
Office of Public Affairs	6,808	6,000
Office of Legislative and Intergovernmental Affairs	6,479	5,449
Office of General Counsel	14,065	12,759
Office of Civil Rights and Liberties	13,125	13,000
Citizenship and Immigration Services Ombudsman	5,927	5,927
Privacy Officer	4,435	4,435
Subtotal, Office of the Secretary and Executive Management	97,508	94,470
Office of Screening Coordination and Operations	3,960	---
Office of the Under Secretary for Management:		
Under Secretary for Management	2,012	1,870
Office of Security	58,514	52,640
Business Transformation Office	2,017	---
Office of the Chief Procurement Officer	16,895	16,895
Office of the Chief Human Capital Officer:		
Salaries and expenses	9,827	8,811
MAX - HR System	71,449	25,000
Subtotal, Office of the Chief Human Capital Officer	81,276	33,811
Office of the Chief Administrative Officer:		
Salaries and expenses	40,218	40,218
Nebraska Avenue Complex (NAC-DHS Headquarters)	8,206	8,206
Subtotal, Office of the Chief Administrative Officer	48,424	48,424
Subtotal, Office of the Under Secretary for Management	209,138	153,640
Office of the Chief Financial Officer:		
Salaries and expenses	26,018	26,000
Emerge2	18,362	---
Subtotal, Office of the Chief Financial Officer	44,380	26,000
Office of the Chief Information Officer:		
Salaries and expenses	79,521	79,521
Information technology services	61,013	61,013
Security activities	64,139	89,387
Wireless program	86,438	86,438
Homeland Secure Data Network (HSDN)	32,654	32,654
Subtotal, Office of the Chief Information Officer	323,765	349,013
Analysis and Operations	298,663	299,663

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	Budget Request	Conference
Total, Departmental Operations	977,414	922,786
Office of the Federal Coordinator for Gulf Coast Rebuilding	---	3,000
Office of Inspector General		
Operating expenses	96,185	85,185
Total, title I, Departmental Management and Operations	1,073,599	1,010,971
TITLE II - SECURITY, ENFORCEMENT, AND INVESTIGATIONS		
U.S. Visitor and Immigrant Status Indicator Technology	399,494	362,494
Customs and Border Protection		
Salaries and expenses:		
Headquarters, Management, and Administration:		
Management and administration, border security inspections and trade facilitation	663,943	658,943
Management and administration, border security and control between ports of entry	594,446	589,446
Subtotal, Headquarters, Mgt, & Admin	1,258,389	1,248,389
Border security inspections and trade facilitation:		
Inspections, trade, and travel facilitation at ports of entry	1,282,102	1,326,665
Harbor maintenance fee collection (trust fund)	3,026	3,026
Container security initiative	139,312	139,312
Other international programs	8,701	8,701
Customs-Trade Partnership Against Terrorism/ Free and Secure Trade (FAST) NEXUS/SENTRI	75,909	---
Customs-Trade Partnership Against Terrorism (C-TPAT)	---	54,730
Free and Secure Trade (FAST) NEXUS/SENTRI	---	11,243
Inspection and detection technology investments	94,317	141,317
Emergency appropriations	---	100,000
Subtotal	94,317	241,317
Automated targeting systems	27,298	27,298
National Targeting Center	23,635	23,635
Other technology investments, including information technology	1,027	---
Training	24,564	24,564
Subtotal, Border security inspections and trade facilitation	1,679,891	1,860,491
Border security and control between ports of entry:		
Border security and control	2,243,619	2,239,586
Border technology	131,559	---
Training	45,688	37,924
Subtotal, Border security and control between ports of entry	2,420,866	2,277,510

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	Budget Request	Conference
Air and Marine Personnel Compensation and Benefits	159,876	175,796
Subtotal, Salaries and expenses	5,519,022	5,562,186
Appropriations	(5,515,996)	(5,459,160)
Emergency appropriations	---	(100,000)
Trust fund	(3,026)	(3,026)
Automation modernization:		
Automated commercial environment/International Trade Data System (ITDS)	318,490	316,800
Automated commercial system and legacy IT costs	142,717	134,640
Subtotal, Automation modernization	461,207	451,440
Border security fencing, infrastructure, and technology (BSFIT)	---	28,365
Emergency appropriations	---	1,159,200
Subtotal, BSFIT	---	1,187,565
Air and Marine Interdiction, Operations, Maintenance, and Procurement:		
Operations and maintenance	265,966	236,454
Unmanned aerial vehicles	10,353	---
Procurement	61,380	133,733
Emergency appropriations	---	232,000
Subtotal	61,380	365,733
Subtotal, Air and marine interdiction, operations, maintenance, and procurement	337,699	602,187
Appropriations	(337,699)	(370,187)
Emergency appropriations	---	(232,000)
Construction:		
Construction	255,954	122,978
Construction (Border Patrol) (emergency)	---	110,000
Subtotal, Construction	255,954	232,978
Total, Direct appropriations for Customs and and Border Protection	6,573,882	8,036,356
Fee accounts:		
Immigration inspection user fee	(529,300)	(529,300)
Immigration enforcement fines	(1,724)	(1,724)
Land border inspection fee	(28,071)	(28,071)
COBRA passenger inspection fee	(387,804)	(387,804)
APHIS inspection fee	(214,287)	(214,287)
Puerto Rico collections	(97,815)	(97,815)
Small airport user fees	(6,230)	(6,230)
Subtotal, fee accounts	(1,265,231)	(1,265,231)
Total, Customs and Border Protection	(7,839,113)	(9,301,587)
Appropriations	(6,573,882)	(6,435,156)
Emergency apropriations	---	(1,601,200)
(Fee accounts)	(1,265,231)	(1,265,231)

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	Budget Request	Conference
Immigration and Customs Enforcement		
Salaries and expenses:		
Headquarters Management and Administration (non-Detention and Removal Operations):		
Personnel compensation and benefits, service and other costs	---	140,000
Headquarters managed IT investment	---	134,013
Subtotal, Headquarters management and administration	---	274,013
Legal proceedings	206,511	187,353
Investigations:		
Domestic	1,456,650	1,285,229
International	104,744	104,681
Subtotal, Investigations	1,561,394	1,389,910
Intelligence:		
Intelligence	57,932	51,379
Subtotal, Intelligence	57,932	51,379
Detention and removal operations:		
Custody Operations	1,432,702	1,381,767
Fugitive operations	173,784	183,200
Criminal Alien program	110,250	137,494
Alternatives to detention	42,702	43,600
Transportation and removal program	317,016	238,284
Subtotal, Detention and removal operations	2,076,454	1,984,345
Subtotal, Salaries and expenses	3,902,291	3,887,000
Federal protective service:		
Basic security	123,310	---
Building specific security (including capital equipment replacement/acquisition)	392,701	---
Subtotal, Federal Protective Service	516,011	---
Offsetting fee collections	-516,011	---
Automation modernization:		
ATLAS	---	15,000
Construction	26,281	26,281
Emergency appropriations	---	30,000
Subtotal, Construction	26,281	56,281
Total direct appropriations for Immigration and Customs Enforcement	3,928,572	3,958,281
Fee accounts:		
Federal Protective Service	---	(516,011)
Immigration inspection user fee	(108,000)	(108,000)
Breached bond/detention fund	(90,000)	(90,000)
Student exchange and visitor fee	(54,349)	(54,349)
Subtotal, fee accounts	(252,349)	(768,360)

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	Budget Request	Conference
Subtotal, Immigration and Customs Enforcement (gross)	(4,696,932)	(4,726,641)
Offsetting fee collections	(-516,011)	---
Total, Immigration and Customs Enforcement	(4,180,921)	(4,726,641)
Appropriations	(3,928,572)	(3,928,281)
Emergency appropriations	---	(30,000)
Fee accounts	(252,349)	(768,360)
Transportation Security Administration		
Aviation security:		
Screening operations:		
Screener workforce:		
Privatized screening	148,600	148,600
Passenger screener - personnel, compensation, and benefits	1,556,226	---
Baggage screener - personnel, compensation, and benefits	913,974	---
Passenger & Baggage screener - personnel, compensation, and benefits	---	2,470,200
Subtotal, Sceener workforce	2,618,800	2,618,800
Screening training and other:		
Passenger screeners, other	23,352	---
Baggage screeners, other	133,114	---
Screener training	88,000	---
Subtotal, Screening training and other	244,466	---
Screening Training and Other	---	244,466
Human resource services	207,234	207,234
Checkpoint support	173,366	173,366
EDS/ETD Systems:		
EDS Purchase	91,000	141,400
EDS Installation	94,000	138,000
EDS/ETD Maintenance	234,000	222,000
Operation integration	23,000	23,000
Subtotal, EDS/ETD Systems	442,000	524,400
Subtotal, Screening operations	3,685,866	3,768,266
Aviation direction and enforcement:		
Aviation regulation and other enforcement	217,516	217,516
Airport management, IT, and support	666,032	666,032
FFDO and flight crew training	30,470	25,000
Air cargo	55,000	55,000
Subtotal, Aviation direction and enforcement	969,018	963,548
Aviation security capital fund	(250,000)	(250,000)
Subtotal, Aviation security (gross)	4,654,884	4,731,814
Offsetting fee collections (non-mandatory)	-3,650,000	-2,420,000
Aviation security capital fund	(250,000)	(250,000)
Total, Aviation security (net)	1,004,884	2,311,814

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	Budget Request	Conference
Surface transportation security:		
Staffing and operations	24,000	24,000
Rail security inspectors and canines	13,200	13,200
Subtotal, Surface transportation security	37,200	37,200
Transportation Threat Assessment and Credentialing:		
SecureFlight	40,000	15,000
Crew vetting	14,700	14,700
Screening administration and operations	---	10,000
Registered Traveler Program fees	(35,101)	(35,101)
TWIC fees	(20,000)	(20,000)
Hazardous materials fees	(19,000)	(19,000)
Alien Flight School (by transfer from DOJ) - fees	(2,000)	(2,000)
Subtotal, Transportation Threat Assessment and Credentialing (Gross)	(130,801)	(115,801)
Fee funded programs	(76,101)	(76,101)
Subtotal, Transportation Threat Assessment and Credentialing (net)	54,700	39,700
Transportation security support:		
Administration:		
Headquarters administration	296,191	294,191
Information technology	210,092	210,092
Subtotal, Administration	506,283	504,283
Intelligence	21,000	21,000
Subtotal, Transportation security support	527,283	525,283
Federal Air Marshals:		
Management and administration	628,494	628,494
Travel and training	70,800	85,800
Subtotal, Federal Air Marshals	699,294	714,294
Total, Transportation Security Administration (gross)	6,299,462	6,374,392
Offsetting fee collections	-3,650,000	-2,420,000
Aviation security capital fund	(250,000)	(250,000)
Fee accounts	(76,101)	(76,101)
Total, Transportation Security Administration (net)	2,323,361	3,628,291
United States Coast Guard		
Operating expenses:		
Military pay and allowances	2,788,276	2,788,276
Civilian pay and benefits	569,434	569,434
Training and recruiting	180,876	180,876
Operating funds and unit level maintenance	1,061,574	1,011,374
Centrally managed accounts	207,954	201,968
Intermediate and depot level maintenance	710,729	710,729
Port Security	---	15,000
Less adjustment for defense function	-340,000	-340,000

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	Budget Request	Conference
Defense function	340,000	340,000
Subtotal, Operating expenses	5,518,843	5,477,657
Appropriations	(5,178,843)	(5,137,657)
Defense function	(340,000)	(340,000)
Environmental compliance and restoration	11,880	10,880
Reserve training	123,948	122,448
Acquisition, construction, and improvements:		
Vessels:		
Response boat medium (41ft UTB and NSB replacement)	24,750	24,750
Special purpose craft - Law enforcement (emergency)	---	1,800
Subtotal, Vessels	24,750	26,550
Aircraft:		
HH-60 replacement	---	15,000
Other equipment:		
Automatic identification system	11,238	11,238
National distress and response system modernization (Rescue 21)	39,600	39,600
HF Recap	2,475	2,475
National Capital Region Air Defense	48,510	48,510
Emergency appropriations	---	18,000
Subtotal	48,510	66,510
Counter Terrorism Training Infrastructure - shoothouse	1,683	---
Subtotal, Other equipment	103,506	119,823
Personnel compensation and benefits:		
Core acquisition costs	500	500
Direct personnel cost	80,500	80,500
Subtotal, Personnel compensation and benefits	81,000	81,000
Integrated deepwater systems:		
Aircraft:		
Aircraft, other	216,513	211,513
Emergency appropriations	---	100,500
HH-65 re-engining	32,373	32,373
Subtotal, Aircraft	248,886	344,386
Surface ships	498,366	498,366
Emergency appropriations	---	55,500
Subtotal, Surface ships	498,366	553,866
C4ISR	60,786	50,000
Logistics	42,273	36,000
Systems engineering and integration	35,145	35,145
Government program management	48,975	46,475
Subtotal, Integrated deepwater systems	934,431	1,065,872
Shore facilities and aids to navigation:		
Shore operational and support projects	2,600	---

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	Budget Request	Conference
Shore construction projects	2,850	---
Renovate USCGA Chase Hall barracks, phase I	2,000	---
Coast Guard housing - Cordova, AK	5,500	---
ISC Seattle Group, sector admin ops facility phase II	2,600	---
Replace multi-purpose building - Group Long Island Sound	1,000	---
Construct breakwater - Station Neah Bay	1,100	---
Rebuild station and waterfront at Base Galveston phase I	5,200	---
Waterways aids to navigation infrastructure	3,000	---
Undistributed distributions	---	22,000
Subtotal, Shore facilities and aids to navigation	25,850	22,000
Subtotal, Acquisition, construction, and improvements	1,169,537	1,330,245
Appropriations	(1,169,537)	(1,154,445)
Emergency appropriations	---	(175,800)
Alteration of bridges	---	16,000
Research, development, test, and evaluation	13,860	17,000
Health care fund contribution	278,704	278,704
Subtotal, U.S. Coast Guard discretionary	7,116,772	7,252,934
Retired pay (mandatory)	1,063,323	1,063,323
Total, United States Coast Guard	8,180,095	8,316,257
Appropriations	(8,180,095)	(8,140,457)
Emergency appropriations	---	(175,800)
United States Secret Service		
Protection, Administration, and Training:		
Protection:		
Protection of persons and facilities	639,747	651,247
Protective intelligence activities	55,509	55,509
National special security event	---	1,000
Presidental candidate nominee protection	---	18,400
White House mail screening	16,201	16,201
Subtotal, Protection	711,457	742,357
Field operations:		
Domestic field operations	236,093	---
International field office administration, operations and training	21,616	---
Electronic crimes special agent program and electronic crimes task forces	44,079	---
Subtotal, Field operations	301,788	---
Administration:		
Headquarters, management and administration	169,370	169,370
Grants for National Center for Missing and Exploited Children	7,811	---
Subtotal, Administration	177,181	169,370
Training:		
Rowley training center	50,052	50,052
Subtotal, Protection, Admin and Training	1,240,478	961,779

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	Budget Request	Conference
Investigations and Field Operations:		
Domestic field operations	---	236,093
International field administration and operations	---	22,616
Electronic crimes special agent program and electronic crimes task forces	---	44,079
Forensic support and grants to NCMEC	---	8,366
Subtotal, Investigations and Field operations	---	311,154
Special Event Fund:		
National special security event fund	2,500	---
Candidate nominee protection (equip and training)	18,400	---
Subtotal, Special Event Fund	20,900	---
Acquisition, construction, improvements and related expenses (Rowley training center)	3,725	3,725
Total, United States Secret Service	1,265,103	1,276,658
Total, title II, Security, Enforcement, and Investigations	22,670,507	25,578,337
Appropriations	(22,670,507)	(23,771,337)
Emergency appropriations	---	(1,807,000)
(Fee Accounts)	(1,593,681)	(2,109,692)
TITLE III - PREPAREDNESS AND RECOVERY		
Preparedness		
Management and administration:		
Immediate Office of the Under Secretary	17,497	16,392
Office of the Chief Medical Officer	4,980	4,980
Office of National Capital Region Coordination	1,991	2,741
National Preparedness Integration Program	50,000	6,459
Subtotal, Management and administration	74,468	30,572
Grants and Training:		
State and Local Programs:		
State formula grants:		
State Homeland Security Grant Program	633,000	525,000
Emergency management performance grants	170,000	---
Citizen Corps	35,000	---
Law enforcement terrorism prevention grants	---	375,000
Subtotal, State formula grants	838,000	900,000
Discretionary grants:		
High-threat, high-density urban area	838,000	770,000
Port security grants	---	210,000
Trucking security grants	---	12,000
Intercity bus security grants	---	12,000
Rail and transit security	---	175,000
Buffer zone protection program	---	50,000
Targeted infrastructure protection	600,000	---
Subtotal, Discretionary grants	1,438,000	1,229,000
Commercial equipment direct assistance program	---	50,000

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	Budget Request	Conference
National Programs:		
National Domestic Preparedness Consortium.....	89,351	145,000
National exercise program.....	48,708	49,000
Technical assistance.....	11,500	18,000
Metropolitan Medical Response System.....	---	33,000
Demonstration training grants.....	---	30,000
Continuing training grants.....	3,000	31,000
Citizen Corps.....	---	15,000
Evaluations and assessments.....	23,000	19,000
Rural Domestic Preparedness Consortium.....	---	12,000
Management and Administration.....	5,000	---
Subtotal, National Programs.....	180,559	352,000
Subtotal, State and Local Programs.....	2,456,559	2,531,000
Firefighter assistance grants:		
Grants.....	293,450	547,000
Staffing for Adequate Fire and Emergency Response (SAFER) Act.....	---	115,000
Subtotal, Firefighter Assistance Grants.....	293,450	662,000
Emergency management performance grants.....	---	200,000
Subtotal, Grants and Training.....	2,750,009	3,393,000
Radiological Emergency Preparedness Program.....	-477	-477
U.S. Fire Administration and Training:		
United States Fire Administration.....	40,887	41,349
Noble Training Center.....	5,962	5,500
Subtotal, U.S. Fire Administration and Training.	46,849	46,849
Infrastructure Protection and Information Security		
Management and administration.....	84,650	77,000
Critical infrastructure outreach and partnership.....	101,100	101,100
Critical infrastructure identification and evaluation.....	71,631	69,000
National Infrastructure Simulation and Analysis Center.....	16,021	25,000
Biosurveillance.....	8,218	8,218
Protective actions.....	32,043	32,043
Cyber security.....	92,205	92,000
National Security/Emergency Preparedness Telecommunications.....	143,272	143,272
Subtotal, Infrastructure Protection and Information Security.....	549,140	547,633
Total, Preparedness.....	3,419,989	4,017,577
Federal Emergency Management Agency		
Administrative and regional operations.....	206,259	232,760
Defense function.....	49,240	49,240
Readiness, mitigation, response, and recovery:		
Operating activities.....	213,682	219,000
Urban search and rescue teams.....	19,817	25,000

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	Budget Request	Conference
Subtotal, Readiness, mitigation, response, and recovery	233,499	244,000
Public health programs	33,885	33,885
Disaster relief	1,941,390	1,500,000
Disaster assistance direct loan program account:		
(Limitation on direct loans)	(25,000)	(25,000)
Administrative expenses	569	569
Flood map modernization fund	198,980	198,980
National flood insurance fund:		
Salaries and expenses	38,230	38,230
Flood hazard mitigation	90,358	90,358
Offsetting fee collections	-128,588	-128,588
Transfer to National flood mitigation fund	(-31,000)	(-31,000)
National flood mitigation fund (by transfer)	(31,000)	(31,000)
National predisaster mitigation fund	149,978	100,000
Emergency food and shelter	151,470	151,470
Total, Federal Emergency Management Agency	2,965,270	2,510,904
Total, title III, Preparedness and Recovery	6,385,259	6,528,481
(Limitation on direct loans)	(25,000)	(25,000)
(Transfer out) (including emergency)	(-31,000)	(-31,000)
(By transfer) (including emergency)	(31,000)	(31,000)

TITLE IV - RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

U.S. Citizenship and Immigration Services

Salaries and expenses:		
Business transformation	47,000	47,000
Systematic Alien Verification for Entitlements (SAVE)	24,500	21,100
Employment Eligibility Verification (EEV) program	110,490	113,890
Subtotal, Salaries and expenses	181,990	181,990
Adjudication services (fee account):		
Pay and benefits	(624,600)	(624,600)
District operations	(385,400)	(385,400)
Service center operations	(267,000)	(267,000)
Asylum, refugee and international operations	(75,000)	(75,000)
Records operations	(67,000)	(67,000)
Subtotal, Adjudication services	(1,419,000)	(1,419,000)
Information and customer services (fee account):		
Pay and benefits	(81,000)	(81,000)
Operating expenses:		
National Customer Service Center	(48,000)	(48,000)
Information services	(15,000)	(15,000)
Subtotal, Information and customer services	(144,000)	(144,000)

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	Budget Request	Conference
Administration (fee account):		
Pay and benefits	(45,000)	(45,000)
Operating expenses	(196,000)	(196,000)
Subtotal, Administration	(241,000)	(241,000)
Total, U.S. Citizenship and Immigration Services	(1,985,990)	(1,985,990)
Appropriations	(181,990)	(181,990)
(Immigration Examination Fee Account)	(1,760,000)	(1,760,000)
(Fraud prevention and detection fee account)	(31,000)	(31,000)
(H1B Non-Immigrant Petitioner fee account)	(13,000)	(13,000)
Federal Law Enforcement Training Center		
Salaries and expenses:		
Law enforcement training	201,020	209,743
Accreditation	1,290	1,290
Subtotal, Salaries and expenses	202,310	211,033
Acquisition, Construction, Improvements, and Related expenses:		
Direct appropriation	42,246	42,246
Construction (emergency)	---	22,000
Subtotal	42,246	64,246
Total, Federal Law Enforcement Training Center	244,556	275,279
Appropriations	244,556	253,279
Emergency appropriations	---	22,000
Science and Technology		
Management and administration:		
Office of the Under Secretary for Science and Technology	7,594	7,594
Other salaries and expenses	188,307	127,406
Subtotal, Management and administration	195,901	135,000
Research, development, acquisition, and operations:		
Biological countermeasures:		
Defense function	337,200	350,200
Chemical countermeasures	83,092	60,000
Explosives countermeasures	86,582	86,582
Threat and vulnerability, testing and assessment	39,851	35,000
Conventional missions in support of DHS	88,622	85,622
Standards coordination	22,131	22,131
Emergent and prototypical technology	19,451	19,451
Critical infrastructure protection	15,413	35,413
University programs/homeland security fellowship	51,970	50,000
Counter MANPADs	4,880	40,000
SAFETY Act	4,710	4,710
Cybersecurity	22,733	20,000
Office of interoperability and compatibility	29,735	27,000
Pacific Northwest National Library	---	2,000
Subtotal, Research, development, acquisition, and operations	806,370	838,109
Total, Science and Technology	1,002,271	973,109

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	Budget Request	Conference
Domestic Nuclear Detection Office		
Management and administration	30,468	30,468
Research, development, and operations	327,320	272,500
Systems acquisition	178,000	178,000
Subtotal, Domestic Nuclear Detection Office	535,788	480,968
Total, title IV, Research and Development, Training, and Services	1,964,605	1,911,346
Appropriations	(1,964,605)	(1,889,346)
Emergency appropriations	---	(22,000)
(Fee Accounts)	(1,804,000)	(1,804,000)
TITLE V - GENERAL PROVISIONS		
Sec. 521 (fiscal year 2007):		
Rescission, Fast Response Cutter (P.L. 109-90)	---	-78,693
Replacement patrol boat	---	78,693
Sec. 527: Rescission, Counter Terrorism Fund	-16,000	-16,000
Sec. 529: Rescission, S&T unobligated balances	---	-125,000
Sec. 537: Rescission, TSA unobligated balances	---	-4,776
Sec. 538: Rescission, TSA unobligated balances	---	-61,936
Sec. 539: Rescission, USCG AC&I/OPC unobligated bal	---	-20,000
Sec. 540: Rescission, USCG AC&I/AIS unobligated bal	---	-4,100
Sec. 560:		
Rescission, US Secret Service unobligated balances	---	-2,500
US Secret Service national special security events	---	2,500
Total, title V, General Provisions	-16,000	-231,812
Appropriations	---	(81,193)
Rescissions	(-16,000)	(-313,005)
Grand total	32,077,970	34,797,323
Appropriations, fiscal year 2007	(32,093,970)	(33,281,328)
Emergency appropriations	---	(1,829,000)
Rescissions	(-16,000)	(-313,005)
Fee funded programs	(3,397,681)	(3,913,692)
(Limitation on direct loans)	(25,000)	(25,000)
(Transfer out) (including emergency)	(-31,000)	(-31,000)
(By transfer) (including emergency)	(31,000)	(31,000)

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2007 recommended by the Committee of Conference, comparisons to the 2007 budget estimates, and the House and Senate bills for 2007 follow:

[In thousands of dollars]

Budget estimates of new (obligational) authority, fiscal year 2007	32,077,970
House bill, fiscal year 2007	33,143,147
Senate bill, fiscal year 2007	33,441,323
Conference agreement, fiscal year 2007	34,797,323
Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 2007	+2,719,353
House bill, fiscal year 2007	+1,654,176
Senate bill, fiscal year 2007	+1,356,000

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ZACH WAMP,
TOM LATHAM,
JO ANN EMERSON,
JOHN E. SWEENEY,
JIM KOLBE,
ANDER CRENSHAW,
JOHN R. CARTER,
JERRY LEWIS,
MARTIN OLAV SABO,
DAVID E. PRICE,
JOSÉ E. SERRANO,
LUCILLE ROYBAL-ALLARD,
SANFORD D. BISHOP,
MARION BERRY,
CHET EDWARDS,
DAVID R. OBEY,
Managers on the Part of the House.

JUDD GREGG,
THAD COCHRAN,
TED STEVENS,
ARLEN SPECTER,
PETE V. DOMENICI,
RICHARD C. SHELBY,
LARRY E. CRAIG,
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HERB KOHL,
PATTY MURRAY,
HARRY REID,
DIANNE FEINSTEIN,
Managers on the Part of the Senate.

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