

**Calendar No. 204**110TH CONGRESS  
1ST SESSION**S. 1644****[Report No. 110-84]**

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

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IN THE SENATE OF THE UNITED STATES

JUNE 18, 2007

Mr. BYRD, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

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**A BILL**

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

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

1 TITLE I  
2 DEPARTMENT OF HOMELAND SECURITY  
3 DEPARTMENTAL MANAGEMENT AND  
4 OPERATIONS  
5 OFFICE OF THE SECRETARY AND EXECUTIVE  
6 MANAGEMENT

7 For necessary expenses of the Office of the Secretary  
8 of Homeland Security, as authorized by section 102 of the  
9 Homeland Security Act of 2002 (6 U.S.C. 112), and execu-  
10 tive management of the Department of Homeland Secu-  
11 rity, as authorized by law, \$100,000,000: *Provided*, That  
12 not to exceed \$40,000 shall be for official reception and  
13 representation expenses: *Provided further*, That  
14 \$15,000,000 shall not be available for obligation until the  
15 Secretary certifies and reports to the Committees on Ap-  
16 propriations of the Senate and the House of Representa-  
17 tives that the Department has revised Departmental guid-  
18 ance with respect to relations with the Government Ac-  
19 countability Office to specifically provide for: (1) expedited  
20 timeframes for providing the Government Accountability  
21 Office with access to records not to exceed 20 days from  
22 the date of request; (2) expedited timeframes for inter-  
23 views of program officials by the Government Account-  
24 ability Office after reasonable notice has been furnished  
25 to the Department by the Government Accountability Of-

1 fice; and (3) a significant streamlining of the review pro-  
2 cess for documents and interview requests by liaisons, coun-  
3 sel, and program officials, consistent with the objective  
4 that the Government Accountability Office be given timely  
5 and complete access to documents and agency officials:  
6 *Provided further*, That the Secretary shall make the revi-  
7 sions to Departmental guidance with respect to relations  
8 with the Government Accountability Office in consultation  
9 with the Comptroller General of the United States.

10 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

11 For necessary expenses of the Office of the Under  
12 Secretary for Management, as authorized by sections 701  
13 through 705 of the Homeland Security Act of 2002 (6  
14 U.S.C. 341 through 345), \$234,883,000, of which not to  
15 exceed \$3,000 shall be for official reception and represen-  
16 tation expenses: *Provided*, That of the total amount,  
17 \$6,000,000 shall remain available until expended solely for  
18 the alteration and improvement of facilities, tenant im-  
19 provements, and relocation costs to consolidate Depart-  
20 ment headquarters operations; and \$88,000,000 shall re-  
21 main available until expended for the Consolidated Head-  
22 quarters Project.

## 1 OFFICE OF THE CHIEF FINANCIAL OFFICER

2 For necessary expenses of the Office of the Chief Fi-  
3 nancial Officer, as authorized by section 103 of the Home-  
4 land Security Act of 2002 (6 U.S.C. 113), \$30,076,000.

## 5 OFFICE OF THE CHIEF INFORMATION OFFICER

6 For necessary expenses of the Office of the Chief In-  
7 formation Officer, as authorized by section 103 of the  
8 Homeland Security Act of 2002 (6 U.S.C. 113), and De-  
9 partment-wide technology investments, \$321,100,000; of  
10 which \$82,400,000 shall be available for salaries and ex-  
11 penses; and of which \$238,700,000, to remain available  
12 until expended, shall be available for development and ac-  
13 quisition of information technology equipment, software,  
14 services, and related activities for the Department of  
15 Homeland Security, of which \$97,300,000 shall be for the  
16 National Center for Critical Information Processing and  
17 Storage: *Provided*, That none of the funds appropriated  
18 shall be used to support or supplement the appropriations  
19 provided for the United States Visitor and Immigrant Sta-  
20 tus Indicator Technology project or the Automated Com-  
21 mercial Environment.

## 22 ANALYSIS AND OPERATIONS

23 For necessary expenses for information analysis and  
24 operations coordination activities, as authorized by title II  
25 of the Homeland Security Act of 2002 (6 U.S.C. 121 et

1 seq.), \$306,000,000, to remain available until September  
2 30, 2009, of which not to exceed \$5,000 shall be for offi-  
3 cial reception and representation expenses.

4 OFFICE OF THE FEDERAL COORDINATOR FOR GULF  
5 COAST REBUILDING

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

12 OFFICE OF INSPECTOR GENERAL  
13 OPERATING EXPENSES

14 For necessary expenses of the Office of Inspector  
15 General in carrying out the provisions of the Inspector  
16 General Act of 1978 (5 U.S.C. App.), \$95,211,000, of  
17 which not to exceed \$150,000 may be used for certain con-  
18 fidential operational expenses, including the payment of  
19 informants, to be expended at the direction of the Inspec-  
20 tor General.

1 TITLE II  
2 SECURITY, ENFORCEMENT, AND  
3 INVESTIGATIONS  
4 U.S. CUSTOMS AND BORDER PROTECTION  
5 SALARIES AND EXPENSES

6 For necessary expenses for enforcement of laws relat-  
7 ing to border security, immigration, customs, and agricul-  
8 tural inspections and regulatory activities related to plant  
9 and animal imports; purchase and lease of up to 4,500  
10 (2,400 for replacement only) police-type vehicles; and con-  
11 tracting with individuals for personal services abroad;  
12 \$6,601,058,000; of which \$230,316,000 shall remain  
13 available until September 30, 2009, to support software  
14 development, equipment, contract services, and the imple-  
15 mentation of inbound lanes and modification to vehicle  
16 primary processing lanes at ports of entry; of which  
17 \$3,093,000 shall be derived from the Harbor Maintenance  
18 Trust Fund for administrative expenses related to the col-  
19 lection of the Harbor Maintenance Fee pursuant to section  
20 9505(c)(3) of the Internal Revenue Code of 1986 (26  
21 U.S.C. 9505(c)(3)) and notwithstanding section  
22 1511(e)(1) of the Homeland Security Act of 2002 (6  
23 U.S.C. 551(e)(1)); of which not to exceed \$45,000 shall  
24 be for official reception and representation expenses; of  
25 which not less than \$226,740,000 shall be for Air and Ma-

1 rine Operations; of which such sums as become available  
2 in the Customs User Fee Account, except sums subject  
3 to section 13031(f)(3) of the Consolidated Omnibus Budg-  
4 et Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall  
5 be derived from that account; of which not to exceed  
6 \$150,000 shall be available for payment for rental space  
7 in connection with preclearance operations; and of which  
8 not to exceed \$1,000,000 shall be for awards of compensa-  
9 tion to informants, to be accounted for solely under the  
10 certificate of the Secretary of Homeland Security: *Pro-*  
11 *vided*, That for fiscal year 2008, the overtime limitation  
12 prescribed in section 5(c)(1) of the Act of February 13,  
13 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000; and not-  
14 withstanding any other provision of law, none of the funds  
15 appropriated by this Act may be available to compensate  
16 any employee of United States Customs and Border Pro-  
17 tection for overtime, from whatever source, in an amount  
18 that exceeds such limitation, except in individual cases de-  
19 termined by the Secretary of Homeland Security, or the  
20 designee of the Secretary, to be necessary for national se-  
21 curity purposes, to prevent excessive costs, or in cases of  
22 immigration emergencies.

23 AUTOMATION MODERNIZATION

24 For expenses for customs and border protection auto-  
25 mated systems, \$476,609,000, to remain available until  
26 expended, of which not less than \$316,969,000 shall be

1 for the development of the Automated Commercial Envi-  
2 ronment: *Provided*, That of the total amount made avail-  
3 able under this heading, \$216,969,000 may not be obli-  
4 gated for the Automated Commercial Environment until  
5 the Committees on Appropriations of the Senate and the  
6 House of Representatives receive a plan for expenditure  
7 prepared by the Secretary of Homeland Security that in-  
8 cludes:

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

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

21           (3) a listing of all open Government Account-  
22        ability Office and Office of Inspector General rec-  
23        ommendations related to the program and the status  
24        of Department of Homeland Security actions to ad-



1 dress the recommendations, including milestones for  
2 fully addressing them;

3 (4) a certification by the Chief Financial Offi-  
4 cer of the Department that the program has been  
5 reviewed and approved in accordance with the in-  
6 vestment management process of the Department,  
7 and that the process fulfills all capital planning and  
8 investment control requirements and reviews estab-  
9 lished by the Office of Management and Budget, in-  
10 cluding Circular A-11, part 7;

11 (5) a certification by the Chief Information Of-  
12 ficer of the Department that an independent valida-  
13 tion and verification agent has and will continue to  
14 actively review the program;

15 (6) a certification by the Chief Information Of-  
16 ficer of the Department that the system architecture  
17 of the program is sufficiently aligned with the infor-  
18 mation systems enterprise architecture of the De-  
19 partment to minimize future rework, including a de-  
20 scription of all aspects of the architectures that were  
21 and were not assessed in making the alignment de-  
22 termination, the date of the alignment determina-  
23 tion, any known areas of misalignment along with  
24 the associated risks and corrective actions to address  
25 any such areas;



1 main available until expended: *Provided*, That of the  
2 amount provided under this heading, \$500,000,000 shall  
3 not be obligated until the Committees on Appropriations  
4 of the Senate and the House of Representatives receive  
5 and approve a plan for expenditure, prepared by the Sec-  
6 retary of Homeland Security and submitted within 90  
7 days after the date of enactment of this Act, that includes:

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

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

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

1           (4) a certification by the Chief Financial Offi-  
2 cer of the Department that the program has been  
3 reviewed and approved in accordance with the in-  
4 vestment management process of the Department,  
5 and that the process fulfills all capital planning and  
6 investment control requirements and reviews estab-  
7 lished by the Office of Management and Budget, in-  
8 cluding Circular A-11, part 7;

9           (5) a certification by the Chief Information Of-  
10 ficer of the Department that an independent valida-  
11 tion and verification agent has and will continue to  
12 actively review the program;

13           (6) a certification by the Chief Information Of-  
14 ficer of the Department that the system architecture  
15 of the program is sufficiently aligned with the infor-  
16 mation systems enterprise architecture of the De-  
17 partment to minimize future rework, including a de-  
18 scription of all aspects of the architectures that were  
19 and were not assessed in making the alignment de-  
20 termination, the date of the alignment determina-  
21 tion, any known areas of misalignment along with  
22 the associated risks and corrective actions to address  
23 any such areas;

24           (7) a certification by the Chief Procurement Of-  
25 ficer of the Department that the plans for the pro-

1       gram comply with the Federal acquisition rules, re-  
2       quirements, guidelines, and practices, and a descrip-  
3       tion of the actions being taken to address areas of  
4       non-compliance, the risks associated with them along  
5       with any plans for addressing these risks and the  
6       status of their implementation;

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

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

21              (10) a description of initial plans for securing  
22      the Northern border and United States maritime  
23      border; and

24              (11) which is reviewed by the Government Ac-  
25      countability Office.

1 AIR AND MARINE INTERDICTION, OPERATIONS,  
2 MAINTENANCE, AND PROCUREMENT

3 For necessary expenses for the operations, mainte-  
4 nance, and procurement of marine vessels, aircraft, un-  
5 manned aircraft systems, and other related equipment of  
6 the air and marine program, including operational train-  
7 ing and mission-related travel, and rental payments for  
8 facilities occupied by the air or marine interdiction and  
9 demand reduction programs, the operations of which in-  
10 clude the following: the interdiction of narcotics and other  
11 goods; the provision of support to Federal, State, and local  
12 agencies in the enforcement or administration of laws en-  
13 forced by the Department of Homeland Security; and at  
14 the discretion of the Secretary of Homeland Security, the  
15 provision of assistance to Federal, State, and local agen-  
16 cies in other law enforcement and emergency humani-  
17 tarian efforts, \$488,947,000, to remain available until ex-  
18 pended: *Provided*, That no aircraft or other related equip-  
19 ment, with the exception of aircraft that are one of a kind  
20 and have been identified as excess to United States Cus-  
21 toms and Border Protection requirements and aircraft  
22 that have been damaged beyond repair, shall be trans-  
23 ferred to any other Federal agency, department, or office  
24 outside of the Department of Homeland Security during  
25 fiscal year 2008 without the prior approval of the Commit-

1 tees on Appropriations of the Senate and the House of  
2 Representatives.

3 CONSTRUCTION

4 For necessary expenses to plan, construct, renovate,  
5 equip, and maintain buildings and facilities necessary for  
6 the administration and enforcement of the laws relating  
7 to customs and immigration, \$274,863,000, to remain  
8 available until expended; of which \$40,200,000 shall be  
9 for the Advanced Training Center.

10 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

11 SALARIES AND EXPENSES

12 For necessary expenses for enforcement of immigra-  
13 tion and customs laws, detention and removals, and inves-  
14 tigation; and purchase and lease of up to 3,790 (2,350  
15 for replacement only) police-type vehicles; \$4,401,643,000,  
16 of which not to exceed \$7,500,000 shall be available until  
17 expended for conducting special operations under section  
18 3131 of the Customs Enforcement Act of 1986 (19 U.S.C.  
19 2081); of which not to exceed \$15,000 shall be for official  
20 reception and representation expenses; of which not to ex-  
21 ceed \$1,000,000 shall be for awards of compensation to  
22 informants, to be accounted for solely under the certificate  
23 of the Secretary of Homeland Security; of which not less  
24 than \$102,000 shall be for promotion of public awareness  
25 of the child pornography tipline; of which not less than  
26 \$203,000 shall be for Project Alert; of which not less than

1 \$5,400,000 may be used to facilitate agreements con-  
2 sistent with section 287(g) of the Immigration and Na-  
3 tionality Act (8 U.S.C. 1357(g)); and of which not to ex-  
4 ceed \$11,216,000 shall be available to fund or reimburse  
5 other Federal agencies for the costs associated with the  
6 care, maintenance, and repatriation of smuggled illegal  
7 aliens: *Provided*, That none of the funds made available  
8 under this heading shall be available to compensate any  
9 employee for overtime in an annual amount in excess of  
10 \$35,000, except that the Secretary of Homeland Security,  
11 or the designee of the Secretary, may waive that amount  
12 as necessary for national security purposes and in cases  
13 of immigration emergencies: *Provided further*, That of the  
14 total amount provided, \$15,770,000 shall be for activities  
15 to enforce laws against forced child labor in fiscal year  
16 2008, of which not to exceed \$6,000,000 shall remain  
17 available until expended.

18 FEDERAL PROTECTIVE SERVICE

19 The revenues and collections of security fees credited  
20 to this account shall be available until expended for nec-  
21 essary expenses related to the protection of federally-  
22 owned and leased buildings and for the operations of the  
23 Federal Protective Service: *Provided*, That the Secretary  
24 of Homeland Security and the Director of the Office of  
25 Management and Budget shall certify in writing to the  
26 Committees on Appropriations of the Senate and the



1 House of Representatives no later than November 1, 2007,  
2 that the operations of the Federal Protective Service will  
3 be fully funded in fiscal year 2008 through revenues and  
4 collection of security fees: *Provided further*, That a certifi-  
5 cation shall be provided no later than February 10, 2008,  
6 for fiscal year 2009.

7                                   AUTOMATION MODERNIZATION

8           For expenses of immigration and customs enforce-  
9 ment automated systems, \$15,000,000, to remain avail-  
10 able until expended: *Provided*, That of the funds made  
11 available under this heading, \$5,000,000 may not be obli-  
12 gated until the Committees on Appropriations of the Sen-  
13 ate and the House of Representatives receive a plan for  
14 expenditure prepared by the Secretary of Homeland Secu-  
15 rity.

16                                   CONSTRUCTION

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

22                                   TRANSPORTATION SECURITY ADMINISTRATION

23                                   AVIATION SECURITY

24           For necessary expenses of the Transportation Secu-  
25 rity Administration related to providing civil aviation secu-  
26 rity services pursuant to the Aviation and Transportation

1 Security Act (Public Law 107–71; 115 Stat. 597; 49  
2 U.S.C. 40101 note), \$5,039,559,000, to remain available  
3 until September 30, 2009, of which not to exceed \$10,000  
4 shall be for official reception and representation expenses:  
5 *Provided*, That of the total amount made available under  
6 this heading, not to exceed \$4,074,889,000 shall be for  
7 screening operations, of which \$529,400,000 shall be  
8 available only for procurement and installation of checked  
9 baggage explosive detection systems; and not to exceed  
10 \$964,445,000 shall be for aviation security direction and  
11 enforcement: *Provided further*, That security service fees  
12 authorized under section 44940 of title 49, United States  
13 Code, shall be credited to this appropriation as offsetting  
14 collections and shall be available only for aviation security:  
15 *Provided further*, That the sum herein appropriated from  
16 the General Fund shall be reduced on a dollar-for-dollar  
17 basis as such offsetting collections are received during fis-  
18 cal year 2008, so as to result in a final fiscal year appro-  
19 priation from the General Fund estimated at not more  
20 than \$2,329,334,000: *Provided further*, That any security  
21 service fees collected in excess of the amount made avail-  
22 able under this heading shall become available during fis-  
23 cal year 2009: *Provided further*, That Members of the  
24 United States House of Representatives and United States  
25 Senate, including the leadership; and the heads of Federal

1 agencies and commissions, including the Secretary, Under  
2 Secretaries, and Assistant Secretaries of the Department  
3 of Homeland Security; the United States Attorney General  
4 and Assistant Attorneys General and the United States  
5 attorneys; and senior members of the Executive Office of  
6 the President, including the Director of the Office of Man-  
7 agement and Budget; shall not be exempt from Federal  
8 passenger and baggage screening.

9 SURFACE TRANSPORTATION SECURITY

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

14 TRANSPORTATION THREAT ASSESSMENT AND  
15 CREDENTIALING

16 For necessary expenses for the development and im-  
17 plementation of screening programs of the Office of  
18 Transportation Threat Assessment and Credentialing,  
19 \$67,490,000, to remain available until September 30,  
20 2009.

21 TRANSPORTATION SECURITY SUPPORT

22 For necessary expenses of the Transportation Secu-  
23 rity Administration related to providing transportation se-  
24 curity support and intelligence pursuant to the Aviation  
25 and Transportation Security Act (Public Law 107-71;  
26 115 Stat. 597; 49 U.S.C. 40101 note), \$524,515,000, to

1 remain available until September 30, 2009: *Provided*,  
2 That of the funds appropriated under this heading,  
3 \$20,000,000 may not be obligated until the Secretary of  
4 Homeland Security submits to the Committees on Appro-  
5 priations of the Senate and the House of Representatives  
6 a strategic plan required for checkpoint technologies as de-  
7 scribed in the joint explanatory statement of managers ac-  
8 companying the fiscal year 2007 conference report (H.  
9 Rept. 109–699): *Provided further*, That this plan shall be  
10 submitted no later than 60 days after the date of enact-  
11 ment of this Act.

12 FEDERAL AIR MARSHALS

13 For necessary expenses of the Federal Air Marshals,  
14 \$722,000,000.

15 UNITED STATES COAST GUARD

16 OPERATING EXPENSES

17 For necessary expenses for the operation and mainte-  
18 nance of the United States Coast Guard not otherwise  
19 provided for; purchase or lease of not to exceed 25 pas-  
20 senger motor vehicles, which shall be for replacement only;  
21 payments pursuant to section 156 of Public Law 97–377  
22 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and  
23 welfare; \$5,930,545,000, of which \$340,000,000 shall be  
24 for defense-related activities; of which \$24,500,000 shall  
25 be derived from the Oil Spill Liability Trust Fund to carry  
26 out the purposes of section 1012(a)(5) of the Oil Pollution

1 Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to  
2 exceed \$10,000 shall be for official reception and represen-  
3 tation expenses: *Provided*, That none of the funds made  
4 available by this or any other Act shall be available for  
5 administrative expenses in connection with shipping com-  
6 missioners in the United States: *Provided further*, That  
7 none of the funds made available by this Act shall be for  
8 expenses incurred for yacht documentation under section  
9 12109 of title 46, United States Code, except to the extent  
10 fees are collected from yacht owners and credited to this  
11 appropriation.

12 ENVIRONMENTAL COMPLIANCE AND RESTORATION

13 For necessary expenses to carry out the environ-  
14 mental compliance and restoration functions of the United  
15 States Coast Guard under chapter 19 of title 14, United  
16 States Code, \$12,079,000, to remain available until ex-  
17 pended.

18 RESERVE TRAINING

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

23 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

24 (INCLUDING RESCISSIONS OF FUNDS)

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

1 facilities, vessels, and aircraft, including equipment related  
2 thereto; and maintenance, rehabilitation, lease and oper-  
3 ation of facilities and equipment, as authorized by law;  
4 \$1,048,068,000, of which \$20,000,000 shall be derived  
5 from the Oil Spill Liability Trust Fund to carry out the  
6 purposes of section 1012(a)(5) of the Oil Pollution Act  
7 of 1990 (33 U.S.C. 2712(a)(5)); of which \$9,200,000  
8 shall be available until September 30, 2012, to acquire,  
9 repair, renovate, or improve vessels, small boats, and re-  
10 lated equipment; of which \$173,600,000 shall be available  
11 until September 30, 2010, for other equipment; of which  
12 \$37,897,000 shall be available until September 30, 2010,  
13 for shore facilities and aids to navigation facilities; of  
14 which \$505,000 shall be available for personnel related  
15 costs; and of which \$770,079,000 shall be available until  
16 September 30, 2012, for the Integrated Deepwater Sys-  
17 tems program: *Provided*, That the Commandant of the  
18 Coast Guard is authorized to dispose of surplus real prop-  
19 erty, by sale or lease, and the proceeds shall be credited  
20 to this appropriation as offsetting collections and shall be  
21 available until September 30, 2010: *Provided further*, That  
22 of amounts made available under this heading in Public  
23 Law 109–90, \$48,787,000 for the Offshore Patrol Cutter  
24 are rescinded: *Provided further*, That of the amounts made  
25 available under this heading in Public Law 109–295,

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

1 been reviewed and approved in accordance with the invest-  
2 ment management process of the Department, and that  
3 the process fulfills all capital planning and investment con-  
4 trol requirements and reviews established by the Office of  
5 Management and Budget, including Circular A-11, part  
6 7; (8) identifies competition to be conducted in each pro-  
7 curement; (9) includes a certification by the head of con-  
8 tracting activity for the Coast Guard and the Chief Pro-  
9 curement Officer of the Department that the plans for the  
10 program comply with the Federal acquisition rules, re-  
11 quirements, guidelines, and practices, and a description of  
12 the actions being taken to address areas of non-compli-  
13 ance, the risks associated with them along with plans for  
14 addressing these risks and the status of their implementa-  
15 tion; (10) identifies the use of independent validation and  
16 verification; and (11) is reviewed by the Government Ac-  
17 countability Office: *Provided further*, That the Secretary  
18 of Homeland Security shall submit to the Committees on  
19 Appropriations of the Senate and the House of Represent-  
20 atives, in conjunction with the President's fiscal year 2009  
21 budget, a review of the Revised Deepwater Implementa-  
22 tion Plan that identifies any changes to the plan for the  
23 fiscal year; an annual performance comparison of Deep-  
24 water assets to pre-Deepwater legacy assets; a status re-  
25 port of legacy assets; a detailed explanation of how the



1 costs of legacy assets are being accounted for within the  
2 Deepwater program; and the earned value management  
3 system gold card data for each Deepwater asset: *Provided*  
4 *further*, That the Secretary shall submit to the Committees  
5 on Appropriations of the Senate and the House of Rep-  
6 resentatives a comprehensive review of the Revised Deep-  
7 water Implementation Plan every five years, beginning in  
8 fiscal year 2011, that includes a complete projection of  
9 the acquisition costs and schedule for the duration of the  
10 plan through fiscal year 2027: *Provided further*, That the  
11 Secretary shall annually submit to the Committees on Ap-  
12 propriations of the Senate and the House of Representa-  
13 tives, at the time that the President's budget is submitted  
14 under section 1105(a) of title 31, United States Code, a  
15 future-years capital investment plan for the Coast Guard  
16 that identifies for each capital budget line item—

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

19           (2) the total estimated cost of completion;

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

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





1 of expert witnesses at such rates as may be determined  
2 by the Director of the Secret Service; rental of buildings  
3 in the District of Columbia, and fencing, lighting, guard  
4 booths, and other facilities on private or other property  
5 not in Government ownership or control, as may be nec-  
6 essary to perform protective functions; payment of per  
7 diem or subsistence allowances to employees where a pro-  
8 tective assignment during the actual day or days of the  
9 visit of a protectee requires an employee to work 16 hours  
10 per day or to remain overnight at a post of duty; conduct  
11 of and participation in firearms matches; presentation of  
12 awards; travel of Secret Service employees on protective  
13 missions without regard to the limitations on such expend-  
14 itures in this or any other Act if approval is obtained in  
15 advance from the Committees on Appropriations of the  
16 Senate and the House of Representatives; research and  
17 development; grants to conduct behavioral research in sup-  
18 port of protective research and operations; and payment  
19 in advance for commercial accommodations as may be nec-  
20 essary to perform protective functions; \$1,392,171,000, of  
21 which not to exceed \$25,000 shall be for official reception  
22 and representation expenses; of which not to exceed  
23 \$100,000 shall be to provide technical assistance and  
24 equipment to foreign law enforcement organizations in  
25 counterfeit investigations; of which \$2,366,000 shall be for

1 forensic and related support of investigations of missing  
 2 and exploited children; and of which \$6,000,000 shall be  
 3 a grant for activities related to the investigations of miss-  
 4 ing and exploited children and shall remain available until  
 5 expended: *Provided*, That up to \$18,000,000 provided for  
 6 protective travel shall remain available until September  
 7 30, 2009: *Provided further*, That the United States Secret  
 8 Service is authorized to obligate funds in anticipation of  
 9 reimbursements from Federal agencies and entities, as de-  
 10 fined in section 105 of title 5, United States Code, receiv-  
 11 ing training sponsored by the James J. Rowley Training  
 12 Center, except that total obligations at the end of the fis-  
 13 cal year shall not exceed total budgetary resources avail-  
 14 able under this heading at the end of the fiscal year.

15 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND

16 RELATED EXPENSES

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

20 TITLE III

21 PROTECTION, PREPAREDNESS, RESPONSE, AND

22 RECOVERY

23 NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

24 MANAGEMENT AND ADMINISTRATION

25 For salaries and expenses of the immediate Office of  
 26 the Under Secretary for National Protection and Pro-

1 grams, the National Protection Planning Office, support  
2 services for business operations and information tech-  
3 nology, and facility costs, \$30,000,000: *Provided*, That of  
4 the amount provided, \$15,000,000 shall not be obligated  
5 until the Committees on Appropriations of the Senate and  
6 the House of Representatives receive and approve in full  
7 an expenditure plan by program, project, and activity; pre-  
8 pared by the Secretary of Homeland Security that has  
9 been reviewed by the Government Accountability Office.

10       INFRASTRUCTURE PROTECTION AND INFORMATION

11                               SECURITY

12       For necessary expenses for infrastructure protection  
13 and information security programs and activities, as au-  
14 thorized by title II of the Homeland Security Act of 2002  
15 (6 U.S.C. 121 et seq.), \$527,099,000, of which  
16 \$497,099,000 shall remain available until September 30,  
17 2009.

18       UNITED STATES VISITOR AND IMMIGRANT STATUS

19                               INDICATOR TECHNOLOGY

20       For necessary expenses for the development of the  
21 United States Visitor and Immigrant Status Indicator  
22 Technology project, as authorized by section 110 of the  
23 Illegal Immigration Reform and Immigrant Responsibility  
24 Act of 1996 (8 U.S.C. 1365a), \$362,000,000, to remain  
25 available until expended: *Provided*, That of the total  
26 amount made available under this heading, \$100,000,000

1 may not be obligated for the United States Visitor and  
2 Immigrant Status Indicator Technology project until the  
3 Committees on Appropriations of the Senate and the  
4 House of Representatives receive and approve a plan for  
5 expenditure prepared by the Secretary of Homeland Secu-  
6 rity that includes:

7           (1) a detailed accounting of the program's  
8           progress to date relative to system capabilities or  
9           services, system performance levels, mission benefits  
10          and outcomes, milestones, cost targets, and program  
11          management capabilities;

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

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

1           (4) a certification by the Chief Financial Offi-  
2           cer of the Department that the program has been  
3           reviewed and approved in accordance with the in-  
4           vestment management process of the Department,  
5           and that the process fulfills all capital planning and  
6           investment control requirements and reviews estab-  
7           lished by the Office of Management and Budget, in-  
8           cluding Circular A-11, part 7;

9           (5) a certification by the Chief Information Of-  
10          ficer of the Department that an independent valida-  
11          tion and verification agent has and will continue to  
12          actively review the program;

13          (6) a certification by the Chief Information Of-  
14          ficer of the Department that the system architecture  
15          of the program is sufficiently aligned with the infor-  
16          mation systems enterprise architecture of the De-  
17          partment to minimize future rework, including a de-  
18          scription of all aspects of the architectures that were  
19          and were not assessed in making the alignment de-  
20          termination, the date of the alignment determina-  
21          tion, any known areas of misalignment along with  
22          the associated risks and corrective actions to address  
23          any such areas;

24          (7) a certification by the Chief Procurement Of-  
25          ficer of the Department that the plans for the pro-



1       gram comply with the Federal acquisition rules, re-  
2       quirements, guidelines, and practices, and a descrip-  
3       tion of the actions being taken to address areas of  
4       non-compliance, the risks associated with them along  
5       with any plans for addressing these risks and the  
6       status of their implementation;

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

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

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

23                              OFFICE OF HEALTH AFFAIRS

24       For the necessary expenses of the Office of Health  
25      Affairs, \$115,000,000; of which \$20,817,000 is for sala-

1 ries and expenses; and of which \$94,183,000 is for bio-  
2 surveillance, biowatch, chemical response, and related ac-  
3 tivities for the Department of Homeland Security, to re-  
4 main available until September 30, 2009: *Provided*, That  
5 not to exceed \$3,000 shall be for official reception and  
6 representation expenses.

7 FEDERAL EMERGENCY MANAGEMENT AGENCY

8 MANAGEMENT AND ADMINISTRATION

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

1 tivities: *Provided further*, That \$6,000,000 shall be for the  
2 Office of the National Capital Region Coordination: *Pro-*  
3 *vided further*, That for purposes of planning, coordination,  
4 execution, and decisionmaking related to mass evacuation  
5 during a disaster, the Governors of the State of West Vir-  
6 ginia and the Commonwealth of Pennsylvania, or their  
7 designees, shall be incorporated into efforts to integrate  
8 the activities of Federal, State, and local governments in  
9 the National Capital Region, as defined in section 882 of  
10 Public Law 107–296, the Homeland Security Act of 2002:  
11 *Provided further*, That of the total amount made available  
12 under this heading, \$30,000,000 shall be for Urban  
13 Search and Rescue Teams, of which not to exceed  
14 \$1,600,000 may be made available for administrative  
15 costs.

16 STATE AND LOCAL PROGRAMS

17 For grants, contracts, cooperative agreements, and  
18 other activities, including grants to State and local govern-  
19 ments for terrorism prevention activities, notwithstanding  
20 any other provision of law, \$3,030,500,000, which shall  
21 be allocated as follows:

22 (1) \$525,000,000 for formula-based grants and  
23 \$375,000,000 for law enforcement terrorism preven-  
24 tion grants, to be allocated in accordance with sec-  
25 tion 1014 of the USA PATRIOT ACT (42 U.S.C.  
26 3714): *Provided*, That not to exceed 3 percent of

1 these amounts shall be available for program admin-  
2 istration: *Provided further*, That the application for  
3 grants shall be made available to States within 45  
4 days after the date of enactment of this Act; that  
5 States shall submit applications within 90 days after  
6 the grant announcement; and the Federal Emer-  
7 gency Management Agency shall act within 90 days  
8 after receipt of an application: *Provided further*,  
9 That, in the event established timeframes detailed in  
10 the preceding proviso for departmental actions are  
11 missed, funding for the Immediate Office of the  
12 Deputy Secretary shall be reduced by \$1,000 per  
13 day until such actions are executed: *Provided fur-*  
14 *ther*, That not less than 80 percent of any grant  
15 under this paragraph to a State shall be made avail-  
16 able by the State to local governments within 60  
17 days after the receipt of the funds; except in the  
18 case of Puerto Rico, where not less than 50 percent  
19 of any grant under this paragraph shall be made  
20 available to local governments within 60 days after  
21 the receipt of the funds.

22 (2) \$1,836,000,000 for discretionary grants, as  
23 determined by the Secretary of Homeland Security,  
24 of which—

1 (A) \$820,000,000 shall be for use in high-  
2 threat, high-density urban areas, of which  
3 \$20,000,000 shall be available for assistance to  
4 organizations (as described under section  
5 501(c)(3) of the Internal Revenue Code of 1986  
6 and exempt from tax section 501(a) of such  
7 code) determined by the Secretary to be at  
8 high-risk of a terrorist attack;

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

11 (C) \$400,000,000 shall be for infrastruc-  
12 ture protection grants related to port security  
13 pursuant to 46 U.S.C. 70107;

14 (D) \$16,000,000 shall be for infrastruc-  
15 ture protection grants related to trucking indus-  
16 try security;

17 (E) \$12,000,000 shall be for infrastructure  
18 protection grants related to intercity bus secu-  
19 rity;

20 (F) \$400,000,000 shall be for infrastruc-  
21 ture protection grants related to intercity rail  
22 passenger transportation (as defined in section  
23 24102 of title 49, United States Code), freight  
24 rail, and transit security;

1 (G) \$50,000,000 shall be for infrastructure  
2 protection grants related to buffer zone protec-  
3 tion;

4 (H) \$40,000,000 shall be available for the  
5 Commercial Equipment Direct Assistance Pro-  
6 gram;

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

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

11 *Provided*, That not to exceed 3 percent of subpara-  
12 graphs (A)–(J) shall be available for program ad-  
13 ministration: *Provided further*, That for grants under  
14 subparagraphs (A), (B), and (J), the application for  
15 grants shall be made available to States within 45  
16 days after the date of enactment of this Act; that  
17 States shall submit applications within 90 days after  
18 the grant announcement; and that the Federal  
19 Emergency Management Agency shall act within 90  
20 days after receipt of an application: *Provided further*,  
21 That, in the event established timeframes detailed in  
22 the preceding proviso for departmental actions are  
23 missed, funding for the Immediate Office of the  
24 Deputy Secretary shall be reduced by \$1,000 per  
25 day until such actions are executed: *Provided fur-*

1       *ther*, That no less than 80 percent of any grant  
2       under this paragraph to a State shall be made avail-  
3       able by the State to local governments within 60  
4       days after the receipt of the funds: *Provided further*,  
5       That for grants under subparagraphs (C) through  
6       (G), the applications for such grants shall be made  
7       available to eligible applicants not later than 75 days  
8       after the date of enactment of this Act, eligible ap-  
9       plicants shall submit applications not later than 45  
10      days after the date of the grant announcement, and  
11      the Federal Emergency Management Agency shall  
12      act on such applications not later than 60 days after  
13      the date on which such an application is received:  
14      *Provided further*, That, in the event established time-  
15      frames detailed in the preceding proviso for depart-  
16      mental actions are missed, funding for the Imme-  
17      diate Office of the Deputy Secretary shall be re-  
18      duced by \$1,000 per day until such actions are exe-  
19      cuted.

20               (3) \$294,500,000 for training, exercises, tech-  
21      nical assistance, and other programs:

22      *Provided*, That none of the grants provided under this  
23      heading shall be used for the construction or renovation  
24      of facilities, except for a minor perimeter security project,  
25      not to exceed \$1,000,000, as determined necessary by the

1 Secretary of Homeland Security: *Provided further*, That  
2 the preceding proviso shall not apply to grants under sub-  
3 paragraphs (B), (C), (F), and (G) of paragraph (2) of this  
4 heading: *Provided further*, That funds appropriated for  
5 law enforcement terrorism prevention grants under para-  
6 graph (1) of this heading and discretionary grants under  
7 paragraph (2)(A) of this heading shall be available for  
8 operational costs, to include personnel overtime and over-  
9 time associated with the Federal Emergency Management  
10 Agency certified training, as needed: *Provided further*,  
11 That the Government Accountability Office shall report on  
12 the validity, relevance, reliability, timeliness, and avail-  
13 ability of the risk factors (including threat, vulnerability,  
14 and consequence) used by the Secretary of Homeland Se-  
15 curity for the purpose of allocating grants funded under  
16 this heading, and the application of those factors in the  
17 allocation of funds to the Committees on Appropriations  
18 of the Senate and the House of Representatives on its  
19 findings not later than 45 days after the date of enactment  
20 of this Act: *Provided further*, That within seven days after  
21 the date of enactment of this Act, the Secretary of Home-  
22 land Security shall provide the Government Accountability  
23 Office with the risk methodology and other factors that  
24 will be used to allocate grants funded under this heading.



## 1 FIREFIGHTER ASSISTANCE GRANTS

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

## 12 EMERGENCY MANAGEMENT PERFORMANCE GRANTS

13 For necessary expenses for emergency management  
14 performance grants, as authorized by the National Flood  
15 Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-  
16 ert T. Stafford Disaster Relief and Emergency Assistance  
17 Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards  
18 Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Re-  
19 organization Plan No. 3 of 1978 (5 U.S.C. App.),  
20 \$300,000,000: *Provided*, That total administrative costs  
21 shall not exceed three percent of the total appropriation.

## 22 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

23 The aggregate charges assessed during fiscal year  
24 2008, as authorized in title III of the Departments of Vet-  
25 erans Affairs and Housing and Urban Development, and  
26 Independent Agencies Appropriations Act, 1999 (42

1 U.S.C. 5196e), shall not be less than 100 percent of the  
2 amounts anticipated by the Department of Homeland Se-  
3 curity necessary for its radiological emergency prepared-  
4 ness program for the next fiscal year: *Provided*, That the  
5 methodology for assessment and collection of fees shall be  
6 fair and equitable and shall reflect costs of providing such  
7 services, including administrative costs of collecting such  
8 fees: *Provided further*, That fees received under this head-  
9 ing shall be deposited in this account as offsetting collec-  
10 tions and will become available for authorized purposes on  
11 October 1, 2008, and remain available until expended.

12 UNITED STATES FIRE ADMINISTRATION

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

18 DISASTER RELIEF

19 (INCLUDING TRANSFER OF FUNDS)

20 For necessary expenses in carrying out the Robert  
21 T. Stafford Disaster Relief and Emergency Assistance Act  
22 (42 U.S.C. 5121 et seq.), \$1,700,000,000, to remain avail-  
23 able until expended: *Provided*, That of the total amount  
24 provided, \$13,500,000 shall be transferred to the Depart-  
25 ment of Homeland Security Office of Inspector General  
26 for audits and investigations related to disasters, subject

1 to section 503 of this Act: *Provided further*, That up to  
2 \$48,000,000 and 250 positions may be transferred to  
3 “Management and Administration”, Federal Emergency  
4 Management Agency, for management and administration  
5 functions, subject to section 503 of this Act.

6 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

7 For activities under section 319 of the Robert T.  
8 Stafford Disaster Relief and Emergency Assistance Act  
9 (42 U.S.C. 5162), \$875,000, of which \$580,000 is for ad-  
10 ministrative expenses to carry out the direct loan program  
11 and \$295,000 is for the cost of direct loans: *Provided*,  
12 That gross obligations for the principal amount of direct  
13 loans shall not exceed \$25,000,000: *Provided further*, That  
14 the cost of modifying such loans shall be as defined in  
15 section 502 of the Congressional Budget Act of 1974 (2  
16 U.S.C. 661a).

17 FLOOD MAP MODERNIZATION FUND

18 For necessary expenses under section 1360 of the  
19 National Flood Insurance Act of 1968 (42 U.S.C. 4101),  
20 \$200,000,000, and such additional sums as may be pro-  
21 vided by State and local governments or other political  
22 subdivisions for cost-shared mapping activities under sec-  
23 tion 1360(f)(2) of such Act, to remain available until ex-  
24 pended: *Provided*, That total administrative costs shall not  
25 exceed three percent of the total appropriation.

1 NATIONAL FLOOD INSURANCE FUND  
2 (INCLUDING TRANSFER OF FUNDS)

3 For activities under the National Flood Insurance  
4 Act of 1968 (42 U.S.C. 4001 et seq.), and the Flood Dis-  
5 aster Protection Act of 1973 (42 U.S.C. 4001 et seq.),  
6 \$145,000,000, which is available as follows: (1) not to ex-  
7 ceed \$45,642,000 for salaries and expenses associated  
8 with flood mitigation and flood insurance operations; and  
9 (2) not to exceed \$99,358,000 for flood hazard mitigation,  
10 which shall be derived from offsetting collections assessed  
11 and collected under section 1307 of the National Flood  
12 Insurance Act of 1968 (42 U.S.C. 4001 et seq.), to remain  
13 available until September 30, 2009, including up to  
14 \$34,000,000 for flood mitigation expenses under section  
15 1366 of that Act, which amount shall be available for  
16 transfer to the National Flood Mitigation Fund until Sep-  
17 tember 30, 2009: *Provided*, That in fiscal year 2008, no  
18 funds shall be available from the National Flood Insurance  
19 Fund in excess of: (1) \$70,000,000 for operating ex-  
20 penses; (2) \$773,772,000 for commissions and taxes of  
21 agents; (3) such sums as are necessary for interest on  
22 Treasury borrowings; and (4) \$90,000,000 for flood miti-  
23 gation actions with respect to severe repetitive loss prop-  
24 erties under section 1361A of that Act (42 U.S.C. 4102a)  
25 and repetitive insurance claims properties under section  
26 1323 of that Act (42 U.S.C. 4030), which shall remain

1 available until expended: *Provided further*, That total ad-  
 2 ministrative costs shall not exceed four percent of the total  
 3 appropriation.

4 NATIONAL FLOOD MITIGATION FUND

5 (INCLUDING TRANSFER OF FUNDS)

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

14 NATIONAL PRE-DISASTER MITIGATION FUND

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

24 EMERGENCY FOOD AND SHELTER

25 To carry out an emergency food and shelter program  
 26 pursuant to title III of the McKinney-Vento Homeless As-

1 sistance Act (42 U.S.C. 11331 et seq.), \$153,000,000, to  
 2 remain available until expended: *Provided*, That total ad-  
 3 ministrative costs shall not exceed 3.5 percent of the total  
 4 appropriation.

5 TITLE IV

6 RESEARCH AND DEVELOPMENT, TRAINING,

7 AND SERVICES

8 UNITED STATES CITIZENSHIP AND IMMIGRATION

9 SERVICES

10 For necessary expenses for citizenship and immigra-  
 11 tion services, \$50,523,000: *Provided*, That of the total,  
 12 \$20,000,000 provided to address backlogs of security  
 13 checks associated with pending applications and petitions  
 14 shall not be available for obligation until the Secretary of  
 15 Homeland Security and the United States Attorney Gen-  
 16 eral submit to the Committees on Appropriations of the  
 17 Senate and the House of Representatives a plan to elimi-  
 18 nate the backlog of security checks that establishes infor-  
 19 mation sharing protocols to ensure United States Citizen-  
 20 ship and Immigration Services has the information it  
 21 needs to carry out its mission.

22 FEDERAL LAW ENFORCEMENT TRAINING CENTER

23 SALARIES AND EXPENSES

24 For necessary expenses of the Federal Law Enforce-  
 25 ment Training Center, including materials and support

1 costs of Federal law enforcement basic training; purchase  
2 of not to exceed 117 vehicles for police-type use and hire  
3 of passenger motor vehicles; expenses for student athletic  
4 and related activities; the conduct of and participation in  
5 firearms matches and presentation of awards; public  
6 awareness and enhancement of community support of law  
7 enforcement training; room and board for student interns;  
8 a flat monthly reimbursement to employees authorized to  
9 use personal mobile phones for official duties; and services  
10 as authorized by section 3109 of title 5, United States  
11 Code; \$221,076,000, of which up to \$43,910,000 for ma-  
12 terials and support costs of Federal law enforcement basic  
13 training shall remain available until September 30, 2009;  
14 of which \$300,000 shall remain available until expended  
15 for Federal law enforcement agencies participating in  
16 training accreditation, to be distributed as determined by  
17 the Federal Law Enforcement Training Center for the  
18 needs of participating agencies; and of which not to exceed  
19 \$12,000 shall be for official reception and representation  
20 expenses: *Provided*, That the Center is authorized to obli-  
21 gate funds in anticipation of reimbursements from agen-  
22 cies receiving training sponsored by the Center, except  
23 that total obligations at the end of the fiscal year shall  
24 not exceed total budgetary resources available at the end  
25 of the fiscal year: *Provided further*, That section 1202(a)

1 of Public Law 107–206 (42 U.S.C. 3771 note) as amend-  
2 ed by Public Law 109–295 (120 Stat. 1374) is further  
3 amended by striking “December 31, 2007” and inserting  
4 “December 31, 2011”.

5 ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND  
6 RELATED EXPENSES

7 For acquisition of necessary additional real property  
8 and facilities, construction, and ongoing maintenance, fa-  
9 cility improvements, and related expenses of the Federal  
10 Law Enforcement Training Center, \$44,470,000, to re-  
11 main available until expended: *Provided*, That the Center  
12 is authorized to accept reimbursement to this appropria-  
13 tion from government agencies requesting the construction  
14 of special use facilities.

15 SCIENCE AND TECHNOLOGY

16 MANAGEMENT AND ADMINISTRATION

17 For salaries and expenses of the Office of the Under  
18 Secretary for Science and Technology and for manage-  
19 ment and administration of programs and activities, as  
20 authorized by title III of the Homeland Security Act of  
21 2002 (6 U.S.C. 181 et seq.), \$140,632,000: *Provided*,  
22 That not to exceed \$3,000 shall be for official reception  
23 and representation expenses.



1 RESEARCH, DEVELOPMENT, ACQUISITION, AND  
2 OPERATIONS

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

11 DOMESTIC NUCLEAR DETECTION OFFICE  
12 MANAGEMENT AND ADMINISTRATION

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

18 RESEARCH, DEVELOPMENT, ACQUISITION, AND  
19 OPERATIONS

20 For necessary expenses for radiological and nuclear  
21 research, development, testing, evaluation and operations,  
22 \$336,000,000, to remain available until expended.

23 SYSTEMS ACQUISITION

24 For expenses for the Domestic Nuclear Detection Of-  
25 fice acquisition and deployment of radiological detection  
26 systems in accordance with the global nuclear detection

1 architecture, \$182,000,000, to remain available until Sep-  
2 tember 30, 2010: *Provided*, That none of the funds appro-  
3 priated under this heading shall be obligated for full-scale  
4 procurement of Advanced Spectroscopic Portal Monitors  
5 until the Secretary of Homeland Security has certified  
6 through a report to the Committees on Appropriations of  
7 the Senate and the House of Representatives that a sig-  
8 nificant increase in operational effectiveness will be  
9 achieved.

## 10 TITLE V

### 11 GENERAL PROVISIONS

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

15 SEC. 502. None of the funds available in this Act  
16 shall be available to carry out section 872 of Public Law  
17 107–296.

18 SEC. 503. (a) None of the funds provided by this Act,  
19 provided by previous appropriations Acts to the agencies  
20 in or transferred to the Department of Homeland Security  
21 that remain available for obligation or expenditure in fiscal  
22 year 2008, or provided from any accounts in the Treasury  
23 of the United States derived by the collection of fees avail-  
24 able to the agencies funded by this Act, shall be available  
25 for obligation or expenditure through a reprogramming of

1 funds that: (1) creates a new program; (2) eliminates a  
2 program, project, or activity; (3) increases funds for any  
3 program, project, or activity for which funds have been  
4 denied or restricted by the Congress; (4) proposes to use  
5 funds directed for a specific activity by either of the Com-  
6 mittees on Appropriations of the Senate or the House of  
7 Representatives for a different purpose; or (5) contracts  
8 out any function or activity for which funding levels were  
9 requested for Federal full-time equivalents in the object  
10 classification tables contained in the fiscal year 2008  
11 Budget Appendix for the Department of Homeland Secu-  
12 rity, as modified by the joint explanatory statement ac-  
13 companying this Act; unless the Committees on Appro-  
14 priations of the Senate and the House of Representatives  
15 are notified 15 days in advance of such reprogramming  
16 of funds.

17 (b) None of the funds provided by this Act, provided  
18 by previous appropriations Acts to the agencies in or  
19 transferred to the Department of Homeland Security that  
20 remain available for obligation or expenditure in fiscal  
21 year 2008, or provided from any accounts in the Treasury  
22 of the United States derived by the collection of fees avail-  
23 able to the agencies funded by this Act, shall be available  
24 for obligation or expenditure for programs, projects, or ac-  
25 tivities through a reprogramming of funds in excess of

1 \$5,000,000 or 10 percent, whichever is less, that: (1) aug-  
2 ments existing programs, projects, or activities; (2) re-  
3 duces by 10 percent funding for any existing program,  
4 project, or activity, or numbers of personnel by 10 percent  
5 as approved by the Congress; or (3) results from any gen-  
6 eral savings from a reduction in personnel that would re-  
7 sult in a change in existing programs, projects, or activi-  
8 ties as approved by the Congress; unless the Committees  
9 on Appropriations of the Senate and the House of Rep-  
10 resentatives are notified 15 days in advance of such re-  
11 programming of funds.

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

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

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

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

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

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

9       SEC. 507. The Federal Law Enforcement Training  
10 Accreditation Board shall lead the Federal law enforce-  
11 ment training accreditation process, to include representa-  
12 tives from the Federal law enforcement community and  
13 non-Federal accreditation experts involved in law enforce-  
14 ment training, to continue the implementation of meas-  
15 uring and assessing the quality and effectiveness of Fed-  
16 eral law enforcement training programs, facilities, and in-  
17 structors.

18       SEC. 508. None of the funds in this Act may be used  
19 to make a grant allocation, discretionary grant award, dis-  
20 cretionary contract award, or to issue a letter of intent  
21 totaling in excess of \$1,000,000, or to announce publicly  
22 the intention to make such an award, unless the Secretary  
23 of Homeland Security notifies the Committees on Appro-  
24 priations of the Senate and the House of Representatives  
25 at least three full business days in advance: *Provided*, That

1 no notification shall involve funds that are not available  
2 for obligation: *Provided further*, That the notification shall  
3 include the amount of the award, the fiscal year in which  
4 the funds for the award were appropriated, and the ac-  
5 count for which the funds are being drawn from: *Provided*  
6 *further*, That the Federal Emergency Management Agency  
7 shall brief the Committees on Appropriations of the Sen-  
8 ate and the House of Representatives five full business  
9 days in advance of announcing publicly the intention of  
10 making an award of formula-based grants; law enforce-  
11 ment terrorism prevention grants; high-threat, high-den-  
12 sity urban areas grants; or regional catastrophic prepared-  
13 ness grants.

14       SEC. 509. Notwithstanding any other provision of  
15 law, no agency shall purchase, construct, or lease any ad-  
16 ditional facilities, except within or contiguous to existing  
17 locations, to be used for the purpose of conducting Federal  
18 law enforcement training without the advance approval of  
19 the Committees on Appropriations of the Senate and the  
20 House of Representatives, except that the Federal Law  
21 Enforcement Training Center is authorized to obtain the  
22 temporary use of additional facilities by lease, contract,  
23 or other agreement for training which cannot be accommo-  
24 dated in existing Center facilities.

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

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

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

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



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

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

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

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

24 (e) None of the funds provided in this or previous  
25 appropriations Acts may be utilized to develop or test algo-

1 rithms assigning risk to passengers whose names are not  
2 on Government watch lists.

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

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

13 SEC. 515. None of the funds appropriated by this Act  
14 may be used to process or approve a competition under  
15 Office of Management and Budget Circular A-76 for serv-  
16 ices provided as of June 1, 2004, by employees (including  
17 employees serving on a temporary or term basis) of United  
18 States Citizenship and Immigration Services of the De-  
19 partment of Homeland Security who are known as of that  
20 date as Immigration Information Officers, Contact Rep-  
21 resentatives, or Investigative Assistants.

22 SEC. 516. (a) None of the funds appropriated to the  
23 United States Secret Service by this Act or by previous  
24 appropriations Acts may be made available for the protec-  
25 tion of the head of a Federal agency other than the Sec-

1   retary of Homeland Security: *Provided*, That the Director  
2   of the United States Secret Service may enter into an  
3   agreement to perform such service on a fully reimbursable  
4   basis.

5       (b) None of the funds appropriated by this or any  
6   other Act to the United States Secret Service shall be  
7   made available for the protection of a Federal official,  
8   other than persons granted protection under section  
9   3056(a) of title 18, United States Code, and the Secretary  
10   of Homeland Security: *Provided*, That the Director of the  
11   United States Secret Service may enter into an agreement  
12   to perform such protection on a fully reimbursable basis  
13   for protectees not designated under section 3056(a) of  
14   title 18, United States Code.

15       SEC. 517. (a) The Secretary of Homeland Security  
16   is directed to research, develop, and procure new tech-  
17   nologies to inspect and screen air cargo carried on pas-  
18   senger aircraft at the earliest date possible.

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

24       (c) The Transportation Security Administration shall  
25   report air cargo inspection statistics quarterly to the Com-

1 mittees on Appropriations of the Senate and the House  
2 of Representatives, by airport and air carrier, within 45  
3 days after the end of the quarter including any reason for  
4 non-compliance with the second proviso of section 513 of  
5 the Department of Homeland Security Appropriations  
6 Act, 2005 (Public Law 108–334, 118 Stat. 1317).

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

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

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

1 for air cargo, baggage, and checkpoint screening systems,  
2 subject to notification.

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

6 (RESCISSION OF FUNDS)

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

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

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

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

6            (1) status of the Disaster Relief Fund (DRF)  
7 including obligations, allocations, and amounts un-  
8 distributed/unallocated;

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

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

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

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

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

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

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

3 (6) the amount of credit card purchases by  
4 agency and mission assignment;

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

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

11 (9) an estimate of when available appropria-  
12 tions will be exhausted, assuming an average dis-  
13 aster season.

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

19 (c) For any request for reimbursement from a Fed-  
20 eral agency to the Department of Homeland Security to  
21 cover expenditures under the Stafford Act (42 U.S.C.  
22 5121 et seq.), or any mission assignment orders issued  
23 by the Department of Homeland Security for such pur-  
24 poses, the Secretary of Homeland Security shall take ap-  
25 propriate steps to ensure that each agency is periodically

1 reminded of Department of Homeland Security policies  
2 on—

- 3 (1) the detailed information required in sup-  
4 porting documentation for reimbursements, and
- 5 (2) the necessity for timeliness of agency bil-  
6 lings.

7 SEC. 526. Within 45 days after the close of each  
8 month, the Chief Financial Officer of the Department of  
9 Homeland Security shall submit to the Committees on Ap-  
10 propriations of the Senate and the House of Representa-  
11 tives a monthly budget and staffing report that includes  
12 total obligations, on-board versus funded full-time equiva-  
13 lent staffing levels, and the number of contract employees  
14 by office.

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

17 SEC. 528. The Federal Law Enforcement Training  
18 Center instructor staff shall be classified as inherently  
19 governmental for the purpose of the Federal Activities In-  
20 ventory Reform Act of 1998 (31 U.S.C. 501 note).

21 SEC. 529. None of the funds provided in this Act may  
22 be used to alter or reduce operations within the Civil Engi-  
23 neering Program of the Coast Guard nationwide, including  
24 the civil engineering units, facilities, design, and construc-  
25 tion centers, maintenance and logistics command centers,



1 and the Coast Guard Academy, except as specifically au-  
2 thorized by a statute enacted after the date of enactment  
3 of this Act.

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

18       SEC. 531. Section 550 of the Department of Home-  
19 land Security Appropriations Act, 2007 (6 U.S.C. 121  
20 note) is amended by adding at the end the following:

21       “(h) This section shall not preclude or deny any right  
22 of any State or political subdivision thereof to adopt or  
23 enforce any regulation, requirement, or standard of per-  
24 formance with respect to chemical facility security that is  
25 more stringent than a regulation, requirement, or stand-

1 ard of performance issued under this section, or otherwise  
2 impair any right or jurisdiction of any State with respect  
3 to chemical facilities within that State, unless there is an  
4 actual conflict between this section and the law of that  
5 State.”.

6 SEC. 532. None of the funds provided in this Act  
7 under the heading “Office of the Chief Information Offi-  
8 cer” shall be used for data center development other than  
9 for the National Center for Critical Information Proc-  
10 essing and Storage until the Chief Information Officer cer-  
11 tifies that the National Center for Critical Information  
12 Processing and Storage is fully utilized as the Depart-  
13 ment’s primary data storage center at the highest capacity  
14 throughout the fiscal year.

15 SEC. 533. None of the funds in this Act shall be used  
16 to reduce the United States Coast Guard’s Operations  
17 Systems Center mission or its government-employed or  
18 contract staff levels.

19 SEC. 534. (a) Notwithstanding section 503 of this  
20 Act, up to \$25,000,000 from prior year balances currently  
21 available to the Transportation Security Administration  
22 may be transferred to “Transportation Threat Assessment  
23 and Credentialing” for the Secure Flight program.

24 (b) In carrying out the transfer authority under sub-  
25 section (a), the Transportation Security Administration

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

17       SEC. 535. DISASTER ASSISTANCE FOR SCHOOLS. (a)  
18 DEFINITIONS.—In this section—

19           (1) the term “Administrator” means the Ad-  
20           ministrator of the Federal Emergency Management  
21           Agency;

22           (2) the term “covered assistance” means assist-  
23           ance—

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

4 (B) to be used to—

5 (i) repair, restore, reconstruct, or re-  
6 place school facilities; or

7 (ii) replace lost contents of a school;

8 and

9 (C) for damage caused by Hurricane  
10 Katrina of 2005 or Hurricane Rita of 2005;

11 and

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

16 (b) ASSISTANCE TO SCHOOLS.—

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

1       mined to be an eligible cost after an appeal or re-  
2       view) be provided in a single payment.

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

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

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

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

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



Calendar No. 204

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

**S. 1644**

[Report No. 110-84]

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**A BILL**

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

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JUNE 18, 2007

Read twice and placed on the calendar