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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.

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

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 proc-
2 ess 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 (7) a certification by the Chief Procurement Of-
2 ficer of the Department that the plans for the pro-
3 gram comply with the Federal acquisition rules, re-
4 quirements, guidelines, and practices, and a descrip-
5 tion of the actions being taken to address areas of
6 non-compliance, the risks associated with them along
7 with any plans for addressing these risks and the
8 status of their implementation;

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

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

23 BORDER SECURITY FENCING, INFRASTRUCTURE, AND
24 TECHNOLOGY

25 For expenses for customs and border protection fenc-
26 ing, infrastructure, and technology, \$1,000,000,000, to re-

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-

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

CONSTRUCTION

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

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

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

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

6 *Provided further*, That the Secretary shall ensure that
 7 amounts specified in the future-years capital investment
 8 plan are consistent to the maximum extent practicable
 9 with proposed appropriations necessary to support the
 10 programs, projects, and activities of the Coast Guard in
 11 the President's budget as submitted under section 1105(a)
 12 of title 31, United States Code, for that fiscal year: *Pro-*
 13 *vided further*, That any inconsistencies between the capital
 14 investment plan and proposed appropriations shall be
 15 identified and justified.

16 ALTERATION OF BRIDGES

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

21 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

22 For necessary expenses for applied scientific re-
 23 search, development, test, and evaluation; and for mainte-
 24 nance, rehabilitation, lease, and operation of facilities and
 25 equipment; as authorized by law; \$25,583,000, to remain
 26 available until expended, of which \$500,000 shall be de-

1 rived from the Oil Spill Liability Trust Fund to carry out
 2 the purposes of section 1012(a)(5) of the Oil Pollution Act
 3 of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may
 4 be credited to and used for the purposes of this appropria-
 5 tion funds received from State and local governments,
 6 other public authorities, private sources, and foreign coun-
 7 tries for expenses incurred for research, development, test-
 8 ing, and evaluation.

9 RETIRED PAY

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

20 UNITED STATES SECRET SERVICE

21 SALARIES AND EXPENSES

22 For necessary expenses of the United States Secret
 23 Service, including purchase of not to exceed 645 vehicles
 24 for police-type use, which shall be for replacement only,
 25 and hire of passenger motor vehicles; purchase of motor-
 26 cycles made in the United States; hire of aircraft; services

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.

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.

11 DOMESTIC NUCLEAR DETECTION OFFICE
12 MANAGEMENT AND ADMINISTRATION

18 RESEARCH, DEVELOPMENT, ACQUISITION, AND
19 OPERATIONS

23 SYSTEMS ACQUISITION

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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—

(A) provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172);

(B) to be used to—

(i) repair, restore, reconstruct, or replace school facilities; or

(ii) replace lost contents of a school;

and

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

and

(3) the term “local educational agency” has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(b) ASSISTANCE TO SCHOOLS.—

(1) IN GENERAL.—A local educational agency that has applied for covered assistance before the date of enactment of this Act may request that such assistance (including any eligible costs discovered after the date of the estimate of eligible costs under section 406(e)(1)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 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

110TH CONGRESS
1ST Session

S. 1644

[Report No. 110-84]

A BILL

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

JUNE 18, 2007

Read twice and placed on the calendar