DIVISION E—DEPARTMENT OF HOMELAND SECURIT
SECURITY APPROPRIATIONS ACT, 2008

TITLE I

DEPARTMENT OF HOMELAND SECURITY

DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $97,353,000: Provided, That not to exceed $40,000 shall be for official reception and representation expenses: Provided further, That $15,000,000 shall not be available for obligation until the Secretary (1) certifies and reports to the Committees on Appropriations of the Senate and the House of Representa
tives that the Department has revised Departmental guidance with respect to relations with the Government Accountability Office to specifically provide for: (a) expedited timeframes for providing the Government Accountability Office with access to records within 20 days from the date of request; (b) expedited timeframes for inter
terviews of program officials by the Government Account-
ability Office after reasonable notice has been furnished to the Department by the Government Accountability Office; and (c) a significant streamlining of the review process for documents and interview requests by liaisons, counsel, and program officials, consistent with the objective that the Government Accountability Office be given timely and complete access to documents and agency officials; and (2) defines in a memorandum to all Department employees the roles and responsibilities of the Department of Homeland Security Inspector General: Provided further, That the Secretary shall make the revisions to Departmental guidance with respect to relations with the Government Accountability Office in consultation with the Comptroller General of the United States and issue departmental guidance with respect to relations with the Department of Homeland Security Inspector General in consultation with the Inspector General: Provided further, That not more than seventy-five percent of the funds provided under this heading shall be obligated prior to the submission of the first quarterly report on progress to improve and modernize efforts to remove criminal aliens judged deportable from the United States.

Office of the Under Secretary for Management

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701
through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), $150,238,000, of which not to exceed $3,000 shall be for official reception and representation expenses: Provided, That of the total amount, $6,000,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations.

Office of the Chief Financial Officer


Office of the Chief Information Officer

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $295,200,000; of which $81,000,000 shall be available for salaries and expenses; and of which $214,200,000, to remain available until expended, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, of which not less than $36,800,000 shall be available, as requested in the President’s Fiscal Year 2008 Budget, for Department of Homeland Security
data center development and an additional $35,500,000 shall be available for further construction of the National Center for Critical Information Processing and Storage: Provided, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment: Provided further, That the Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 60 days after the date of enactment of this Act, an expenditure plan for all information technology acquisition projects that: (1) are funded under this heading; or (2) are funded by multiple components of the Department of Homeland Security through reimbursable agreements: Provided further, That such expenditure plan shall include each specific project funded, key milestones, all funding sources for each project, details of annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved by the project.

ANALYSIS AND OPERATIONS (INCLUDING RESCISSION OF FUNDS)

For necessary expenses for information analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et
seq.), $306,000,000, to remain available until September 30, 2009, of which not to exceed $5,000 shall be for official reception and representation expenses: Provided, That of the amounts made available under this heading in Public Law 109–295, $8,700,000 are rescinded.

OFFICE OF THE FEDERAL COORDINATOR FOR GULF

COAST REBUILDING

For necessary expenses of the Office of the Federal Coordinator for Gulf Coast Rebuilding, $2,700,000: Provided, That $1,000,000 shall not be available for obligation until the Committees on Appropriations of the Senate and the House of Representatives receive an expenditure plan for fiscal year 2008.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $92,711,000, of which not to exceed $150,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.
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TITLE II

SECURITY, ENFORCEMENT, AND

INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports; purchase and lease of up to 4,500 (2,300 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $6,802,560,000, of which $3,093,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(e)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(e)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $45,000 shall be for official reception and representation expenses; of which not less than $226,740,000 shall be for Air and Marine Operations; of which $13,000,000 shall be used to procure commercially available technology in order to expand and improve the risk-based approach of the Department of Homeland Security to target and inspect cargo containers under the Secure Freight Initia-
tive and the Global Trade Exchange; of which such sums
as become available in the Customs User Fee Account, ex­
cept sums subject to section 13031(f)(3) of the Consoli­
dated Omnibus Budget Reconciliation Act of 1985 (19
U.S.C. 58c(f)(3)), shall be derived from that account; of
which not to exceed $150,000 shall be available for pay-
ment for rental space in connection with preclearance op-
erations; and of which not to exceed $1,000,000 shall be
for awards of compensation to informants, to be accounted
for solely under the certificate of the Secretary of Home-
land Security: Provided, That of the amount provided
under this heading, $323,000,000 is designated as de-
scribed in section 5 (in the matter preceding division A
of this consolidated Act): Provided further, That for fiscal
year 2008, the overtime limitation prescribed in section
5(c)(1) of the Act of February 13, 1911 (19 U.S.C.
267(c)(1)) shall be $35,000; and notwithstanding any
other provision of law, none of the funds appropriated by
this Act may be available to compensate any employee of
U.S. Customs and Border Protection for overtime, from
whatever source, in an amount that exceeds such limita-
tion, except in individual cases determined by the Sec­
retary of Homeland Security, or the designee of the Sec­
retary, to be necessary for national security purposes, to
prevent excessive costs, or in cases of immigration emer-
agencies: Provided further, That of the amount made available under this heading, $202,816,000 shall remain available until September 30, 2009, to support software development, equipment, contract services, and the implementation of inbound lanes and modification to vehicle primary processing lanes at ports of entry; of which $100,000 is to promote information and education exchange with nations friendly to the United States in order to promote sharing of best practices and technologies relating to homeland security, as authorized by section 879 of Public Law 107-296; and of which $75,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive a report not later than 120 days after the date of enactment of this Act on the preliminary results of testing of pilots at ports of entry used to develop and implement the plan required by section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note), which includes the following information: (1) infrastructure and staffing required, with associated costs, by port of entry; (2) updated milestones for plan implementation; (3) a detailed explanation of how requirements of such section have been satisfied; (4) confirmation that a vicinity-read radio frequency identification card has been adequately tested to
ensure operational success; and (5) a description of steps taken to ensure the integrity of privacy safeguards.

AUTOMATION MODERNIZATION

For expenses for U.S. Customs and Border Protection automated systems, $476,609,000, to remain available until expended, of which not less than $316,969,000 shall be for the development of the Automated Commercial Environment: Provided, That of the total amount made available under this heading, $216,969,000 may not be obligated for the Automated Commercial Environment program until 30 days after the Committees on Appropriations of the Senate and the House of Representatives receive a report on the results to date and plans for the program from the Department of Homeland Security that includes:

(1) a detailed accounting of the program's progress up to the date of the report in meeting prior commitments made to the Committees relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, and program management capabilities;

(2) an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-based delivery of specific ca-
pabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;

(3) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program, with the status of the Department's efforts to address the recommendations, including milestones for fully addressing them;

(4) a certification by the Chief Procurement Officer of the Department that the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including Circular A-11, part 7, as well as supporting analyses generated by and used in the Department's process;

(5) a certification by the Chief Information Officer of the Department that an independent validation and verification agent has and will continue to actively review the program;

(6) a certification by the Chief Information Officer of the Department that the system architecture
of the program is sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were and were not assessed in making the alignment determination, the date of the alignment determination, any known areas of misalignment along with the associated risks and corrective actions to address any such areas;

(7) a certification by the Chief Information Officer of the Department that the program has a risk management process that regularly and proactively identifies, evaluates, mitigates, and monitors risks throughout the system life cycle, and communicates high-risk conditions to U.S. Customs and Border Protection and Department of Homeland Security investment decision makers, as well as a listing of the program's high risks and the status of efforts to address them;

(8) a certification by the Chief Procurement Officer of the Department that the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with them along
with any plans for addressing these risks and the status of their implementation; and

(9) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the program are being strategically and proactively managed, and that current human capital capabilities are sufficient to execute the plans discussed in the report.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for customs and border protection fencing, infrastructure, and technology, $1,225,000,000, to remain available until expended: Provided, That of the amount provided under this heading, $1,053,000,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act): Provided further, That of the amount provided under this heading, $650,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representa-tives receive and approve a plan for expenditure, prepared by the Secretary of Homeland Security and submitted within 90 days after the date of enactment of this Act, for a program to establish a security barrier along the borders of the United States of fencing and vehicle barriers, where practicable, and other forms of tactical infra-structure and technology, that includes:
(1) a detailed accounting of the program's progress to date relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, program management capabilities, identification of the maximum investment (including lifecycle costs) required by the Secure Border Initiative network or any successor contract, and description of the methodology used to obtain these cost figures;

(2) a description of how activities will further the objectives of the Secure Border Initiative, as defined in the Secure Border Initiative multi-year strategic plan, and how the plan allocates funding to the highest priority border security needs;

(3) an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;

(4) an identification of staffing (including full-time equivalents, contractors, and detailees) requirements by activity;
(5) a description of how the plan addresses security needs at the Northern Border and the ports of entry, including infrastructure, technology, design and operations requirements;

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

(7) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Department of Homeland Security actions to address the recommendations, including milestones to fully address them;

(8) a certification by the Chief Procurement Officer of the Department that the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including Circular A–11, part 7;

(9) a certification by the Chief Information Officer of the Department that the system architecture of the program is sufficiently aligned with the infor-
information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were and were not assessed in making the alignment determination, the date of the alignment determination, and any known areas of misalignment along with the associated risks and corrective actions to address any such areas;

(10) a certification by the Chief Procurement Officer of the Department that the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with them along with any plans for addressing these risks, and the status of their implementation;

(11) a certification by the Chief Information Officer of the Department that the program has a risk management process that regularly and proactively identifies, evaluates, mitigates, and monitors risks throughout the system life cycle and communicates high-risk conditions to U.S. Customs and Border Protection and Department of Homeland Security investment decisionmakers, as well as a listing
of all the program’s high risks and the status of efforts to address them;

(12) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the program are being strategically and proactively managed, and that current human capital capabilities are sufficient to execute the plans discussed in the report;

(13) an analysis by the Secretary for each segment, defined as no more than 15 miles, of fencing or tactical infrastructure, of the selected approach compared to other, alternative means of achieving operational control; such analysis should include cost, level of operational control, possible unintended effects on communities, and other factors critical to the decision-making process;

(14) a certification by the Chief Procurement Officer of the Department of Homeland Security that procedures to prevent conflicts of interest between the prime integrator and major subcontractors are established and that the Secure Border Initiative Program Office has adequate staff and resources to effectively manage the Secure Border Initiative program, Secure Border Initiative network contract, and any related contracts, including the exercise of
technical oversight, and a certification by the Chief
Information Officer of the Department of Homeland
Security that an independent verification and valida-
tion agent is currently under contract for the
projects funded under this heading; and
(15) is reviewed by the Government Account-
ability Office:

Provided further, That the Secretary shall report to the
Committees on Appropriations of the Senate and the
House of Representatives on program progress to date and
specific objectives to be achieved through the award of cur-
rent and remaining task orders planned for the balance
of available appropriations: (1) at least 30 days prior to
the award of any task order requiring an obligation of
funds in excess of $100,000,000; and (2) prior to the
award of a task order that would cause cumulative obliga-
tions of funds to exceed 50 percent of the total amount
appropriated: Provided further, That of the funds provided
under this heading, not more than $2,000,000 shall be
used to reimburse the Defense Acquisition University for
the costs of conducting a review of the Secure Border Ini-
tiative network contract and determining how and whether
the Department is employing the best procurement prac-
tices: Provided further, That none of the funds under this
heading may be obligated for any project or activity for
which the Secretary has exercised waiver authority pursuant to section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) until 15 days have elapsed from the date of the publication of the decision in the Federal Register.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $570,047,000, to remain available until expended: Provided, That of the amount provided under this heading, $94,000,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act): Provided further, That no aircraft or other related
equipment, with the exception of aircraft that are one of
a kind and have been identified as excess to U.S. Customs
and Border Protection requirements and aircraft that
have been damaged beyond repair, shall be transferred to
any other Federal agency, department, or office outside
of the Department of Homeland Security during fiscal
year 2008 without the prior approval of the Committees
on Appropriations of the Senate and the House of Representatives.

CONSTRUCTION

For necessary expenses to plan, construct, renovate,
equip, and maintain buildings and facilities necessary for
the administration and enforcement of the laws relating
to customs and immigration, $348,363,000, to remain
available until expended; of which $39,700,000 shall be
for the Advanced Training Center: Provided, That of the
amount provided under this heading, $61,000,000 is designated as described in section 5 (in the matter preceding
division A of this consolidated Act).

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigra-
tion and customs laws, detention and removals, and investiga-
tions; and purchase and lease of up to 3,790 (2,350
for replacement only) police-type vehicles; $4,687,517,000,
of which not to exceed $7,500,000 shall be available until
20

1 expended for conducting special operations under section
2 3131 of the Customs Enforcement Act of 1986 (19 U.S.C.
3 2081); of which not to exceed $15,000 shall be for official
4 reception and representation expenses; of which not to ex-
5 ceed $1,000,000 shall be for awards of compensation to
6 informants, to be accounted for solely under the certificate
7 of the Secretary of Homeland Security; of which not less
8 than $305,000 shall be for promotion of public awareness
9 of the child pornography tipline and anti-child exploitation
10 activities as requested by the President; of which not less
11 than $5,400,000 shall be used to facilitate agreements
12 consistent with section 287(g) of the Immigration and Na-
13 tionality Act (8 U.S.C. 1357(g)); and of which not to ex-
14 ceed $11,216,000 shall be available to fund or reimburse
15 other Federal agencies for the costs associated with the
16 care, maintenance, and repatriation of smuggled illegal
17 aliens: Provided, That of the amount provided under this
18 heading, $516,400,000 is designated as described in sec-
19 tion 5 (in the matter preceding division A of this consoli-
20 dated Act): Provided further, That none of the funds made
21 available under this heading shall be available to com-
22 pensate any employee for overtime in an annual amount
23 in excess of $35,000, except that the Secretary of Home-
24 land Security, or the designee of the Secretary, may waive
25 that amount as necessary for national security purposes
and in cases of immigration emergencies: *Provided further,*

That of the total amount provided, $15,770,000 shall be
for activities to enforce laws against forced child labor in
fiscal year 2008, of which not to exceed $6,000,000 shall
remain available until expended: *Provided further,* That of
the total amount provided, not less than $2,381,401,000
is for detention and removal operations: *Provided further,*
That of the total amount provided, $200,000,000 shall re-
main available until September 30, 2009, to improve and
modernize efforts to identify aliens convicted of a crime,
sentenced to imprisonment, and who may be deportable,
and remove them from the United States once they are
judged deportable: *Provided further,* That none of the
funds made available to improve and modernize efforts to
identify and remove aliens convicted of a crime, sentenced
to imprisonment, and who may be deportable (in this pro-
viso referred to as criminal aliens), and remove them from
the United States once they are judged deportable, shall
be obligated until the Committees on Appropriations of the
Senate and the House of Representatives receive a plan
for expenditure, prepared by the Secretary of Homeland
Security and submitted within 90 days after the date of
enactment of this Act, to modernize the policies and tech-

calities used to identify and remove criminal aliens,
(1) presents a strategy for U.S. Immigration and Customs Enforcement to identify every criminal alien, at the prison, jail, or correctional institution in which they are held;

(2) establishes the process U.S. Immigration and Customs Enforcement, in conjunction with the U.S. Department of Justice, will use to make every reasonable effort to remove, upon their release from custody, all criminal aliens judged deportable;

(3) presents a methodology U.S. Immigration and Customs Enforcement will use to identify and prioritize for removal criminal aliens convicted of violent crimes;

(4) defines the activities, milestones, and resources for implementing the strategy and process described in sections (1) and (2); and

(5) includes program measurements for progress in implementing the strategy and process described in sections (1) and (2):

Provided further, That the Secretary of Homeland Security or a designee of the Secretary shall report to the Committees on Appropriations of the Senate and the House of Representatives, at least quarterly, on progress implementing the expenditure plan required in the preceding proviso, and the funds obligated during that quarter to
make that progress: Provided further, That the funding and staffing resources necessary to carry out the strategy and process described in sections (1) and (2) under this heading shall be identified in the President’s fiscal year 2009 budget submission to Congress.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service: Provided, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall certify in writing to the Committees on Appropriations of the Senate and the House of Representatives no later than December 31, 2007, that the operations of the Federal Protective Service will be fully funded in fiscal year 2008 through revenues and collection of security fees, and shall adjust the fees to ensure fee collections are sufficient to ensure the Federal Protective Service maintains, by July 31, 2008, not fewer than 1,200 full-time equivalent staff and 900 full-time equivalent Police Officers, Inspectors, Area Commanders, and Special Agents who, while working, are directly engaged on a daily basis protecting and enforcing laws at Federal buildings (referred to as “in-service field staff”).
For expenses of immigration and customs enforcement automated systems, $30,700,000, to remain available until expended: Provided, That of the funds made available under this heading, $5,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure prepared by the Secretary of Homeland Security.

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, $16,500,000, to remain available until expended: Provided, That of the amount provided under this heading, $10,500,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act): Provided further, That none of the funds made available in this Act may be used to solicit or consider any request to privatize facilities currently owned by the United States Government and used to detain illegal aliens until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for carrying out that privatization.
TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101 note), $4,808,691,000, to remain available until September 30, 2009, of which not to exceed $10,000 shall be for official reception and representation expenses:

Provided, That of the total amount made available under this heading, not to exceed $3,768,489,000 shall be for screening operations, of which $294,000,000 shall be available only for procurement and installation of checked baggage explosive detection systems; and not to exceed $1,009,977,000 shall be for aviation security direction and enforcement: Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: Provided further, That any funds collected and made available from aviation security fees pursuant to section 44940(i) of title 49, United States Code, may, notwithstanding paragraph (4) of such section 44940(i), be expended for the purpose of improving screening at airport screening checkpoints, which may include the purchase
and utilization of emerging technology equipment; the re-

furbishment and replacement of current equipment; the

installation of surveillance systems to monitor checkpoint

activities; the modification of checkpoint infrastructure to

support checkpoint reconfigurations; and the creation of

additional checkpoints to screen aviation passengers and

airport personnel: Provided further, That of the amounts

provided under this heading, $30,000,000 may be trans­

ferred to the “Surface Transportation Security”; “Trans­

portation Threat Assessment And Credentialing”; and

“Transportation Security Support” appropriations in this

Act for the purpose of implementing regulations and ac­
tivities authorized in Implementing Recommendations of

the 9/11 Commission Act of 2007 (Public Law 110–53):

Provided further, That the sum appropriated under this

heading from the general fund shall be reduced on a dol­
lar-for-dollar basis as such offsetting collections are re­
ceived during fiscal year 2008, so as to result in a final

fiscal year appropriation from the general fund estimated

at not more than $2,598,466,000: Provided further, That

any security service fees collected in excess of the amount

made available under this heading shall become available
during fiscal year 2009: Provided further, That Members

of the United States House of Representatives and United

States Senate, including the leadership; and the heads of
Federal agencies and commissions, including the Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General and Assistant Attorneys General and the United States attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget, shall not be exempt from Federal passenger and baggage screening.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing surface transportation security activities, $46,613,000, to remain available until September 30, 2009.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, $82,590,000, to remain available until September 30, 2009: Provided, That if the Assistant Secretary of Homeland Security (Transportation Security Administration) determines that the Secure Flight program does not need to check airline passenger names against the full terrorist watch list, then the Assistant Secretary shall certify to the Committees on Appropriations of the Senate and the House of Representatives that no significant security risks
are raised by screening airline passenger names only
against a subset of the full terrorist watch list.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101 note), $523,515,000, to remain available until September 30, 2009: Provided, that of the funds appropriated under this heading, $10,000,000 may not be obligated until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives detailed expenditure plans for checkpoint support and explosive detection systems refurbishment, procurement, and installations on an airport-by-airport basis for fiscal year 2008; and a strategic plan required for checkpoint technologies as described in the joint explanatory statement of managers accompanying the fiscal year 2007 conference report (H. Rept. 109-699): Provided further, That these plans shall be submitted no later than 60 days after the date of enactment of this Act.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, $769,500,000.
COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; minor shore construction projects not exceeding $1,000,000 in total cost at any location; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $5,891,347,000, of which $340,000,000 shall be for defense-related activities; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which not to exceed $20,000 shall be for official reception and representation expenses; and of which $3,600,000 shall be for costs to plan and design an expansion to the Operations Systems Center subject to the approval of a prospectus: Provided, That none of the funds made available by this Act shall be available for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds made available by this Act shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, ex-
cept to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further,* That not to exceed 5 percent of this appropriation may be transferred to the “Acquisition, Construction, and Improvements” appropriation for personnel compensation and benefits and related costs to adjust personnel assignment to accelerate management and oversight of new or existing projects without detrimentally affecting the management and oversight of other projects: *Provided further,* That the amount made available for “Personnel, Compensation, and Benefits” in the “Acquisition, Construction, and Improvements” appropriation shall not be increased by more than 10 percent by such transfers: *Provided further,* That the Committees on Appropriations of the Senate and the House of Representatives shall be notified of each transfer within 30 days after it is executed by the Treasury: *Provided further,* That of the amount provided under this heading, $70,300,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

21 **ENVIRONMENTAL COMPLIANCE AND RESTORATION**

22 For necessary expenses to carry out the environmental compliance and restoration functions of the Coast Guard under chapter 19 of title 14, United States Code, $13,006,000, to remain available until expended.
RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; $126,883,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING RESCISSIONS OF FUNDS)

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $1,125,083,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $45,000,000 shall be available until September 30, 2012, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which $173,100,000 shall be available until September 30, 2010, for other equipment; of which $40,997,000 shall be available until September 30, 2010, for shore facilities and aids to navigation facilities; of which $82,720,000 shall be available for personnel compensation and benefits and related costs; and of which $783,266,000 shall be available until September 30, 2012, for the Integrated Deepwater Systems program: Provided,
That of the funds made available for the Integrated Deepwater Systems program, $327,416,000 is for aircraft and $243,400,000 is for surface ships: Provided further, That of the amount provided in the preceding proviso for aircraft, $70,000,000 may not be obligated for the Maritime Patrol Aircraft until the Commandant of the Coast Guard certifies that the mission system pallet Developmental Test and Evaluation of the HC–144A CASA Maritime Patrol Aircraft is complete: Provided further, That no funds shall be available for procurements related to the acquisition of additional major assets as part of the Integrated Deepwater Systems program not already under contract until an alternatives analysis has been completed by an independent qualified third party: Provided further, That $300,000,000 of the funds provided for the Integrated Deepwater Systems program may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure directly from the Coast Guard that—

(1) defines activities, milestones, yearly costs, and lifecycle costs for each procurement of a major asset, including an independent cost estimate for each;
(2) identifies lifecycle staffing and training needs of Coast Guard project managers and of procurement and contract staff;

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

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

(5) includes a certification by the Chief Human Capital Officer of the Department that current human capital capabilities are sufficient to execute the plans discussed in the report;

(6) contains very limited indefinite delivery/indefinite quantity contracts and explains the need for any indefinite delivery/indefinite quantity contracts;

(7) identifies individual project balances by fiscal year, including planned carryover into fiscal year 2009 by project;

(8) identifies operational gaps by asset and explains how funds provided in this Act address the shortfalls between current operational capabilities and requirements;

(9) includes a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Coast Guard actions to address the
recommendations, including milestones for fully addressing them;

(10) includes a certification by the Chief Procurement Officer of the Department that the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including Circular A-11, part 7;

(11) identifies use of the Defense Contract Auditing Agency;

(12) includes a certification by the head of contracting activity for the Coast Guard and the Chief Procurement Officer of the Department that the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with them along with plans for addressing these risks, and the status of their implementation;

(13) identifies the use of independent validation and verification; and

(14) is reviewed by the Government Accountability Office:
Provided further, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the President’s fiscal year 2009 budget, a review of the Revised Deepwater Implementation Plan that identifies any changes to the plan for the fiscal year; an annual performance comparison of Deepwater assets to pre-Deepwater legacy assets; a status report of legacy assets; a detailed explanation of how the costs of legacy assets are being accounted for within the Deepwater program; and the earned value management system gold card data for each Deepwater asset: Provided further, That the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a comprehensive review of the Revised Deepwater Implementation Plan every five years, beginning in fiscal year 2011, that includes a complete projection of the acquisition costs and schedule for the duration of the plan through fiscal year 2027: Provided further, That the Secretary shall annually submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President’s budget is submitted under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—
(1) the proposed appropriation included in that budget;
(2) the total estimated cost of completion;
(3) projected funding levels for each fiscal year for the next five fiscal years or until project completion, whichever is earlier;
(4) an estimated completion date at the projected funding levels; and
(5) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Committees on Appropriations of the Senate and the House of Representatives:

Provided further, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent to the maximum extent practicable with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: Provided further, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: Provided further, That of amounts made available under this heading in Public Laws 108–334 and 109–90 for the Offshore Patrol Cutter,
$98,627,476 are rescinded: Provided further, That of amounts made available under this heading in Public Law 108-334 for VTOL unmanned aerial vehicles (VUAV), $162,850 are rescinded: Provided further, That of amounts made available under this heading in Public Law 109-90 for unmanned air vehicles (UAVs), $32,942,138 are rescinded: Provided further, That of amounts made available under this heading in Public Law 109-295 for VTOL unmanned aerial vehicles (UAVs), $716,336 are rescinded: Provided further, That of the amount provided under this heading, $95,800,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

ALTERATION OF BRIDGES

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

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; $25,000,000, to remain available until expended, of which $500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act.
of 1990 (33 U.S.C. 2712(a)(5)): Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,184,720,000, to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 645 vehicles for police-type use for replacement only, and hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District
of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,381,771,000, of which $853,690,000 is for protective functions; of which not to exceed $25,000 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,366,000 shall be for forensic and related support of investigations of miss-
ing and exploited children; and of which $6,000,000 shall
be a grant for activities related to the investigations of
missing and exploited children and shall remain available
until expended: Provided, That up to $18,000,000 pro-
vided for protective travel shall remain available until Sep-
tember 30, 2009: Provided further, That the United States
Secret Service is authorized to obligate funds in anticipa-
tion of reimbursements from Federal agencies and enti-
ties, as defined in section 105 of title 5, United States
Code, receiving training sponsored by the James J.
Rowley Training Center, except that total obligations at
the end of the fiscal year shall not exceed total budgetary
resources available under this heading at the end of the
fiscal year.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
RELATED EXPENSES

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

TITLE III
PROTECTION, PREPAREDNESS, RESPONSE, AND
RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE
MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the immediate Office of
the Under Secretary for National Protection and Pro-
grams, the National Protection Planning Office, support for operations, information technology, and Risk Management and Analysis, $47,346,000: Provided, That not to exceed $5,000 shall be for official reception and representation expenses: Provided further, That of the total amount provided under this heading, $5,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an expenditure plan by program, project, and activity.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $654,730,000, of which $586,960,000 shall remain available until September 30, 2009.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), $475,000,000, to remain available until expended: Provided, That of the amount
provided under this heading, $275,000,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act): Provided further, That of the total amount made available under this heading, $125,000,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology project until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that includes:

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

(2) an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;

(3) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status
of Department of Homeland Security actions to address the recommendations, including milestones for fully addressing them;

(4) a certification by the Chief Procurement Officer of the Department that the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including Circular A–11, part 7;

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

(6) a certification by the Chief Information Officer of the Department that the system architecture of the program is sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were and were not assessed in making the alignment determination, the date of the alignment determination, and any known areas of misalignment along
with the associated risks and corrective actions to address any such areas;

(7) a certification by the Chief Procurement Officer of the Department that the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with them along with any plans for addressing these risks, and the status of their implementation;

(8) a certification by the Chief Information Officer of the Department that the program has a risk management process that regularly identifies, evaluates, mitigates, and monitors risks throughout the system life cycle, and communicates high-risk conditions to agency and Department of Homeland Security investment decisionmakers, as well as a listing of all the program's high risks and the status of efforts to address them;

(9) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the program are being strategically and proactively managed, and that current human capital capabilities are sufficient to execute the plans discussed in the report;
(10) a complete schedule for the full implementation of a biometric exit program or a certification that such program is not possible within five years;

(11) a detailed accounting of operation and maintenance, contractor services, and program costs associated with the management of identity services; and

(12) is reviewed by the Government Accountability Office.

OFFICE OF HEALTH AFFAIRS

For the necessary expenses of the Office of Health Affairs, $116,500,000; of which $24,317,000 is for salaries and expenses; and of which $92,183,000, to remain available until September 30, 2009, is for biosurveillance, BioWatch, medical readiness planning, chemical response, and other activities: Provided, That not to exceed $3,000 shall be for official reception and representation expenses.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

For necessary expenses for management and administration of the Federal Emergency Management Agency, $664,000,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earth-
quake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295; 120 Stat. 1394): Provided, That not to exceed $3,000 shall be for official reception and representation expenses: Provided further, That the President's budget submitted under section 1105(a) of title 31, United States Code, shall be detailed by office for the Federal Emergency Management Agency: Provided further, That of the total amount made available under this heading, $32,500,000 shall be for the Urban Search and Rescue Response System, of which not to exceed $1,600,000 may be made available for administrative costs; and $6,000,000 shall be for the Office of National Capital Region Coordination: Provided further, That for purposes of planning, coordination, execution, and decisionmaking related to mass evacuation during a disaster, the Governors of the State of West Virginia and the Commonwealth of Pennsylvania, or their designees, shall be incorporated into efforts to integrate the activities of Federal, State, and local governments in the National Capital Region, as de-

STATE AND LOCAL PROGRAMS
(INCLUDING TRANSFER OF FUNDS)
For grants, contracts, cooperative agreements, and other activities, $3,177,800,000 shall be allocated as follows:

(1) $950,000,000 shall be for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605) as amended by Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53): Provided, That of the amount provided by this paragraph, $60,000,000 shall be for Operation Stonegarden and is designated as described in section 5 (in the matter preceding division A of this consolidated Act): Provided further, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2008, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004;

(2) $820,000,000 shall be for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604) as amend-
ed by Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53), of which, notwithstanding subsection (c)(1) of such section, $15,000,000 shall be for grants to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such code) determined by the Secretary to be at high-risk of a terrorist attack;

(3) $35,000,000 shall be for Regional Catastrophic Preparedness Grants;

(4) $41,000,000 shall be for the Metropolitan Medical Response System under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723);

(5) $15,000,000 shall be for the Citizens Corps Program;

(6) $400,000,000 shall be for Public Transportation Security Assistance and Railroad Security Assistance under sections 1406 and 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1135 and 1163), of which not less than $25,000,000 shall be for Amtrak security;

(7) $400,000,000 shall be for Port Security Grants in accordance with 46 U.S.C. 70107;
(8) $11,500,000 shall be for Over-the-Road Bus Security Assistance under section 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 6 U.S.C. 1182);

(9) $16,000,000 shall be for Trucking Industry Security Grants;

(10) $50,000,000 shall be for Buffer Zone Protection Program Grants;

(11) $50,000,000 shall be for grants under section 204 of the REAL ID Act of 2005 (Public law 109-13; 49 U.S.C. 30301 note): Provided, That the amount provided under this paragraph shall be designated as described in section 5 (in the matter preceding division A of this consolidated Act);

(12) $25,000,000 shall be for the Commercial Equipment Direct Assistance Program;

(13) $50,000,000 shall be for the Interoperable Emergency Communications Grant Program under section 1809 of the Homeland Security Act of 2002 (6 U.S.C. 579) as amended by Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53);

(14) $15,000,000 shall be for grants for construction of Emergency Operations Centers under section 614 of the Robert T. Stafford Disaster Relief
and Emergency Assistance Act (42 U.S.C. 5196c) as amended by Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53);

and

(15) $299,300,000 shall be for training, exercises, technical assistance, and other programs:

Provided, That not to exceed three percent of the amounts provided under this heading may be transferred to the Federal Emergency Management Agency “Management and Administration” account for program administration:

Provided further, That for grants under paragraphs (1) through (5), the applications for grants shall be made available to eligible applicants not later than 25 days after the date of enactment of this Act, that eligible applicants shall submit applications not later than 90 days after the grant announcement, and that the Administrator of the Federal Emergency Management Agency shall act within 90 days after receipt of an application: Provided further, That for grants under paragraphs (6) through (11), the applications for grants shall be made available to eligible applicants not later than 30 days after the date of enactment of this Act, that eligible applicants shall submit applications within 45 days after the grant announcement, and that the Federal Emergency Management Agency shall act not later than 60 days after receipt of an applica-
tion: Provided further, That grantees shall provide additional reports on their use of funds, as determined necessary by the Secretary of Homeland Security: Provided further, That (a) the Center for Domestic Preparedness may provide training to emergency response providers from the Federal Government, foreign governments, or private entities, if the Center for Domestic Preparedness is reimbursed for the cost of such training, and any reimbursement under this subsection shall be credited to the account from which the expenditure being reimbursed was made and shall be available, without fiscal year limitation, for the purposes for which amounts in the account may be expended, (b) the head of the Center for Domestic Preparedness shall ensure that any training provided under (a) does not interfere with the primary mission of the Center to train State and local emergency response providers: Provided further, That the Government Accountability Office shall report to the Committees on Appropriations of the Senate and the House of Representatives regarding the data, assumptions, and methodology that the Department uses to assess risk and allocate Urban Area Security Initiative and State Homeland Security Grants not later than 45 days after the date of enactment of this Act: Provided further, That the report shall include the reliability and validity of the data used, the basis for the assump-
1 tions used, how the methodology is applied to determine
2 the risk scores for individual locations, an analysis of the
3 usefulness of placing States and cities into tier groups, 
4 and the allocation of grants to eligible locations: Provided
5 further, That the Department provide the Government Ac­
6 countability Office with the actual data that the Depart­
7 ment used for its risk assessment and grant allocation for
8 at least two locations at the discretion of the Government
9 Accountability Office for the 2007 grant allocation proc­
10 ess: Provided further, That the Department provide the
11 Government Accountability Office with access to all data
12 needed for its analysis and report, including specifics on
13 all changes for the fiscal year 2008 process, including, but
14 not limited to, all changes in data, assumptions, and
15 weights used in methodology within seven days after the
16 date of enactment of this Act: Provided further, That any
17 subsequent changes made regarding the risk methodology
18 after the initial information is provided to the Government
19 Accountability Office shall be provided within seven days
20 after the change is made.
21 
22 FIREFIGHTER ASSISTANCE GRANTS
23 For necessary expenses for programs authorized by
24 the Federal Fire Prevention and Control Act of 1974 (15
25 U.S.C. 2201 et seq.), $750,000,000, of which
26 $560,000,000 shall be available to carry out section 33
27 of that Act (15 U.S.C. 2229) and $190,000,000 shall be
available to carry out section 34 of that Act (15 U.S.C. 2229a), to remain available until September 30, 2009: 
Provided, That not to exceed five percent of the amount available under this heading shall be available for program administration.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $300,000,000: Provided, That total administrative costs shall not exceed three percent of the total amount appropriated under this heading.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2008, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: Provided, That the methodology for assessment and collection of fees shall be
fair and equitable and shall reflect costs of providing such
services, including administrative costs of collecting such
fees: Provided further, That fees received under this head-
ing shall be deposited in this account as offsetting collec-
tions and will become available for authorized purposes on
October 1, 2008, and remain available until expended.

UNITED STATES FIRE ADMINISTRATION
For necessary expenses of the United States Fire Ad-
ministration and for other purposes, as authorized by the
Federal Fire Prevention and Control Act of 1974 (15
U.S.C. 2201 et seq.) and the Homeland Security Act of

DISASTER RELIEF
(INCLUDING TRANSFER OF FUNDS)
For necessary expenses in carrying out the Robert
T. Stafford Disaster Relief and Emergency Assistance Act
(42 U.S.C. 5121 et seq.), $1,400,000,000, to remain avail-
able until expended: Provided, That of the total amount
provided, $16,000,000 shall be transferred to the Depart-
ment of Homeland Security Office of Inspector General
for audits and investigations related to disasters, subject
to section 503 of this Act: Provided further, That up to
$60,000,000 may be transferred to “Management and Ad-
ministration”, Federal Emergency Management Agency,
of which $48,000,000 and 250 positions are for manage-
ment and administration functions and $12,000,000 is for
activities related to the Robert T. Stafford Disaster Relief
and Emergency Assistance Act (42 U.S.C. 5121 et seq.):
Provided further, That of the amount provided in the pre-
vious proviso, $30,000,000 shall not be available for trans-
fer for management and administration functions until the
Federal Emergency Management Agency submits an ex-
penditure plan to the Committees on Appropriations of the
Senate and the House of Representatives regarding the
250 positions: Provided further, That the Federal Emer-
gency Management Agency shall hereafter submit a
monthly "Disaster Relief" report to the Committees on
Appropriations of the Senate and the House of Represent-
atives to include:
(1) status of the Disaster Relief fund including
obligations, allocations, and amounts undistributed/
unallocated;
(2) allocations, obligations, and expenditures for
Hurricanes Katrina, Rita, and Wilma and all open
disasters;
(3) information on national flood insurance
claims;
(4) obligations, allocations, and expenditures by
State for unemployment, crisis counseling, inspec-
tions, housing assistance, manufactured housing,
public assistance, and individual assistance;
(5) mission assignment obligations by agency, including:

   (A) the amounts to other agencies that are in suspense because the Federal Emergency Management Agency has not yet reviewed and approved the documentation supporting the expenditure or for which an agency has been mission assigned but has not submitted necessary documentation for reimbursement;

   (B) an explanation if the amounts of reported obligations and expenditures do not reflect the status of such obligations and expenditures from a government-wide perspective; and

   (C) each such agency’s actual obligation and expenditure data;

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

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

(8) a list of all contracts that were awarded on a sole source or limited competition basis, including the dollar amount, the purpose of the contract, and the reason for the lack of competitive award; and
(9) an estimate of when available appropriations will be exhausted, assuming an average disaster season:

Provided further, That for any request for reimbursement from a Federal agency to the Department to cover expenditures under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or any mission assignment orders issued by the Department for such purposes, the Secretary of Homeland Security shall take appropriate steps to ensure that each agency is periodically reminded of Department policies on—

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

(2) the necessity for timeliness of agency billings.

Disaster Assistance Direct Loan Program Account

For activities under section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), $875,000, of which $580,000 is for administrative expenses to carry out the direct loan program and $295,000 is for the cost of direct loans: Provided, That gross obligations for the principal amount of direct loans shall not exceed $25,000,000: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).
FLOOD MAP MODERNIZATION FUND

For necessary expenses under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $220,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: Provided, That total administrative costs shall not exceed three percent of the total amount appropriated under this heading.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), $145,000,000, which is available as follows: (1) not to exceed $45,642,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and (2) no less than $99,358,000 for flood hazard mitigation, which shall be derived from offsetting collections assessed and collected under section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4014), to remain available until September 30, 2009, including up to $34,000,000 for flood mitigation expenses under section 1366 of that Act (42 U.S.C. 4104c), which shall be available for transfer to the National Flood Mitigation Fund.
1 under section 1367 of that Act (42 U.S.C. 4104) until
2 September 30, 2009: Provided, That any additional fees
3 collected pursuant to section 1307 of that Act shall be
4 credited as an offsetting collection to this account, to be
5 available for flood hazard mitigation expenses: Provided
6 further, That in fiscal year 2008, no funds shall be avail-
7 able from the National Flood Insurance Fund under sec-
8 tion 1310 of that Act (42 U.S.C. 4017) in excess of: (1)
9 $70,000,000 for operating expenses; (2) $773,772,000 for
10 commissions and taxes of agents; (3) such sums as are
11 necessary for interest on Treasury borrowings; and (4)
12 $90,000,000 for flood mitigation actions with respect to
13 severe repetitive loss properties under section 1361A of
14 that Act (42 U.S.C. 4102a) and repetitive insurance
15 claims properties under section 1323 of that Act (42
16 U.S.C. 4030), which shall remain available until expended:
17 Provided further, That total administrative costs shall not
18 exceed four percent of the total appropriation.
19
20 NATIONAL FLOOD MITIGATION FUND
21 (INCLUDING TRANSFER OF FUNDS)
22
23 Notwithstanding subparagraphs (B) and (C) of sub-
24 section (b)(3), and subsection (f), of section 1366 of the
25 National Flood Insurance Act of 1968, $34,000,000 (42
26 U.S.C. 4104e), to remain available until September 30,
27 2009, for activities designed to reduce the risk of flood
28 damage to structures pursuant to such Act, of which
$34,000,000 shall be derived from the National Flood Insurance Fund.

NATIONAL PREDISASTER MITIGATION FUND

For a predisaster mitigation grant program under title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $114,000,000, to remain available until expended: Provided, That grants made for predisaster mitigation shall be awarded subject to the criteria in section 203(g) of such Act (42 U.S.C. 5133(g)): Provided further, That the total administrative costs associated with such grants shall not exceed three percent of the total amount made available under this heading.

EMERGENCY FOOD AND SHELTER

To carry out an emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), $153,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading.
TITLE IV
RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES
UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, $80,973,000: Provided, That of the amount provided under this heading, $80,000,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act): Provided further, That of the total, $20,000,000 is provided to address backlogs of security checks associated with pending applications and petitions and shall not be available for obligation until the Secretary of Homeland Security and the United States Attorney General submit to the Committees on Appropriations of the Senate and the House of Representatives a plan to eliminate the backlog of security checks that establishes information sharing protocols to ensure United States Citizenship and Immigration Services has the information it needs to carry out its mission: Provided further, That notwithstanding any other provision of law, funds available to United States Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to five vehicles for areas where the Administrator of General Services does not provide vehicles for
 lease: Provided further, That the Director of United States Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles between the employees' residences and places of employment.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $238,076,000, of which up to $48,111,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2009; of which $300,000 shall remain available until expended for Federal law enforcement agencies participating in training accreditation, to be distributed as determined by
the Federal Law Enforcement Training Center for the
needs of participating agencies; and of which not to exceed
$12,000 shall be for official reception and representation
expenses: Provided, That of the amount provided under
this heading, $17,000,000 is designated as described in
section 5 (in the matter preceding division A of this con-
solidated Act): Provided further, That the Center is au-
thorized to obligate funds in anticipation of reimburse-
ments from agencies receiving training sponsored by the
Center, except that total obligations at the end of the fis-
cal year shall not exceed total budgetary resources avail-
able at the end of the fiscal year: Provided further, That
section 1202(a) of Public Law 107–206 (42 U.S.C. 3771
1374) is further amended by striking “December 31,
2007” and inserting “December 31, 2010”.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND
RELATED EXPENSES

For acquisition of necessary additional real property
and facilities, construction, and ongoing maintenance, fa-
cility improvements, and related expenses of the Federal
Law Enforcement Training Center, $50,590,000, to re-
main available until expended: Provided, That of the
amount provided under this heading, $4,000,000 is des-
ignated as described in section 5 (in the matter preceding
division A of this consolidated Act): Provided further, That
the Center is authorized to accept reimbursement to this
appropriation from government agencies requesting the
construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under
Secretary for Science and Technology and for manage­
ment and administration of programs and activities, as
authorized by title III of the Homeland Security Act of
2002 (6 U.S.C. 181 et seq.), $138,600,000: Provided,
That not to exceed $10,000 shall be for official reception
and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND
OPERATIONS

For necessary expenses for science and technology re­
search, including advanced research projects; development;
test and evaluation; acquisition; and operations; as author­
ized by title III of the Homeland Security Act of 2002
(6 U.S.C. 181 et seq.); $691,735,000, to remain available
until expended: Provided, That none of the funds made
available under this heading shall be obligated for the
Analysis, Dissemination, Visualization, Insight, and Se­
mantic Enhancement program or any follow-on or suc­
cessor program.
DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office as authorized by the second title XVIII of the Homeland Security Act of 2002 and for management and administration of programs and activities, $31,500,000: Provided, That not to exceed $3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, AND OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation, and operations, $323,500,000, to remain available until expended.

SYSTEMS ACQUISITION

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, $129,750,000, to remain available until September 30, 2010: Provided, That none of the funds appropriated under this heading shall be obligated for full-scale procurement of Advanced Spectroscopic Portal Monitors until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a report certifying that a significant increase in operational effectiveness will be achieved: Provided further, That the Secretary shall submit separate and distinct certifications prior to the procurement of Ad-
advanced Spectroscopic Portal Monitors for primary and secondary deployment that address the unique requirements for operational effectiveness of each type of deployment: Provided further, That the Secretary of Homeland Security shall consult with the National Academy of Sciences before making such certification: Provided further, That none of the funds appropriated under this heading shall be used for high-risk concurrent development and production of mutually dependent software and hardware.

TITLE V

GENERAL PROVISIONS

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

Sec. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act: Provided, That balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

Sec. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security
that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program, project, or activity; (2) eliminates a program, project, office, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or the House of Representatives for a different purpose; or (5) contracts out any function or activity for which funding levels were requested for Federal full-time equivalents in the object classification tables contained in the fiscal year 2008 Budget Appendix for the Department of Homeland Security, as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that
remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriations, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: Provided, That any transfer under this section shall be treated as a re-
programming of funds under subsection (b) and shall not
be available for obligation unless the Committees on Ap­
propriations of the Senate and the House of Representa­
tives are notified 15 days in advance of such transfer.
(d) Notwithstanding subsections (a), (b), and (e) of
this section, no funds shall be reprogrammed within or
transferred between appropriations after June 30, except
in extraordinary circumstances which imminently threaten
the safety of human life or the protection of property.

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

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

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

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

Sec. 508. None of the funds in this Act may be used
to make a grant allocation, discretionary grant award, dis-
ccretionary contract award, or to issue a letter of intent
totaling in excess of $1,000,000, or to announce publicly
the intention to make such an award, including a contract
covered by the Federal Acquisition Regulation, unless the
Secretary of Homeland Security notifies the Committees
on Appropriations of the Senate and the House of Rep­
resentatives at least three full business days in advance:
Provided, That no notification shall involve funds that are
not available for obligation: Provided further, That the no­
tification shall include the amount of the award, the fiscal
year in which the funds for the award were appropriated,
and the account from which the funds are being drawn:
Provided further, That the Federal Emergency Manage­
ment Agency shall brief the Committees on Appropriations
of the Senate and the House of Representatives five full
business days in advance of announcing publicly the inten­
tion of making an award of State Homeland Security
grants; Urban Area Security Initiative grants; or Regional
Catastrophic Preparedness Grants.

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

SEC. 510. The Director of the Federal Law Enforcement Training Center shall schedule basic and/or advanced law enforcement training at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that these training centers are operated at the highest capacity throughout the fiscal year.

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

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

SEC. 513. (a) None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Secure Flight program or any other follow-on or successor
passenger prescreening program, until the Secretary of Homeland Security certifies, and the Government Accountability Office reports, to the Committees on Appropriations of the Senate and the House of Representatives, that all ten of the conditions contained in paragraphs (1) through (10) of section 522(a) of Public Law 108-334 (118 Stat. 1319) have been successfully met.

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

(c) Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a detailed plan that describes: (1) the dates for achieving key milestones, including the date or timeframes that the Secretary will certify the program under subsection (a); and (2) the methodology to be followed to support the Secretary's certification, as required under subsection (a).

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

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

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

(f) None of the funds provided in this or any other
Act may be used for data or a database that is obtained
from or remains under the control of a non-Federal entity.

Provided, That this restriction shall not apply to Pas-

tenger Name Record data obtained from air carriers.

SEC. 514. None of the funds made available in this
Act may be used to amend the oath of allegiance required
by section 337 of the Immigration and Nationality Act

SEC. 515. None of the funds appropriated by this Act
may be used to process or approve a competition under
Office of Management and Budget Circular A–76 for serv-
ices provided as of June 1, 2004, by employees (including
employees serving on a temporary or term basis) of United
States Citizenship and Immigration Services of the De-
partment of Homeland Security who are known as of that
date as Immigration Information Officers, Contact Rep-
resentatives, or Investigative Assistants.
SEC. 516. None of the funds appropriated to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: Provided, That the Director of the United States Secret Service may enter into an agreement to perform such service on a fully reimbursable basis.

SEC. 517. Section 517(b) of the Department of Homeland Security Appropriations Act, 2007 (18 U.S.C. 3056 note) is amended to read as follows: 

“(b) For fiscal year 2008, and each fiscal year thereafter, the Director of the United States Secret Service may enter into an agreement to perform protection of a Federal official other than a person granted protection under section 3056(a) of title 18, United States Code, on a fully reimbursable basis.”.

SEC. 518. (a) The Secretary of Homeland Security shall research, develop, and procure new technologies to inspect and screen air cargo carried on passenger aircraft at the earliest date possible.

(b) Existing checked baggage explosive detection equipment and screeners shall be utilized to screen air cargo carried on passenger aircraft to the greatest extent
practicable at each airport until technologies developed
under subsection (a) are available.
(e) The Assistant Secretary (Transportation Security
Administration) shall work with air carriers and airports
to ensure that the screening of cargo carried on passenger
aircraft, as defined in section 44901(g)(5) of title 49,
United States Code, increases incrementally each quarter.
(d) Not later than 45 days after the end of each quar-
ter, the Assistant Secretary (Transportation Security Ad-
ministration) shall submit to the Committees on Approp-
rations of the Senate and the House of Representatives
a report on air cargo inspection statistics by airport and
air carrier detailing the incremental progress being made
to meet section 44901(g)(2) of title 49, United States
Code.

SEC. 519. None of the funds made available in this
Act may be used by any person other than the Privacy
Officer appointed under section 222 of the Homeland Se-
curity Act of 2002 (6 U.S.C. 142) to alter, direct that
changes be made to, delay, or prohibit the transmission
to Congress of any report prepared under paragraph (6)
of such section.

SEC. 520. No funding made available to the Depart-
ment of Homeland Security in this Act shall be available
to pay the salary of any employee serving as a contracting
officer's technical representative (COTR), or anyone acting in a similar capacity, who has not received COTR training.

SEC. 521. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration "Aviation Security", "Administration" and "Transportation Security Support" for fiscal years 2004, 2005, 2006, and 2007 that are recovered or deobligated shall be available only for the procurement or installation of explosives detection systems, for air cargo, baggage, and checkpoint screening systems, subject to notification: Provided, That quarterly reports shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives on any funds that are recovered or deobligated.


SEC. 523. Any funds appropriated to United States Coast Guard, "Acquisition, Construction, and Improvements" for fiscal years 2002, 2003, 2004, 2005, and 2006 for the 110–123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation, shall be available until ex-
1 pending for the Replacement Patrol Boat (FRC-B) pro-
2 gram.

3 SEC. 524. The Department of Homeland Security
4 Working Capital Fund, established pursuant to section
5 403 of Public Law 103–356 (31 U.S.C. 501 note), shall
6 continue operations during fiscal year 2008.

7 SEC. 525. None of the funds provided in this Act
8 shall be available to commence operations of the National
9 Applications Office or the National Immigration Informa-
10 tion Sharing Operation until the Secretary certifies that
11 these programs comply with all existing laws, including all
12 applicable privacy and civil liberties standards, and that
13 certification is reviewed by the Government Accountability
14 Office.

15 SEC. 526. Within 45 days after the close of each
16 month, the Chief Financial Officer of the Department of
17 Homeland Security shall submit to the Committees on Ap-
18 propriations of the Senate and the House of Representa-
19 tives a monthly budget and staffing report that includes
20 total obligations, on-board versus funded full-time equiva-
21 lent staffing levels, and the number of contract employees
22 by office.

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


SEC. 530. None of the funds made available in this Act may be used in contravention of section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212).

SEC. 531. None of the funds made available by this Act may be used to take an action that would violate Executive Order No. 13149 (65 Fed. Reg. 24607; relating to greening the Government through Federal fleet and transportation efficiency).

SEC. 532. Subsections (a), (b), and (d)(1) of section 6402 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) shall apply to fiscal year 2008.
SEC. 533. None of the funds provided by this or any other Act may be obligated for the development, testing, deployment, or operation of any system related to the MAX–HR project, or any subsequent but related human resources management project, until any pending litigation concerning such activities is resolved, and any legal claim or appeal by either party has been fully resolved.

SEC. 534. Section 550 of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) is amended by adding at the end the following:

“(h) This section shall not preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance with respect to chemical facility security that is more stringent than a regulation, requirement, or standard of performance issued under this section, or otherwise impair any right or jurisdiction of any State with respect to chemical facilities within that State, unless there is an actual conflict between this section and the law of that State.”.

SEC. 535. (a) AMENDMENTS RELATING TO THE CIVIL SERVICE RETIREMENT SYSTEM.—

(1) DEFINITIONS.—Section 8331 of title 5, United States Code, is amended—
(A) by striking “and” at the end of paragraph (28), by striking the period at the end of the first paragraph (29) and inserting a semicolon, by redesignating the second paragraph (29) as paragraph (30), and by striking the period at the end of paragraph (30) (as so redesignated) and inserting “; and”; and

(B) by adding at the end the following:

“(31) ‘customs and border protection officer’ means an employee in the Department of Homeland Security (A) who holds a position within the GS-1895 job series (determined applying the criteria in effect as of September 1, 2007) or any successor position, and (B) whose duties include activities relating to the arrival and departure of persons, conveyances, and merchandise at ports of entry, including any such employee who is transferred directly to a supervisory or administrative position in the Department of Homeland Security after performing such duties (as described in subparagraph (B)) in 1 or more positions (as described in subparagraph (A)) for at least 3 years.”.

(2) DEDUCTIONS, CONTRIBUTIONS, AND DEPOSITS.—Section 8334 of title 5, United States Code, is amended—
(A) in subsection (a)(1)(A), by striking “or nuclear materials courier,” and inserting “nuclear materials courier, or customs and border protection officer,”; and

(B) in the table contained in subsection (c), by adding at the end the following:

"Customs and border protection officer"

7.5 After June 29, 2008.

(3) MANDATORY SEPARATION.—The first sentence of section 8335(b)(1) of title 5, United States Code, is amended by striking “or nuclear materials courier” and inserting “nuclear materials courier, or customs and border protection officer”.

(4) IMMEDIATE RETIREMENT.—Section 8336 of title 5, United States Code, is amended—

(A) in subsection (c)(1), by striking “or nuclear materials courier” and inserting “nuclear materials courier, or customs and border protection officer”; and

(B) in subsections (m) and (n), by striking “or as a law enforcement officer,” and inserting “as a law enforcement officer, or as a customs and border protection officer,”.

(b) AMENDMENTS RELATING TO THE FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—
(1) DEFINITIONS.—Section 8401 of title 5, United States Code, is amended—

(A) in paragraph (34), by striking "and"
at the end;

(B) in paragraph (35), by striking the pe-
period and inserting "; and"; and

(C) by adding at the end the following:

"(36) the term 'customs and border protection
officer' means an employee in the Department of
Homeland Security (A) who holds a position within
the GS-1895 job series (determined applying the cri-
teria in effect as of September 1, 2007) or any suc-
cessor position, and (B) whose duties include activi-
ties relating to the arrival and departure of persons,
conveyances, and merchandise at ports of entry, in-
cluding any such employee who is transferred di-
rectly to a supervisory or administrative position in
the Department of Homeland Security after per-
forming such duties (as described in subparagraph
(B)) in 1 or more positions (as described in subpara-
graph (A)) for at least 3 years."

(2) IMMEDIATE RETIREMENT.—Paragraphs (1)
and (2) of section 8412(d) of title 5, United States
Code, are amended by striking "or nuclear materials
courier,” and inserting “nuclear materials courier, or customs and border protection officer,”.

(3) COMPUTATION OF BASIC ANNUITY.—Section 8415(h)(2) of title 5, United States Code, is amended by striking “or air traffic controller.” and inserting “air traffic controller, or customs and border protection officer”.

(4) DEDUCTIONS FROM PAY.—The table contained in section 8422(a)(3) of title 5, United States Code, is amended by adding at the end the following:

“Customs and border protection officer”

7.5 After June 29, 2008.”.

(5) GOVERNMENT CONTRIBUTIONS.—Paragraphs (1)(B)(i) and (3) of section 8423(a) of title 5, United States Code, are amended by inserting “customs and border protection officers,” after “nuclear materials couriers,” each place it appears.

(6) MANDATORY SEPARATION.—Section 8425(b)(1) of title 5, United States Code, is amended—

(A) by striking “or nuclear materials courier who” and inserting “nuclear materials courier, or customs and border protection officer who”; and
(B) by striking "or nuclear materials courier," and inserting "nuclear materials courier, or customs and border protection officer".

(c) MAXIMUM AGE FOR ORIGINAL APPOINTMENT.—Section 3307 of title 5, United States Code, is amended by adding at the end the following:

"(g) The Secretary of Homeland Security may determine and fix the maximum age limit for an original appointment to a position as a customs and border protection officer, as defined by section 8401(36)."

(d) REGULATIONS.—Any regulations necessary to carry out the amendments made by this section shall be prescribed by the Director of the Office of Personnel Management in consultation with the Secretary of Homeland Security.

(e) EFFECTIVE DATE; TRANSITION RULES.—

(1) EFFECTIVE DATE.—The amendments made by this section shall become effective on the later of June 30, 2008, or the first day of the first pay period beginning at least 6 months after the date of the enactment of this Act.

(2) TRANSITION RULES.—

(A) NONAPPLICABILITY OF MANDATORY SEPARATION PROVISIONS TO CERTAIN INDIVIDUALS.—The amendments made by subsections
(a)(3) and (b)(6), respectively, shall not apply to an individual first appointed as a customs and border protection officer before the effective date under paragraph (1).

(B) TREATMENT OF PRIOR CBPO SERVICE.—

(i) GENERAL RULE.—Except as provided in clause (ii), nothing in this section or any amendment made by this section shall be considered to apply with respect to any service performed as a customs and border protection officer before the effective date under paragraph (1).

(ii) EXCEPTION.—Service described in section 8331(31) or 8401(36) of title 5, United States Code (as amended by this section) rendered before the effective date under paragraph (1) may be taken into account to determine if an individual who is serving on or after such effective date then qualifies as a customs and border protection officer by virtue of holding a supervisory or administrative position in the Department of Homeland Security.
(C) Minimum Annuity Amount.—The annuity of an individual serving as a customs and border protection officer on the effective date under paragraph (1) pursuant to an appointment made before that date shall, to the extent that its computation is based on service rendered as a customs and border protection officer on or after that date, be at least equal to the amount that would be payable—

(i) to the extent that such service is subject to the Civil Service Retirement System, by applying section 8339(d) of title 5, United States Code, with respect to such service; and

(ii) to the extent such service is subject to the Federal Employees' Retirement System, by applying section 8415(d) of title 5, United States Code, with respect to such service.

(D) Rule of Construction.—Nothing in the amendment made by subsection (c) shall be considered to apply with respect to any appointment made before the effective date under paragraph (1).

(3) Election.—
(A) INCUMBENT DEFINED.—For purposes of this paragraph, the term “incumbent” means an individual who is serving as a customs and border protection officer on the date of the enactment of this Act.

(B) NOTICE REQUIREMENT.—Not later than 30 days after the date of the enactment of this Act, the Director of the Office of Personnel Management shall take measures reasonably designed to ensure that incumbents are notified as to their election rights under this paragraph, and the effect of making or not making a timely election.

(C) ELECTION AVAILABLE TO INCUMBENTS.—

(i) IN GENERAL.—An incumbent may elect, for all purposes, either—

(I) to be treated in accordance with the amendments made by subsection (a) or (b), as applicable; or

(II) to be treated as if subsections (a) and (b) had never been enacted.

Failure to make a timely election under this paragraph shall be treated in the same
way as an election made under subclause (I) on the last day allowable under clause (ii).

(ii) DEADLINE.—An election under this paragraph shall not be effective unless it is made at least 14 days before the effective date under paragraph (1).

(4) DEFINITION.—For purposes of this subsection, the term “customs and border protection officer” has the meaning given such term by section 8331(31) or 8401(36) of title 5, United States Code (as amended by this section).

(5) EXCLUSION.—Nothing in this section or any amendment made by this section shall be considered to afford any election or to otherwise apply with respect to any individual who, as of the day before the date of the enactment of this Act—

(A) holds a position within U.S. Customs and Border Protection; and

(B) is considered a law enforcement officer for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, by virtue of such position.

SEC. 536. In fiscal year 2008, none of funds made available in this or any other Act may be used to enforce
section 4025(1) of Public Law 108–458 unless the Assistant Secretary (Transportation Security Administration) reverses the determination of July 19, 2007, that butane lighters are not a significant threat to civil aviation security.

SEC. 537. None of the funds provided in this Act may be used to alter or reduce operations within the Civil Engineering Program of the Coast Guard nationwide, including the civil engineering units, facilities, design and construction centers, maintenance and logistics command centers, and the Coast Guard Academy, except as specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 538. The cumulative amount appropriated in title I of this Act for the “Office of the Secretary and Executive Management” and the “Office of the Under Secretary for Management” shall be reduced by $5,000,000.

SEC. 539. (a) Except as provided in subsection (b), none of the funds appropriated in this Act to the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management and the Office of the Chief Financial Officer, may be obligated for a grant or contract awarded by a means other than full and open competition.
(b) This section does not apply to obligation of funds for a contract awarded—

   (1) by a means that is required by a Federal statute, including obligation for a purchase made under a mandated preferential program, such as the AbilityOne Program, that is authorized under the Javits-Wagner-O’Day Act (41 U.S.C. 46-48c); or

   (2) under the Small Business Act (15 U.S.C. 631 et seq.).

(c) The Secretary of Homeland Security may waive the application of this section to the award of a contract in the period of a national emergency determined by the Secretary.

(d) In addition to the requirements established by this section, the Inspector General for the Department of Homeland Security shall review departmental contracts awarded through other than full and open competition to assess departmental compliance with applicable laws and regulations: Provided, That the Inspector General shall review selected contracts awarded during the previous fiscal year through other than full and open competition: Provided further, That in determining which contracts to review, the Inspector General shall consider the cost and complexity of the goods and services to be provided under the contract, the criticality of the contract to fulfilling De-
partment missions, past performance problems on similar contracts or by the selected vendor, complaints received about the award process or contractor performance, and such other factors as the Inspector General deems relevant: Provided further, That the Inspector General shall report the results of the reviews to the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 540. Section 44940(a)(2) of title 49, United States Code, is amended by striking the period in the last sentence of subparagraph (A) and the clause (iv) of subparagraph B and adding the following, "except for estimates and additional collections made pursuant to the appropriation for Aviation Security in Public Law 108–334: Provided, That such judicial review shall be pursuant to section 46110 of title 49, United States Code: Provided further, That such judicial review shall be limited only to additional amounts collected by the Secretary before October 1, 2007.''.

SEC. 541. None of the funds provided by this or previous appropriations Acts shall be used to fund any position designated as a Principal Federal Official for any Robert T. Stafford Disaster Relief and Emergency Assistance Act declared disasters or emergencies.
SEC. 542. Section 46301(a) of title 49, United States Code, is amended by adding at the end the following:

"(6) FAILURE TO COLLECT AIRPORT SECURITY BADGES.—Notwithstanding paragraph (1), any employer (other than a governmental entity or airport operator) who employs an employee to whom an airport security badge or other identifier used to obtain access to a secure area of an airport is issued before, on, or after the date of enactment of this paragraph and who does not collect or make reasonable efforts to collect such badge from the employee on the date that the employment of the employee is terminated and does not notify the operator of the airport of such termination within 24 hours of the date of such termination shall be liable to the Government for a civil penalty not to exceed $10,000."

SEC. 543. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant an immigration benefit to any individual unless the results of background checks required by law to be completed prior to the grant of the benefit have been received by United States Citizenship and Immigration Services, and the results do not preclude the grant of the benefit.
SEC. 544. None of the funds made available in this Act may be used to destroy or put out to pasture any horse or other equine belonging to the Federal Government that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.

SEC. 545. EXTENSION OF THE IMPLEMENTATION DEADLINE FOR THE WESTERN HEMISPHERE TRAVEL INITIATIVE. Subparagraph (A) of section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note) is amended by striking “This plan shall be implemented not later than three months after the Secretary of State and the Secretary of Homeland Security make the certifications required in subsection (B), or June 1, 2009, whichever is earlier.” and inserting “Such plan may not be implemented earlier than the date that is the later of 3 months after the Secretary of State and the Secretary of Homeland Security make the certification required in subparagraph (B) or June 1, 2009.”.

SEC. 546. None of the funds provided in this Act shall be available to carry out section 872 of Public Law 107-296.
SEC. 547. None of the funds provided in this Act under the heading “Office of the Chief Information Officer” shall be used for data center development other than for the National Center for Critical Information Processing and Storage until the Chief Information Officer certifies that the National Center for Critical Information Processing and Storage is fully utilized, to the maximum extent feasible, as the Department’s primary data storage center at the highest capacity throughout the fiscal year.

SEC. 548. None of the funds in this Act shall be used to reduce the United States Coast Guard’s Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 549. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A–76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 550. (a) Notwithstanding section 503 of this Act, up to $24,000,000 from prior year balances currently available to the Transportation Security Administration may be transferred to “Transportation Threat Assessment and Credentialing” for the Secure Flight program.

(b) In carrying out the transfer authority under subsection (a), the Transportation Security Administration
shall not utilize any prior year balances from the following programs: screener partnership program; explosives detection system purchase; explosives detection system installation; checkpoint support; aviation regulation and other enforcement; air cargo; and air cargo research and development: Provided, That any funds proposed to be transferred under this section shall not be available for obligation until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for such funds that is submitted by the Secretary of Homeland Security: Provided further, That the plan shall be submitted simultaneously to the Government Accountability Office for review consistent with its ongoing assessment of the Secure Flight Program as mandated by section 522(a) of Public Law 108-334 (118 Stat. 1319).

SEC. 551. RESCISSIONS. (a) The following unobligated balances made available pursuant to section 505 of Public Law 109-295 are rescinded: $2,003,441 from U.S. Customs and Border Protection “Salaries and Expenses”; $9,583,611 from Coast Guard “Operating Expenses”; $672,230 from “United States Citizenship and Immigration Services”; $2,790,513 from Federal Emergency Management Agency “Management and Administration”; $127,994 from Federal Emergency Management Agency
(b) From the unobligated balances of funds transferred to the Department of Homeland Security when it was created in 2003, $59,286,537 are rescinded: Provided, That the rescission made under this subsection shall not be executed from the following programs: Coast Guard Retired Pay; U.S. Immigration and Customs Enforcement Violent Crime Reduction Program; Federal Law Enforcement Training Center Instructor Salaries; and Federal

(c) Of the amounts available under the heading "Counterterrorism Fund", $8,480,000 are rescinded.

(d) Of the unobligated balances available in the "Department of Homeland Security, Transportation Security Administration Expenses" account, $4,500,000 are rescinded.

SEC. 552. Notwithstanding any other provision of law, the Secretary of Homeland Security shall, under the Federal Emergency Management Agency Public Assistance Program, provide a single payment for any eligible costs for local educational agencies impacted by Hurricanes Katrina or Rita within 30 days of such request: Provided, That the payment for schools in Louisiana shall be submitted to the Louisiana Department of Education, which may expend up to three percent of those funds for administrative costs: Provided further, That the Federal Emergency Management Agency shall not reduce assistance in accordance with section 406(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for local educational agencies impacted by Hurricanes Katrina or Rita: Provided further, That nothing in the previous provision shall be construed to alter the appeals or review process: Provided further, That section 406(d) of
the Robert T. Stafford Disaster Relief and Emergency Assistance Act shall not apply to more than one facility on a school site impacted by Hurricanes Katrina or Rita.

SEC. 553. TECHNICAL CORRECTIONS. (a) IN GENERAL.—

(1) REDESIGNATIONS.—Chapter 27 of title 18, United States Code, is amended by redesignating section 554 added by section 551(a) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1389) (relating to border tunnels and passages) as section 555.

(2) TABLE OF SECTIONS.—The table of sections for chapter 27 of title 18, United States Code, is amended by striking the item relating to section 554, “Border tunnels and passages”, and inserting the following:

“555. Border tunnels and passages.”.

(b) CRIMINAL FORFEITURE.—Section 982(a)(6) of title 18, United States Code, is amended by striking “554” and inserting “555”.

(c) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Section 551(d) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1390) is amended in paragraphs (1) and (2)(A) by striking “554” and inserting “555”.

Sec. 554. Sections 2241, 2242, 2243, and 2244 of title 18, United States Code, are each amended by striking "the Attorney General" each place that term appears and inserting "the head of any Federal department or agency".

Sec. 555. Not later than 30 days after the date of enactment of this Act—

(1) the Secretary of Homeland Security shall establish and maintain on the homepage of the website of the Department of Homeland Security, a direct link to the website of the Office of Inspector General of the Department of Homeland Security;

and

(2) the Inspector General of the Department of Homeland Security shall establish and maintain on the homepage of the website of the Office of Inspector General a direct link for individuals to anonymously report waste, fraud, or abuse.

Sec. 556. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

Sec. 557. None of the funds made available to the Office of the Secretary and Executive Management under
101  this Act may be expended for any new hires by the Depart-
2 ment of Homeland Security that are not verified through
3 the basic pilot program required under section 401 of the
4 Illegal Immigration Reform and Immigrant Responsibility
6  SEC. 558. None of the funds made available in this
7 Act for U.S. Customs and Border Protection may be used
8 to prevent an individual not in the business of importing
9 a prescription drug (within the meaning of section 801(g)
10 of the Federal Food, Drug, and Cosmetic Act) from im-
11 porting a prescription drug from Canada that complies
12 with the Federal Food, Drug, and Cosmetic Act: Provided,
13 That this section shall apply only to individuals trans-
14 porting on their person a personal-use quantity of the pre-
15 scription drug, not to exceed a 90-day supply: Provided
16 further, That the prescription drug may not be—
17 (1) a controlled substance, as defined in section
18 102 of the Controlled Substances Act (21 U.S.C.
19 802); or
20 (2) a biological product, as defined in section
21 351 of the Public Health Service Act (42 U.S.C.
22 262).
23  SEC. 559. None of the funds made available in this
24 Act may be used by the Secretary of Homeland Security
25 or any delegate of the Secretary to issue any rule or regu-
lation which implements the Notice of Proposed Rule-
making related to Petitions for Aliens To Perform Tem-
porary Nonagricultural Services or Labor (H–2B) set out
beginning on 70 Federal Register 3984 (January 27,
2005).

SEC. 560. Notwithstanding any other provision of
law, Watsonville Community Hospital, or its successor
trust, shall not be required to pay the Federal Emergency
Management Agency additional funds related to DR–845.

SEC. 561. Notwithstanding any other provision of
law, the Secretary of Homeland Security shall provide,
under the Federal Emergency Management Agency Public
Assistance Program, the relocation costs as estimated by
the Federal Emergency Management Agency on May 5,
2006, for the Peebles School in Iberia Parish, Louisiana,
which was damaged by Hurricane Rita in 2005.

SEC. 562. Notwithstanding any other provision of
law, the Secretary of Homeland Security shall provide,
under the Federal Emergency Management Agency Public
Assistance Program, the currently uncompensated debris
removal costs from Super Typhoon Paka and the fire-
fighting costs associated with the Malojloj hardfill fire in
1998.

SEC. 563. SECURE HANDLING OF AMMONIUM NI-
TRATE.—(a) IN GENERAL.—Title VIII of the Homeland
Security Act of 2002 (6 U.S.C. 361 et seq.) is amended by adding at the end the following:

"Subtitle J—Secure Handling of Ammonium Nitrate

SEC. 899A. DEFINITIONS.

"In this subtitle:

(1) AMMONIUM NITRATE.—The term ‘ammonium nitrate’ means—

(A) solid ammonium nitrate that is chiefly the ammonium salt of nitric acid and contains not less than 33 percent nitrogen by weight; and

(B) any mixture containing a percentage of ammonium nitrate that is equal to or greater than the percentage determined by the Secretary under section 899B(b).

(2) AMMONIUM NITRATE FACILITY.—The term ‘ammonium nitrate facility’ means any entity that produces, sells or otherwise transfers ownership of, or provides application services for ammonium nitrate.

(3) AMMONIUM NITRATE PURCHASER.—The term ‘ammonium nitrate purchaser’ means any person who purchases ammonium nitrate from an ammonium nitrate facility.
“SEC. 899B. REGULATION OF THE SALE AND TRANSFER OF AMMONIUM NITRATE.

“(a) IN GENERAL.—The Secretary shall regulate the sale and transfer of ammonium nitrate by an ammonium nitrate facility in accordance with this subtitle to prevent the misappropriation or use of ammonium nitrate in an act of terrorism.

“(b) AMMONIUM NITRATE MIXTURES.—Not later than 90 days after the date of the enactment of this subtitle, the Secretary, in consultation with the heads of appropriate Federal departments and agencies (including the Secretary of Agriculture), shall, after notice and an opportunity for comment, establish a threshold percentage for ammonium nitrate in a substance.

“(c) REGISTRATION OF OWNERS OF AMMONIUM NITRATE FACILITIES.—

“(1) REGISTRATION.—The Secretary shall establish a process by which any person that—

“(A) owns an ammonium nitrate facility is required to register with the Department; and

“(B) registers under subparagraph (A) is issued a registration number for purposes of this subtitle.

“(2) REGISTRATION INFORMATION.—Any person applying to register under paragraph (1) shall submit to the Secretary—
“(A) the name, address, and telephone number of each ammonium nitrate facility owned by that person;

“(B) the name of the person designated by that person as the point of contact for each such facility, for purposes of this subtitle; and

“(C) such other information as the Secretary may determine is appropriate.

“(d) REGISTRATION OF AMMONIUM NITRATE PURCHASERS.—

“(1) REGISTRATION.—The Secretary shall establish a process by which any person that—

“(A) intends to be an ammonium nitrate purchaser is required to register with the Department; and

“(B) registers under subparagraph (A) is issued a registration number for purposes of this subtitle.

“(2) REGISTRATION INFORMATION.—Any person applying to register under paragraph (1) as an ammonium nitrate purchaser shall submit to the Secretary—

“(A) the name, address, and telephone number of the applicant; and
“(B) the intended use of ammonium nitrate to be purchased by the applicant.

“(e) Records.—

“(1) Maintenance of records.—The owner of an ammonium nitrate facility shall—

“(A) maintain a record of each sale or transfer of ammonium nitrate, during the two-year period beginning on the date of that sale or transfer; and

“(B) include in such record the information described in paragraph (2).

“(2) Specific information required.—For each sale or transfer of ammonium nitrate, the owner of an ammonium nitrate facility shall—

“(A) record the name, address, telephone number, and registration number issued under subsection (c) or (d) of each person that purchases ammonium nitrate, in a manner prescribed by the Secretary;

“(B) if applicable, record the name, address, and telephone number of an agent acting on behalf of the person described in subparagraph (A), at the point of sale;

“(C) record the date and quantity of ammonium nitrate sold or transferred; and
"(D) verify the identity of the persons described in subparagraphs (A) and (B), as applicable, in accordance with a procedure established by the Secretary.

"(3) PROTECTION OF INFORMATION.—In maintaining records in accordance with paragraph (1), the owner of an ammonium nitrate facility shall take reasonable actions to ensure the protection of the information included in such records.

"(f) EXEMPTION FOR EXPLOSIVE PURPOSES.—The Secretary may exempt from this subtitle a person producing, selling, or purchasing ammonium nitrate exclusively for use in the production of an explosive under a license or permit issued under chapter 40 of title 18, United States Code.

"(g) CONSULTATION.—In carrying out this section, the Secretary shall consult with the Secretary of Agriculture, States, and appropriate private sector entities, to ensure that the access of agricultural producers to ammonium nitrate is not unduly burdened.

"(h) DATA CONFIDENTIALITY.—

"(1) IN GENERAL.—Notwithstanding section 552 of title 5, United States Code, or the USA Patriot Act (Public Law 107-56; 115 Stat. 272), and except as provided in paragraph (2), the Sec-
retary may not disclose to any person any information obtained under this subtitle.

“(2) EXCEPTION.—The Secretary may disclose any information obtained by the Secretary under this subtitle to—

“(A) an officer or employee of the United States, or a person that has entered into a contract with the United States, who has a need to know the information to perform the duties of the officer, employee, or person; or

“(B) to a State agency under section 899D, under appropriate arrangements to ensure the protection of the information.

“(i) REGISTRATION PROCEDURES AND CHECK OF TERRORIST SCREENING DATABASE.—

“(1) REGISTRATION PROCEDURES.—

“(A) GENERALLY.—The Secretary shall establish procedures to efficiently receive applications for registration numbers under this subtitle, conduct the checks required under paragraph (2), and promptly issue or deny a registration number.

“(B) INITIAL SIX-MONTH REGISTRATION PERIOD.—The Secretary shall take steps to maximize the number of registration appli-
tions that are submitted and processed during
the six-month period described in section
899F(e).

"(2) CHECK OF TERRORIST SCREENING DATA-
BASE.—

"(A) CHECK REQUIRED.—The Secretary
shall conduct a check of appropriate identifying
information of any person seeking to register
with the Department under subsection (c) or
(d) against identifying information that appears
in the terrorist screening database of the De-
partment.

"(B) AUTHORITY TO DENY REGISTRATION
NUMBER.—If the identifying information of a
person seeking to register with the Department
under subsection (c) or (d) appears in the ter-
rorist screening database of the Department,
the Secretary may deny issuance of a registra-
tion number under this subtitle.

"(3) EXPEDITED REVIEW OF APPLICATIONS.—

"(A) IN GENERAL.—Following the six-
month period described in section 899F(e), the
Secretary shall, to the extent practicable, issue
or deny registration numbers under this subtitle
not later than 72 hours after the time the Sec-
Secretary receives a complete registration application, unless the Secretary determines, in the interest of national security, that additional time is necessary to review an application.

"(B) NOTICE OF APPLICATION STATUS.—

In all cases, the Secretary shall notify a person seeking to register with the Department under subsection (c) or (d) of the status of the application of that person not later than 72 hours after the time the Secretary receives a complete registration application.

"(4) EXPEDITED APPEALS PROCESS.—

"(A) REQUIREMENT.—

"(i) APPEALS PROCESS.—The Secretary shall establish an expedited appeals process for persons denied a registration number under this subtitle.

"(ii) TIME PERIOD FOR RESOLUTION.—The Secretary shall, to the extent practicable, resolve appeals not later than 72 hours after receiving a complete request for appeal unless the Secretary determines, in the interest of national security, that additional time is necessary to resolve an appeal.
“(B) CONSULTATION.—The Secretary, in developing the appeals process under subparagraph (A), shall consult with appropriate stakeholders.

“(C) GUIDANCE.—The Secretary shall provide guidance regarding the procedures and information required for an appeal under subparagraph (A) to any person denied a registration number under this subtitle.

“(5) RESTRICTIONS ON USE AND MAINTENANCE OF INFORMATION.—

“(A) IN GENERAL.—Any information constituting grounds for denial of a registration number under this section shall be maintained confidentially by the Secretary and may be used only for making determinations under this section.

“(B) SHARING OF INFORMATION.—Notwithstanding any other provision of this subtitle, the Secretary may share any such information with Federal, State, local, and tribal law enforcement agencies, as appropriate.

“(6) REGISTRATION INFORMATION.—

“(A) AUTHORITY TO REQUIRE INFORMATION.—The Secretary may require a person ap-
ploying for a registration number under this subtitle to submit such information as may be necessary to carry out the requirements of this section.

"(B) REQUIREMENT TO UPDATE INFORMATION.—The Secretary may require persons issued a registration under this subtitle to update registration information submitted to the Secretary under this subtitle, as appropriate.

"(7) RE-CHECKS AGAINST TERRORIST SCREENING DATABASE.—

"(A) RE-CHECKS.—The Secretary shall, as appropriate, recheck persons provided a registration number pursuant to this subtitle against the terrorist screening database of the Department, and may revoke such registration number if the Secretary determines such person may pose a threat to national security.

"(B) NOTICE OF REVOCATION.—The Secretary shall, as appropriate, provide prior notice to a person whose registration number is revoked under this section and such person shall have an opportunity to appeal, as provided in paragraph (4).
"SEC. 899C. INSPECTION AND AUDITING OF RECORDS.

"The Secretary shall establish a process for the periodic inspection and auditing of the records maintained by owners of ammonium nitrate facilities for the purpose of monitoring compliance with this subtitle or for the purpose of deterring or preventing the misappropriation or use of ammonium nitrate in an act of terrorism.

"SEC. 899D. ADMINISTRATIVE PROVISIONS.

"(a) COOPERATIVE AGREEMENTS.—The Secretary—

"(1) may enter into a cooperative agreement with the Secretary of Agriculture, or the head of any State department of agriculture or its designee involved in agricultural regulation, in consultation with the State agency responsible for homeland security, to carry out the provisions of this subtitle; and

"(2) wherever possible, shall seek to cooperate with State agencies or their designees that oversee ammonium nitrate facility operations when seeking cooperative agreements to implement the registration and enforcement provisions of this subtitle.

"(b) DELEGATION.—

"(1) AUTHORITY.—The Secretary may delegate to a State the authority to assist the Secretary in the administration and enforcement of this subtitle.

"(2) DELEGATION REQUIRED.—At the request of a Governor of a State, the Secretary shall dele-
gate to that State the authority to carry out func-
tions under sections 899B and 899C, if the Sec-
retary determines that the State is capable of satis-
factorily carrying out such functions.

“(3) FUNDING.—Subject to the availability of
appropriations, if the Secretary delegates functions
to a State under this subsection, the Secretary shall
provide to that State sufficient funds to carry out
the delegated functions.

“(c) PROVISION OF GUIDANCE AND NOTIFICATION
MATERIALS TO AMMONIUM NITRATE FACILITIES.—

“(1) GUIDANCE.—The Secretary shall make
available to each owner of an ammonium nitrate fa-
cility registered under section 899B(c)(1) guidance
on—

“(A) the identification of suspicious ammo-
nium nitrate purchases or transfers or at-
tempted purchases or transfers;

“(B) the appropriate course of action to be
taken by the ammonium nitrate facility owner
with respect to such a purchase or transfer or
attempted purchase or transfer, including—

“(i) exercising the right of the owner
of the ammonium nitrate facility to decline
sale of ammonium nitrate; and
“(ii) notifying appropriate law enforcement entities; and

“(C) additional subjects determined appropriate to prevent the misappropriation or use of ammonium nitrate in an act of terrorism.

“(2) USE OF MATERIALS AND PROGRAMS.—In providing guidance under this subsection, the Secretary shall, to the extent practicable, leverage any relevant materials and programs.

“(3) NOTIFICATION MATERIALS.—

“(A) IN GENERAL.—The Secretary shall make available materials suitable for posting at locations where ammonium nitrate is sold.

“(B) DESIGN OF MATERIALS.—Materials made available under subparagraph (A) shall be designed to notify prospective ammonium nitrate purchasers of—

“(i) the record-keeping requirements under section 899B; and

“(ii) the penalties for violating such requirements.

“SEC. 899E. THEFT REPORTING REQUIREMENT.

“Any person who is required to comply with section 899B(e) who has knowledge of the theft or unexplained loss of ammonium nitrate shall report such theft or loss
to the appropriate Federal law enforcement authorities not later than 1 calendar day of the date on which the person becomes aware of such theft or loss. Upon receipt of such report, the relevant Federal authorities shall inform State, local, and tribal law enforcement entities, as appropriate.

"SEC. 899F. PROHIBITIONS AND PENALTY.

"(a) Prohibitions.—

"(1) Taking possession.—No person shall purchase ammonium nitrate from an ammonium nitrate facility unless such person is registered under subsection (c) or (d) of section 899B, or is an agent of a person registered under subsection (c) or (d) of that section.

"(2) Transferring possession.—An owner of an ammonium nitrate facility shall not transfer possession of ammonium nitrate from the ammonium nitrate facility to any ammonium nitrate purchaser who is not registered under subsection (c) or (d) of section 899B, or to any agent acting on behalf of an ammonium nitrate purchaser when such purchaser is not registered under subsection (c) or (d) of section 899B.

"(3) Other prohibitions.—No person shall—
“(A) purchase ammonium nitrate without a registration number required under subsection (c) or (d) of section 899B;

“(B) own or operate an ammonium nitrate facility without a registration number required under section 899B(c); or

“(C) fail to comply with any requirement or violate any other prohibition under this subtitle.

“(b) CIVIL PENALTY.—A person that violates this subtitle may be assessed a civil penalty by the Secretary of not more than $50,000 per violation.

“(c) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under this section, the Secretary shall consider—

“(1) the nature and circumstances of the violation;

“(2) with respect to the person who commits the violation, any history of prior violations, the ability to pay the penalty, and any effect the penalty is likely to have on the ability of such person to do business; and

“(3) any other matter that the Secretary determines that justice requires.
“(d) NOTICE AND OPPORTUNITY FOR A HEARING.—

No civil penalty may be assessed under this subtitle unless the person liable for the penalty has been given notice and an opportunity for a hearing on the violation for which the penalty is to be assessed in the county, parish, or incorporated city of residence of that person.

“(e) DELAY IN APPLICATION OF PROHIBITION.—

Paragraphs (1) and (2) of subsection (a) shall apply on and after the date that is 6 months after the date that the Secretary issues a final rule implementing this subtitle.

“SEC. 899G. PROTECTION FROM CIVIL LIABILITY.

“(a) IN GENERAL.—Notwithstanding any other provision of law, an owner of an ammonium nitrate facility that in good faith refuses to sell or transfer ammonium nitrate to any person, or that in good faith discloses to the Department or to appropriate law enforcement authorities an actual or attempted purchase or transfer of ammonium nitrate, based upon a reasonable belief that the person seeking purchase or transfer of ammonium nitrate may use the ammonium nitrate to create an explosive device to be employed in an act of terrorism (as defined in section 3077 of title 18, United States Code), or to use ammonium nitrate for any other unlawful purpose, shall
not be liable in any civil action relating to that refusal to sell ammonium nitrate or that disclosure.

"(b) REASONABLE BELIEF.—A reasonable belief that a person may use ammonium nitrate to create an explosive device to be employed in an act of terrorism under subsection (a) may not solely be based on the race, sex, national origin, creed, religion, status as a veteran, or status as a member of the Armed Forces of the United States of that person.

"SEC. 899H. PREEMPTION OF OTHER LAWS.

"(a) OTHER FEDERAL REGULATIONS.—Except as provided in section 899G, nothing in this subtitle affects any regulation issued by any agency other than an agency of the Department.

"(b) STATE LAW.—Subject to section 899G, this subtitle preempts the laws of any State to the extent that such laws are inconsistent with this subtitle, except that this subtitle shall not preempt any State law that provides additional protection against the acquisition of ammonium nitrate by terrorists or the use of ammonium nitrate in explosives in acts of terrorism or for other illicit purposes, as determined by the Secretary.

"SEC. 899I. DEADLINES FOR REGULATIONS.

"The Secretary—
“(1) shall issue a proposed rule implementing this subtitle not later than 6 months after the date of the enactment of this subtitle; and
“(2) issue a final rule implementing this subtitle not later than 1 year after such date of enactment.

"SEC. 899J. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary—
“(1) $2,000,000 for fiscal year 2008; and
“(2) $10,750,000 for each of fiscal years 2009 through 2012.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 899 the following:

“Subtitle J—Secure Handling of Ammonium Nitrate

"Sec. 899A. Definitions.
"Sec. 899B. Regulation of the sale and transfer of ammonium nitrate.
"Sec. 899C. Inspection and auditing of records.
"Sec. 899D. Administrative provisions.
"Sec. 899E. Theft reporting requirement.
"Sec. 899F. Prohibitions and penalty.
"Sec. 899G. Protection from civil liability.
"Sec. 899H. Preemption of other laws.
"Sec. 899I. Deadlines for regulations.
"Sec. 899J. Authorization of appropriations.”.

SEC. 564. IMPROVEMENT OF BARRIERS AT BORDER.

(a) Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—
(1) in subsection (a), by striking "Attorney General, in consultation with the Commissioner of Immigration and Naturalization," and inserting "Secretary of Homeland Security"; and

(2) in subsection (b)—

(A) in the subsection heading, by striking "IN THE BORDER AREA" and inserting "ALONG THE BORDER";

(B) in paragraph (1)—

(i) in the heading, by striking "SECURITY FEATURES" and inserting "ADDITIONAL FENCING ALONG SOUTHWEST BORDER"; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

"(A) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall construct reinforced fencing along not less than 700 miles of the southwest border where fencing would be most practical and effective and provide for the installation of additional physical barriers, roads, lighting, cameras, and sensors to gain operational control of the southwest border."
“(B) PRIORITY AREAS.—In carrying out this section, the Secretary of Homeland Security shall—

“(i) identify the 370 miles, or other mileage determined by the Secretary, whose authority to determine other mileage shall expire on December 31, 2008, along the southwest border where fencing would be most practical and effective in deterring smugglers and aliens attempting to gain illegal entry into the United States; and

“(ii) not later than December 31, 2008, complete construction of reinforced fencing along the miles identified under clause (i).

“(C) CONSULTATION.—

“(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of the Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents lo-
cated near the sites at which such fencing
is to be constructed.

(ii) SAVINGS PROVISION.—Nothing
in this subparagraph may be construed
to—

(I) create or negate any right of
action for a State, local government,
or other person or entity affected by
this subsection; or

(II) affect the eminent domain
laws of the United States or of any
State.

(D) LIMITATION ON REQUIREMENTS.—
Notwithstanding subparagraph (A), nothing in
this paragraph shall require the Secretary of
Homeland Security to install fencing, physical
barriers, roads, lighting, cameras, and sensors
in a particular location along an international
border of the United States, if the Secretary de-
determines that the use or placement of such re-
sources is not the most appropriate means to
achieve and maintain operational control over
the international border at such location.”; and

(C) in paragraph (4), by striking “to carry
out this subsection not to exceed $12,000,000”
and inserting “such sums as may be necessary
to carry out this subsection”.


SEC. 565. INTERNATIONAL REGISTERED TRAVELER PROGRAM. Section 7208(k)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b(k)(3)) is amended to read as follows:

“(3) INTERNATIONAL REGISTERED TRAVELER PROGRAM.—

“(A) IN GENERAL.—The Secretary of Homeland Security shall establish an international registered traveler program that incorporates available technologies, such as biometrics and e-passports, and security threat assessments to expedite the screening and processing of international travelers, including United States Citizens and residents, who enter and exit the United States. The program shall be coordinated with the United States Visitor
and Immigrant Status Indicator Technology program, other pre-screening initiatives, and the Visa Waiver Program.

"(B) FEES.—The Secretary may impose a fee for the program established under subparagraph (A) and may modify such fee from time to time. The fee may not exceed the aggregate costs associated with the program and shall be credited to the Department of Homeland Security for purposes of carrying out the program. Amounts so credited shall remain available until expended.

"(C) RULEMAKING.—Within 365 days after the date of enactment of this paragraph, the Secretary shall initiate a rulemaking to establish the program, criteria for participation, and the fee for the program.

"(D) IMPLEMENTATION.—Not later than 2 years after the date of enactment of this paragraph, the Secretary shall establish a phased-implementation of a biometric-based international registered traveler program in conjunction with the United States Visitor and Immigrant Status Indicator Technology entry and exit system, other pre-screening initiatives, and
the Visa Waiver Program at United States airports with the highest volume of international travelers.

"(E) PARTICIPATION.—The Secretary shall ensure that the international registered traveler program includes as many participants as practicable by—

"(i) establishing a reasonable cost of enrollment;

"(ii) making program enrollment convenient and easily accessible; and

"(iii) providing applicants with clear and consistent eligibility guidelines.".

SEC. 566. SHARED BORDER MANAGEMENT. (a) STUDY.—The Comptroller General of the United States shall conduct a study on the Department of Homeland Security’s use of shared border management to secure the international borders of the United States.

(b) REPORT.—The Comptroller General shall submit a report to Congress that describes—

(1) any negotiations, plans, or designs conducted by officials of the Department of Homeland Security regarding the practice of shared border management; and
the factors required to be in place for shared border management to be successful.

Sec. 567. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

Sec. 568. Transportation Security Administration Acquisition Management Policy. (a) In General.—Section 114 of title 49, United States Code, is amended by striking subsection (o) and redesignating subsections (p) through (t) as subsections (o) through (s), respectively.

(b) Effective Date.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

Sec. 569. (a) Notwithstanding any other provision of this Act, except as provided in subsection (b), and 30 days after the date that the President determines whether to declare a major disaster because of an event and any appeal is completed, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, the Committees on Appropriations of the Senate and the House of Representatives, and publish on the website
of the Federal Emergency Management Agency, a report regarding that decision, which shall summarize damage assessment information used to determine whether to declare a major disaster.

(b) The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

(c) In this section—

(1) the term "Administrator" means the Administrator of the Federal Emergency Management Agency; and

(2) the term "major disaster" has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

Sec. 570. If the Secretary of Homeland Security establishes a National Transportation Security Center of Excellence to conduct research and education activities, and to develop or provide professional security training, including the training of transportation employees and transportation professionals, the Mineta Transportation Institute at San Jose State University may be included as a member institution of such Center.

Sec. 571. Effective no later than ninety days after the date of enactment of this Act, the Transportation Se-
security Administration shall permit approved members of
Registered Traveler programs to satisfy fully the required
identity verification procedures at security screening
checkpoints by presenting a biometrically-secure Reg-
istered Traveler card in lieu of the government-issued
photo identification document required of non-partici-
pants: Provided, That if their identity is not confirmed
biometrically, the standard identity and screening proce-
dures will apply: Provided further, That if the Assistant
Secretary (Transportation Security Administration) deter-
mines this is a threat to civil aviation, then the Assistant
Secretary (Transportation Security Administration) shall
notify the Committees on Appropriations of the Senate
and House of Representatives five days in advance of such
determination and require Registered Travelers to present
government-issued photo identification documents in con-
junction with a biometrically-secure Registered Traveler
card.

SEC. 572. Section 831(a) of the Homeland Security
Act of 2002 (6 U.S.C. 391(a)) is amended by striking
“During the 5-year period following the effective date of
this Act” and inserting “Until September 30, 2008”.

SEC. 573. (a) RESCISSION.—Of amounts previously
made available from Federal Emergency Management
Agency “Disaster Relief” to the State of Mississippi pur-
sec. 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) for Hurricane Katrina, $20,000,000 are rescinded.

(b) Appropriation.—For Federal Emergency Management Agency "State and Local Programs", there is appropriated an additional $20,000,000, to remain available until expended, for a grant to the State of Mississippi for an interoperable communications system required in the aftermath of Hurricane Katrina: Provided, That this entire amount is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

TITLE VI
BORDER INFRASTRUCTURE AND TECHNOLOGY MODERNIZATION

Sec. 601. Short Title.
This title may be cited as the "Border Infrastructure and Technology Modernization Act of 2007".

Sec. 602. Definitions.—In this title:


(2) Maquiladora.—The term "maquiladora" means an entity located in Mexico that assembles
and produces goods from imported parts for export to the United States.

(3) NORTHERN BORDER.—The term “northern border” means the international border between the United States and Canada.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Department of Homeland Security.

(5) SOUTHERN BORDER.—The term “southern border” means the international border between the United States and Mexico.

SEC. 603. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.—(a) REQUIREMENT TO UPDATE.—Not later than January 31 of every other year, the Commissioner, in consultation with the Administrator of General Services shall—

(1) review—

(A) the Port of Entry Infrastructure Assessment Study prepared by the United States Customs Service, the Immigration and Naturalization Service, and the General Services Administration in accordance with the matter relating to the ports of entry infrastructure assessment set forth in the joint explanatory
statement on page 67 of conference report 106–319, accompanying Public Law 106–58; and

(B) the nationwide strategy to prioritize and address the infrastructure needs at the land ports of entry prepared by the Department of Homeland Security and the General Services Administration in accordance with the committee recommendations on page 22 of Senate report 108–86, accompanying Public Law 108–90;

(2) update the assessment of the infrastructure needs of all United States land ports of entry; and

(3) submit an updated assessment of land port of entry infrastructure needs to the Committees on Appropriations of the Senate and the House of Representatives, the Senate Committee on Environment and Public Works, the Senate Committee on Homeland Security and Governmental Affairs, the House Committee on Transportation and Infrastructure, and the House Committee on Homeland Security.

(b) CONSULTATION.—In preparing the updated studies required under subsection (a), the Commissioner and the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the
Secretary, and affected State and local agencies on the northern and southern borders of the United States.

(c) CONTENT.—Each updated study required in subsection (a) shall—

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the National Land Border Security Plan required by section 604; and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project—

(A) to enhance the ability of U.S. Customs and Border Protection to achieve its mission and to support operations;

(B) to fulfill security requirements; and

(C) facilitate trade across the borders of the United States.

(d) PROJECT IMPLEMENTATION.—The Commissioner, as appropriate, shall—

(1) implement the infrastructure and technology improvement projects described in subsection
(e) in the order of priority assigned to each project under subsection (e)(3); or
(2) forward the prioritized list of infrastructure and technology improvement projects to the Administrator of General Services for implementation in the order of priority assigned to each project under subsection (e)(3).

(e) DIVERGENCE FROM PRIORITIES.—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, including immediate security needs, changes in infrastructure in Mexico or Canada, or similar concerns, compellingly alter the need for a project in the United States.

SEC. 604. NATIONAL LAND BORDER SECURITY PLAN. (a) REQUIREMENT FOR PLAN.—Not later than January 31 of every other year, the Secretary, acting through the Commissioner, shall prepare a National Land Border Security Plan and submit such plan to the Committees on Appropriations of the Senate and the House of Representatives, the Senate Committee on Environment and Public Works, the Senate Committee on Homeland Security and Governmental Affairs, the Senate Committee on the Judiciary, the House Committee on Transportation
and Infrastructure, the House Committee on Homeland Security, and the House Committee on the Judiciary.

(b) CONSULTATION.—In preparing the plan required under subsection (a), the Commissioner shall consult with other appropriate Federal agencies, State and local law enforcement agencies, and private entities that are involved in international trade across the northern or southern border.

(c) VULNERABILITY ASSESSMENT.—

(1) IN GENERAL.—The plan required under subsection (a) shall include a vulnerability, risk, and threat assessment of each port of entry located on the northern border or the southern border.

(2) PORT SECURITY COORDINATORS.—The Secretary, acting through the Commissioner, may establish one or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required under subsection (a).

(d) COORDINATION WITH THE SECURE BORDER INITIATIVE.—The plan required under subsection (a) shall
include a description of activities undertaken during the previous year as part of the Secure Border Initiative and actions planned for the coming year as part of the Secure Border Initiative.

SEC. 605. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM. (a) ESTABLISHMENT.—The Secretary, acting through the Commissioner, shall carry out a technology demonstration program to test and evaluate new port of entry technologies, refine port of entry technologies and operational concepts, and train personnel under realistic conditions.

(b) TECHNOLOGY TESTED.—Under the demonstration program, the Commissioner shall test technologies that enhance port of entry operations, including those related to inspections, communications, port tracking, identification of persons and cargo, sensory devices, personal detection, decision support, and the detection and identification of weapons of mass destruction.

(c) DEMONSTRATION SITES.—

(1) NUMBER.—The Commissioner shall carry out the demonstration program at not less than three sites and not more than five sites.

(2) LOCATION.—Of the sites selected under subsection (c)—
(A) at least one shall be located on the northern border of the United States; and

(B) at least one shall be located on the southern border of the United States.

(3) SELECTION CRITERIA.—To ensure that one of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, one port of entry selected as a demonstration site may—

(A) have been established not more than 15 years before the date of the enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion onto not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month during the 12 months preceding the date of the enactment of this Act.
(d) Relationship With Other Agencies.—The Secretary, acting through the Commissioner, shall permit personnel from appropriate Federal agencies to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including those related to inspections, communications, port tracking, identification of persons and cargo, sensory devices, personal detection, decision support, and the detection and identification of weapons of mass destruction.

(e) Report.—

(1) Requirement.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives, the Senate Committee on Environment and Public Works, the Senate Committee on Homeland Security and Governmental Affairs, the House Committee on Transportation and Infrastructure, and the House Committee on Homeland Security a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

(2) Content.—The report shall include an assessment by the Commissioner of the feasibility of
incorporating any demonstrated technology for use throughout U.S. Customs and Border Protection.

SEC. 606. AUTHORIZATION OF APPROPRIATIONS. (a) IN GENERAL.—In addition to any funds otherwise available, there are authorized to be appropriated such sums as may be necessary to carry out this title for fiscal years 2009 through 2013.

(b) INTERNATIONAL AGREEMENTS.—Funds authorized to be appropriated under this title may be used for the implementation of projects described in the Declaration on Embracing Technology and Cooperation to Promote the Secure and Efficient Flow of People and Commerce across our Shared Border between the United States and Mexico, agreed to March 22, 2002, Monterrey, Mexico (commonly known as the Border Partnership Action Plan) or the Smart Border Declaration between the United States and Canada, agreed to December 12, 2001, Ottawa, Canada that are consistent with the provisions of this title.

This division may be cited as the “Department of Homeland Security Appropriations Act, 2008”.