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**[House Appropriations Committee Print]**

**Consolidated Appropriations Act, 2008**  
**(H.R. 2764; Public Law 110-161)**

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

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*[CLERK'S NOTE: Six sections which precede division A in the Consolidated Appropriations Act apply to all divisions of the Act, including this one. The text of these sections is as follows:*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Consolidated Appropriations Act, 2008".

**SEC. 2. TABLE OF CONTENTS.**

*[Text omitted for purposes of this note]*

**SEC. 3. REFERENCES.**

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

**SEC. 4. EXPLANATORY STATEMENT.**

The explanatory statement regarding the consolidated appropriations amendment of the House of Representatives to the amendment of the Senate to H.R. 2764, printed in the House section of the Congressional Record on or about December 17, 2007 by the Chairman of the Committee on Appropriations of the House, shall have the same effect with respect to the allocation of funds and implementation of divisions A through K of this Act as if it were a joint explanatory statement of a committee of conference.

**SEC. 5. EMERGENCY DESIGNATIONS.**

Any designation in any division of this Act referring to this section is a designation of an amount as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

**SEC. 6. STATEMENT OF APPROPRIATIONS.**

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008.

Reproduced below is the text of division E of the Consolidated Appropriations Act, 2008 (H.R. 2764; P.L. 110-161) as presented to the President for signature.]

## LEGISLATIVE TEXT, DIVISION E

DIVISION E—DEPARTMENT OF HOMELAND 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 Representatives 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 interviews of program officials by the Government Accountability 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 75 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

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), \$31,300,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, \$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 Appro-

priations 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.

### 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(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed \$45,000 shall be for official reception and representation expenses; of which not less than \$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 Initiative and the Global Trade Exchange; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations; and of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided*, That of the amount provided under this heading, \$323,000,000 is designated as described 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 limitation, except in individual cases determined by the Sec-



retary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: *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 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, 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 Representatives 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 bar-

riers, where practicable, and other forms of tactical infrastructure 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 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 decision makers, 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 validation agent is currently under contract for the projects funded under this heading; and

(15) is reviewed by the Government Accountability 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 current 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 obligations 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 Initiative network contract and determining how and whether the Department is employing the best procurement practices: *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 immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; \$4,687,517,000, of which not to exceed \$7,500,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed \$15,000 shall be for official reception and representation expenses; of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than \$305,000 shall be for pro-

motion of public awareness of the child pornography tipline and anti-child exploitation activities as requested by the President; of which not less than \$5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed \$11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: *Provided*, That of the amount provided under this heading, \$516,400,000 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 under this heading shall be available to compensate any employee for overtime in an annual amount in excess of \$35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That of the total amount provided, \$15,770,000 shall be for activities to enforce laws against forced child labor in fiscal year 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 remain 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 proviso 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 technologies used to identify and remove criminal aliens, that—

- (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").

#### AUTOMATION MODERNIZATION

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.

#### 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, \$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 refurbishment 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 transferred to the "Surface Transportation Security"; "Transportation Threat Assessment And Credentialing"; and "Transportation Security Support" appropriations in this Act for the purpose of implementing regulations and activities 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 dollar-for-dollar basis as such offsetting collections are received 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 or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds made available by this Act shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further*, That not to exceed 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).

#### ENVIRONMENTAL COMPLIANCE AND RESTORATION

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, \$13,000,000, 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 es-

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 invest-

ment 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), \$716,536 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 missing and exploited children; and of which \$6,000,000 shall be for 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 provided for protective travel shall remain available until September 30, 2009: *Provided further*, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year.

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 Programs, 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 decision makers, 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 Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the



Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), 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 the 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 decision-making 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 defined in section 882 of Public Law 107–296, the Homeland Security Act of 2002.

#### 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 amended 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).

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

*Provided*, That not to exceed 3 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 application: *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 assumptions used, how the methodology is applied to determine the risk scores for individual locations, an analysis of the usefulness of placing States and cities into tier groups, and the allocation of grants to eligible locations: *Provided further*, That the Department provide the Government Accountability Office with the actual data that the Department used for its risk assessment and grant allocation for at least two locations at the discretion of the Government Accountability Office for the 2007 grant allocation process: *Provided further*, That the Department provide the Government Accountability Office with access to all data needed for its analysis and report, including specifics on all changes for the fiscal year 2008 process, including, but not limited to, all changes in data, assumptions, and weights used in methodology within seven days after the date of enactment of this Act: *Provided further*, That any subsequent changes made regarding the risk methodology after the initial information is provided to the Government Accountability Office shall be provided within seven days after the change is made.

#### FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), \$750,000,000, of which \$560,000,000 shall be available to carry out section 33 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 5 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 3 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 heading shall be deposited in this account as off-setting collections 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 Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), \$43,300,000.

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 available until expended: *Provided*, That of the total amount provided, \$16,000,000 shall be transferred to the Department 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 Administration", Federal Emergency Management Agency, of which \$48,000,000 and 250 positions are for management 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 previous proviso, \$30,000,000 shall not be available for transfer for management and administration functions until the Federal Emergency Management Agency submits an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives regarding the 250 positions: *Provided further*, That the Federal Emergency Management Agency shall hereafter submit a monthly "Disaster Relief" report to the Committees on Appropriations of the Senate and the House of Representatives 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, inspections, 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 ad-

ditional 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 3 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 under section 1367 of that Act (42 U.S.C. 4104) until September 30, 2009: *Provided*, That any additional fees collected pursuant to section 1307 of that Act shall be credited as an offsetting collection to this account, to be available for flood hazard mitigation expenses: *Provided further*, That in fiscal year 2008, no funds shall be available from the National Flood Insurance Fund under section 1310 of that Act (42 U.S.C. 4017) in excess of: (1) \$70,000,000 for operating expenses; (2) \$773,772,000 for commissions and taxes of agents; (3) such sums as are necessary for interest on Treasury borrowings; and (4) \$90,000,000 for flood mitigation actions with respect to severe repetitive loss properties under section 1361A of that Act (42 U.S.C. 4102a) and repetitive insurance claims properties under section 1323 of that Act (42 U.S.C. 4030), which shall remain available until expended: *Provided further*, That total administrative costs shall not exceed 4 percent of the total appropriation.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding subparagraphs (B) and (C) of subsection (b)(3), and subsection (f), of section 1366 of the National Flood Insurance Act of 1968, \$34,000,000 (42 U.S.C. 4104c), to remain available until September 30, 2009, for activities designed to reduce the risk of flood 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 3 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 consolidated Act): *Provided further*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That section 1202(a) of Public Law 107–206 (42 U.S.C. 3771 note) as amended by Public Law 109–295 (120 Stat. 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, facility improvements, and related expenses of the Federal Law Enforcement Training Center, \$50,590,000, to remain available until expended: *Provided*, That of the amount provided under this heading, \$4,000,000 is designated 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 management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), \$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 research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.); \$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 Semantic Enhancement program or any follow-on or successor 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 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 ac-

counts 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 reprogramming of funds under subsection (b) and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

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

SEC. 504. None of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the "Department of Homeland Security Working Capital Fund", except for the activities and amounts allowed in the

President's fiscal year 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 Appropriations of the Senate and the House of Representatives 30 days in advance of obligation.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 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 intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2008 until the enactment of an Act authorizing intelligence activities for fiscal year 2008.

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

SEC. 508. None of the funds in this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, or to issue a letter of intent totaling in excess of \$1,000,000, or to announce publicly the intention to make such an award, 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 Representatives at least three full business days in advance: *Provided*, That no notification shall involve funds that are not available for obligation: *Provided further*, That the notification 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 Management 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 intention 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 additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for

training which cannot be accommodated in existing Center facilities.

SEC. 510. The Director of the Federal Law Enforcement Training Center shall schedule basic and/or advanced law enforcement training at all four training facilities under the control of the 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 algorithms 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 Passenger 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 (8 U.S.C. 1448).

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 services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 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.

(c) 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 quarter, the Assistant Secretary (Transportation Security Administration) shall submit to the Committees on Appropriations 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 Security Act of 2002 (6 U.S.C. 142) to alter, direct that changes be made to, delay, or prohibit the transmission to Congress of any report prepared under paragraph (6) of such section.

SEC. 520. No funding made available to the Department of Homeland Security in this Act shall be available to pay the salary of any employee serving as a contracting officer's technical rep-

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

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 expended for the Replacement Patrol Boat (FRC–B) program.

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

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

SEC. 526. Within 45 days after the close of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report that includes total obligations, on-board versus funded full-time equivalent staffing levels, and the number of contract employees by office.

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

SEC. 528. None of the funds made available by this Act shall be used in contravention of the Federal buildings performance and reporting requirements of Executive Order No. 13123, part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.), or subtitle A of title I of the Energy Policy Act of 2005 (including the amendments made thereby).

SEC. 529. The functions of the Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 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 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 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) 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 the 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 the 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 Department 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 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 3 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 "Disaster Assistance Direct Loan Program Account"; \$5,136,819 from U.S. Immigration and Customs Enforcement "Salaries and Expenses"; \$333,520 from Federal Law Enforcement Training Center "Salaries and Expenses"; \$4,211,376 from the "Office of the Secretary and Executive Management"; \$443,672 from the "Office of the Under Secretary for Management"; \$380,166 from the "Office of the Chief Financial Officer"; \$493,106 from the "Office of the Chief Information Officer"; \$368,166 from Domestic Nuclear Detection Office "Management and Administration"; \$45,369 from the "Office of Health Affairs"; \$32,299 from the "Office of Inspector General"; \$1,994,454 from National Protection and Programs Directorate "Management and Administration"; and \$216,727 from Science and Technology "Management and Administration".

(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 Emergency Management Agency National Security Support.

(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 3 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 proviso 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 this Act may be expended for any new hires by the Department of Homeland Security that are not verified through the basic pilot program required under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 558. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: *Provided further*, That the prescription drug may not be—

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

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

SEC. 559. None of the funds made available in this Act may be used by the Secretary of Homeland Security or any delegate of the Secretary to issue any rule or regulation which implements the Notice of Proposed Rulemaking related to Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H-2B) set out beginning on 70 Fed. Reg. 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 firefighting costs associated with the Malojloj hardfill fire in 1998.

SEC. 563. SECURE HANDLING OF AMMONIUM NITRATE.—(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 Secretary 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 applications that are submitted and processed during the six-month period described in section 899F(e).

“(2) CHECK OF TERRORIST SCREENING DATABASE.—

“(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 Department.

“(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 terrorist screening database of the Department, the Secretary may deny issuance of a registration 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 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 applying 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 delegate to that State the authority to carry out functions under sections 899B and 899C, if the Secretary determines that the State is capable of satisfactorily 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 facility registered under section 899B(c)(1) guidance on—

“(A) the identification of suspicious ammonium nitrate purchases or transfers or attempted 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 located 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 determines that the use or placement of such resources 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”.

(b) No funds appropriated in this Act for U.S. Customs and Border Protection “Border Security Fencing, Infrastructure, and Technology” may be obligated unless the Secretary of Homeland Security has complied with section 102(b)(2)(C)(i) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) as amended by subsection (a)(2).

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

(2) 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 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 Registered Traveler card in lieu of the government-issued photo identification document required of non-participants: *Provided*, That if their identity is not confirmed biometrically, the standard identity and screening procedures will apply: *Provided further*, That if the Assistant Secretary (Transportation Security Administration) determines 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 conjunction 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 the Federal Emergency Management Agency “Disaster Relief” to the State of Mississippi pursuant to section 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:

(1) COMMISSIONER.—The term “Commissioner” means the Commissioner of U.S. Customs and Border Protection of the Department of Homeland Security.

(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 (c) in the order of priority assigned to each project under subsection (c)(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 (c)(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”.

*[CLERK’S NOTE: Reproduced below is the material relating to division E contained in the “Explanatory Statement Submitted by Mr. Obey, Chairman of the House Committee on Appropriations, Regarding the Consolidated Appropriations Amendment of the House of Representatives to the Senate Amendment to H.R. 2764”.<sup>1</sup>*

*The amendment discussed in the Explanatory Statement was agreed to without change by both the House of Representatives and the Senate. Therefore, the “amended bill” referred to in the Statement is the same as the legislation that has been signed into law.*

*Section 4 of the Consolidated Appropriations Act provides that this Explanatory Statement ‘shall have the same effect with respect to the allocation of funds and implementation of divisions A through K of this Act as if it were a joint explanatory statement of a committee of conference’.*]

#### EXPLANATORY STATEMENT, DIVISION E

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

The following is an explanation of the effects of this division on the House amendment to the Senate amendment to H.R. 2764 (hereafter referred to as “the amended bill”) relative to the versions of the Department of Homeland Security Appropriations Act, 2008 (H.R. 2638 and S. 1644) passed by the House of Representatives

<sup>1</sup> This Explanatory Statement was submitted for printing in the *Congressional Record* on December 17, 2007, prior to House consideration of the Consolidated Appropriations amendment and as directed by the House of Representatives in section 3 of H. Res. 869. The Statement appears in books II and III of the December 17 *Congressional Record*, with the division E portion beginning on page H16078 of book II.

and the Senate. The language and allocations contained in House Report 110–181 and Senate Report 110–84 should be complied with unless specifically addressed to the contrary in the amended bill or this explanatory statement. When this explanatory statement refers to the Committees on Appropriations, unless otherwise noted, this reference is to the House Subcommittee on Homeland Security and the Senate Subcommittee on Homeland Security.

While repeating some report language for emphasis, this explanatory statement does not intend to negate the language referred to above unless expressly provided herein. In cases where both the House and Senate reports address a particular issue not specifically addressed in the amended bill or explanatory statement, the Committees on Appropriations have determined the House report and the Senate report are not inconsistent and are to be interpreted accordingly.

In cases where the House or Senate report directs the submission of a report, such report is to be submitted to both Committees on Appropriations. In a number of instances, House Report 110–181 and Senate Report 110–84 direct agencies to report to the Committees by specific dates. In those instances, and unless alternative dates are provided in the explanatory statement, agencies are directed to provide these reports to the Committees on Appropriations no later than five months after the date of enactment of this Act. Further, the Committees on Appropriations have attempted to reduce the number of reports required of the Department and in certain instances in lieu of reports have requested briefings. Unless alternative dates are provided in the explanatory statement, agencies are directed to provide these briefings within four months after the date of enactment of this Act.

Last, this explanatory statement refers to the following laws as follows: Implementing Recommendations of the 9/11 Commission Act of 2007, Public Law 110–53, is referenced as the 9/11 Act; Security and Accountability for Every Port Act of 2006, Public Law 109–347, is referenced as the SAFE Port Act; and the Intelligence Reform and Terrorism Prevention Act of 2004, Public Law 108–458, is referenced as the Intelligence Reform Act.

#### CLASSIFIED PROGRAMS

Recommended adjustments to classified programs are addressed in a classified annex accompanying this explanatory statement.

### TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

#### OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

The amended bill provides \$97,353,000 for the Office of the Secretary and Executive Management instead of \$85,172,000 as proposed by the House and \$100,000,000 as proposed by the Senate. A total of \$15,000,000 of this amount is unavailable for obligation until the Secretary certifies that DHS has revised Departmental guidance with respect to relations with the Government Accountability Office (GAO) and the Inspector General (IG), similar to bill language proposed by the Senate. The amended bill also limits obligations to seventy-five percent of the amount appropriated until receipt of the first report on progress to improve and modernize ef-

forts to remove criminal aliens judged deportable from the United States.

Reductions are made to the budget request due to a large number of vacancies and unobligated balances within certain offices. Funding shall be allocated as follows:

Immediate Office of the Secretary .....	\$2,540,000
Immediate Office of the Deputy Secretary .....	1,122,000
Chief of Staff .....	2,639,000
Office of Counternarcotics Enforcement .....	2,680,000
Executive Secretary .....	4,722,000
Office of Policy .....	33,000,000
Office of Public Affairs .....	6,650,000
Office of Legislative and Intergovernmental Affairs .....	4,900,000
Office of General Counsel .....	13,500,000
Office of Civil Rights and Liberties .....	14,200,000
Citizenship and Immigration Services Ombudsman .....	5,900,000
Privacy Officer .....	5,500,000
Total .....	\$97,353,000

#### OFFICE OF COUNTERNARCOTICS ENFORCEMENT

The Committees on Appropriations provide \$2,680,000 for the Office of Counternarcotics Enforcement, instead of \$3,000,000 as proposed by the House and \$2,360,000 as proposed by the Senate. The Office of Counternarcotics Enforcement is directed to provide a briefing to the Committees on Appropriations on: (1) fiscal year 2007 achievements, including tracking and severing connections between illegal drug trafficking and terrorism; (2) the DHS counternarcotics strategy for the Southwest, Northern, and maritime borders of the United States and for the drug transit zone, to include objectives, coordination, outreach, and resources necessary for each DHS component to implement the strategy; and (3) Office performance goals for fiscal year 2008.

#### OFFICE OF POLICY

The Committees on Appropriations provide \$33,000,000 for the Office of Policy instead of \$32,500,000 as proposed by the House and \$31,310,000 as proposed by the Senate. Within this amount, funding is provided for the Committee on Foreign Investments in the United States and REAL ID enhancements, and for the quadrennial homeland security review. No funding is provided for REAL ID "card stock" or common procurement items. The Office of Policy is directed to submit an expenditure plan to the Committees on Appropriations within 45 days from the date of enactment of this Act as detailed in the Senate report. The Office of Policy is also directed to provide a briefing to the Committees on Appropriations no later than 45 days after the date of enactment of this Act on plans to comply with Section 2401 of the 9/11 Act, including staffing and budget requirements.

#### SECURE BORDER COORDINATION OFFICE

No funding is provided for the Secure Border Coordination Office, consistent with the budget amendment submitted on November 6, 2007. Oversight of this office is funded within U.S. Customs and Border Protection (CBP). Both the House and Senate funded this



office at \$4,500,000. The Committees on Appropriations are concerned with the Department's decision to manage the Secure Border Initiative (SBI) within CBP rather than establish a Departmental level coordinating office, as proposed by DHS in fiscal year 2007. A cross-cutting effort such as the SBI, which spans not only multiple agencies within DHS, but other cabinet-level Departments and the Judicial Branch, cannot be effectively coordinated within an operational agency. These concerns are amplified by the fact that CBP's SBI program office is also charged with managing the multi-billion dollar border security fencing, infrastructure, and technology (BSFIT) program, which demands significant and focused managerial attention that should not be dually charged with external coordination of all SBI efforts. DHS is directed to brief the Committees on Appropriations no later than 120 days after the date of enactment of this Act on how the SBI effort is being effectively coordinated across the federal government, including specific details on how funds appropriated to the Secure Border Coordination Office in fiscal year 2007 were obligated and the Department's plans to establish and staff the Department level Secure Border Coordination Council. It is essential the Secure Border Coordination Council receive strong, consistent leadership from the Office of the Secretary.

#### OFFICE OF PUBLIC AFFAIRS

The Committees on Appropriations provide \$6,650,000 for the Office of Public Affairs, instead of \$6,300,000 as proposed by the House and \$7,400,000 as proposed by the Senate. Within this amount, \$1,500,000 is provided for the "Ready.gov" program. The office is directed to provide a briefing within 60 days after the date of enactment of this Act on its plans for expending these funds.

#### OFFICE OF GENERAL COUNSEL

The Committees on Appropriations provide \$13,500,000 for the Office of General Counsel, instead of \$14,000,000 as proposed by the House and \$12,759,000 as proposed by the Senate. This office has a number of critical requirements that must be fulfilled during the coming year, including those established in the 9/11 Act and SAFE Port Act. The Committees on Appropriations understand that the General Counsel is working on a reorganization whereby the legal staff responsible for the ongoing work of specific DHS entities will be transferred to those entities. The Department is directed to submit a reprogramming to detail fully this proposal. It is essential that this office improve its performance in providing accurate and timely guidance on the execution of appropriations law.

#### PRIVACY OFFICER

The Committees on Appropriations provide \$5,500,000 for the Privacy Office instead of \$6,000,000 as proposed by the House and \$5,111,000 as proposed by the Senate. Funding is provided for additional staffing of this office, given that this office has wide-ranging critical responsibilities that are currently understaffed. GAO is directed to evaluate the operation of DHS' Freedom of Information Act (FOIA) program, its staffing levels, and the adequacy of its re-

sources to determine if the program can be operated in a more efficient and cost-effective manner at the Department. The Senate report requested that the IG conduct this evaluation, but the Committees on Appropriations believe a GAO evaluation is more appropriate to allow DHS' FOIA program to be compared with other executive branch agency FOIA programs.

COMPARATIVE BORDER CONTROL RESOURCES

The Committees on Appropriations agree with the House report directing a report on the number, type and location of DHS facilities, personnel, major assets and technology based or deployed within 100 miles of the United States border with Mexico and Canada. This report is to be provided to the Committees on Appropriations by January 31, 2008. In addition, the Secretary is directed to conduct a study of law enforcement radio communications along the international borders of the United States consistent with the terms and conditions listed in section 569 of the Senate bill.

2010 VANCOUVER GAMES SECURITY

The Committees on Appropriations expect the Department to effectively manage security risks associated with the 2010 Vancouver Olympic and Paralympic Games, and direct the Secretary to submit a report as described in section 552 of the Senate bill to the House and Senate Committees listed in that section.

CITIZENSHIP AND IMMIGRATION SERVICES OMBUDSMAN

The Committees on Appropriations provide \$5,900,000 for the Citizenship and Immigration Services Ombudsman instead of \$6,060,000 as proposed by the House and \$6,054,000 as proposed by the Senate. This office lapsed over \$1,800,000 in fiscal year 2007, almost one-third of its budget. The Secretary is directed to ensure that this critical office is given the priority it deserves so that all appropriated funding can be effectively obligated in the coming fiscal year.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

The amended bill provides \$150,238,000 instead of \$237,765,000 as proposed by the House and \$234,883,000 as proposed by the Senate. The amended bill does not include the \$245,525,000 in unspecified reductions contained in the House bill. The amended bill also does not include House bill language withholding funding for the Departmental headquarters project on the Saint Elizabeth's campus until the Department submits certain reports, including detailed expenditure plans for checkpoint and explosives detection technologies. Instead, funding is withheld within the Transportation Security Administration (TSA) until checkpoint support and explosives detection system expenditure plans, as well as the final strategic plan for checkpoint technologies, are delivered to the Committees on Appropriations. Reductions are made to the budget request due to a large number of vacancies and unobligated balances within certain offices. Funding shall be allocated as follows:

Under Secretary for Management .....	\$2,012,000
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Office of Security .....	53,490,000
Office of the Chief Procurement Officer .....	28,495,000
Office of the Chief Human Capital Officer .....	8,811,000
Human Resources .....	10,000,000
MAX-HR .....	0
Office of the Chief Administrative Officer .....	41,430,000
Nebraska Avenue Complex Facilities .....	6,000,000
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Total .....	\$150,238,000

UNDER SECRETARY FOR MANAGEMENT

No funding is included in the Under Secretary appropriation for the Federal Law Enforcement Training Accreditation Board, as requested in the budget. This activity is funded within the Federal Law Enforcement Training Center (FLETC) salaries and expenses account. The Under Secretary is directed to provide an expenditure plan briefing to the Committees on Appropriations regarding the Under Secretary for Management’s appropriation.

OFFICE OF SECURITY

The Committees on Appropriations provide \$53,490,000 for the Office of Security instead of \$52,990,000 as proposed by the House and \$53,990,000 as proposed by the Senate. Funding is provided for fusion center activities as proposed by the Senate.

OFFICE OF THE CHIEF PROCUREMENT OFFICER

The Committees on Appropriations provide \$28,495,000 for the Office of the Chief Procurement Officer (OCPO) as proposed by the Senate instead of \$27,055,000 as proposed by the House. The Under Secretary is directed to provide a briefing to the Committees on Appropriations on its use of the hiring authority provided in PL 109–313 as detailed in the Senate report.

The investment review function, totaling \$700,000 and four full-time equivalents (FTEs), is transferred from the Office of the Chief Financial Officer (OCFO) to the OCPO as requested recently by the Department. The OCFO will continue to provide fiscal analysis to the OCPO regarding budget formulation and execution for major investments. Given the size, cost, and complexity of the major procurements across the Department and the often overlapping and integrated needs of Departmental agencies, the Investment Review Board (IRB) must exercise strong leadership in the Department’s acquisition process. To date the effectiveness of the IRB has not been readily apparent and it is unclear how DHS effectively formulates and executes acquisition strategies to meet joint mission requirements. The Chief Procurement Officer is directed to brief the Committees on Appropriations on how these concerns are being addressed. In addition the Secretary is directed to report on the authority of the OCPO and adequacy of staffing as detailed in the Senate report. No later than 90 days after the Secretary submits the report to the Committees on Appropriations, GAO shall provide an assessment of the report.

## OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER

The Committees on Appropriations provide \$18,811,000 for the Office of the Chief Human Capital Officer instead of \$13,278,000 as proposed by the House and \$13,811,000 as proposed by the Senate. No funding is provided for MAX-HR or any follow-on personnel system. Instead, \$10,000,000 is provided to address the Department's dismal results in the 2006 Federal Human Capital Survey. The Department is directed to ensure that these funds are spent on programs that directly address the shortcomings identified in this survey or in a subsequent DHS survey that the Department plans to conduct. Such programs may include the planned DHS survey, gap analysis of mission critical occupations, hiring and retention strategies, robust diversity programs, and Department-wide education and training initiatives. The Secretary is required to submit an expenditure plan for these funds prior to obligation.

## NEBRASKA AVENUE COMPLEX FACILITIES

The Committees on Appropriations provide \$6,000,000 for facilities costs at the Nebraska Avenue Complex (NAC), instead of \$101,000,000 proposed by the House and \$94,000,000 as proposed by the Senate for both the Nebraska Avenue Complex and the consolidated headquarters project. The Under Secretary is directed to submit an expenditure plan on the expected uses of these funds within 30 days after the date of enactment of this Act. The Committees on Appropriations agree with the House report directing the Chief Administrative Officer to minimize investment in the NAC since it will be replaced with a new headquarters campus. The Department is directed to make only those investments absolutely necessary to address pressing operational problems at the NAC. The Department is also directed to submit NAC reports semi-annually, as detailed in the Senate report, and further directed that these reports reflect both changes to scheduled projects and activities accomplished. DHS and the Coast Guard are directed to plan a headquarters facility that balances growth and cost as detailed in the House report. DHS is also directed to provide quarterly briefings to the Committees on Appropriations on the headquarters project as detailed in the Senate report.

## OFFICE OF THE CHIEF FINANCIAL OFFICER

The amended bill provides \$31,300,000 instead of \$30,500,000 as proposed by the House and \$30,076,000 as proposed by the Senate. The Committees on Appropriations expect the Secretary and Under Secretary for Management to correct problems related to the lack of timely information from the Department as directed in the House report. The Committees on Appropriations agree with the House report regarding the small benefit that has been derived from the appropriations liaison function. The Committees on Appropriations direct the Chief Financial Officer to ensure that communications from CFO employees to the Committees are timely, accurate and thorough. Funding for the Resource Management Transformation Office is provided as proposed by the House instead of through unobligated e-Merge 2 balances as proposed by the Sen-

ate. The CFO is directed to provide the Committees on Appropriations a briefing on the detail of past representation fund expenditures throughout the Department.

ANNUAL APPROPRIATIONS JUSTIFICATIONS

The CFO is directed to submit all of its fiscal year 2009 budget justifications (classified and unclassified) concurrent with the submission of the President's budget request and at the level of detail specified in the House and Senate reports. In addition, the annual appropriations justifications should include explicit information by appropriations account, program, project, and activity on all reimbursable agreements and uses of the Economy Act exceeding \$50,000; a listing of overdue Committee reports; and a detailed table identifying the last year authorizing legislation was provided by Congress for each appropriation account, the amount of the authorization, and the appropriation in the last year of the authorization.

REPROGRAMMING REQUIREMENTS

The amended bill continues and modifies a provision regarding reprogramming of funds. The following have been added to the Department's reprogramming requirements: creation of a new program, project or activity; elimination of an office; and, contracting out any function or activity for which funds were requested for Federal employees.

CONTRACT AND GRANT NOTIFICATION REQUIREMENTS

The amended bill continues and modifies a provision regarding contract and grant notification requirements. Information within the notification shall include amount of the award, fiscal year in which the funds were appropriated, and account from which the funds were drawn.

OFFICE OF THE CHIEF INFORMATION OFFICER

The amended bill provides \$295,200,000 for the Office of the Chief Information Officer (CIO) instead of \$258,621,000 as proposed by the House and \$321,100,000 as proposed by the Senate. Funding shall be allocated as follows:

Salaries and Expenses .....	\$81,000,000
Information Technology (IT) Activities .....	56,200,000
Security Activities .....	124,900,000
Homeland Secure Data Network .....	33,100,000
	295,200,000
Total .....	295,200,000

CIO-LED INFORMATION TECHNOLOGY ACQUISITIONS

The amended bill continues an existing requirement that the CIO report on all IT acquisitions financed directly or managed by the CIO.

## INFORMATION TECHNOLOGY SECURITY

The CIO is directed to brief the Committees on Appropriations on plans for improving IT security, and plans to improve compliance with the Federal Information Security Management Act scorecard, as proposed by the Senate.

## COORDINATION OF INFORMATION TECHNOLOGY INVESTMENTS

The Committees on Appropriations note that the CIO now exercises significant authority to review and oversee the Department's major IT investments, and direct the CIO to provide a briefing on the process in place to review these procurements, including a listing of all IT investments it plans to review in fiscal year 2008. For each procurement to be reviewed, the briefing should include associated project information such as: the complete budget (including all funding sources), the timelines for development and implementation, and annual and lifecycle costs. Within this briefing, the CIO is also directed to discuss the steps taken to implement the key practices recommended in the Government Accountability Office IT Investment Management Framework.

## INTEGRATED WIRELESS NETWORK

The Committees on Appropriations direct the CIO to limit involvement with the Integrated Wireless Program to only those activities it carries out with other similar agency-managed acquisition projects.

## DATA CENTERS

The Committees on Appropriations provide \$72,300,000 within security activities for data center development, an increase of \$35,500,000 from the budget request level. The additional funds are to be used for construction at the National Center for Critical Information Processing and Storage (NCCIPS) for build out costs to expand data storage capabilities, in accordance with the existing agreement to provide 100,000 square feet of data center space.

The Congress has provided significant resources in this and previous appropriations bills for the consolidation of DHS data centers, both to improve operational efficiency and promote a standardized IT architecture at DHS. It is therefore disappointing to discover that the U.S. Secret Service data center will not be consolidated with other DHS operations, even though other Secret Service projects require the agency to relocate its IT equipment and staff. The Committees on Appropriations direct the CIO to review the location and future plans for every data center operated and managed by DHS agencies and components, and ensure that all future data center relocation projects are first considered for consolidation. The Department is directed to implement its data center consolidation plan in a manner consistent with section 888 of Public Law 107-296, as proposed by the Senate.

## ENTERPRISE ARCHITECTURE

The CIO is directed to provide the Committees on Appropriations with a briefing on efforts planned and underway to make the De-

partment's enterprise architecture comport with GAO-recommended reforms.

#### ANALYSIS AND OPERATIONS

##### (INCLUDING RESCISSION OF FUNDS)

The amended bill provides \$306,000,000 for Analysis and Operations as proposed by the Senate and instead of \$301,619,000 as proposed by the House. Funding shall be allocated as discussed in the classified annex to this explanatory statement.

#### NATIONAL IMMIGRATION INFORMATION SHARING OPERATION AND NATIONAL APPLICATIONS OFFICE

The amended bill includes a statutory restriction on the obligation of funds for operation of either the National Immigration Information Sharing Operation or the National Applications Office until the Secretary certifies these programs comply with all existing laws, including all applicable privacy and civil liberties standards, with the certification reviewed by the Government Accountability Office. Further, the Under Secretary for Intelligence and Analysis is required to submit the Standard Operating Procedure documents for these programs to the Committees on Appropriations no later than 60 days after the enactment of this Act.

#### INTELLIGENCE AND ANALYSIS EXPENDITURE PLAN

The Under Secretary for Intelligence and Analysis is directed to provide the Committees on Appropriations an expenditure plan for the Office of Intelligence and Analysis, as proposed by the Senate. That report is to include an analysis of all new requirements enacted in the 9/11 Act, as well as the estimated costs and available resources to implement those requirements in fiscal year 2008 and subsequent fiscal years.

#### STATE AND LOCAL FUSION CENTERS

The Committees on Appropriations provide the Senate level of funding for State and local fusion centers, instead of doubling the requested amount as proposed by the House.

#### NATIONAL OPERATIONS CENTER

The Committees on Appropriations do not require information about the relocation of the National Operations Center (NOC), since the reprogramming proposal to affect such a move was denied by the House. The amended bill rescinds \$8,700,000 in unobligated balances from prior-year appropriations made for Analysis and Operations, which is an amount equal to the levels that had been proposed for reallocation to fund the NOC move. The Committees on Appropriations encourage rotation of State and local fire service representation at the National Operations Center, as proposed by the Senate.

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST  
REBUILDING

The amended bill provides \$2,700,000 for the Office of the Federal Coordinator for Gulf Coast Rebuilding (OFCGC) instead of \$3,000,000 as proposed by both the House and Senate. Funding is reduced because the OFCGC lapsed \$683,079 at the end of fiscal year 2007. Within the funding provided, \$1,000,000 is unavailable for obligation until the Committees on Appropriations receive an expenditure plan for fiscal year 2008 as detailed in the Senate report. The Department is directed to use the reprogramming authority contained in this Act if the office needs additional funding.

OFCGC is directed to provide quarterly briefings outlining progress, factors delaying progress, and goals for rebuilding in the Gulf Coast. The Committees on Appropriations are aware that the OFCGC is working with the Department of Housing and Urban Development (HUD) and the Federal Emergency Management Agency (FEMA) on the Disaster Housing Assistance Program. The Committees on Appropriations expect the program will lead to permanent housing solutions for those remaining in trailers and hotels, and receiving rental assistance. OFCGC is expected to continue to work with HUD and FEMA and focus on all HUD programs including Section 202, Section 811, and rental assistance.

## OFFICE OF INSPECTOR GENERAL

The amended bill provides \$92,711,000 for the Office of Inspector General (IG) instead of \$99,611,000 as proposed by the House and \$95,211,000 as proposed by the Senate. Included in this funding is \$1,200,000 to conduct U.S. Customs and Border Protection revenue oversight.

## DISASTER RELIEF FUNDING

In addition to the funding provided above, \$16,000,000 is available for transfer from the Disaster Relief Fund instead of \$13,500,000 as proposed by the Senate. The House proposed no such transfer. These funds are for audits and investigations related to disasters, including uses of the Disaster Relief Fund. The IG is required to notify the Committees on Appropriations no less than 15 days prior to any transfer from the Disaster Relief Fund.

## FORMALDEHYDE

The IG is directed to investigate the Federal Emergency Management Agency's (FEMA) policies and processes regarding formaldehyde in trailers purchased by the agency to house disaster victims. The IG shall investigate the process used by FEMA to collect and respond to health and safety concerns of trailer occupants; whether FEMA adequately notified occupants of potential health and safety concerns; and whether FEMA has proper controls and processes in place to deal with health and safety concerns of those living in trailers following disasters. The IG is to report its findings to the Committees on Appropriations, including any recommendations.



## COSCO BUSAN OIL SPILL

The IG is directed to investigate Coast Guard's role in the M/V Cosco Busan oil spill in San Francisco Bay on November 7, 2007, including the difficulties faced when ships transit ports in heavy fog; proper standard operating procedures watchstanders at the vessel traffic services San Francisco control center should follow when observing a ship to be on a course that may lead to a collision or allision; whether the Unified Command effectively managed the resources available to Coast Guard related to containment and remediation of the spill; whether the rapid response plan for the treatment of marine resources, wildlife and fisheries required by the Oil Pollution Act of 1990 was followed and was adequate to guide this aspect of the response; and whether the Area Response Plan contains provisions adequate to guide the response to a spill of the type encountered in this allision, and whether these provisions were followed during the response to this incident. The investigation should specifically address unacceptable delays in the reporting of information to local authorities the day of the incident, the impact of those delays on the response and the adequacy of Coast Guard's initial investigation of the allision. In addition, the investigation should review Coast Guard's existing emergency response capabilities in San Francisco Bay and make recommendations regarding needed improvements and should include whether recent reorganizations at Coast Guard contributed to any response delays. The conferees direct the IG to submit a report no later than April 1, 2008, setting forth the conclusions of this investigation.

## PRE-PACKAGED NEWS

The 2007 Continuing Resolution continued the government-wide provision prohibiting an executive branch agency from producing any prepackaged news story intended for broadcast or distribution in the United States, unless the prepackaged news story contains clear notification that the story was produced and funded by the Federal government. Given the recent revelation of a staged press conference in FEMA, the Inspector General is directed to audit DHS' compliance with this provision.

## SECURE FLIGHT

The Committees on Appropriations are concerned that, even with the Secure Flight program, the Transportation Security Administration plans to continue to screen passenger names against only a subset of the full terrorist watch list. Therefore, the IG is directed to report on the vulnerabilities that exist to our aviation system if the Secure Flight program does not screen against the full terrorism watch list.

## AUDIT REPORTS

The amended bill requires the IG to withhold from public release for seven days any reports requested by the House and Senate Committees on Appropriations. This is a reduction from the previous years' requirement of 15 days.

TITLE II—SECURITY, ENFORCEMENT, AND  
INVESTIGATIONS

## U.S. CUSTOMS AND BORDER PROTECTION

## SALARIES AND EXPENSES

The amended bill provides \$6,802,560,000 for Salaries and Expenses, instead of \$6,629,733,000 as proposed by the House and \$6,601,058,000 as proposed by the Senate. Of this amount, \$323,000,000 is designated as emergency.

The Committees on Appropriations provide \$3,075,232,000 for border security between ports of entry, including funds to support an additional 3,000 Border Patrol Agents, \$13,000,000 for additional Border Patrol vehicles, and \$75,000,000, 50 percent above the request, to expand the detention transportation contract. The Committees on Appropriations agree U.S. Customs and Border Protection (CBP) should support efforts to eliminate smuggler lookout posts along the Southwest Border, but they do not designate specific resources for this purpose, as proposed by the House.

The Committees on Appropriations provide \$1,221,341,000 for Management and Administration, reflecting a realignment of \$10,048,000 in information technology costs to the Salaries and Expenses appropriation for U.S. Immigration and Customs Enforcement, a reduction of \$10,000,000 for management efficiency, and the impact of fiscal year 2007 reprogramming actions.

The Committees on Appropriations provide \$2,279,247,000 for border security inspections and trade facilitation, including \$1,854,235,000 for Inspections, Border Security Inspections, and Travel Facilitation at Ports of Entry. Within the latter category is also included an additional \$13,000,000 for the competitive procurement of commercially available technology to support the Secure Freight Initiative and the proposed Global Trade Exchange, authorized by the 9/11 Act; \$22,000,000 for an additional 200 CBP Officers to comply with Section 403 of the SAFE Port Act and \$575,000 for eight additional positions for enhanced duty collection; \$6,750,000 for 50 additional supply chain specialists for the Customs-Trade Partnership Against Terrorism (C-TPAT) program, as authorized by section 222 of the SAFE Port Act; \$225,000,000 for the Western Hemisphere Travel Initiative (WHTI), of which \$100,000 is to promote information and exchange on use of best practices and technology with friendly nations as authorized by section 879 of Public Law 107-296; and \$50,000,000 to enable CBP to implement section 535 of this Division establishing Law Enforcement Officer status for new and currently serving CBP Officers beginning July 1, 2008.

Within Border Security Inspections and Trade Facilitation is included \$40,000,000 for Model Ports of Entry and 200 additional CBP Officers at the top 20 U.S. international airports pursuant to the 9/11 Act; \$45,000,000 for a terrorism prevention system enhancement for passenger screening; and \$36,000,000 for electronic travel authorization for the visa waiver program, including 24 additional program management positions.

The Committees on Appropriations provide \$226,740,000 for personnel compensation and benefits for the CBP Air and Marine pro-

grams, including \$14,000,000 for 82 positions to support establishment of 11 new marine enforcement units.

The following table specifies funding by budget program, project, and activity:

Headquarters, Management, and Administration:	
Management and Administration, Border Security Inspections and Trade Facilitation .....	\$619,325,000
Management and Administration, Border Security and Control between Ports of Entry .....	602,016,000
Subtotal, Headquarters Management and Administration .....	1,221,341,000
Border Security Inspections and Trade Facilitation: Inspections, Trade, and Travel Facilitation at Ports of Entry .....	1,854,235,000
Container Security Initiative .....	156,130,000
Harbor Maintenance Fee Collection (Trust Fund) .....	3,093,000
Other international programs .....	10,866,000
Customs Trade Partnership Against Terrorism (C-TPAT) .....	62,310,000
Free and Secure Trade (FAST)/NEXUS/SENTRI .....	11,243,000
Inspection and Detection Technology Investments .....	105,027,000
Automated Targeting Systems .....	27,580,000
National Targeting Center .....	23,950,000
Training .....	24,813,000
Subtotal, Border Security Inspections and Trade Facilitation ...	2,279,247,000
Border Security and Control between Ports of Entry: Border Security and Control .....	3,022,443,000
Training .....	52,789,000
Subtotal, Border Security and Control between POEs .....	3,075,232,000
Air and Marine Personnel Compensation and Benefits .....	226,740,000
Total, Salaries and Expenses .....	6,802,560,000

#### WORKLOAD AND STAFFING

CBP has developed a Workload Staffing Model (WSM) to generate estimates of staffing needed to meet workload and mission requirements, under unconstrained or constrained budget assumptions. In its letters and briefings to the Committees on Appropriations, CBP has satisfied the requirements to submit a Resource Allocation Model, as directed in House Report 110-181.

Initial WSM applications include assessing staffing needs at airports and seaports based on passenger and cruise ship volumes, as well as assisting in allocation of newly funded CBP positions. The Committees on Appropriations expect the WSM to improve allocation of staffing resources to reduce airport and land port wait times, and to enhance performance in meeting customs revenue collection responsibilities as recommended by the Government Accountability Office (GAO-07-529). CBP is directed to brief the Committees on Appropriations not later than January 31, 2008, on how it is using WSM to achieve these goals.

#### WESTERN HEMISPHERE TRAVEL INITIATIVE

The bill amends section 7209(b)(1) of the Intelligence Reform Act, setting a date for WHTI implementation at all ports of entry of either June 1, 2009, or when the Secretary and Secretary of State have certified compliance with Section B of that Act, whichever is later.

The Committees on Appropriations provide \$225,000,000 for WHTI; of which \$202,816,000 is available for two years for soft-

ware development, equipment, contract services, and implementation of inbound lanes and modification to vehicle primary lanes. Of these funds, \$75,000,000 will be unavailable for obligation until the Committees on Appropriations receive a report, not less than 120 days after enactment of this Act, on preliminary results of federal and State pilot programs to implement WHTI procedures at ports of entry. The report should include: (1) infrastructure and staffing required, with associated costs, by port of entry; (2) updated timetable milestones; (3) information on how requirements of Section 7209(b)(1)(B) of the Intelligence Reform Act, as amended, 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.

#### MODEL PORTS OF ENTRY

The Committees on Appropriations have provided \$40,000,000 for the Model Ports of Entry program authorized in Section 725 of the 9/11 Act, as proposed by the Senate. This includes the resources necessary to hire at least 200 additional CBP officers at the 20 U.S. international airports with the highest number of foreign visitors arriving annually as determined by the most recent CBP data. The purpose of this program is to provide an international arrival process that better facilitates and promotes business and leisure travel to the U.S., while also improving security.

#### COMMERCIAL OPERATIONS AND REVENUE COLLECTION POSITIONS

The Committees on Appropriations have included \$22,575,000 as proposed by the House and Senate for enhanced commercial inspection and duty collection, and direct CBP to brief the Committees on Appropriations semi-annually beginning 30 days after enactment of this Act on progress in hiring for Customs revenue positions. Such briefings may be combined with other briefings to the Committees on CBP hiring progress.

#### IN-BOND CARGO AND CONTAINER SECURITY

CBP is directed to provide the information on its in-bond cargo and container security programs, as directed by the House, in the form of a briefing to the Committees on Appropriations.

The Committees on Appropriations direct CBP to submit the report on southern border supply chain security required by Title VII of the Senate bill.

#### AUTOMATED TARGETING SYSTEM—PASSENGERS

The Committees on Appropriations are aware CBP has agreed to take actions to address gaps or management weaknesses associated with its administration of the Automated Targeting System—Passengers, as recommended by the DHS Inspector General (OIG-08-06), and direct CBP to brief the Committees on Appropriations on progress in implementing those corrective actions.

## NORTHERN BORDER STAFFING

The Committees on Appropriations strongly support the legislative requirements contained in the USA PATRIOT Act (Public Law 107-56), section 402 of the Trade Act of 2002 (Public Law 107-210), and the Intelligence Reform Act regarding increasing the number of Border Patrol agents and CBP Officers on the Northern Border. The Committees on Appropriations note threat information continues to point to Northern Border vulnerabilities. As highlighted in House and Senate reports accompanying this bill, the Committees on Appropriations expect CBP to make every effort to achieve these targets and direct that CBP quarterly hiring briefings continue to include data on progress being made in this regard.

## FLEET VEHICLE MANAGEMENT

The Committees on Appropriations note the receipt of the updated, five-year Vehicle Fleet Management Plan. The Committees on Appropriations expect future budget requests will reflect the needs identified in this plan, and direct CBP to inform the Committees on Appropriations of any deviations from the plan.

## IMMIGRATION ADVISORY PROGRAM

The Committees on Appropriations direct CBP to include a report on the operations and performance of its Immigration Advisory Program in its fiscal year 2009 budget submission, and to notify the Committees on Appropriations whenever it expands the program to a new international location.

## INTERPOL LOST AND STOLEN TRAVEL DOCUMENT DATABASE

The Committees on Appropriations support the decision by the Department to use the International Criminal Police Organization (INTERPOL) database as it screens foreign travelers to the United States and request a briefing on the status of this activity.

## LAW ENFORCEMENT OFFICER STATUS FOR CBP OFFICERS

The Committees on Appropriations include \$50,000,000, as proposed by the House, to fund the implementation of new section 535, which will convert CBP Officers to Law Enforcement Officer status, and fund the fiscal year 2008 costs of retirement and compensation adjustments required of CBP beginning July 1, 2008.

This change in status will aid in retention of experienced CBP Officers and recruitment of new Officers needed to help CBP meet its expanding inspection, enforcement, and regulatory workload. It will also align compensation and benefits of these Officers with the law enforcement character of their work. The Committees on Appropriations recognize such conversion will require additional agency funding in fiscal year 2009, and request the Department and OMB to include adequate resources for this purpose in the fiscal year 2009 budget submission.

## INTERNATIONAL REGISTERED TRAVELER AND RELATED SCREENING PROGRAMS

The Committees on Appropriations include a new general provision authorizing the International Registered Traveler (IRT) Program. The IRT program, funded by fees, will incorporate available technologies in coordination with US-VISIT and other pre-screening initiatives of the Department.

The Committees on Appropriations also provide \$45,000,000 to develop system infrastructure needed to support a real-time capability to process advanced passenger information for air travelers intending to fly to the United States, as well as \$36,000,000 to implement the electronic travel authorization program for visa waiver countries. The Secretary and CBP are directed to report on the DHS plans, staffing, and funding needed to realize these programs, including establishing the IRT program at U.S. airports with the highest volume of international passenger traffic.

## NATIONAL GUARD AND BORDER SECURITY

The Committees on Appropriations recognize Public Law 110-116 funds Operation Jump Start through June, 2008, thus obviating the requirement for a briefing as proposed by the Senate on National Guard reductions in force.

## BORDER TUNNEL REMEDIATION

The Committees on Appropriations direct the Department to: comply with language contained in Senate Report 110-84 requiring the Department to brief Congress semiannually on border tunnel remediation; include the House Committees on Appropriations, the Judiciary, and Homeland Security among those to be briefed; and provide the first briefing within four months of enactment of this Act.

## TRAFFICKING OF ILLICIT GOODS FROM MEXICO

The Committees on Appropriations acknowledge the serious law enforcement challenges posed by the manufacture and distribution of methamphetamine, the trafficking of unauthorized assault weapons, and the increased violence of drug gangs as noted in Senate Report 110-84. With the recent announcement of the "Merida Initiative" between the United States and Mexico, the Committees on Appropriations request a briefing on the issues raised in the Senate report.

## ANTI-DUMPING ENFORCEMENT

The Committees on Appropriations have ensured that, within the amounts provided for in this account, there will be sufficient funds to administer the ongoing requirements of section 754 of the Tariff Act of 1930, also known as the Continued Dumping and Subsidy Offset Act (CDSOA) (19 U.S.C. 1675c), referenced in subtitle F of title VII of the Deficit Reduction Act of 2005 (Public Law 109-171; 120 Stat. 154).

The Committees on Appropriations direct CBP to continue to work with all relevant U.S. departments and agencies to increase

duty collections, and to provide an annual report, within 30 days of each year's distributions under CDSOA, which summarizes CBP's efforts to collect past due amounts and increase current and future collections.

The Committees on Appropriations direct CBP in these annual reports to break out the non-collected amounts for each of the fiscal years 2004, 2005, 2006, and 2007, by order, country, and claimant, along with a description of each of the specific reasons for the non-collection with respect to each order. Further, CBP is once again directed to provide the amounts of antidumping (AD) and countervailing duties (CVD) held by CBP in its Clearing Account for unliquidated entries as of October 1, 2006 (and, now, as of October 1, 2007), segregated by case number and Department of Commerce period of review. In that same report, CBP should explain, with particularity, what other enforcement actions it is taking to collect unpaid duties owed the U.S. Government. CBP is also directed in these annual reports, beginning in 2008 and thereafter, to indicate which liquidated entries resulted in CDSOA vs. non-CDSOA distributions.

The Committees on Appropriations also direct GAO to undertake a thorough investigation of the problem of non-collection of AD/CVD by the U.S. Government. As described in Senate Report 110-84, GAO must report when the problem was first detected; determine the extent of non-collection of AD/CVD duties, by year, since discovery of the problem (or at least the year 2001), and examine how recommendations advanced by either GAO or the U.S. Government would address the problem. The report should be submitted to the Committees on Appropriations by June 30, 2008.

#### PART-TIME AND TEMPORARY POSITIONS

The Committees on Appropriations are aware CBP has ended the practice of funding part-time and temporary positions at international air and seaports, such as at Honolulu, Hawaii. Therefore the Committees on Appropriations negate the language on this issue contained in Senate Report 110-84.

#### CBP INDUSTRY TRAINING PROGRAMS

The Committees on Appropriations expect CBP Officers, Import Commodity Specialists and other professional staff to have the appropriate training, to include continuing active participation in cooperative efforts such as the joint Steel Industry Training Program, to administer U.S. customs laws. The Committees on Appropriations believe CBP personnel require a detailed knowledge of industry and technology to ensure that commodities cleared to enter U.S. commerce comply with U.S. law and adhere to import safety requirements with regard to manufactured products, including steel.

#### INVASIVE SPECIES

The Committees on Appropriations understand there are several invasive plant species that negatively affect the operations of the Border Patrol and support efforts of the Department to provide better tools to control these species. The Committees on Appropriations direct the Secretary to develop and submit a plan, consistent

with the terms and conditions listed in section 538 of the Senate bill, which shall specifically address the following species: *Arundo donax* (Carrizo cane); *Tamarix ramosissima* (salt cedar); and *Elaeagnus angustifolia* (Russian olive). Funding to implement this plan should come from within this account, rather than the Border Security, Fencing, Infrastructure, and Technology (BSFIT) account, as proposed by the House.

#### FOOD AND AGRICULTURAL IMPORT TRAINING AND INSPECTIONS

The Committees on Appropriations are concerned CBP officers require the highest level of training to ensure the safety of the Nation's food supply, and direct the Commissioner to report to the Committees on Appropriations on the training CBP officers receive to effectively assist the Food and Drug Administration in monitoring our Nation's food supply.

The Committees on Appropriations also note that not all ports of entry have equipment necessary for agriculture inspections, and direct CBP to brief the Committees on Appropriations on what equipment, such as microscopes, is available at each port; the age of existing equipment; and the timeline for procuring and deploying replacement or new equipment.

#### CRANE-MOUNTED DETECTION TECHNOLOGY

The Committees on Appropriations are aware of technology being developed for the detection of nuclear or radiological materials that can be attached to or integrated onto crane spreaders used to lift and move containerized cargo at sea ports. To explore the potential of this technology to be implemented rapidly, and assess its value as an efficient and real-time complement to radiation portal monitors, the Committees on Appropriations include \$2,000,000 to permit CBP, in cooperation with relevant port authorities, to test competitively this technology in an operational seaport environment.

#### AUTOMATION MODERNIZATION

The Committees on Appropriations agree to provide \$476,609,000 as proposed by both the House and the Senate. This amount includes \$316,969,000 for the Automated Commercial Environment (ACE), of which \$16,000,000 is for the International Trade Data System (ITDS); and \$159,640,000 for Current Operations Protection and Processing Support.

#### ACE PROGRAM OVERSIGHT

The Committees on Appropriations are aware of CBP progress in managing the complex acquisition and integration efforts needed to implement ACE, and have determined a formal Government Accountability Office review of ACE expenditure plans is no longer necessary. However, the Committees on Appropriations retain the language requiring submission of an expenditure plan, and have made \$216,969,000 unavailable for obligation until 30 days after such plan has been submitted to the Committees on Appropriations. In addition, the Committees on Appropriations direct CBP to continue to submit quarterly reports on ACE implementation progress, and to improve the timeliness of such submissions.



TREASURY ENFORCEMENT COMMUNICATIONS SYSTEM (TECS)  
MODERNIZATION PROGRAM

The Committees on Appropriations are aware of the importance of the TECS Modernization Program. TECS is a key border enforcement system for DHS and plays an essential role in the screening of travelers entering the U.S. Therefore, CBP is directed to submit the report on the TECS Modernization Program as requested in Senate Report 110–84 in lieu of the request for notification in House Report 110–181.

ACE QUARTERLY REPORTS

The Committees on Appropriations concur with language in Senate Report 110–84 regarding late delivery of these reports, which contain factual, aggregate data on the progress being made with ACE, and direct the Department to deliver them to the Committees on Appropriations as expeditiously as possible.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

The amended bill provides \$1,225,000,000 for the Border Security Fencing, Infrastructure, and Technology (BSFIT) account, instead of \$1,089,125,000 as proposed by the House and \$1,000,000,000 as proposed by the Senate, of which \$1,053,000,000 is designated as emergency funding. Funds are available until expended. Within the total provided, \$64,000,000 is for program management, \$73,000,000 is for operations and maintenance, and \$1,088,000,000 is for development and deployment of systems and technology. The Committees on Appropriations do not provide \$5,000,000 within this account to remove invasive cover vegetation as proposed by the House, but expect such efforts will be conducted with funding in the Salaries and Expenses account.

The Secretary is directed to submit, within 90 days after enactment of this Act, an expenditure plan for continued implementation of a security barrier along the land borders of the United States to the Committees on Appropriations, as specified in bill language. The Committees on Appropriations withhold \$650,000,000 until the expenditure plan is received and approved. The Committees on Appropriations direct the Department to include a description of the methodology used to develop all program and lifecycle costs included in the plan.

Under the Office of the Secretary and Executive Management heading, the Committees on Appropriations note the change in direction proposed by the Department to delay establishment of the Secure Border Coordination Council and to fund coordination of Secure Border Initiative (SBI) efforts from within BSFIT using funds provided to CBP's SBI Program Office. The Committees on Appropriations understand these funds will be used in fiscal year 2008 to coordinate SBI efforts across DHS as well as the U.S. Government.

BORDER SECURITY REQUIREMENTS

As evidenced by the significant increases in border security funding in this bill, the Committees on Appropriations support the goal

of obtaining operational control of the nation's borders and coastlines. Specifically, the Committees on Appropriations have included funding to hire additional Border Patrol agents; install vehicle barriers, ground-based radar and cameras; and procure unmanned aerial systems. CBP is directed to include in the quarterly SBI reports the information required in Section 546 of the Senate-passed bill.

#### REPORTING ON MAJOR TASK ORDER AWARDS

Bill language is included, as proposed by the House, requiring a report to the Committees on Appropriations for any task order in excess of \$100,000,000, or task orders that would cause the cumulative level of task orders awarded to exceed \$650,000,000 (fifty percent of the annual appropriation).

#### ENCOURAGEMENT OF BEST PROCUREMENT PRACTICES

Within the total appropriated in the BSFIT account, up to \$2,000,000 shall be used to reimburse the Defense Acquisition University for reviewing whether DHS is employing best procurement practices in implementing its Secure Border Initiative network (SBIInet) and other contracts under BSFIT.

#### NORTHERN BORDER SECURITY

The Committees on Appropriations direct the CBP SBI Program Office to brief the Committees on how the Department will use fiscal year 2008 and prior year funding for Northern Border security investments, and to provide a revised SBIInet investment strategy that addresses the Northern Border. In addition, the Committees on Appropriations are aware of the climatic and topographical challenges associated with securing the Northern Border and encourage CBP to examine the testing and demonstration of advanced intrusion detection sensor networks conducted by the Department of Defense for use in such environments.

#### PROJECT 28

The Committees on Appropriations note CBP's conditional acceptance of the Project 28 prototype. However, the Committees remain concerned about the impact of a five month delay of this acceptance on the larger SBIInet system and CBP's plan to secure the Southwest Border by 2011. The Committees recognize the strict oversight of the Project 28 contract by the CBP SBI Program Office, expect such accountability to be sustained, and thus direct CBP to continue to keep the Committees on Appropriations informed on the resolution of conditional items and how the findings from Project 28 will be applied towards the establishment of the SBIInet baseline and the first iteration of a common operating picture for the Border Patrol.

#### FENCING COST STUDY

The Committees on Appropriations direct the Government Accountability Office to conduct a study examining the costs of con-

structing fencing along the southern border of the United States in accordance with section 560 of the Senate bill.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND  
PROCUREMENT

The amended bill provides \$570,047,000 for Air and Marine Interdiction, Operations, Maintenance, and Procurement, instead of \$477,287,000 as proposed by the House and \$488,947,000 as proposed by the Senate, of which \$94,000,000 is designated as emergency funding. This includes \$353,614,000 for operations and maintenance, instead of \$353,954,000 as proposed by the House and \$365,614,000 as proposed by the Senate, to reflect a downward adjustment of \$5,000,000 due to a fiscal year 2007 reprogramming of the Salaries and Expenses account, and inclusion of \$4,120,000 for enhanced operations and support for existing unmanned aerial systems (UAS) and \$540,000 for 11 additional marine enforcement units. Within the total funding is \$216,433,000 for procurement, including: \$52,400,000 for planned helicopter procurement or upgrades; \$10,600,000 for recurring costs for existing unmanned aerial systems; \$6,700,000 for recurring sensor system costs; \$4,600,000 to upgrade radars and sensors; \$12,000,000 for equipment and facilities for 11 new marine enforcement units; and \$82,000,000 for new and replacement aircraft for CBP Air and Marine border security missions. Given the enhanced funding for this account above the House and Senate levels, the Committees on Appropriations direct CBP to submit a revised air and marine expenditure plan, with reference to the strategic recapitalization plan, not later than 90 days after enactment of this Act. The Committees on Appropriations also direct the Commissioner to certify any proposed use of these funds for new UAS procurement as reflecting the priorities of the CBP Air and Marine Recapitalization and Modernization Plan and the most cost effective use of such funding.

*[CLERK'S NOTE: Due to a clerical error, 7½ paragraphs of text (and the accompanying heads) were inadvertently omitted from the Explanatory Statement as printed in the December 17 Congressional Record, although this material was correctly included in the Statement as posted on the House Rules Committee website. The material omitted from the Record is included in this print. It begins with the heading immediately below, "Northern Border Air Branches" and continues through the phrase "Automation Modernization" in the third sentence under the heading "U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT—SALARIES AND EXPENSES".]*

NORTHERN BORDER AIR BRANCHES

The Committees on Appropriations direct CBP to brief the Committees on Appropriations on the performance of the Northern Border Air Branches and the schedule for their completion.

MULTI-ROLE PATROL AIRCRAFT

The Committees on Appropriations are concerned with the shortfall of CBP multi-role patrol aircraft (MPA) resources, exacerbated by the recent decision of a key contractor to stop MPA production and the need to sustain an aging P-3 fleet. CBP is directed to brief

the Committees on Appropriations on: steps it is taking to mitigate MPA capability gaps; options for MPA procurement; long-term options for the P-3 fleet; and how CBP is working with the DHS investment review board and the Coast Guard to identify joint mission requirements and acquisition strategies to address the Department's mid- and long-range maritime surveillance missions. The Committees on Appropriations expect CBP to explain any revisions to its air strategic plan due to changes in the MPA cost and procurement schedule at this briefing and in its fiscal year 2009 budget justification.

#### UNMANNED AERIAL SYSTEMS

The Committees on Appropriations provide \$14,720,000 for the operation and maintenance of Unmanned Aerial Systems (UAS). The Committees on Appropriations support implementation of UAS through the CBP Air and Marine recapitalization and modernization program, but remain concerned that DHS should develop a UAS concept of operations for civil airspace as well as the maritime domain. Furthermore, the Committees on Appropriations believe DHS must weigh UAS' potential to significantly enhance DHS intelligence, surveillance, and reconnaissance capabilities against investments in proven, manned aviation assets.

The Committees on Appropriations direct CBP and DHS to brief the Committees on Appropriations on how CBP's UAS mission is coordinated with other Department and other U.S. government UAS programs, including: details on inter-agency and interdepartmental efforts to establish a concept of operations in civil airspace; joint mission requirements for maritime applications; and coordinated acquisition strategies. In addition, the Committees on Appropriations direct CBP to work with the Federal Aviation Administration (FAA), as directed in House Report 110-181, to test the safety of UAS devices to determine the risk of mid-air collisions with manned aircraft and evaluate the appropriateness of an FAA exemption for small scale UAS technology.

#### WIRELESS ACCESS SURVEILLANCE PLATFORM

The Committees on Appropriations are aware that municipal and other general aviation airports often lack technology or staffing to track aircraft that land and arrive there, leaving a vulnerability to smuggling or illegal transit across the U.S. border. The Committees understand CBP Air and Marine is currently testing the Wireless Access Surveillance Platform (WASP) to close the gap in existing radar and other surveillance assets at unmanned and untowered airports, to enable them to focus on flights of interest. One critical benefit would be to permit CBP to better distinguish between legal domestic traffic and concentrate on cross-border traffic. The Committees on Appropriations provide up to \$6,000,000 to install the WASP system at at-risk border state airports.

#### CONSTRUCTION

The amended bill provides \$348,363,000 for Construction, instead of \$249,663,000 as proposed by the House and \$274,863,000 as proposed by the Senate, of which \$61,000,000 is designated as emer-

gency spending. This includes at least \$100,000,000 solely for Border Patrol construction and \$30,000,000 for repair and renovation of air and marine facilities, and \$39,700,000 for construction activities under Phase IV of the Advanced Training Center Master Plan. The Committees on Appropriations do not reduce Headquarters Management, Salaries and Expenses by \$5,000,000, nor do they agree to an unspecified reduction of \$15,000,000 of this account, as recommended by the Senate. As the Committees on Appropriations include more funding than proposed in either the House or Senate bills, they direct CBP to submit a revised construction expenditure plan to the Committees on Appropriations not later than 90 days after enactment of this Act. The Committees on Appropriations direct that none of the funds provided under this heading shall be used for port of entry construction and encourage consideration of the air and marine facilities requirements of the Marfa sector for inclusion in this plan.

PORT OF ENTRY MODERNIZATION

The Committees on Appropriations are alarmed at the condition of the Nation’s ports of entry, and the adverse impact of crumbling infrastructure and obsolete design on the combined missions of securing our borders while maximizing the flow of legitimate commerce and travel. Consistent with Title VI of this Act, the Committees on Appropriations direct CBP, in consultation with the General Services Administration, to work together on a national strategy to identify and prioritize the most effective methods to modernize the nation’s aging international ports of entry. The reporting requirement in House Report 110-181 is therefore negated.

U. S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

The amended bill provides \$4,687,517,000 for U.S. Immigration and Customs Enforcement (ICE) Salaries and Expenses instead of \$4,155,400,000 as proposed by the House and \$4,401,643,000 as proposed by the Senate. Of the amounts provided, \$516,400,000 is designated emergency. The Committees on Appropriations fund requested information technology (IT) investments in the “Automation Modernization” account instead of the Salaries and Expenses account, as proposed by the House, and reallocate \$10,048,000 of IT support costs from U.S. Customs and Border Protection to the ICE headquarters-managed IT investments program. As requested by the President, \$305,000 is provided for programs to protect children from exploitation and kidnapping, including \$102,000 for public awareness of the child pornography tip line and \$203,000 for Project ALERT. The following table specifies funding levels by budget activity:

Headquarters Management and Administration:	
Personnel Compensation and Benefits, Services, and Other Costs .....	\$168,887,000
Headquarters-Managed IT Investments .....	146,654,000
Subtotal, Headquarters Management and Administration	315,541,000
Legal Proceedings .....	208,350,000

Investigations:	
Domestic .....	1,422,528,000
International .....	107,551,000
Subtotal, Investigations .....	1,530,079,000
Intelligence .....	52,146,000
Detention and Removal Operations:	
Custody Operations .....	1,647,212,000
Fugitive Operations .....	218,945,000
Criminal Alien Program .....	178,829,000
Alternatives to Detention .....	53,889,000
Transportation and Removal .....	282,526,000
Subtotal, Detention and Removal Operations .....	2,381,401,000
Comprehensive Identification and Removal of Criminal Aliens .....	200,000,000
Total, Salaries and Expenses .....	4,687,517,000

#### IDENTIFYING AND REMOVING CRIMINAL ALIENS

The Committees on Appropriations are concerned about ICE's ability to identify, track, and remove criminal aliens from the United States, and provide an additional \$200,000,000 and a statutory requirement for ICE to develop a strategic plan to address the issue comprehensively. Once ICE has developed this plan, the Committees on Appropriations expect DHS to pursue aggressive efforts and make measurable progress expanding its identification of incarcerated aliens, whether by direct contact with correctional facilities, through technological innovation, or by active survey and interview of prisoners. The Committees on Appropriations expect DHS to initiate efforts to remove all incarcerated aliens identified as deportable once their criminal sentences are complete. As part of the Fugitive Operations Program, the Committees on Appropriations also expect ICE to expand its efforts to apprehend and remove at-large criminal aliens.

The amended bill requires ICE to identify how the agency will manage its identification of the criminal alien population, including an explanation of the staffing and technology solutions it will apply. This plan shall be submitted within three months of enactment of this Act.

From fiscal year 2002 to fiscal year 2006, ICE increased its deportation of non-criminal aliens by 118 percent (48,937 to 107,107). By contrast, criminal alien deportations increased by only 26 percent over the same five years (70,530 to 88,830). The DHS Inspector General reported that more than 300,000 illegal aliens will be admitted to prison in the coming year, many for serious crimes such as murder, rape, armed robbery, drug trafficking, assault, and vehicular manslaughter.

The ICE Office of Detention and Removal estimates that of the total prison population in the United States, 605,000 are foreign-born, and that at least half of those individuals may be eligible for deportation. Yet even though these convicted criminals are held in Federal, State and local custody, ICE has not yet developed a comprehensive approach to identify incarcerated aliens, review the crimes of which they have been convicted, track the location of their incarceration, or monitor the time remaining prior to their re-

lease. Although ICE removed over 88,000 criminal aliens in 2006, the last full year for which statistics are available, it has no records to show how many more criminal aliens were paroled or discharged from prison without removal orders. ICE also does not know if the aliens it did remove were taken directly from penal custody or apprehended for some other reason after having disappeared into the general population. ICE must prioritize the removal of those who have demonstrated the willingness and ability to commit violent and harmful crimes. The Committees on Appropriations direct ICE to pursue a more comprehensive approach to identifying incarcerated aliens, processing them for removal if they are judged deportable, and ensuring they are not released back to society upon completion of their sentences.

#### CUSTODY OPERATIONS

The Committees on Appropriations provide \$1,647,212,000 for Custody Operations instead of \$1,450,977,000 as proposed by the House and \$1,606,163,000 as proposed by the Senate. Additional funds are provided to increase detention capacity at ICE to a level sufficient to meet DHS mission needs. In addition, a related increase of \$33,400,000 is provided for the Transportation and Removal program, to support the increased level of deportations associated with a higher detained population. When combined, this funding will support an annualized detained population of approximately 32,000.

At the end of fiscal year 2007, ICE detained nearly 30,500 undocumented aliens on a daily basis, pending return to their home countries. However, the President's budget proposed only enough funding to detain 28,450 such individuals in 2008. If the Committees on Appropriations were merely to fund the President's request for detention capacity, DHS would be at risk of ending the successful "catch and return" program, which the Administration frequently cites as a major reason for decreased illegal crossings along the Southwest border. The Committees on Appropriations direct the Department to ensure future ICE budget requests support the operationally-appropriate level for detention capacity, and require ICE to provide weekly updates on the detained population throughout fiscal year 2008. To improve future management of the detained population, \$1,500,000 is provided to establish a Detention and Removal Operations Office of Policy and Planning, as proposed by the Senate.

#### GANG ENFORCEMENT

The Committees on Appropriations provide \$20,400,000 for gang enforcement instead of \$7,000,000 as proposed by the House and \$15,200,000 as proposed by the Senate. Additional funding is provided to enhance the unique Federal role ICE plays in investigating and disrupting organized transnational criminal gangs.

#### WORKSITE ENFORCEMENT

The Committees on Appropriations provide a \$15,000,000 increase for worksite enforcement activities at ICE, as proposed by the Senate and instead of no increase as proposed by the House.

## FUGITIVE OPERATIONS TEAMS

The Committees on Appropriations provide \$218,945,000 for Fugitive Operations Teams, instead of \$183,200,000 as proposed by the House and \$194,645,000 as proposed by the Senate. This additional funding will expand this program to a total of 104 teams.

## ALTERNATIVES TO DETENTION

The Committees on Appropriations provide \$53,889,000 for the Alternatives to Detention Program instead of \$54,889,000 as proposed by the House and \$43,889,000 as proposed by the Senate. Additional funds will support deployment of this program to 12 cities.

## CHILD AND FAMILY DETENTION

The Committees on Appropriations remain concerned about ICE detention standards for families with children. Families with children should be housed together in appropriate environments that take into account these detainees' special needs. The Committees on Appropriations are aware ICE has created a Juvenile and Family Residential Management Unit to manage the population of detained families with children and to address issues related to family detention. While this is a positive development, an objective set of standards for the detention of families with children must be published so that ICE can ensure the detention environment for these potentially vulnerable individuals is appropriate. The Committees on Appropriations note that this Act funds an Office of Policy within the Detention and Removal program and fully expect that this office will help ensure all national detention standards will be adhered to. Pursuant to the recent legal settlement negotiated between ICE and families detained by the agency, ICE is directed to publish standards governing the care of families with children in detention facilities, and to maintain those standards as published.

## CARE AND CUSTODY OF UNACCOMPANIED MINORS

The Committees on Appropriations direct ICE to develop and publish standards for the temporary care of children and ensure ICE transfers custody of unaccompanied alien minors to the Office of Refugee Resettlement (ORR) within 72 hours. The Committees on Appropriations do not agree that ICE should reimburse ORR for the cost of transportation of unaccompanied alien children since funds for this activity are included in the ORR budget.

The Committees on Appropriations note that ICE has ignored the direction contained in P.L. 109-295 to work in close consultation with the Department of State and ORR to develop and implement procedures to ensure the safe and secure repatriation of unaccompanied alien children to their home countries, including through the arrangement of family reunification services and placement with non-profit organizations that provide for orphan services. ICE is directed to brief the Committees on Appropriations within 90 days of the date of enactment of this Act on actions it has taken



to implement the changes to the repatriation process for unaccompanied minors.

#### OFFICE OF PROFESSIONAL RESPONSIBILITY

The Committees on Appropriations provide \$48,778,000 for the Office of Professional Responsibility (OPR), instead of \$50,778,000 as proposed by the House and \$47,778,000 as proposed by the Senate. OPR is directed to use up to \$1,000,000 to carry out third-party detention standard compliance audits for contracted detention facilities, as proposed by the House.

#### LEGAL PROCEEDINGS

The Committees on Appropriations provide \$208,350,000 for Legal Proceedings, as proposed by the House and instead of \$207,850,000 as proposed by the Senate. Additional funding is provided for the Human Rights Law Division, as detailed in the House report.

#### STATE AND LOCAL ASSISTANCE

The Committees on Appropriations provide \$78,474,000 for State and Local Assistance, as proposed by the Senate instead of \$73,574,000 as proposed by the House. Of the total provided, \$27,037,000 is for the Law Enforcement Support Center, \$11,286,000 is for the Forensic Document Laboratory, and \$39,684,000 is for the 287(g) program. Combined, these programs make up the recently established ICE Agreements of Cooperation in Communities to Enhance Safety and Security (ICE ACCESS) initiative, which is intended to improve and enhance ICE's interaction with State and local law enforcement agencies. Given recent growth in the 287(g) program, the Committees on Appropriations encourage ICE to closely monitor compliance with the agreements under which immigration authorities are delegated to 287(g) participants.

#### ICE MANAGEMENT

The Committees on Appropriations recognize that ICE managers have worked diligently to improve the financial and operational health of the agency. However, additional training and support may be required to increase financial management skills and abilities. Therefore, the Committees on Appropriations include an additional \$1,750,000 for implementation of a training program for new and mid-career finance, procurement, labor-relations and civil rights managers, as discussed in the Senate report.

#### ICE MUTUAL AGREEMENT BETWEEN GOVERNMENT & EMPLOYERS (IMAGE)

The Committees on Appropriations provide \$5,000,000 for the IMAGE program as proposed by both the House and the Senate. These funds will support 10 special agents, 10 forensic auditors, and nine investigative assistants. The IMAGE program is an ICE outreach and enforcement effort designed to minimize the likelihood of private sector employers hiring unauthorized workers, and

should complement the E-Verify program administered by United States Citizenship and Immigration Services (USCIS). ICE and USCIS are directed to brief the Committees on Appropriations on the progress made implementing the IMAGE program, including how IMAGE program managers are avoiding duplication of the E-Verify system, the program's hiring strategy, and its performance milestones and achievements.

#### BORDER ENFORCEMENT SECURITY TASK FORCES (BEST)

The Committees on Appropriations provide \$10,700,000 for the BEST program, as proposed by the House, instead of \$13,473,000 as proposed by the Senate. The Committees on Appropriations support direction contained in the House report regarding how the BEST program is coordinated with other border-related initiatives. ICE is directed to brief the Committees on Appropriations on how the BEST program is supporting an integrated border security operation at DHS as well as the new locations of proposed BEST operations.

#### TRADE TRANSPARENCY UNIT

The Committees on Appropriations provide \$11,202,000 for the Trade Transparency Unit, as proposed by the Senate, instead of \$13,202,000 as proposed by the House.

#### FEDERAL PROTECTIVE SERVICE

The amended bill includes a statutory requirement for the Federal Protective Service (FPS) to maintain an in-service field staff of at least 900 full-time equivalent Police Officers, Inspectors, Area Commanders, and Special Agents who are assigned to active protective duties in field locations, and a total FPS staff of at least 1,200 full-time equivalent positions by July 31, 2008. The amended bill also requires the Secretary and the Director of the Office of Management and Budget (OMB) to certify that this staffing level will be fully supported, through fees or other revenue, in fiscal year 2008. The Committees on Appropriations understand the requested revenue projection for fiscal year 2008 may be insufficient to support the staffing levels required by law, and further require the Secretary and the Director to adjust security fees charged to agencies in fiscal year 2008, if necessary. If revenue projections fall short of supporting the required staffing levels, and the Director will not adjust security fees, the Committees on Appropriations direct the Secretary to meet any shortfall from funds provided in Title I of this Act. The Committees on Appropriations further direct the Director of OMB to ensure the level of fees in fiscal year 2009 will maintain the FY 2008 staffing levels.

#### FPS FINANCIAL MANAGEMENT

Since the creation of DHS, the Secretary of Homeland Security and the Director of the Office of Management and Budget have denied FPS sufficient staff and resources to carry out its critical facilities protection and law enforcement missions. The transfer of FPS from the General Services Administration (GSA) to DHS was marked by financial uncertainty and instability, and \$139,000,000

in annual subsidy payments made by GSA to fund FPS operations were never appropriately accounted for under the new DHS structure. Rather than adjust the fee structure to account for this loss of subsidy payments, the budget proposes to reduce the size of the FPS police force without regard to the mission. DHS has further eroded the FPS operating budget by failing to adjust FPS fees to account for shared services, rent, and other costs that were never charged or budgeted for at GSA. In the 2008 budget, the Administration proposed transferring FPS Federal facility protection responsibilities to State and local police departments by abolishing the FPS police force, even though these local agencies do not have the resources to protect Federal buildings.

ICE, the Department, and OMB have not appropriately planned for the protection of Federal facilities and workers, since none of these agencies has worked to develop a strategic plan that clearly defines the FPS role and aligns FPS mission requirements with adequate resources. Absent a rigorous review of FPS responsibilities, which should be based on the responsibilities assigned to FPS in law, Federal facilities and employees will continue to remain vulnerable to crime and other more severe threats. Since the creation of DHS, FPS has essentially been ignored, denied sufficient staff, and short-changed the funding necessary to meet its critical facilities protection and law enforcement response missions. The Committees on Appropriations encourage the Administration to analyze the mission requirements of FPS in terms of the responsibilities assigned to FPS in law, as well as necessary levels of staffing and resources, so that the Congress is not required to dictate funding and staffing levels in annual appropriations bills. DHS and ICE are therefore directed to brief the Committees on Appropriations on the alignment of FPS mission requirements with the staffing and resources necessary to carry out FPS responsibilities.

#### AUTOMATION MODERNIZATION

The Committees on Appropriations provide \$30,700,000 for ICE Automation Modernization, as proposed by the House, instead of \$15,000,000 as proposed by the Senate. Of this amount, \$5,000,000 is withheld from obligation until the Committees on Appropriations receive and approve an expenditure plan.

#### CONSTRUCTION

The Committees on Appropriations provide \$16,500,000 for Construction, instead of \$6,000,000 as proposed by the House and \$16,250,000 as proposed by the Senate. Of the amounts provided, \$10,500,000 is designated as emergency. The amended bill includes a modified version of a provision proposed by the House that limits the obligation of funds for the solicitation of proposals to privatize ICE-owned detention facilities until a privatization plan is submitted to the Committees on Appropriations.

TRANSPORTATION SECURITY ADMINISTRATION  
 AVIATION SECURITY  
 (INCLUDING TRANSFER OF FUNDS)

The amended bill provides \$4,808,691,000 for Aviation Security instead of \$5,198,535,000 as proposed by the House and \$5,042,559,000 as proposed by the Senate. In addition to the amounts appropriated, two mandatory appropriations totaling \$500,000,000 are available through the Aviation Security Capital Fund and the Checkpoint Screening Security Fund. These mandatory appropriations were included as part of the 9/11 Act, which was enacted after the House and Senate passed their recommended levels for aviation security. The total funding provided reflects the budget amendment submitted on November 6, 2007. Bill language is also included to reflect the collection of \$2,210,000,000 from aviation user fees, as authorized. The following table specifies funding by budget activity:

Screener Workforce:	
Privatized screening .....	\$143,385,000
Passenger and baggage screeners, personnel, compensation and benefits .....	2,636,104,000
Subtotal, screener workforce .....	2,779,489,000
Screening training and other .....	223,766,000
Human resource services .....	182,234,000
EDS/ETD Systems:	
EDS procurement and installation .....	294,000,000
Screening technology maintenance and utilities .....	264,000,000
Operation integration .....	25,000,000
Subtotal, EDS/ETD systems .....	583,000,000
Total, screening operations .....	3,768,489,000
Aviation Security Direction and Enforcement .....	
Aviation, regulation and other enforcement .....	255,953,000
Airport management, information technology and support .....	651,933,000
Federal flight deck officer and flight crew training .....	25,091,000
Air cargo .....	73,000,000
Perimeter security .....	4,000,000
Subtotal, aviation security direction and enforcement .....	1,009,977,000
Implementing Requirements of the 9/11 Act .....	30,000,000
Discretionary Fees:	
General aviation at DCA .....	25,000
Indirect air cargo .....	200,000
Subtotal, discretionary fees .....	225,000
Total, Aviation Security .....	\$4,808,691,000

IMPLEMENTING REQUIREMENTS OF THE 9/11 ACT

The Committees on Appropriations include \$694,500,000 within the total appropriation provided to TSA for activities and requirements authorized in the 9/11 Act, including: \$544,000,000 for the procurement and installation of explosives detection systems at airports; \$73,000,000 for air cargo security; \$20,000,000 to expand Visible Intermodal Protection and Response Teams; \$10,000,000 to increase the number of explosives detection canine teams;

\$14,000,000 for general aviation vulnerability assessments and other activities; \$3,500,000 to test technologies to expedite the recovery, development, and analysis of information from aircraft accidents; and \$30,000,000 to implement regulations and other new activities authorized by the 9/11 Act. TSA shall use the \$30,000,000 to: conduct vulnerability assessments of high risk public transportation agencies, railroads, and over-the-road bus operators; security training programs for public transportation, over-the-road bus operators, and railroad employees; develop a railroad transportation security risk assessment and national strategy; develop regulations for name-based immigration status checks on public transportation and railroad employees; conduct security reviews of foreign repair stations within six months of the issuance of final regulations; pilot different technologies at airport exit lanes; develop procedures and initial implementation of a law enforcement officer biometric credential; improve security at general aviation airports; and procure blast resistant containers. TSA is directed to report to the Committees on Appropriations 90 days after the date of enactment of this Act on the proposed allocation of these funds at the account and PPA level.

#### PRIVATIZED SCREENING AIRPORTS

The Committees on Appropriations provide \$143,385,000 for privatized screening airports as proposed by the Senate instead of \$147,190,000 as proposed by the House. TSA is directed to notify the Committees on Appropriations if TSA expects to spend less than the appropriated amount due to situations where no additional airports express interest in converting, either fully or partially, to privatized screening, or where airports currently using privatized screening convert to using federal screeners. TSA shall adjust its program, project, and activity (PPA) line items, and notify the Committees on Appropriations within ten days, to account for any changes in private screening contracts and screener personnel, compensation and benefits to reflect the award of contracts under the screening partnership program, or the movement from privatized screening into federal screening.

#### PASSENGER AND BAGGAGE SCREENER PERSONNEL, COMPENSATION, AND BENEFITS

The Committees on Appropriations provide \$2,636,104,000 for passenger and baggage screener personnel, compensation, and benefits instead of \$2,589,304,000 as proposed by the House and \$2,601,404,000 as proposed by the Senate. This funding level includes \$36,700,000 requested in the budget amendment for additional behavior detection officers and back-of-the-airport screening activities. Funding for behavior detection officers has not been reduced, as proposed by the House, because TSA no longer is behind in hiring these positions. Also included is \$45,000,000 for the new travel document checker program as proposed by both the House and the Senate.

TSA shall brief the Committees on Appropriations on the detailed function of each of the three new transportation screening officers' specialized employee categories (travel document checkers,

behavior detection officers, and bomb appraisal officers). This briefing shall include the on-board full-time equivalent (FTEs) for each category in fiscal year 2008; the hiring plan to fill the new positions provided in fiscal year 2008 and planned for fiscal year 2009; the associated personnel, compensation, and benefits; equipment costs; other indirect costs; key milestones; expected benefits; a deployment schedule; training requirements, to include Federal, privacy, and civil rights and liberties standards; and measures that will be used to evaluate the success of these three specialized personnel categories. TSA shall also brief the Committees on Appropriations on the integration of the travel document checker program with the US-VISIT air exit solution.

#### AIRPORT EMPLOYEE SCREENING

Within the total funding for passenger and baggage screener personnel, compensation, and benefits, the Committees on Appropriations provide \$15,000,000 as proposed by the Senate instead of \$5,000,000 as proposed by the House to pilot various methods to screen airport employees at a total of seven airports. Specifically, TSA shall screen all airport employees at three airports for no less than 90 days. Screening shall be done at either the airport perimeter or the passenger checkpoints. In addition, TSA shall undertake other screening methods to enhance airport employee screening at up to four additional airports. These methods could include physical inspections, behavioral recognition, biometric access controls, and cameras and body imaging. TSA shall consult with the airports before identifying which airports will participate in the pilots. As part of this effort, TSA shall collect data on the benefits, costs, and impacts of 100-percent airport employee screening as well as on the other methods utilized.

TSA shall report to the Committees on Appropriations on: (1) the results of these pilots, including the average wait times at screening checkpoints for passengers and employees; (2) the estimated cost of the infrastructure and personnel necessary to implement a screening program for airport workers at all U.S. commercial service airports in order to meet a 10-minute standard for processing passengers and workers through screening checkpoints; (3) the ways in which the current methods for screening airport employees could be strengthened; and (4) the impact of screening airport workers on other security-related duties at airports. TSA shall notify the Committees on Appropriations within 120 days after the date of enactment of this Act on how it will utilize this funding and identify the airports that shall be participating in the pilots. TSA shall provide an interim briefing to the Committees on Appropriations on progress and results of these pilots not later than September 1, 2008. If a legislative proposal to screen 100-percent of airport employees is enacted, TSA may use these funds to comply with those requirements.

#### WAIT TIMES

TSA shall submit airport wait time data on a quarterly basis for domestic airports with above average wait times and for the top 40

busiest airports. As part of these quarterly reports, TSA shall explain any dramatic shift in wait times.

#### SCREENING TRAINING AND OTHER

The Committees on Appropriations provide \$223,766,000 for screening training and other instead of \$200,466,000 as proposed by the House and the Senate. This funding level includes \$23,400,000 requested in the budget amendment submitted on November 6, 2007, for the associated recruiting, hiring, training and outfitting costs related to additional screeners to address increased threats.

#### CHECKPOINT SUPPORT

Mandatory funding of \$250,000,000 has been provided for checkpoint support as required by the 9/11 Act. Both the House and Senate proposed discretionary funding for these activities in their versions of the bill. The Committees on Appropriations expect funding to be used to support a number of emerging technologies to screen airline passengers and carry-on baggage for explosives, weapons, and other threat objects by the most advanced equipment currently under development. Bill language is included clarifying that activities funded last year continue to be funded in fiscal year 2008.

#### EXPLOSIVE DETECTION SYSTEMS

The Committees on Appropriations provide a total of \$544,000,000 for explosive detection systems (EDS) procurement and installation instead of \$560,000,000 as proposed by the House and \$529,400,000 as proposed by the Senate. Within the total funding for EDS procurement and installation, \$294,000,000 is appropriated in this Act and \$250,000,000 is derived from mandatory funding from the Aviation Security Capital Fund. This funding is sufficient to fulfill the requirements in the 9/11 Act to enter into Letters of Intent (LOIs) and to complete other pending airport modifications. TSA is encouraged to use its existing authority to amend any LOI where the final project costs exceed original estimates, if they were subsequently validated as reimbursable prior to the date of enactment of this Act. Within the funds provided, not less than \$89,000,000 shall be available to procure and deploy next generation explosive detection systems. TSA shall explore multiple technologies in this area and give thorough consideration to the needs of medium and small airports that do not have certified EDS equipment.

No EDS funding shall be used to procure explosive trace detection machines (ETDs) unless they are necessary for secondary screening of checked baggage, to replace an aging ETD system in those airports that are primarily dependent on ETD technologies, or to procure new ETD systems for new, small airports or heliports that are federalized.

TSA is encouraged to explore consolidating checkpoint and checked baggage screening at smaller airports and shall brief the Committees on Appropriations on how this consolidation may work.

## SCREENING TECHNOLOGY MAINTENANCE AND UTILITIES

The Committees on Appropriations provide \$264,000,000 for screening technology maintenance and utilities as proposed by the House instead of \$257,000,000 as proposed by the Senate. This funding supports the maintenance and associated utilities of EDSs, ETDs, checkpoint equipment and other screening technologies installed at our nation's airports.

## AVIATION REGULATION AND OTHER ENFORCEMENT

The Committees on Appropriations provide \$255,953,000 for aviation regulation and other enforcement instead of \$223,653,000 as proposed by the House and \$226,653,000 as proposed by the Senate. This amount includes \$29,300,000 requested in the budget amendment submitted on November 6, 2007, to increase the number of canine teams, to establish vetting capabilities for general aviation passengers and crews, and to conduct general aviation threat assessments. In addition, \$3,000,000 has been provided above the budget request to support local law enforcement officer cooperative agreements, as proposed by the Senate.

## AIR CARGO

The Committees on Appropriations provide \$73,000,000 for air cargo as proposed by the House instead of \$65,768,000 as proposed by the Senate. This funding level is \$17,232,000 above the budget request and shall be used for the following: (1) to continue training and deployment of additional canine teams at high volume air cargo airports to increase inspections; (2) for additional air cargo inspectors to monitor compliance of air carriers and freight forwarders with security directives; (3) to continue development of a certified shipper program to determine if this method can contribute to the 100-percent screening requirement in the 9/11 Act; (4) for equipment, technology and other methods to screen air cargo; and (5) to transfer techniques from the three air cargo pilot programs to additional airports that may express an interest in using them, if results appear promising.

Within the fiscal year 2007 supplemental appropriation (Public Law 110-28), funding was provided for TSA to assess air cargo vulnerabilities at the largest airports (Category Xs). TSA is directed to brief the Committees on Appropriations no later than March 1, 2008, on the results of the vulnerability assessments at all airports completed, as detailed in the Senate report. If vulnerability assessments have not been completed at all of the largest airports, TSA shall brief the Committees on Appropriations again once all work has been concluded.

The Committees on Appropriations are encouraged at the progress TSA has made to limit its use of contractors for air cargo regulatory activities and to hire dedicated federal employees. Therefore, quarterly reports on this topic are not required unless TSA significantly increases its use of contractors for air cargo regulatory activities in this program.



## PERIMETER SECURITY

The Committees on Appropriations provide \$4,000,000 for airport perimeter security projects as proposed by the House and the Senate. In the past, TSA has been slow to obligate perimeter security funding and just recently awarded funds appropriated in fiscal year 2006. TSA is expected to competitively award these funds in 2008. In addition, TSA shall brief the Committees on Appropriations on actions taken to implement recommendations made by GAO on airport perimeter security weaknesses, as discussed in the Senate report.

## FLIGHT DECK RECORDERS AND REMOTE SENSING DEVICES

Within the \$651,933,000 provided for airport management, information technology, and support, the Committees on Appropriations provide \$3,500,000 to implement section 1610(2)(b) of the 9/11 Act. This funding shall be used to test technologies to expedite the recovery, development, and analysis of information from aircraft accidents to determine the cause of the accident, including deployable flight deck and voice recorders, and remote location recording devices. TSA shall work with the Federal Aviation Administration on these efforts.

## FOREIGN REPAIR STATIONS

TSA shall work aggressively with the Federal Aviation Administration to complete final regulations to audit certified repair stations in foreign countries as required by the 9/11 Act and brief the Committees on Appropriations periodically on its efforts to do so.

## BUTANE LIGHTERS

In accordance with authority provided in section 530 of P.L. 109-295, TSA suspended enforcement of the prohibition on butane and other types of lighters onboard aircraft. Pursuant to that authority, the Assistant Secretary certified that butane and other types of lighters pose a significantly lower security threat based on intelligence driven threat assessments. Not later than five months after enactment of this Act, TSA is directed to report on anticipated security benefits and vulnerabilities associated with the decision to suspend enforcement of the prohibition on butane lighters onboard aircraft, including supporting analysis justifying the conclusions reached. The Comptroller General is directed to report on its assessment of TSA's report not later than 180 days after the report is submitted.

## VOLUNTARY PROVISION OF EMERGENCY SERVICES PROGRAM

The Committees on Appropriations are concerned with TSA's implementation of the Voluntary Provision of Emergency Services Program and direct TSA to comply with the terms and conditions listed in section 563 of the Senate bill.

## SURFACE TRANSPORTATION SECURITY

The amended bill provides \$46,613,000 for Surface Transportation Security instead of \$41,413,000 as proposed by the House

and the Senate. Within this total, \$24,485,000 is for surface transportation staffing and operations and \$22,128,000 is for rail security inspectors and canines. This funding level reflects the budget amendment submitted on November 6, 2007, of \$5,200,000 to hire new surface transportation inspectors for use in the Visible Intermodal Protection and Response teams.

#### TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

The amended bill provides a direct appropriation of \$82,590,000 for Transportation Threat Assessment and Credentialing instead of \$64,490,000 as proposed by the House and \$67,490,000 as proposed by the Senate. In addition, the Committees on Appropriations anticipate TSA will collect \$82,601,000 in fees. Funding is provided as follows:

Direct Appropriation:	
Secure flight .....	\$50,000,000
Crew vetting .....	14,990,000
Screening administration and operations .....	9,500,000
Transportation worker identification credential .....	8,100,000
	<hr/>
Subtotal, direct appropriations .....	82,590,000
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Fee Collections: Registered traveler .....	35,101,000
Transportation worker identification credential .....	26,500,000
Hazardous materials .....	19,000,000
Alien flight school (transfer from DOJ) .....	2,000,000
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Subtotal, fee collections.. .....	\$82,601,000

#### SECURE FLIGHT

The Committees on Appropriations provide \$50,000,000 for Secure Flight instead of \$40,000,000 as proposed by the House and \$28,000,000 as proposed by the Senate. In addition, the amended bill contains a general provision, similar to that proposed by the Senate, which permits TSA to transfer up to an additional \$24,000,000 to the Secure Flight program if necessary. This level fully funds the budget request and reflects progress TSA has made in this program.

The Committees on Appropriations are concerned that, even with the Secure Flight program, TSA plans to continue to screen passenger names against only a subset of the full terrorist watch list. Therefore, the amended bill includes language as proposed by the House that requires the Assistant Secretary to certify to the Committees on Appropriations that no significant security risks are raised by screening airline passenger names only against a subset of the full terrorist watch list instead of the full watch list. In addition, the Inspector General is directed to report on the vulnerabilities that exist to our aviation system if the Secure Flight program does not screen against the full terrorism watch list.

#### SCREENING ADMINISTRATION AND OPERATIONS

The Committees on Appropriations provide \$9,500,000 for screening administration and operations as proposed by both the House and the Senate. No funds appropriated for screening administration and operations may be used for the Secure Flight program or for the Transportation Worker Identification Credential (TWIC)

program beyond the amounts specifically appropriated for these programs unless TSA submits a reprogramming or transfer request. In the past, TSA has used the screening administration and operations account to supplement these programs' direct appropriations.

TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL

The Committees on Appropriations provide a direct appropriation of \$8,100,000 for the transportation worker identification credential instead of \$15,000,000 as proposed by the Senate. No funding was proposed by the House. This funding shall be allocated as follows: \$6,100,000 to fund the local cost share of the five card reader pilots and \$2,000,000 for program evaluation of these pilots. While the Committees on Appropriations are pleased that the five pilots are proceeding, they disagree that the ports must contribute a 25-percent local match. Since this is a pilot program, which may not have direct benefit to the ports, funding has been included to pay the local cost share of this program.

TSA is urged to ensure that the Coast Guard and terminal operators work closely with local port police and other law enforcement agencies to develop the operational procedures that will ensure effective implementation of the TWIC program. Also, TSA is directed to work with the appropriate officials of Florida and other port authorities to resolve differences between TWIC and existing State transportation facility access control programs.

REGISTERED TRAVELER

In lieu of report language proposed by the House, the Committees on Appropriations include new bill language permitting approved members of Registered Traveler (RT) programs to satisfy the required identity verification procedures at security screening checkpoints by presenting a biometrically-secure RT card in lieu of the government-issued photo identification document required of non-RT participants. The Committees on Appropriations are aware that the industry consortium representing registered traveler providers has submitted a proposal to TSA that would update the common RT standard, which may address this issue. However, because TSA has not determined whether or not to adopt this updated standard, this language is necessary.

TRANSPORTATION SECURITY SUPPORT

The amended bill provides \$523,515,000 for Transportation Security Support instead of \$526,615,000 as proposed by the House and \$521,515,000 as proposed by the Senate. Funding is provided as follows:

Headquarters administration .....	\$293,191,000
Information technology .....	209,324,000
Intelligence .....	21,000,000
	<hr/>
Subtotal, transportation security support .....	\$523,515,000

## EXPENDITURE PLAN

The amended bill includes language requiring TSA to submit a detailed expenditure plan to the Committees on Appropriations for checkpoint support and explosive detection systems procurement, refurbishment, and installation on an airport-by-airport basis for fiscal year 2008. This report is due no later than 60 days after enactment of this Act. In addition, the Secretary is directed to submit a final strategic plan for checkpoint technologies as described in the joint explanatory statement of managers accompanying Public Law 109-295. To date, the Committees on Appropriations have only received an interim plan. The amended bill withholds \$10,000,000 from obligation until the detailed expenditure plans, described above, and the final strategic plan for checkpoint technologies are received.

## RED TEAMING

Red teaming exercises help identify vulnerabilities to our critical transportation systems. TSA is directed to be more proactive in this area in fiscal year 2008, but also to ensure that those facilities being visited are not aware of the red teaming exercises beforehand. Recent testimonies and emails have made it clear that on occasion, certain facilities were notified of upcoming red teaming activities and what to look for before the teams arrived, resulting in inaccurate results. This advance notification cannot occur in the future. For a red team to operate successfully, its members must not be recognized.

The Committees on Appropriations provide a total of \$6,260,000 for red teaming exercises within the appropriation for Headquarters Administration, which is nearly a 50-percent increase to this program. This funding level will enable red teaming activities to identify potential vulnerabilities and weaknesses in airports and air cargo facilities, as well as in transit, rail, and ferry systems. TSA shall brief the Committees on Appropriations biannually on these activities, as discussed in the House report.

## SENIOR CAREER EMPLOYEES

TSA has had frequent and sustained turnover within its senior employees. TSA is encouraged to build a stable, senior career workforce so that when a change in administration occurs, the agency can continue operating without a diminution in transportation security oversight. As such, TSA shall brief the Committees on Appropriations on its plans and efforts to retain senior career employees. In addition, GAO is directed to report on the history of senior executive service-level career turnover since the formation of TSA.

## PERFORMANCE ACCOUNTABILITY AND STANDARDS SYSTEM

TSA is directed to submit a report to the Committees on Appropriations; the Senate Committee on Homeland Security and Governmental Affairs; the House Committee on Homeland Security; the Senate Committee on Commerce, Science, and Transportation; and the House Committee on Transportation and Infrastructure on the implementation of the Performance Accountability and Stand-

ards System. The report shall include (1) the number of employees who achieved each level of performance; (2) a comparison between managers and non-managers relating to performance and pay increases; (3) the type and amount of all pay increases that have taken effect for each level of performance; and (4) the attrition of employees covered by the Performance Accountability and Standards System.

#### FEDERAL AIR MARSHALS

The amended bill provides \$769,500,000 for the Federal Air Marshals (FAMs) instead of \$722,000,000 as proposed by the House and the Senate. This recommendation includes \$47,500,000 requested in the budget amendment submitted on November 6, 2007, to increase staffing, to sustain current international flight coverage, and to restore coverage on targeted critical domestic flights. Within the total appropriation provided, \$674,173,000 is for management and administration and \$95,327,000 is for travel and training. TSA shall continue to provide quarterly reports on the mission coverage, staffing levels, and hiring rates as directed in previous appropriations Acts.

#### FORCE MULTIPLIER

The Committees on Appropriations remain supportive of the FAMs force multiplier efforts. TSA should brief the Committees on the status of this program, its estimated costs and benefits, the logistical and operational aspects of using this system, and a timeline to implement it, if the system proves to be cost effective.

#### COAST GUARD

##### OPERATING EXPENSES

The amended bill provides \$5,891,347,000 for Operating Expenses (OE) instead of \$5,930,545,000 as proposed by the Senate and \$5,885,242,000 as proposed by the House. Of this amount, \$70,300,000 is designated as an emergency and \$340,000,000 is available for defense-related activities as proposed by both the House and the Senate. Not to exceed \$20,000 is provided for reception and representation, as proposed by the House instead of not to exceed \$10,000 as proposed by the Senate. The amended bill allows OE funds to be used for minor construction projects not exceeding \$1,000,000 in total costs at any location. The Committees on Appropriations deny the request to transfer a portion of the Bridge Administration program from Coast Guard to the Department of Transportation as proposed by the House and Senate and include \$2,650,000 to maintain this function; and deny \$2,000,000 in proposed management efficiency savings due to lack of detail justifying the decrease. The Committees on Appropriations also deny the proposed reduction of \$267,000 and 29 FTE for the Civil Engineering High Performance Organization Initiative and include a general provision denying alteration of the Civil Engineering Unit as proposed by the House and Senate. Funding for operating expenses shall be allocated as follows:

Military pay and allowance:	
Military pay and allowance .....	\$2,463,934,000
Military health care .....	346,765,000
Permanent change of station .....	110,974,000
Subtotal, military pay and allowance .....	<u>2,921,673,000</u>
Civilian pay and benefits .....	594,803,000
Training and recruiting:	
Training and education .....	84,622,000
Recruitment .....	100,982,000
Subtotal, training and recruiting .....	<u>185,604,000</u>
Operating funds and unit level maintenance:	
Atlantic Command .....	176,923,000
Pacific Command .....	198,580,000
1st District .....	58,573,000
5th District .....	22,222,000
7th District .....	77,138,000
8th District .....	46,126,000
9th District .....	32,084,000
11th District .....	17,437,000
13th District .....	23,230,000
14th District .....	19,401,000
17th District .....	31,734,000
Headquarters directorates .....	269,303,000
Headquarters managed units .....	130,450,000
Other activities .....	31,680,000
Subtotal, operating funds and unit level maintenance .....	<u>1,134,881,000</u>
Centrally managed accounts .....	229,896,000
Intermediate and depot level maintenance:	
Aeronautical maintenance .....	295,950,000
Electronic maintenance .....	118,983,000
Civil/ocean engineering and shore facilities maintenance .....	171,317,000
Vessel maintenance .....	167,940,000
Subtotal, intermediate and depot level maintenance ....	<u>754,190,000</u>
Port and maritime security enhancements .....	<u>70,300,000</u>
Total, operating expenses .....	\$5,891,347,000

#### PORT AND CARGO SECURITY

The Committees on Appropriations provide \$58,800,000 for port and cargo security, instead of \$45,000,000 as proposed by the House and \$30,000,000 as proposed by the Senate. Increasing port presence and security operations in critical ports is a vital component of DHS's overall maritime border security strategy and additional resources are provided for this purpose. Within the total provided: \$2,000,000 is for Liquefied Natural Gas and dangerous cargo suitability assessments to ensure that such assessments pass peer-reviewed, scientific scrutiny; \$2,000,000 is for spot check of Maritime Transportation Security Act (MTSA) regulated facilities; \$29,400,000 is for an additional 238 boat crew members, boarding team members, and marine inspectors and 26 Defender Class small boats to enhance Coast Guard's ability to enforce security zones, protect critical infrastructure, and provide escorts and boarding of high interest vessels; \$4,800,000 is for long range identification and tracking in order to provide additional information to validate a

vessel's position and movement; \$2,000,000 is for port security vulnerability assessments; \$2,000,000 is for port security exercise and training programs, as required by Sections 113 and 114 of the SAFE Port Act; \$1,900,000 is for the inclusion of salvage response plans in Area Maritime Transportation Security Plans, as required by Section 101 of the SAFE Port Act; \$11,600,000 is to implement Section 108 of the SAFE Port Act including additional watch standers and intelligence officers; and \$3,100,000 is to develop rulemakings and finalize regulations contained in the SAFE Port Act.

#### INTENSIVE MAINTENANCE FOR PATROL BOATS

The Committees on Appropriations provide \$11,500,000 for Coast Guard to pilot an intensive maintenance regime for 110-foot Island Class patrol boats in District Seven. The House provided an additional \$20,500,000 within the Acquisition, Construction, and Improvements appropriation for an intensive maintenance and sustainment regime for the 110-foot patrol boats. The Senate provided funding at the request level. Such a regime is operational with the six patrol boats assigned to Operation Iraqi Freedom, which has enabled Coast Guard to substantially increase the operational hours of these boats. The additional funding provided will allow eight 110-foot patrol boats home-ported in Miami, Key West and St. Petersburg, Florida to operate an additional 3,200 hours per year. Coast Guard is directed to brief the Committees on Appropriations on the results of this pilot six months after it is put into operation.

#### TRAINING AND RECRUITING

The Coast Guard is directed to increase recruitment ceilings in those recruiting offices with strong minority enlistments as discussed in the House report. The Committees on Appropriations recognize the important role that research and education programs play in adapting and adopting logistical and business systems. The Center of Excellence in Logistics and Technology (LOGTECH) was created to facilitate the advancement of logistics in the military, yet the Coast Guard is currently the only military service not participating in LOGTECH educational programs. Within total OE funding, \$450,000 is included to fund Coast Guard participation in LOGTECH.

#### PERSONNEL

No funding is included for acquisition personnel within the OE appropriation as proposed by the House. The Senate bill proposed the transfer of \$82,215,000 to this appropriation from the Acquisition, Construction, and Improvements (AC&I) appropriation. Bill language is included to allow Coast Guard to transfer up to five percent of the OE appropriation to the AC&I appropriation for personnel, compensation and benefits with notice to the Committees on Appropriations within 30 days of the transfer.

## OPERATIONS SYSTEM CENTER

The amended bill provides \$3,600,000 for planning and design of an expansion to the Coast Guard Operations System Center, subject to the approval of a prospectus, as detailed in the Senate report.

## LONG RANGE AIDS TO NAVIGATION (LORAN)-C

The budget request proposed terminating the LORAN-C program. This decision was made before the National Space Based Position Navigation and Timing Executive Committee recommended the administration pursue ELORAN as a national positioning, navigation and timing backup. Furthermore, a coordinated Executive Branch policy on the future of the LORAN-C system is still being considered. In recent correspondence to the Committees on Appropriations, the Coast Guard indicated that a full analysis of the LORAN-C system will not be completed until March 1, 2008. Therefore, the Committees on Appropriations deny the request to terminate the LORAN-C program and assume its continuation in fiscal year 2008.

## RESPONSIVENESS

The Coast Guard Chief of Staff is directed to brief the Committees on Appropriations within one month from the date of enactment of this Act detailing measures that will be implemented to correct Coast Guard delays in responding to Committee questions as discussed in the House report.

## MULTI-CREWING PERFORMANCE METRICS

The Coast Guard is directed to provide quarterly briefings to the Committees on Appropriations on the performance of its assets that are multi-crewed as detailed in the House report.

## A-76

The Committees on Appropriations are concerned that Coast Guard has decided to contract out the administration of its "competitive sourcing" program and OMB Circular A-76 program to a private sector firm. Coast Guard is directed to brief the Committees on Appropriations on how many federal employees are dedicated to these programs, the responsibilities of the private sector firm, and the reason for the increase in A-76 activity at Coast Guard.

## AIRBORNE USE OF FORCE

The Committees on Appropriations agree to the \$21,500,000 reduction requested by the President to eliminate funding for leased armed helicopters and as proposed by the Senate. Coast Guard plans to replace eight leased helicopters with ten Coast Guard Airborne-Use-of-Force equipped, re-engined HH-65C helicopters.



## REALIGNMENT AND TRANSFORMATION ORDERS

The Coast Guard is directed to submit a report describing and assessing each of the 10 realignment and transformation orders as detailed in the Senate report. GAO is directed to review the Coast Guard report no later than 120 days after its submittal to the Committees on Appropriations. As part of its review, GAO is directed to assess the benefits and drawbacks of including all funding for Coast Guard personnel within the OE appropriation.

## BASE REALIGNMENT AND CLOSURE IMPACT

Coast Guard is directed to brief the Committees on Appropriations on the impact of base closures and realignments on Coast Guard facilities, as detailed in the Senate report.

## MISSION HOUR EMPHASIS AND ACQUISITION REPORTS

Coast Guard is directed to continue submitting quarterly mission hour emphasis and acquisition reports to the Committees on Appropriations consistent with the deadlines articulated under section 360 of Division I of Public Law 108-7 as detailed in the Senate report.

## COAST GUARD ACADEMY PIER FOR EAGLE

Coast Guard is directed to report no later than February 5, 2008, to the Committees on Appropriations on the current condition and future intentions with respect to repair/replacement of the pier used to winter-berth the CGC Eagle at the Coast Guard Academy as detailed in the Senate report.

## NATIONAL INTERESTS IN THE POLAR REGIONS

The Committees on Appropriations are concerned about Coast Guard's ability to meet its polar operations mission requirements and provide the United States with the capability to support national interests in the polar regions. These mission requirements include, but are not limited to: global reach to the North and South poles; monitoring of U.S.-bound vessel traffic transiting international waterways in the far north; support of the International Ice Patrol; and support of other governmental and scientific organizations in pursuit of marine and atmospheric science activities in the polar regions. The Committees on Appropriations are specifically concerned whether Coast Guard's aging polar icebreaking fleet can meet current mission performance goals and whether this fleet and the service's small cadre of specialized polar operations personnel are capable of meeting projected mission performance goals in light of changing environmental conditions and increased activity in the polar regions. The National Academy of Sciences made several recommendations in this regard in September 2006, but the Administration has taken no action to implement those recommendations.

Therefore, the Commandant is directed to submit a comprehensive polar operations report that fully assesses the Coast Guard's ability to meet current and projected polar mission requirements and includes an evaluation of how Coast Guard's current capabili-

ties and resources must be adapted or enhanced to account for changing environmental conditions and increased activity in the polar regions. This report is to include an analysis of the need for any permanent, forward operating presence in the polar regions in order to meet mission requirements and an assessment of the Coast Guard's ability to meet the requirements of partner agencies operating in the polar regions, such as the National Science Foundation (NSF) and the Departments of Commerce and Defense, under current and projected environmental conditions. Finally, this report should include an appraisal of the sustainability of the current operations and maintenance cost sharing arrangement between the Coast Guard and NSF to support both current and projected polar icebreaker operations.

#### MARITIME DOMAIN AWARENESS CAPACITY FOR PACIFIC OCEAN

Coast Guard is directed to report by February 5, 2008, on the current maritime domain awareness capacity for the remote and western Pacific Ocean, and include an assessment of remote sensing technology necessary to enhance this capacity, as detailed in the Senate report.

#### ENVIRONMENTAL COMPLIANCE AND RESTORATION

The amended bill provides \$13,000,000, instead of \$12,079,000 as proposed by the Senate and \$15,000,000 as proposed by the House. Additional funding is provided to begin to reduce the current backlog totaling \$109,663,299.

#### RESERVE TRAINING

The amended bill provides \$126,883,000 as proposed by the Senate and House.

#### ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

##### (INCLUDING RESCISSIONS OF FUNDS)

The amended bill provides \$1,125,083,000 for Acquisition, Construction and Improvements instead of \$1,048,068,000 as proposed by the Senate and \$941,767,000 as proposed by the House. Of this amount, \$95,800,000 is designated as emergency. Funding is provided as follows:

Vessels:	
Response boat medium .....	\$45,000,000
Subtotal, vessels .....	45,000,000
Other Equipment:	
Nationwide Automatic Identification System .....	12,000,000
Rescue 21 .....	80,300,000
High frequency recapitalization .....	2,500,000
National Capital Region air defense .....	11,500,000
Defense messaging system .....	5,000,000
Maritime security response team-shoothouse .....	1,800,000
Interagency Operational Centers .....	60,000,000
Subtotal, Other Equipment .....	173,100,000
Shore Facilities and Aids to Navigation:	
Survey and design, shore operational & support projects .....	1,337,000

Rebuild Station Marquette .....	6,000,000
Rescue Swimmer Training Facility .....	13,300,000
Construct duty boating, Station Washington .....	2,180,000
Waterways aids to navigation .....	2,500,000
Housing—Cordova, Alaska .....	7,380,000
Rebuild station and waterfront at Base Galveston, Phase I .....	5,200,000
Sector Buffalo .....	3,100,000
Subtotal, Shore Facilities and Aids to Navigation .....	40,997,000
Personnel and Related Support:	
Direct personnel costs .....	82,215,000
AC&I core .....	505,000
Subtotal, Personnel and Related Support .....	82,720,000
Integrated Deepwater System:	
Aircraft:	
Maritime patrol aircraft .....	170,016,000
HH-60 conversion projects .....	57,300,000
HC-130H conversion/sustainment projects .....	18,900,000
HH-65 conversion project .....	50,800,000
Armed helicopter equipment .....	24,600,000
C-130J fleet introduction .....	5,800,000
Subtotal, Aircraft .....	327,416,000
Surface Ships:	
National security cutter .....	165,700,000
Patrol boats sustainment .....	40,500,000
IDS small boats .....	2,700,000
Medium endurance cutter sustainment .....	34,500,000
Subtotal, Surface Ships .....	243,400,000
C4ISR .....	89,630,000
Technology obsolescence prevention .....	700,000
Logistics .....	36,500,000
System engineering and management .....	35,145,000
Government program management .....	50,475,000
Subtotal, Integrated Deepwater System .....	783,266,000
Rescissions:	
UAV funding .....	- 33,821,524
OPC unobligated balances .....	- 98,627,476
Subtotal, rescissions .....	- 132,449,000
Total, Acquisition, Construction and Improvements .....	\$992,634,000

#### ACQUISITION PROJECT INFORMATION

As detailed in the House report, Coast Guard is directed to relay acquisition project metrics to the Committees on Appropriations and to include outyear funding estimates by asset in the quarterly acquisition report.

#### RESPONSE BOAT-MEDIUM

The Committees on Appropriations provide \$45,000,000 for the response boat-medium (RB-M) instead of \$9,200,000 as proposed by the House and the Senate. Additional funding is provided to support the acquisition of fourteen additional RB-Ms. Recent studies have identified the lack of response boats as an impediment to fully implementing Coast Guard's mission requirements.

## INTERAGENCY PORT SECURITY OPERATIONAL CENTERS

The Committees on Appropriations provide \$60,000,000 for interagency port security operational centers as proposed by the Senate instead of no funding proposed by the House. This funding is provided to implement section 108 of the SAFE Port Act. Within the total, up to \$9,100,000 may be obligated for Command 21. Coast Guard is directed to submit an expenditure plan for interagency operational centers as detailed by the Senate. Further, the Commandant of the Coast Guard is directed to submit to the Committees on Appropriations a report on the implementation and use of interagency operational centers for port security under section 70107A of title 6, United States Code. The report should include: (1) a detailed description of the progress made in transitioning Project Seahawk in Charleston, South Carolina, from the Department of Justice to Coast Guard, including all projects and equipment associated with that project; (2) a detailed description of the actions being taken to assure the integrity of Project Seahawk and ensure there is no loss in cooperation between the agencies specified in section 70107A(b)(3) of title 46, United States Code; and (3) a detailed description and explanation of any changes in Project Seahawk as of the date of the report, including any changes in Federal, State, or local staffing of that project. This direction is in lieu of the Senate proposed general provision.

## RESCUE 21

The Committees on Appropriations provide \$80,300,000 for Rescue 21, instead of \$80,800,000 as proposed by the House and the Senate. The Committees on Appropriations are concerned with recent information concerning outages experienced by the Rescue 21 system, essentially rendering the system useless during those instances. Within the last year over 394 outages have been recorded by Coast Guard in seven locations. Included within this: Atlantic City reported three outages lasting more than 11 hours each; the Eastern Shore reported one outage lasting more than 12 hours and seven outages lasting more than two hours each; Mobile reported 12 outages ranging from 4.3 to 14.9 hours; and St. Petersburg reported ten outages ranging from 4.1 to 14.8 hours. While outages undoubtedly occurred with the legacy rescue system, outages with this new system should be minimized and controlled as increased availability and reliability are the cornerstones of the Rescue 21 system. It is unclear if this outage problem has been addressed. Coast Guard must address this problem before new locations are added to the system. Coast Guard is directed to provide quarterly briefings on the status of this program, including plans to address outages.

## DEEPWATER EXPENDITURE PLAN

The amended bill requires Coast Guard to submit an expenditure plan for Deepwater that contains the following: lifecycle staffing and training needs; identification of procurement competition and procurement plans that do not rely on a single entity or contract and contain only limited indefinite delivery, indefinite quantity contracts; activities, milestones, yearly costs, and lifecycle costs of

each major asset, including independent cost estimates; DHS Chief Human Capital Officer certification of sufficient human capital capabilities; identification of project balances by fiscal year and operational gaps for each asset; DHS Chief Procurement Officer (CPO) certification of investment management process compliance; DHS CPO certification of compliance with Federal acquisition rules and action taken to address areas of noncompliance; status of open IG and GAO recommendations; and identification of the use of the Defense Contract Auditing Agency. GAO is directed to continue oversight of the Deepwater program, with focus on review of the expenditure plan and assessment of the operational gaps identified by the Coast Guard and Coast Guard's plans to address these gaps. Coast Guard is directed to brief the Committees on Appropriations on the process it will use to resolve deviations from specified contract requirements and to promptly notify the Committees on Appropriations of specific procurement contract deviations.

#### MARITIME PATROL AIRCRAFT

The Committees on Appropriations provide \$170,016,000 for the maritime patrol aircraft as proposed by the Senate instead of the \$100,000,000 as proposed by the House. Bill language is included providing that \$70,000,000 of this amount may not be obligated until Coast Guard certifies that this aircraft has completed developmental testing and evaluation (DT&E). The Committees on Appropriations are concerned about the significant shortfall of maritime patrol aircraft (MPA) resource hours currently confronting Coast Guard. Coast Guard currently estimates that it will be nearly 50 percent below its MPA resource hour needs in 2008. This shortfall is the result of multiple factors, including the significant loss of legacy aircraft over the last 16 years, and is exacerbated by delays in DT&E and formal acceptance of the replacement MPA as integration problems with the mission pallet are solved. The failure to develop a cogent Unmanned Aerial Surveillance program is also threatening the long-term plan to mitigate this significant gap. Similar to the patrol boat mission hour shortfall, Coast Guard let this gap languish for several years before recognizing it as a substantial problem. Maritime intelligence and surveillance capabilities are critical for Coast Guard's effective execution of its maritime safety and security mission. Therefore, Coast Guard is directed to analyze short term stop-gap measures to address its MPA capability needs until its large-scale acquisitions are in full operation. Coast Guard should utilize outside experts to assist with this analysis and brief the Committees on Appropriations on the results of this analysis within six months from the date of enactment of this Act. Coast Guard is directed to continue to keep the Committees on Appropriations informed of the progress of the DT&E of the MPA and to provide updated details on cost and schedule resulting from the delayed acceptance of the MPA mission pallet.

#### C-130J MISSIONIZATION AND FLEET INTRODUCTION

The Committees on Appropriations provide \$5,800,000 for fleet introduction of the C-130Js, as proposed by the House and the Senate. The requested funds were to continue missionization of six

C-130J aircraft to include radars, sensors, identification systems, displays, antennas, and a mission operator's station. The Committees on Appropriations understand that the missionization project has experienced an increase in estimated cost that exceeds eight percent of the total contracted cost and Coast Guard has directed an independent audit of the project. Pending approval of a remediation plan to address the cost overrun, Coast Guard does not intend to expend funds missionizing C-130J four through six. Coast Guard is directed to brief the Committees on Appropriations no later than 45 days after enactment of this Act on the impact of missionization delays on full fleet introduction; remediation plans to address the cost overrun; and plans to address the gap in flight hours lost due to project delays.

#### NATIONAL SECURITY CUTTER

The Committees on Appropriations provide \$165,700,000 for the National Security Cutter (NSC) as proposed by the Senate instead of \$105,800,000 as proposed by the House. Since the House and Senate bills passed, Coast Guard revised its budget request to reflect changes in projected spending and need for additional funds for the first three NSCs. In August 2007, Coast Guard entered into a Consolidated Contract Action to resolve all outstanding cost overruns incurred by the contractor due to economic and customer changes that have occurred over the past four years. As a result, the Committees on Appropriations provide funding consistent with the revised request for Government Furnished Equipment, certifications and logistics for NSC #3 and #4, as well as long lead material for the fourth NSC.

#### REPLACEMENT PATROL BOAT

The replacement patrol boat procurement is critically needed given the significant gap in patrol boat hours and the delays of the Fast Response Cutter (FRC) program. Coast Guard is directed to provide bimonthly briefings to the Committees on Appropriations on the status of this procurement, including critical decision points and dates, planned service life extensions of existing 110-foot patrol boats, and patrol boat operational metrics.

#### RESCISSIONS

The amended bill rescinds \$132,449,000 in unobligated balances for the Offshore Patrol Cutter and the Unmanned Aerial Vehicle. Both of these programs are in a state of pre-acquisition and development. Funding has been provided in the Research, Development, Test, and Evaluation appropriation for Coast Guard to study the application of unmanned aerial systems.

#### SECTOR NEW ORLEANS

Public Law 109-148 provided funding for Coast Guard to repair the Sector New Orleans facility damaged as a consequence of Hurricane Katrina. The Committees on Appropriations clarify that this funding should be used for repair, construction, or reconstruction.

## ALTERATION OF BRIDGES

The amended bill provides \$16,000,000 for Alteration of Bridges as proposed by the House and Senate. Within this total, funds shall be allocated as follows:

Burlington Northern Railroad Bridge in Burlington, Iowa .....	\$1,000,000
Canadian Pacific Railway Bridge in LaCrosse, Wisconsin .....	3,500,000
Chelsea Street Bridge in Chelsea, Massachusetts .....	2,000,000
Elgin, Joliet, and Eastern Railway Company Bridge in Morris, Illinois .....	2,000,000
Fourteen Mile Bridge in Mobile, Alabama .....	3,750,000
Galveston Causeway Bridge in Galveston, Texas .....	3,750,000
Total .....	<u>\$16,000,000</u>

## RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

The amended bill provides \$25,000,000 for Research, Development, Test, and Evaluation instead of \$17,583,000 as proposed by the House and \$25,583,000 as proposed by the Senate. Additional funding above the request is for priority research to determine the most effective unmanned aerial system to operate off the NSC and for increased research on ways to best manage ballast water to prevent the introduction and spread of aquatic invasive species. Coast Guard is directed to brief the Committees on Appropriations on the preliminary results of the unmanned aerial system research.

## RETIRED PAY

The amended bill provides \$1,184,720,000 as proposed by both the House and the Senate.

## UNITED STATES SECRET SERVICE

## SALARIES AND EXPENSES

The amended bill provides \$1,381,771,000 for U.S. Secret Service Salaries and Expenses instead of \$1,392,171,000 as proposed by both the House and the Senate. This includes: \$853,690,000 for protective functions, including \$85,250,000, as requested, for Presidential candidate nominee protection, \$1,000,000 for National Special Security Events, \$32,796,000 for relocation of the Joint Operations Center, and \$16,201,000 for White House mail screening; and \$300,193,000 for investigations and field operations.

The following table specifies funding by budget program, project, and activity:

Headquarters Management and Administration .....	175,934,000
Protection:	
Protection of Persons and Facilities .....	693,535,000
Protective Intelligence Activities .....	57,704,000
National Special Security Event Fund .....	1,000,000
White House mail screening .....	16,201,000
Presidential candidate nominee protection .....	85,250,000
Subtotal, Protection .....	<u>853,690,000</u>
Investigations:	
Domestic field operations .....	219,742,000
International field office administration operations .....	27,520,000
Electronic Crimes Special Agent Program and Electronic Crimes Task Forces .....	44,565,000

Support for missing and exploited children .....	8,366,000
Subtotal, Investigations .....	300,193,000
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Training:	
Rowley Training Center .....	51,954,000
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Total, Salaries and Expenses .....	1,381,771,000

#### FINANCIAL MANAGEMENT

The Committees on Appropriations note the Secret Service has had difficulty managing its program budgets within appropriated program, project, and activity levels. The Congress appropriated independent protection and investigations budgets for the Secret Service in fiscal year 2007 to reinforce the importance of adequate financial controls. The Committees on Appropriations agree to return the Secret Service budget structure to a single "Salaries and Expenses" account as proposed by both the House and Senate, and do not include a more restrictive reprogramming threshold for the Secret Service, as proposed by the House. The Secret Service is directed to brief the Committees on Appropriations at least quarterly on its budget execution, specifically detailing any modifications to appropriated program, project and activity levels. Since fiscal year 2008 includes a significant portion of the workload associated with the Presidential campaign, it will be critical for the Secret Service to pay close attention to any variance in costs associated with candidate protection. The Secret Service is further directed to ensure the necessary financial controls are in place to comply with section 503 of this Act.

#### SECRET SERVICE OVERTIME WORKLOAD

The Committees on Appropriations do not include a statutory provision proposed by the House limiting annual Secret Service overtime payments to no more than \$35,000 for any individual employee, unless waived by the Secretary of Homeland Security. While other DHS law enforcement agencies are able to manage their overtime budgets within this threshold, the Secret Service contends that the specific demands of its missions, combined with antiquated personnel and payroll systems, preclude the agency from compliance with this requirement. The Secret Service is directed to brief the Committees on Appropriations before January 1, 2009 on the number of agency employees who exceed \$35,000 in annual overtime payments during fiscal year 2008.

#### NON-STATUTORY PROTECTIVE DETAILS

The Secret Service, as directed by the Executive Office of the President's Office of Administration, has disregarded a law signed by the President on October 4, 2006. That statute mandated that starting in fiscal year 2008, the Secret Service spend its budget to protect only the President, Vice President, Secretary of Homeland Security, and those authorized in 8 U.S.C. 3056(a), and that the cost of protecting any other individuals be borne by the agency employing the protected individual. Nevertheless, the fiscal year 2008 budget request for the Secret Service included \$3,100,000 to pay for



the protection of those not authorized in 8 U.S.C. 3056(a). This disregard of the law is unacceptable.

Subsequent to submission of the fiscal year 2008 budget, the Director of the Secret Service informed the Committees that this cost could be absorbed within the agency's base budget. As a result, the Committees on Appropriations deny the request for an additional \$3,100,000 and direct the Secret Service either to recoup these costs through reimbursable agreements, or reduce budgets for other activities to offset the cost of protecting these individuals. The Secret Service is directed to provide the Committees on Appropriations a quarterly briefing at the appropriate level of classification about who it protects, at what cost, and why.

#### WHITE HOUSE MAIL PROCESSING

The Committees on Appropriations provide \$16,201,000 for the cost of screening mail sent to the White House complex as proposed by the House and instead of \$26,601,000 as proposed by the Senate. While additional funds had been requested for the purchase of new equipment for the White House mail screening facility currently under construction, that building project has been delayed and the Secret Service expressed doubt that these funds can be obligated during the coming fiscal year.

The Secret Service is directed to explain to the Committees on Appropriations as part of its fiscal year 2009 budget justification the allocation of mail screening responsibilities and budgetary resources between the Secret Service and the Executive Office of the President, as detailed in the House report. The Committees on Appropriations are unsure why on-going operating costs for White House mail screening should be borne by the Secret Service, since mail screening is a routine administrative cost associated with White House operations.

#### E STREET CLOSURE

The Committees on Appropriations direct the Secret Service to submit a report, developed jointly with the relevant agencies and delivered concurrently with the fiscal year 2009 budget, on the agency's plan for improving the security and aesthetic conditions of E Street, as detailed in the House report.

#### HELICOPTER DEPLOYMENTS

The Secret Service is directed to provide a briefing to the Committees on Appropriations on Federal costs incurred by fiscal year since 1997 for all Secret Service-requested helicopter deployments, as detailed in the House report.

#### ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The conferees provide \$3,725,000 for United States Secret Service Acquisition, Construction, Improvements, and Related Expenses as proposed by the House and Senate.

TITLE III—PROTECTION, PREPAREDNESS, RESPONSE, AND  
RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

The amended bill provides \$47,346,000 for Management and Administration instead of \$40,346,000 as proposed by the House and \$30,000,000 as proposed by the Senate. The Committees on Appropriations consolidate and provide \$9,412,000 for Departmental risk management and analysis, as proposed by the House. This amount includes up to \$1,000,000 for the National Academy of Sciences to review the Department's approach to measuring risk, as discussed in the House report. Of the total provided for Management and Administration, \$5,000,000 of the appropriation is withheld from obligation until the Department provides an expenditure plan to the Committees on Appropriations.

SHARED SERVICES

In the Statement of Managers accompanying the Department of Homeland Security Appropriations Act of 2007 (Public Law 109–295), the conferees directed the Government Accountability Office (GAO) to review the use of “shared services” at the Preparedness Directorate, which was the bureaucratic precursor to the National Protection and Programs Directorate. GAO found that the Preparedness Directorate used none of the legal authorities available to it to move resources between appropriations to fund its “shared services” initiatives. GAO concluded that the directorate's actions were not adequate to establish the valid intra-agency agreements necessary to fulfill Economy Act requirements for funds transfers, and that the directorate did not execute any of the official documents required by law. The GAO report points out the Department may be able to use the account adjustment statute to “adjust expired fiscal year 2006 directorate appropriations to correct these errors. If any of the appropriations that funded the directorate do not have available unobligated balances to cover the adjustments, the directorate should report an Antideficiency Act violation.”

The Committees on Appropriations direct the Department to respond to GAO's legal opinion, to balance the former Preparedness Directorate's books, and, if it cannot do so using the account adjustment statute, report an Antideficiency Act violation.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

The amended bill provides \$654,730,000 for Infrastructure Protection and Information Security (IPIS) instead of \$532,881,000 proposed by the House and \$522,099,000 proposed by the Senate. This amount includes an additional \$115,000,000 for Cyber Security requested in the President's budget amendment submitted on November 6, 2007. Funding is allocated as follows:

Infrastructure Protection:	
Identification and Analysis .....	\$69,522,000
Coordination and Information Sharing .....	68,821,000
Mitigation Programs .....	134,253,000
Cyber Security .....	210,413,000

National Security/Emergency Preparedness Telecommunications:	
Priority Telecommunications .....	82,821,000
Next Generation Networks .....	21,100,000
Programs to Study and Enhance Telecommunications .....	16,000,000
Critical Infrastructure Protection .....	16,100,000
Office of Emergency Communications .....	35,700,000
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Total, Infrastructure Protection and Information Security .....	654,730,000

#### NATIONAL INFRASTRUCTURE PROTECTION PLAN (NIPP)

The Committees on Appropriations provide \$31,702,000 for NIPP implementation, instead of \$40,702,000 proposed by the House. The Committees on Appropriations provide \$19,519,000 for related sector-specific agency management, instead of \$21,519,000 proposed by the House. The Assistant Secretary for Infrastructure Protection is directed to provide the Committees on Appropriations with semi-annual briefings on progress implementing the NIPP, instead of quarterly briefings as directed in the House report.

#### CRITICAL INFRASTRUCTURE WARNING NETWORK (CWIN)

The Committees on Appropriations provide \$8,896,000 for CWIN, instead of \$12,896,000 proposed by the House.

#### CHEMICAL FACILITY SECURITY REGULATIONS

The Committees on Appropriations provide \$50,000,000 for implementation of chemical facility security regulations by the Assistant Secretary of Infrastructure Protection, instead of \$40,000,000 proposed by the Senate.

#### SECURE HANDLING OF AMMONIUM NITRATE

At the request of the authorizing committees of jurisdiction, the Committees on Appropriations have included a statutory provision establishing a registration system for producers, sellers, and purchasers of ammonium nitrate, as proposed by the Senate. Within 60 days of enactment of this Act, the Deputy Under Secretary for Protection and Programs is directed to provide the Committees on Appropriations a plan to implement this new provision, including an analysis of the resources required to do so, and a proposal for reallocating funding within the National Protection and Programs Directorate budget to fund this initiative.

#### NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER (NISAC)

The Committees on Appropriations provide \$20,000,000 for NISAC instead of \$24,348,000 proposed by the House and \$25,000,000 as proposed by the Senate.

#### BOMBING PREVENTION

The Committees on Appropriations provide \$10,043,000 for the Office for Bombing Prevention (OBP) as proposed by the Senate. These funds will allow the OBP to continue its critical work building awareness of the threat of improvised explosive devices.

The Department has not provided the Committees on Appropriations the National Strategy for Bombing Prevention, as required by the Statement of Managers accompanying the Department of Homeland Security Appropriations Act of 2007 (Public Law 109–295). The White House has subsequently released Homeland Security Presidential Directive 19 instructing the Departments of Homeland Security and Justice, along with other agencies, to develop the same. The Secretary of Homeland Security is directed to submit this strategy to the Committees on Appropriations as soon as possible, and if unable to do so by the deadline noted in this statement, to explain in writing the cause of the delay.

#### INFRASTRUCTURE MONITORING

The National Infrastructure Protection Plan identifies national monuments and icons as a vulnerable sector of the nation's infrastructure, since attacks against these treasures offer high symbolic value to those who would do our country harm. Unlike privately owned infrastructure, however, national monuments and icons belong to the entire citizenry, and therefore require Federal resources to ensure their protection. The Committees on Appropriations provide \$2,000,000 for the City of Philadelphia's infrastructure monitoring program, which will help safeguard that community's historic sites.

#### NATIONAL COMPUTER FORENSICS TRAINING INSTITUTE

The information requirement about establishment of the National Computer Forensics Training Institute, as directed by the House report, has been fulfilled.

#### CYBER SECURITY TRAINING

The Committees on Appropriations are concerned State and local officials are not prepared to respond to attacks on cyber infrastructure. The National Cyber Security Division's (NCSD) "CyberStorm" exercises highlight the modes and methods of cyber attacks, but there remains a need for more routine and practical cyber security training at the State and local level. The Center for Infrastructure Assurance and Security at the University of Texas at San Antonio has developed a structured approach to preparing State and local officials for possible cyber attacks. The "Community Cyber Security Maturity Model" (CCSMM) and training programs help increase the readiness of those who are likely to receive early notification of attacks on computer networks, control systems, or other cyber infrastructure. The Committees on Appropriations direct \$4,000,000 for the further development, evaluation, and implementation of the CCSMM training curriculum and to deliver training to at least three States, selected on a competitive basis, to improve their cyber security response capabilities.

#### NEXT GENERATION NETWORKS

The Committees on Appropriations provide \$21,100,000 for Next Generation Networks as proposed by the Senate instead of \$18,065,000 as proposed by the House.

INTEROPERABLE COMMUNICATIONS IN THE NATIONAL CAPITAL  
REGION

The presence of the Federal government in the National Capital Region, along with the multiple jurisdictions that surround the District of Columbia, create unique communications challenges for Federal, State, and local officials. Several capital-area jurisdictions, along with select Federal agencies, have addressed many of these challenges by implementing the Capital Wireless Information Network (CapWIN) system. The Committees on Appropriations provide \$6,100,000 for full deployment of CapWIN across the National Capital Region.

OFFICE OF EMERGENCY COMMUNICATIONS

The Committees on Appropriations provide \$35,700,000 for the Office of Emergency Communications (OEC) instead of \$45,700,000 as proposed by the House and \$45,915,000 as proposed by the Senate. The Committees on Appropriations note that OEC has not obligated \$12,000,000 in interoperability resources made available in the fiscal year 2007 emergency supplemental. The Committees on Appropriations recognize that one of the most important roles OEC may play is to provide technical assistance to State and local entities working toward emergency communications interoperability, and urge OEC to accelerate its efforts to help these entities achieve interoperability.

INTEGRATED WIRELESS NETWORK

The Department is directed to report to the Committees on Appropriations on efforts at the Office of Emergency Communications to address shortcomings identified by the Department of Justice Office of Inspector General on the Integrated Wireless Network (IWN) project, as directed in the House report.

NATIONAL STRATEGY ON CLOSED CIRCUIT TELEVISION

The Department is directed to provide the Committees on Appropriations a national strategy on closed circuit television, as proposed in the Senate bill.

CRITICAL INFRASTRUCTURE VULNERABILITY

The Committees on Appropriations direct the Department to use no funds to limit implementation of Homeland Security Presidential Directive 7, as proposed by the House.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR  
TECHNOLOGY

The amended bill provides \$475,000,000 for United States Visitor and Immigrant Status Indicator Technology (US-VISIT), instead of \$462,000,000 as proposed by the House and \$362,000,000 as proposed by the Senate, and of which \$275,000,000 is designated emergency funding. \$13,000,000 above the request is included to expedite implementation of an air and sea exit solution. As in recent years, the Committees on Appropriations retain a requirement

for an expenditure plan and provide that \$125,000,000 shall not be available for obligation until the plan has been reviewed by the Government Accountability Office and approved by the Committees on Appropriations. The plan need not include submission of a new strategic plan, as proposed by the House; however, it shall include detailed information on implementation of biometric exit solutions and the management of identity services. The Department is also directed to continue to provide quarterly reports on US-VISIT implementation, to include coordination with the Western Hemisphere Travel Initiative, the Secure Border Initiative, and other DHS efforts related to border security and interdiction of terrorist travel.

#### UNIQUE IDENTITY

The Committees on Appropriations strongly support efforts aimed at achieving real-time interoperability between the DHS Automated Biometric Identification System (IDENT) and the FBI's Integrated Automated Fingerprint Identification System (IAFIS), and completing the transition to a standard of capturing all 10 fingerprints of visitors to the United States. This collective effort has been combined with the assignment to US-VISIT of the mission to manage an interagency database of biometric data from multiple sources now referred to as "Unique Identity". The Committees on Appropriations are concerned with the organizational alignment of US-VISIT to all DHS and other participating agencies, and especially US-VISIT's capacity to fulfill the mission requirements of the Unique Identity initiative. The program office is directed to continue providing joint quarterly briefings on all aspects of implementing Unique Identity.

#### EXIT

The Committees on Appropriations are frustrated that, after years of pilot testing, no viable air, sea, or land exit capability has been integrated within the US-VISIT system. While the Committees on Appropriations are concerned about the prospects of the Department's implementation of a proposed air exit solution in coordination with the airlines by the end of 2008, they are encouraged that the program appears to finally be getting much needed attention from senior Departmental management. Therefore, the Committees on Appropriations include \$13,000,000 in additional funding to facilitate implementation of exit solutions for air and sea ports of entry by the end of 2008. The Committees on Appropriations expect DHS to assess whether an exit solution for the land borders is feasible and, if so, detail the specific steps, funding, and schedule required to achieve one. If it is not achievable at this time, the Department is directed to explain its rationale and describe the value of a US-VISIT program that lacks such a solution.

#### OFFICE OF HEALTH AFFAIRS

The amended bill provides \$116,500,000 for Office of Health Affairs (OHA) instead of \$117,933,000 as proposed by the House and \$115,000,000 as proposed by the Senate. Of this amount, \$24,317,000 is for salaries and expenses.

The Committees on Appropriations provide up to \$2,000,000 for OHA to enter into a grant or contract with the National Academy of Sciences (NAS) to evaluate the effectiveness of BioWatch, including the reliability of monitoring data and the ability of hospitals and public health officials to respond based on information received from those systems. As part of the analysis, NAS should compare the benefits and costs of generation 2 BioWatch technology with generation 3 technology. NAS should also assess the cost and benefits of an enhanced national surveillance system that relies on U.S. hospitals and the U.S. public health system and compare the effectiveness of such a system with the current BioWatch approach. A final report should be completed before the end of fiscal year 2008 and provided to the Committees on Appropriations.

OHA is currently piloting the Automated Pathogen Detection System (APDS), a technology similar to other potential generation BioWatch systems. The Committees on Appropriations are concerned that OHA is not field testing and piloting similar technologies together and urge OHA to incorporate APDS into its Band system generation field testing and pilot program.

OHA is not directed to evaluate possible health effects associated with the presence of formaldehyde gas in FEMA trailers and instead FEMA is directed to work with OHA on testing trailer air quality and developing policies for those people remaining in FEMA issued trailers.

FEDERAL EMERGENCY MANAGEMENT AGENCY  
MANAGEMENT AND ADMINISTRATION

The amended bill provides \$664,000,000 for Federal Emergency Management Agency (FEMA) Management and Administration instead of \$685,000,000 as proposed by the House and \$678,600,000 as proposed by the Senate. In addition, up to \$60,000,000 is available for transfer from the Disaster Relief Fund, of which \$48,000,000 is to support the continuing effort to professionalize FEMA's emergency workforce, as proposed by the Senate and \$12,000,000 is for activities related to the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The Committees on Appropriations note FEMA's delay in converting disaster Cadre of On-call Response Employees (CORE) to full-time status. Therefore, prior to the obligation of \$30,000,000 of the \$48,000,000 for the conversion of positions, FEMA shall submit an implementation plan to the Committees on Appropriations. The plan shall include an expenditure plan, a hiring schedule, and a list of positions to be filled by CORE employees, including where they will be located. The amended bill contains a provision allowing the transfer of up to three percent of State and Local programs administrative costs to Management and Administration.

BUDGET SUBMISSION

The Committees on Appropriations created one Management and Administration account for FEMA in the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, Public Law 110-28, in May 2007. The amended bill contains a new provision directing FEMA to submit its fiscal

year 2009 budget request, including justification materials, by office. Each office and FEMA region shall provide (1) budget detail by object classification; (2) the number of full-time equivalents on board; (3) the number of full-time equivalent vacancies; and (4) the appropriation account(s) used to support the office and the programs managed by the office.

#### STRENGTHENING CORE COMPETENCIES

The Committees on Appropriations provide \$100,000,000 for FEMA to strengthen its core competencies as proposed by the House and Senate. FEMA is directed to brief the Committees on Appropriations no later than March 15, 2008 on progress in strengthening these core competencies. The briefing should include details on how this funding has and will be used to improve the agency's ability to prevent, prepare for, respond to, and mitigate disasters.

#### URBAN SEARCH AND RESCUE RESPONSE SYSTEM

The amended bill provides \$32,500,000 for the Urban Search and Rescue Response System instead of \$35,000,000 as proposed by the House and \$30,000,000 as proposed by Senate.

#### OFFICE OF NATIONAL CAPITAL REGION COORDINATION

The amended bill provides \$6,000,000 for the Office of National Capital Region Coordination as proposed by the Senate instead of up to \$6,000,000 as proposed by the House. The amended bill contains a provision requiring the inclusion of the Governors of the State of West Virginia and the Commonwealth of Pennsylvania in the National Capital Region decision-making and planning process for mass evacuation.

#### OFFICE OF CHIEF COUNSEL

The Committees on Appropriations are aware stumbling blocks remain within FEMA, preventing it from transforming into a first-class proactive emergency management agency. One concern is the Office of Chief Counsel (OCC), whose role should be to advise FEMA within the bounds of the law, to best protect and serve American citizens during emergencies. FEMA is directed to brief the Committees on Appropriations on plans to revamp OCC to allow it to better support FEMA's mission and leadership. The plan should include office structure, staffing levels, and training.

#### REGIONAL OFFICES

FEMA is directed to fulfill the requirements of section 507 of the Homeland Security Act of 2002, which requires robust FEMA regional offices. Additionally, the Committees on Appropriations recognize the importance of promoting interoperability and strong regional collaboration and direct FEMA to ensure personnel who understand the technical and administrative issues surrounding interoperability are located in each regional office.



## DISABILITY COORDINATOR

The Committees on Appropriations expect the Department to fully support the Office of the Disability Coordinator (ODC) as discussed in the Senate report. ODC is directed to work with disability organizations in emergency preparedness and response efforts to ensure the needs of the more than 54 million Americans with a physical, sensory, or cognitive disability are incorporated into disaster plans. ODC is further directed to build on long-standing programs, such as the Emergency Preparedness Initiative program, in order to serve as a resource for the nation on special needs.

## FEDERAL ON-SCENE COORDINATOR

The Committees on Appropriations direct FEMA to provide a briefing on the toxic pollutant work of the Federal On-Scene Coordinator following Hurricane Katrina.

## FEDERAL PREPAREDNESS COORDINATORS

The Committees on Appropriations do not prevent the hiring of Federal Preparedness Coordinators (FPCs) as proposed by the Senate. The role of FPCs has been clarified by FEMA, alleviating original concerns that the position was duplicative.

## EMERGENCY ALERT SYSTEM

The Committees on Appropriations direct FEMA to provide a briefing on its plans to address GAO's recommendation on the shortcomings of the Emergency Alert System. The Committees on Appropriations are concerned adequate systems are not in place nationwide to provide information to the public prior to, during, and after disasters. In particular, a gap remains in the use of an integrated system combining the use of desktop applications, mobile devices, and the web to educate the public. Therefore, the Committees on Appropriations provide \$1,000,000 to pilot technology that would facilitate the use of direct messaging to the public. FEMA should share lessons learned with other State and local governments.

## DISASTER LOGISTICS

The Committees on Appropriations provide \$61,553,000 for disaster logistics as proposed by both the House and Senate. FEMA is directed to provide quarterly briefings on its progress to improve its logistics program. FEMA is encouraged to continue to preposition critical supplies needed during disaster response, including generators, blankets, water, and portable water purification systems near potential disaster areas.

## INFORMATION TECHNOLOGY

The Committees on Appropriations direct FEMA to provide a five-year plan for its information technology systems ten months after the date of enactment of this Act as discussed in the Senate report.

## DOCUMENT MANAGEMENT AND RECORDS TRACKING SYSTEM

The Committees on Appropriations direct FEMA to fully fund, at no less than \$6,000,000, based on competitive award, the completion of the Document Management And Records Tracking System.

## NATIONAL FIRE INCIDENT REPORTING SYSTEM

The Committees on Appropriations provide \$1,000,000 for development of a web-based version of the National Fire Incident Reporting System. The Committees on Appropriations expect this investment to improve the timeliness and accuracy of data, and help Federal, State, and local governments identify nationwide trends in fire and emergency-related deaths and property loss. The United States Fire Administration should lead this initiative.

## INTEGRATING PREPAREDNESS AND RESPONSE

The Committees on Appropriations provide up to \$1,000,000 for FEMA to enter into a grant or contract with the National Academy of Public Administration to review the integration of preparedness and response programs, as proposed in the House report. This review should focus on organizational structure, hiring plans and goals, coordination and integration mechanisms, and other areas FEMA may identify. This study shall be completed by the end of fiscal year 2008 and provided to the Committees on Appropriations.

## NATIONAL RESPONSE FRAMEWORK

The Committees on Appropriations note the National Response Plan is now called the National Response Framework and the National Preparedness Goal is now called National Preparedness Guidelines. Neither document is complete, even though these are critical national documents relied on by State and local governments. The Department is directed to incorporate public comment and finalize these important documents as soon as possible. The Committees on Appropriations direct the GAO to evaluate the process used to update the National Response Framework as discussed in the House report. This review should help the Department make improvements to the process so that future updates will be more inclusive of State and local governments.

## FEDERAL AGENCY EMERGENCY PREPAREDNESS

The Committees on Appropriations direct FEMA to provide a report regarding the preparedness level of federal agencies designated to lead Emergency Support Functions as discussed in the Senate report. This report shall be provided to the Committees on Appropriations 10 months after the date of enactment of this Act.

## CHILDREN AND DISASTER PREPAREDNESS

The Committees on Appropriations direct FEMA to assist communities by ensuring disaster preparedness and response education materials are developed and distributed to children. The needs of children, who are among the most vulnerable members of the population, are often overlooked when it comes to preparedness and re-

sponse. Their needs during and following a disaster are vastly different than those of adults.

#### DISASTER PLANNING GUIDANCE

The Committees on Appropriations recognize guidelines for State and local communities regarding the needs of individuals with pets and service animals before, during, and after a disaster have been issued through the draft National Response Framework, and other recent documents. FEMA is encouraged to assist communities in implementing the guidelines as soon as possible.

#### U.S. FLAG TERRITORIES

The Committees on Appropriations are concerned about the nation's capacity to respond to disaster victims in the remote areas of the U.S. Flag Territories in the Pacific Ocean. FEMA is directed to analyze the regional all-hazard response capacity for this region and make recommendations as to how it might be improved.

#### 2004 HURRICANES

FEMA is directed to maintain the Florida long-term recovery office as long as there is sufficient work left to be done following the four 2004 hurricanes that struck the State. FEMA is further directed to notify the Committees on Appropriations prior to closing the office.

#### FORMALDEHYDE

The Committees on Appropriations encourage FEMA to continue the practice of making available alternate housing for disaster victims who request a move due to concerns regarding formaldehyde exposure in manufactured housing. FEMA is directed to complete initial testing of formaldehyde levels in manufactured housing, which began in March 2006, and analyze those results. FEMA shall continue working with the DHS Office of Health Affairs and the Centers for Disease Control on testing trailer air quality and developing policies for those remaining in FEMA issued trailers.

The Committees on Appropriations are concerned FEMA does not have proper controls and processes in place to address emerging issues, especially health concerns, during disaster recovery. FEMA is directed to ensure proper training for employees who work directly with disaster victims has been provided so emerging issues are quickly identified by FEMA and consistent and correct information is distributed to the public in a timely manner. Additionally, the Committees on Appropriations direct the Inspector General to report to the Committees on Appropriations, the Senate Committee on Homeland Security and Government Affairs, and the House Transportation and Infrastructure Committee regarding FEMA's decision-making regarding formaldehyde in trailers.

#### STATE AND LOCAL PROGRAMS

##### (INCLUDING TRANSFER OF FUNDS)

The amended bill provides \$3,177,800,000, of which \$110,000,000 is designated as emergency, instead of \$3,202,000,000 as proposed

by the House and \$3,130,500,000 as proposed by the Senate. State and Local Programs funding is allocated as follows:

State Homeland Security Grant Program (SHSGP) .....	\$950,000,000
Urban Area Security Initiative (UASI) .....	820,000,000
Regional Catastrophic Preparedness Grants .....	35,000,000
Metropolitan Medical Response System .....	41,000,000
Citizen Corps Program .....	15,000,000
Public Transportation Security Assistance and Railroad Security Assistance .....	400,000,000
Port Security Grants .....	400,000,000
Over-the-Road Bus Security Assistance .....	11,500,000
Trucking Industry Security Grants .....	16,000,000
Buffer Zone Protection Program Grants .....	50,000,000
Real ID grants .....	50,000,000
Commercial Equipment Direct Assistance Program .....	25,000,000
Interoperable Emergency Communications Grant Program .....	50,000,000
Emergency Operations Centers .....	15,000,000
National Programs:	
National Domestic Preparedness Consortium .....	88,000,000
Center for Domestic Preparedness .....	62,500,000
National Exercise Program .....	50,000,000
Technical Assistance .....	12,000,000
Demonstration Training Grants .....	28,000,000
Continuing Training Grants .....	31,000,000
Evaluations and Assessments .....	19,000,000
Rural Domestic Preparedness Consortium .....	8,800,000
Total State and Local Programs .....	\$3,177,800,000

The amended bill contains provisions: (1) allowing the transfer of up to three percent of State and Local programs dollars to Federal Emergency Management Agency's (FEMA) Management and Administration account in order to simplify accounting practices within the agency for administrative costs; (2) designating certain timeframes for grant processing; (3) requiring grantees provide additional reports as determined necessary by the Secretary; and (4) requiring GAO to report on the data, assumptions, and methodology that DHS uses to assess risk and allocate UASI and SHSGP funds, including the reliability and validity of the data used, the basis for the assumptions used, and how the methodology is applied to determine the risk scores for individual locations and the allocation of grant funds. GAO is to report to the Committees on Appropriations on its findings not later than 45 days after the date of enactment of this Act.

For the purposes of eligibility for funds any county, city, village, town, district, borough, parish, port authority, transit authority, intercity rail provider, commuter rail system, freight rail provider, water district, regional planning commission, council of government, Indian tribe with jurisdiction over Indian country, authorized tribal organization, Alaska Native village, independent authority, special district, or other political subdivision of any State shall constitute a "local unit of government." The recent enactment of the 9/11 Act codified many of the issues previously addressed by the Committees on Appropriations including: the formula for the distribution of SHSGP; purposes of SHSGP, UASI, and the Law Enforcement Terrorism Prevention Program; circumstances under which overtime or construction are allowable; State passthrough requirements for SHSGP, UASI, and Interoperability grants; purposes of transit and railroad security grants; purposes of Over-the-Road bus security grants; and allowable uses of the Public Safety

Interoperable Communications grant program. Accordingly, language contained in the House and Senate versions of the bill and report has been substantially modified in the amended bill.

The Committees on Appropriations direct FEMA to work with the National Protection and Programs Directorate to utilize the results from the National Academy of Sciences study regarding incorporating natural disasters into the risk formula, once it is completed, as detailed in the House report.

The Committees on Appropriations urge the Department to work with State and local governments to ensure regional authorities, such as port, transit, or tribal authorities, are given due consideration in the distribution of state formula grants. The Department is encouraged to consider the need for mass evacuation planning and pre-positioning of equipment for mass evacuations in allocating first responder funds.

FEMA is directed, in conjunction with the Office of Health Affairs, to report to the Committee regarding the current state of disaster preparedness capabilities of emergency medical services and the capabilities required to meet future preparedness goals. This report is due no later than five months after the enactment of this Act and shall include an analysis of the gap between current and target capabilities. FEMA is directed to include in its grants guidance, language requiring State and local governments to include EMS providers in their Statewide Homeland Security Plans as well as their UASI plans. If no State or local funding is provided to EMS, the State should justify lack of funding through demonstrating related targeted capabilities have been met or identify other pressing priorities.

#### STATE HOMELAND SECURITY GRANT PROGRAM

The amended bill provides \$950,000,000 for the State Homeland Security Grant Program (SHSGP). There is no separate line item for the Law Enforcement Terrorism Prevention Program (LETPP), in accordance with the 9/11 Act, which mandates that at least 25 percent of SHSGP and Urban Area Security Initiative funds be used for LETPP activities. The amended bill contains a provision directing that the Commonwealth of Puerto Rico shall be considered a State in the allocation of grant funds to local and tribal governments.

Included within the amount provided is \$60,000,000 for Operation Stonegarden, designated as an emergency. All awards under Operation Stonegarden shall be made on a competitive basis to units of local government in counties along land borders of the United States, including towns, cities, and counties, to enhance the coordination between local and federal law enforcement agencies. Eligible costs include, but shall not necessarily be limited to: overtime; vehicle maintenance; vehicle and equipment rental costs; reimbursement for mileage; fuel costs; equipment replacement costs; and travel costs for law enforcement entities assisting other local jurisdictions in law enforcement activities.

## URBAN AREA SECURITY INITIATIVE

The amended bill provides \$820,000,000 for Urban Area Security Initiative (UASI) as proposed by the Senate and instead of \$850,000,000 as proposed by the House. Within this funding, the Committees on Appropriations provide \$15,000,000 for grants to non-profit organizations determined by the Secretary to be at high risk of terrorist attack. The Secretary shall consider prior threats or attacks against similar organizations when determining risk, and shall notify the Committees on Appropriations of the high risk or potential high risk to each designated tax exempt grantee at least five full business days in advance of the announcement of any grant award.

GAO is directed to provide a report to the Committees on Appropriations, which describes the criteria and factors used to determine the regional boundaries for UASI regions, including changes as a result of the enactment of the 9/11 Act. The report shall also provide an analysis of how such boundaries impact regional cooperation.

The Committees on Appropriations include language in NPPD related to the Capital Wireless Integrated Network.

## REGIONAL CATASTROPHIC PREPAREDNESS GRANTS

The amended bill provides \$35,000,000 for Regional Catastrophic Preparedness grants instead of \$50,000,000 as proposed by the Senate. The House did not include funding. Of this amount \$18,000,000 shall be for tier one UASI regions, no more than \$3,000,000 shall be for technical assistance, and the remaining funds shall be allocated based on all-hazards. These grants should fund multi-jurisdictional efforts to promote regional approaches to catastrophic events, including mass evacuation. The Committees on Appropriations direct the Department to expeditiously award the funds provided under this heading and the \$35,000,000 provided in the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, Public Law 110-28. FEMA shall brief the Committees on Appropriations by September 15, 2008, on the preparedness assets (fuel, water, communications) that have been staged and/or deployed pursuant to this program in this and previous years.

## METROPOLITAN MEDICAL RESPONSE SYSTEM

The amended bill provides \$41,000,000 for the Metropolitan Medical Response System instead of \$50,000,000 as proposed by the House and \$33,000,000 as proposed by the Senate. The Committees on Appropriations do not include language directing that the grants be competitively awarded as proposed by the House.

## CITIZEN CORPS

The amended bill provides \$15,000,000 for the Citizen Corps program as proposed by the Senate instead of \$17,000,000 as proposed by the House.

PUBLIC TRANSPORTATION SECURITY ASSISTANCE AND RAILROAD  
SECURITY ASSISTANCE

The amended bill provides \$400,000,000 for Public Transportation Assistance and Railroad Security Assistance. Within the funding provided, no less than \$25,000,000 is for Amtrak.

PORT SECURITY GRANTS

The amended bill provides \$400,000,000 for port security grants as proposed by both the House and the Senate.

OVER-THE-ROAD BUS SECURITY ASSISTANCE

The amended bill provides \$11,500,000 for Over-the-Road bus security grants instead of \$11,000,000 as proposed by the House and \$12,000,000 as proposed by the Senate.

TRUCKING INDUSTRY SECURITY GRANTS

The amended bill provides \$16,000,000 for trucking industry security grants as proposed by the Senate instead of \$10,000,000 as proposed by the House. The funding is to be competitively awarded. FEMA is directed to submit an expenditure plan as detailed in the House report.

BUFFER ZONE PROTECTION PROGRAM

The amended bill provides \$50,000,000 for the Buffer Zone Protection Program as proposed by the Senate instead of \$100,000,000 as proposed by the House.

REAL ID GRANTS

The amended bill provides \$50,000,000 for REAL ID grants as proposed by the House. The total is designated as an emergency. In addition, States may opt to enhance REAL ID capabilities by using State homeland security grants for this purpose. The Committees on Appropriations note that no funds were requested for REAL ID in the President's budget and provide this funding to assist States in complying with this Federal mandate. Funds are available until September 30, 2008.

COMMERCIAL EQUIPMENT DIRECT ASSISTANCE PROGRAM

The amended bill provides \$25,000,000 for the Commercial Equipment Direct Assistance Program instead of \$20,000,000 as proposed by the House and \$40,000,000 as proposed by the Senate. The Committees on Appropriations do not direct the program be changed to a grant program as proposed by the House.

INTEROPERABLE EMERGENCY COMMUNICATIONS GRANTS

The amended bill provides \$50,000,000 for Interoperable Emergency Communication Grants as proposed by the House instead of \$100,000,000 as proposed by the Senate. This program shall be implemented in accordance with the 9/11 Act. The Committees on Appropriations direct a briefing on the implementation of GAO recommendations contained in GAO-07-031.

## EMERGENCY OPERATIONS CENTERS

The amended bill provides \$15,000,000 for Emergency Operations Centers (EOC). The Committees on Appropriations are aware of the needs of State and local governments for adequate emergency operations centers to improve unified command capabilities. Therefore funding is included for the equipping, upgrading, and constructing of EOCs pursuant to section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended by the 9/11 Act.

## GRANT MANAGEMENT SYSTEM

The Committees on Appropriations urge FEMA to consider the use of tracking and accountability systems to assist in managing grant allocations, distribution, expenditures, and asset tracking, and encourage usage of multi-state cooperative purchasing agreements.

## SLOWNESS IN AWARDING GRANTS

The Committees on Appropriations direct FEMA to implement the law, including the timeframes for issuing State and local grant funds. It is imperative the agency and the Department take State and local partners in homeland security seriously by ensuring needed resources are expeditiously provided for known risks.

## NATIONAL PROGRAMS

The amended bill provides \$299,300,000 for training, exercises, technical assistance, and other programs instead of \$293,000,000 as proposed by the House and \$294,500,000 as proposed by the Senate.

## NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM

Included within the amount provided for National Programs, \$88,000,000 is for the National Domestic Preparedness Consortium as proposed by both the House and Senate. Consortium members funded in fiscal year 2007 shall receive \$22,000,000 pursuant to the 9/11 Act.

## CENTER FOR DOMESTIC PREPAREDNESS

Included within the amount provided for National Programs, \$62,500,000 is for the Center for Domestic Preparedness as proposed by the Senate instead of \$57,000,000 as proposed by the House. Within the funding provided, \$5,500,000 is for the Noble Training Center. The amended bill contains language providing the Center authority to accept reimbursements from others receiving training.

## RURAL DOMESTIC PREPAREDNESS CONSORTIUM

Included within the amount provided for National Programs, \$8,800,000 is for the Rural Domestic Preparedness Consortium (RDPC). The RDPC provides technical assistance and training for terrorism prevention, preparedness, response, and recovery in sup-



port of rural homeland security requirements. FEMA is directed to continue the development of specialized and innovative training curricula for rural first responders and ensure the coordination of such efforts with existing grants and training partners.

#### TECHNICAL ASSISTANCE

Included within the amount provided for National Programs, \$12,000,000 is for technical assistance instead of \$18,000,000 as proposed by the House and \$14,000,000 as proposed by the Senate.

#### DEMONSTRATION TRAINING GRANTS

Included within the amount provided for National Programs, \$28,000,000 is for demonstration training grants as proposed by the Senate. The House included funding for a program which combined the demonstration and continuing training grants. FEMA shall give priority to training that benefits nation-wide initiatives including those that identify and disseminate preparedness and response best practices to States and locals and are conducted at or in cooperation with universities, colleges, and community colleges.

#### CONTINUING TRAINING GRANTS

Included within the amount provided for National Programs, \$31,000,000 is for continuing training grants as proposed by the Senate. The House included funding for a program which combined the demonstration and continuing training grants. The Committees on Appropriations support programs which consistently deliver homeland security curricula in the form of executive education programs and accredited Masters Degree education. The Committees on Appropriations recommend full funding for the graduate-level homeland security education programs currently supported by the Department and encourage the Department to leverage these existing programs to meet the growing need for graduate-level education.

#### EVALUATIONS AND ASSESSMENTS

Included within the amount provided for National Programs, \$19,000,000 is for evaluations and assessments as proposed by the House and the Senate. FEMA shall brief the Committees on Appropriations every six months on results from completed evaluations instead of the requirement for FEMA to provide the results of all evaluations within 30 days of completion as proposed by the House.

#### FIREFIGHTER ASSISTANCE GRANTS

The amended bill provides \$750,000,000 instead of \$805,058,000 as proposed by the House and \$705,000,000 as proposed by the Senate. Of this amount, \$190,000,000 shall be for firefighter staffing, as authorized by section 34 of the Federal Fire Prevention and Control Act of 1974, instead of \$235,058,000 as proposed by the House and \$145,000,000 as proposed by the Senate. The Committees on Appropriations agree to make \$3,000,000 available for implementation of section 205(c) of Public Law 108-169, the United States Fire Administration Reauthorization Act of 2003 to be com-

petitively awarded. Grants under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 are available until September 30, 2009, as proposed by the House. FEMA is encouraged to consider planning and preparation for wildfires in the allocation of fire prevention programs.

The Committees on Appropriations direct GAO to review the application and award process for the Assistance to Firefighters (FIRE) grants and Staffing for Adequate Fire and Emergency Response (SAFER) grants as detailed in the House report. FEMA shall peer-review FIRE and SAFER grant applications which meet criteria established by FEMA and the Fire Service. Those criteria necessary for peer-review must be included in the grant application package. Applicants whose grant applications are not reviewed must receive an official notification detailing why the application did not meet the criteria for review. Applications must be rank-ordered, and funded following the rank order.

#### EMERGENCY MANAGEMENT PERFORMANCE GRANTS

The amended bill provides \$300,000,000 as proposed by both the House and the Senate. The Committees on Appropriations direct FEMA to retain the Emergency Management Performance Grants as a separate grant program, and to continue funding personnel expenses. Funds shall be used for all-hazards activities.

#### RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The amended bill provides for the receipt and expenditure of fees collected, as authorized by Public Law 105–276, as proposed by both the House and the Senate. The Committees on Appropriations are concerned experiences and lessons learned through the Radiological Emergency Preparedness Program (REPP) are not being shared with other Department components, and urge greater coordination with the REPP to share lessons learned.

#### UNITED STATES FIRE ADMINISTRATION

The amended bill provides \$43,300,000 as proposed by both the House and the Senate.

#### DISASTER RELIEF

##### (INCLUDING TRANSFER OF FUNDS)

The amended bill provides \$1,400,000,000 for Disaster Relief instead of \$1,700,000,000 as proposed by both the House and the Senate. The amended bill contains a provision to allow the transfer of up to \$60,000,000 to FEMA Management and Administration of which \$48,000,000 is for the conversion of 250 temporary disaster positions into permanent positions and \$12,000,000 is for activities related to the Robert T. Stafford Disaster Relief and Emergency Assistance Act. In addition, the amended bill contains a provision to allow the transfer of \$16,000,000 to Office of Inspector General for audits and investigations of disasters. The Committees on Appropriations direct that funds appropriated for Disaster Relief cannot be used to supplement the resources of other DHS offices that receive a separate appropriation absent explicit authority to do so in law.

The amended bill contains a provision requiring the Disaster Relief Fund report be submitted hereafter on a monthly basis. The report is a continuation of the DRF report required in Public Law 109-62, Public Law 109-90, and Public Law 109-295. The requirement to report manufactured housing and hotel and motel data is deleted. The report must now include allocations, obligations, and expenditures for Hurricanes Katrina, Rita, Wilma, and all other open disasters.

The Post-Hazard Mitigation Grant Program is a key component of mitigation and disaster recovery. Federal investments in post disaster mitigation activities are leveraged by a unique 'window of opportunity' that exists following a disaster, when perceptions of risk become clearer and prompt individuals and communities to undertake risk reduction activities they may not have considered in a pre-disaster context. FEMA is directed to report within 30 days of the enactment of this Act on the use of post-disaster mitigation funds, including funds made available after the 2005 hurricanes; any legislative or administrative obstacles preventing more expedient use of funds; and recommendations for more effective implementation of this program.

#### DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

The amended bill provides \$580,000 for administrative expenses and \$295,000 for the cost of loans as proposed by both the House and the Senate. Gross obligations for the principal amount of direct loans shall not exceed \$25,000,000 as proposed by both the House and the Senate.

#### FLOOD MAP MODERNIZATION FUND

The amended bill provides \$220,000,000 for flood map modernization instead of \$230,000,000 as proposed by the House and \$200,000,000 as proposed by the Senate. FEMA is encouraged to prioritize as criteria the number of stream and coastal miles within the State, the Mississippi River Delta region, and the participation of the state in leveraging non-federal contributions. FEMA is directed to dedicate at least 10 percent of funds provided under this heading to activities associated with maintaining flood maps that are at least three years beyond their effective date. The goal should be to complete maintenance of maps before they are more than five years beyond their effective date. Map maintenance includes: studying previously unstudied or under-studied areas; restudying areas where watershed and/or floodplain conditions have altered flood hazards; and re-evaluating flood hazards to take into account new data or methodologies. Cooperating technical partners that offer significant funding matches should be given priority in allocating map maintenance funding. Up to three percent of awarded funds may be used by recipients for administrative expenses.

FEMA is directed to brief the Committees on Appropriations regarding the additional needs for a continued Flood Map Modernization program as included in the Senate report. FEMA is encouraged to work with the Army Corps of Engineers to develop accurate maps reflecting the damage done by Hurricanes Katrina and Rita. FEMA is further directed to brief the Committees on Appropria-

tions within 60 days of enactment of this Act on the progress of flood plain mapping in the Gulf Coast.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

The amended bill provides \$45,642,000 for salaries and expenses as proposed by both the House and Senate. The amended bill provides \$90,000,000 for severe repetitive loss property mitigation expenses under section 1361A of the National Flood Insurance Act of 1968 and a repetitive loss property mitigation pilot program under section 1323 of the National Flood Insurance Act; and no less than \$99,358,000 for other flood mitigation activities, of which up to \$34,000,000 is available for transfer to the National Flood Mitigation Fund. Total funding of \$145,000,000 is offset by premium collections. The amended bill sets limitations of \$70,000,000 for operating expenses, \$773,772,000 for agents' commissions and taxes, and "such sums" for interest on Treasury borrowings.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

The amended bill provides \$34,000,000 by transfer from the National Flood Insurance Fund as proposed by both the House and Senate.

NATIONAL PREDISASTER MITIGATION FUND

The amended bill provides \$114,000,000 for the Predisaster Mitigation Fund as proposed by both the House and Senate.

The amended bill contains a provision requiring all projects funded with the Predisaster Mitigation Fund comply with the criteria in section 203(g) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

The Committees on Appropriations include the following projects in the following amounts:

For infrastructure improvements, analysis, and other activities for disaster mitigation:

Ludlowville Flood Mitigation project, New York State Emergency Management Office, NY .....	\$200,000
City of Albany, GA .....	300,000
Sumter County Commission, GA .....	300,000
City of Neodesha, KS .....	200,000
Adjutant General's Office of Emergency Preparedness, for projects in Santee and Manning, SC .....	3,000,000
Bosque County, TX .....	40,000
Town of Clifton Park, NY .....	94,000
Calvert County Government, MD .....	187,500
Charles County Government, MD .....	106,500
St. Mary's County Government, MD .....	184,619
City of Detroit, MI .....	1,600,000
City of Coconut Creek, FL .....	200,000
City of Emeryville, CA .....	600,000
City of Rye and Village of Rye Brook, NY .....	250,000
Yardley Borough, PA .....	250,000
City of Stanley, WI .....	630,000
Dalton Fire District, MA .....	750,000
Department of Emergency Management for the City and County of San Francisco, CA .....	1,000,000
City of Arvada, CO .....	200,000

North Carolina Department of Crime Control and Public Safety, NC .....	1,600,000
City of Los Angeles, CA .....	13,500
City of Cudahy, CA .....	65,000
Los Angeles Unified School District, CA .....	1,000,000
North Carolina Department of Agriculture, NC .....	400,000
Jackson County Board of Supervisors, MS .....	250,000
Town of Dyer, IN .....	550,000
City of St. Charles, MN .....	100,000
Public Works Department of Winona County, MN .....	100,000
City of Louisville's Emergency Management Agency, KY .....	200,000
Northampton and Lehigh Counties, PA .....	1,000,000
Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, Presque Isle State Park, PA .....	990,000
Cumberland County Public Schools, VA .....	400,000
City of St. Joseph, MO .....	1,000,000
City of Kannapolis, NC .....	625,000
Monroe County Office of Emergency Preparedness, NY .....	1,000,000
Sandy Creek Township, City of Franklin, PA .....	1,000,000
Pierce County, WA .....	500,000
City of Cumberland, KY .....	2,000,000
University of Kentucky, Department of Civil Engineering, KY .....	200,000
City of Norwalk, CT .....	505,000
Onondaga County, NY .....	500,000
Onondaga County, for Oswego River Basin, NY .....	500,000
City of St. Petersburg, for shelter hardening, FL .....	750,000
City of St. Petersburg, for facility hardening, FL .....	750,000
City of Fitzgerald, GA .....	75,000
City of Ashburn, GA .....	75,000
Butts County Public Works Department, GA .....	30,000
City of Monticello, GA .....	50,000
City of Haleyville, AL .....	1,000,000
City of Myrtle Beach, SC .....	500,000
City of Georgetown, TX .....	1,000,000
City of Missouri City, TX .....	200,000
For acquisition, demolition and relocation of property for disaster mitigation:	
Chatham County Emergency Management, GA .....	200,000
City of Davenport, IA .....	200,000
Wayne County Commissioners, PA .....	200,000
City of Plymouth, IN .....	200,000
Armstrong County, PA .....	1,000,000
Holmes County Commission, OH .....	200,000
Harris County Flood Control District, TX .....	1,000,000
City of Fort Worth, TX .....	1,000,000
City of Kannapolis, NC .....	400,000
Town of Pembroke, NH .....	150,000
City of Greensburg, KY .....	500,000
Town of Martin, KY .....	1,350,000
City of Cumberland, KY .....	650,000
For risk identification, planning, communication, response coordination, and modeling activities for disaster mitigation:	
Des Moines, IA .....	200,000
Radford University, VA .....	200,000
Washington Military Department, WA .....	1,000,000
Public Works Department of the City of Santa Cruz, CA .....	90,000
Town of Epsom, NH .....	50,000
Westchester and Rockland Counties, NY .....	1,000,000
Village of Elmsford, NY .....	30,000
Arlington County, VA .....	260,000
Franklin Regional Council of Governments, MA .....	100,000
North Carolina Department of Crime Control and Public Safety, NC .....	3,400,000
City of Alpine, TX .....	100,000
City of Del Rio, TX .....	600,000
Lehman College, NY .....	1,000,000
Broward County, FL .....	500,000
Southeast Missouri State University, MO .....	430,000

Williamstown Lake, Grant and Pendleton Counties, KY .....	500,000
City of Whitehall, OH .....	500,000
City of Hampton, VA .....	250,000
Santa Clara County, CA .....	250,000
Regional Joint Readiness Center, Pittsburgh, PA .....	500,000
For emergency alert and notification systems:	
City of Detroit, MI .....	485,000
City of Los Angeles, CA .....	100,000
Jasper County Government, IN .....	215,000
City of Belton, MO .....	150,000
City of Smithville, MO .....	200,000
Local Emergency Planning Committee, Town of Needham, MA	200,000
For wildfire mitigation activities:	
Washington County and Washington County Department of Public Works, UT .....	200,000
Arrowhead Regional Development Commission, MN .....	450,000
San Bernardino County Fire Department, CA .....	1,500,000
Idaho Bureau of Homeland Security, ID .....	600,000

EMERGENCY FOOD AND SHELTER

The amended bill provides \$153,000,000 for Emergency Food and Shelter as proposed by both the House and Senate.

TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

The amended bill provides \$80,973,000 for United States Citizenship and Immigration Services (USCIS) instead of \$30,000,000 as proposed by the House and \$50,523,000 as proposed by the Senate. Of this amount, \$80,000,000 is designated as emergency.

EMPLOYMENT ELIGIBILITY VERIFICATION/E-VERIFY

The Committees on Appropriations provide \$60,000,000 for the Employment Eligibility Verification program, which USCIS has renamed E-Verify, instead of \$30,000,000 provided by both the House and the Senate. This system allows employers to check government databases and verify the employment status of job applicants.

FBI BACKGROUND CHECK BACKLOG

The Committees on Appropriations provide \$20,000,000 for reduction of the FBI name check backlog as proposed by the Senate and instead of no funding proposed by the House. The Director of USCIS is directed to report to the Committees on Appropriations on plans to eliminate the backlog of FBI name checks, as discussed in the Senate report.

BENEFIT PAROLE PROGRAMS TRANSFER

The Committees on Appropriations provide \$523,000 for USCIS to transfer the Cuban-Haitian Entrant Program, the Moscow Refugee Program, and the Humanitarian Parole Program from U.S. Immigration and Customs Enforcement to USCIS, as proposed by the Senate and requested by the Department. The House did not transfer these programs. The Director of USCIS is directed to brief the Committees on Appropriations on the number of individuals

serviced by these programs and the long-term outlook for these programs.

#### IMMIGRATION SERVICES

The Committees on Appropriations direct USCIS to expand its immigration services programs, prioritizing areas that have large populations of underserved immigrant populations, as discussed in the House report. The Committees on Appropriations provide \$450,000 for this purpose, of which \$150,000 shall be allocated to the Citizens Advice Bureau Immigrant Assistance Project and \$300,000 shall be allocated to the Bronx Project, Northern Manhattan Coalition for Immigrant Rights.

#### FEE-FUNDED PROGRAMS

Current estimates of fee collections, which constitute the majority of USCIS resources, are \$2,538,872,000. These revenues will support adjudication of applications for immigration benefits and fraud prevention activities, and are derived from fees collected from persons applying for immigration benefits. The Committees on Appropriations direct USCIS to allocate these fees as shown in the table presented in the Senate report and direct that no more than \$10,000 shall be for official reception and representation expenses.

Within the total fees collected, the Committees on Appropriations direct USCIS to provide no less than \$49,357,000 to support Customer Service Center operations, and to dedicate the entirety of premium processing revenue to business system and information technology transformation, including converting immigration records to digital format. The Committees on Appropriations require the Director of USCIS to submit an expenditure plan for the Business Transformation Project. USCIS should include materials in the plan that address the alignment of the transformation process with the Departmental enterprise architecture, as well as details on expected project performance and deliverables.

#### IMMIGRATION REFORM

USCIS is not required to report on the anticipated process for administering a temporary worker program.

#### H-1B BENEFITS FRAUD ASSESSMENT

USCIS is directed to conduct a benefits fraud assessment of the H-1B Visa Program, and to report to the Committees on Appropriations on the results of the assessment and any recommendations to strengthen the program.

#### USCIS VEHICLES

The amended bill provides authority for USCIS to acquire up to five vehicles in locations where the General Services Administration does not provide vehicles for lease. The Director of USCIS is directed to notify the Committees on Appropriations on each occasion this authority is used, including details on the cost of each vehicle, the rationale for its purchase or lease, and the location where the vehicle is used.

## FEDERAL LAW ENFORCEMENT TRAINING CENTER

## SALARIES AND EXPENSES

The amended bill provides \$238,076,000 for Salaries and Expenses instead of \$219,786,000 as proposed by the House and \$221,076,000 as proposed by the Senate. Of this amount, \$17,000,000 is designated as emergency. The amended bill allows the Federal Law Enforcement Training Center (FLETC) to obligate funds in anticipation of reimbursements from agencies, as proposed by the Senate. The Committees on Appropriations adopt the Senate position of not transferring the Federal Law Enforcement Training Accreditation Board (FLETA) from FLETC and include \$1,290,000 for FLETA within this appropriation. The amended bill also extends the rehired annuitant authority through December 31, 2010. The Committees on Appropriations do not adopt the revolving fund language proposed by the Administration.

## ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The amended bill provides \$50,590,000 for Acquisitions, Construction, Improvements, and Related Expenses instead of \$43,270,000 as proposed by the House and \$44,470,000 as proposed by the Senate. Of this amount, \$4,000,000 is designated as emergency. Within the total, \$3,320,000 is for construction of new training and related facilities at Artesia, New Mexico.

## SCIENCE AND TECHNOLOGY

## MANAGEMENT AND ADMINISTRATION

The amended bill provides \$138,600,000 for Management and Administration of Science and Technology (S&T) instead of \$130,787,000 as proposed by the House and \$140,632,000 as proposed by the Senate. This amount includes \$10,000 for official reception and representation as proposed by the House instead of \$3,000 as proposed by the Senate. S&T shall move expeditiously to address critical issues of staff vacancies and internal controls. Sufficient resources have been included within this account for the establishment of the Homeland Security International Cooperative Programs Office pursuant to section 1901 of the 9/11 Act.

## RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

The amended bill provides \$691,735,000 for Research, Development, Acquisition, and Operations instead of \$646,325,000 as proposed by the House and \$697,364,000 as proposed by the Senate. The following table specifies funding by budget activity:

Border and Maritime Security .....	\$25,479,000
Chemical and Biological .....	208,020,000
Command, Control, and Interoperability .....	56,980,000
Explosives .....	77,654,000
Human Factors .....	14,206,000
Infrastructure and Geophysical .....	64,500,000
Innovation .....	33,000,000
Laboratory Facilities .....	103,814,000
Test and Evaluations/Standards .....	28,520,000
Transition .....	25,265,000



University Programs .....	49,297,000
Homeland Security Institute .....	5,000,000
Total .....	\$691,735,000

#### HOMELAND SECURITY INSTITUTE

The Committees on Appropriations provide \$5,000,000 for the Homeland Security Institute (HSI), as proposed by the Senate. Funding reductions have been made to each program, project, and activity (PPA) within S&T to reflect this appropriation for HSI. The Committees on Appropriations recognize that in addition to this appropriation, HSI has many ongoing projects with other DHS agencies that supplement these funds. S&T shall ensure that the fiscal year 2009 Congressional justification clearly delineates funding for the Homeland Security Institute and does not obscure it within S&T's other PPAs.

#### CHEMICAL AND BIOLOGICAL

The Committees on Appropriations provide \$208,020,000 for the chemical and biological program instead of \$215,131,000 as proposed by the House and \$216,038,000 as proposed by the Senate. Within this total, \$5,800,000 has been appropriated to procure 26 Generation 3 BioWatch detection units to support a six month pilot of these systems in two BioWatch cities. No funding has been provided for the low rate initial production procurement because the Department's decision on which system to procure will not be made until after the pilot is concluded. Currently, the Department does not anticipate this until late 2008 or early 2009.

#### COMMAND, CONTROL, AND INTEROPERABILITY

The Committees on Appropriations provide \$56,980,000 for command, control, and interoperability instead of \$61,100,000 as proposed by the House and \$61,763,000 as proposed by the Senate. Within this total, not less than \$19,881,000 is for cyber security activities including efforts to address flaws in the computerized systems that control generators, switching stations, and electrical substations as well as other emerging threats to infrastructure critical to the U.S. economy.

#### ANALYSIS, DISSEMINATION, VISUALIZATION, INSIGHT, AND SEMANTIC ENHANCEMENT (ADVISE) PROGRAM

No funding has been provided for the ADVISE program as proposed by both the House and the Senate. Bill language clarifies that obligations may not be made to follow-on or successor programs to ADVISE. The Committees on Appropriations remind the Department that any tools designed to manipulate data bases must have proper Privacy Impact Assessments in place before use.

#### FIRST RESPONDER COMMUNICATIONS EQUIPMENT STANDARDS

Federal funding for first responder communications equipment should be compliant with common system standards for digital public safety radio communications (Project 25 standards), as appropriate, to ensure interoperability. S&T, in conjunction with the

Director of the National Institute of Standards and Technology, shall continue assessing the compliance of first responder communications equipment with Project 25 standards.

#### EXPLOSIVES

The Committees on Appropriations provide \$77,654,000 for explosives instead of \$63,749,000 as proposed by the House and \$81,726,000 as proposed by the Senate. Within this total, not less than \$15,000,000 shall be used to support S&T's work under HSPD-19 as discussed in the Senate report. Specifically, S&T shall work toward producing detection technologies that deter, reduce, or eliminate explosive attacks and their consequences including car bombs. S&T should coordinate this work with other Federal agencies to eliminate any duplication of efforts.

S&T has been conducting three air cargo pilots since 2006. While two of the pilots are completed, the remaining pilot at San Francisco airport has been repeatedly delayed. As a result, S&T does not anticipate collecting six months of data on the use of explosive detection systems (EDS) to screen air cargo at a dedicated facility as required in the statement of managers accompanying House Report 109-241. The Committees on Appropriations urge S&T to continue the air cargo pilot at San Francisco airport to obtain a full six months of EDS data and encourage the use of unobligated balances from the air cargo research and development program for this effort. As the most recent monthly obligation report shows, \$4,755,680 is currently unobligated. S&T is encouraged to share any promising results of the air cargo pilots with other airports.

#### HUMAN FACTORS

The Committees on Appropriations provide \$14,206,000 for human factors instead of \$12,600,000 as proposed by the House and \$6,706,000 as proposed by the Senate. Within this funding, \$7,500,000 is for the Institute for Homeland Security Solutions, which will be funded through the Research Triangle Institute. The Institute for Homeland Security Solutions (IHSS) will conduct applied technological and social science research with universities, other federal agencies, state and local security agencies and the private sector. This Institute will focus on developing near-term technological solutions to practical, real world problems that have broad applications. IHSS' work for DHS will cover critical policy and operational implications of new technologies and will be narrowly focused on information analysis tools and policies. One example of the work the Institute will focus on is anomaly detection. The paradigm for security in many operations centers is a person, or group of people, staring at a dozen or more video screens and perhaps receiving data from a variety of other sources simultaneously. In these settings, the human brain is quickly overwhelmed with more images and data than it can effectively process—too much data is almost as bad as no data at all. The Institute will focus on whether these centers can be more effective through development of technology capable of learning and remembering what the normal traffic pattern of people is and detecting automatically when there is an anomaly that might raise a security concern.

## INFRASTRUCTURE AND GEOPHYSICAL

The Committees on Appropriations provide \$64,500,000 for infrastructure and geophysical, instead of \$24,000,000 as proposed by the House and \$64,000,000 as proposed by the Senate. Within the funding provided, \$27,000,000 is to continue the Southeast Regional Research Initiative, \$9,500,000 is for Regional Technology Integration, and \$11,000,000 is for the Community-Based Critical Infrastructure Protection Institute to support existing work in research and development and application of technology for community based critical infrastructure protection efforts.

## INNOVATION

The Committees on Appropriations provide \$33,000,000 for innovation instead of \$51,900,000 as proposed by the House and \$46,000,000 as proposed by the Senate. Funding is not specified among the Innovation programs; S&T is directed to submit to the Committees on Appropriations an allocation plan for Innovations within 30 days after enactment of this Act.

## NEW TECHNOLOGIES

The Committees on Appropriations believe new technologies may significantly help the Department as it seeks to secure our homeland. The Department is encouraged to develop such technologies as carbon nanotube coatings; dual use mobile sensor technology that provides automatic intelligence collection; sensor drive analytics; regional disease surveillance; explosive detection using computer tomography/neutron technologies; microsystems technologies for high threat problem solving; small, rugged mass spectrometers; gallium nitride based multi-mission phase array radar; high throughput backscatter personal screeners; data systems that are scaleable, easily deployable and do not require significant power or cooling infrastructure; mono-energetic gamma resonant imaging and detection systems; respirators using antimicrobial iodinated technology; and supercomputing centers that utilize smart sensor algorithms on low cost processors.

## MULTI-FUNCTION PHASED ARRAY RADARS

During the next decade, many of the surveillance radars used by a number of Federal agencies around the country will near the end of their design life. The Department is encouraged to continue its involvement in the Office of Federal Coordinator for Meteorology (OFCM) Working Group for Multifunctional Phased Array Radar (MPAR), which is focused on developing multi-function phased array radars to replace the current generation of surveillance radar. The Department should evaluate the mission requirements where MPAR has potential departmental applications such as providing information on severe weather, non-cooperative aircraft, and potential terrorist incidents involving chemical, biological, radiological, or nuclear materials. The Department's continued participation in the OFCM effort should attempt to ensure that the appropriate applications are incorporated into the MPAR design.

## LABORATORY FACILITIES

The Committees on Appropriations provide \$103,814,000 for laboratory facilities as proposed by the Senate instead of \$88,814,000 as proposed by the House. Within the total provided is \$15,000,000 for Area 300 (Pacific Northwest National Laboratory) for ongoing construction in support of the memorandum of understanding between DHS, the Department of Energy and the National Nuclear Security Administration.

S&T is directed to report on the costs and benefits of the Transportation Safety Laboratory charging companies for evaluation of their products. S&T should account for potential enhanced services and capitol improvements that such fees might allow, as well as any negative effects such as potential barriers to entry for small companies that such fees may cause.

## TEST AND EVALUATIONS/STANDARDS

The Committees on Appropriations provide \$28,520,000 for test and evaluations/standards as proposed by the House instead of \$24,219,000 as proposed by the Senate. Within the funds provided, \$3,000,000 shall be for independent peer reviewed program evaluations throughout DHS conducted by outside entities. The Committees on Appropriations expect that only one or two smaller scale programs will be able to be evaluated with this funding and direct S&T to begin with an evaluation of TSA's air cargo certified shipper pilot program. This evaluation should focus on the soundness of the measurements TSA will use to evaluate the integrity of a certified shippers air cargo security program and whether the certified shipper program will help TSA meet the 100-percent screening requirements contained in the 9/11 Act. S&T shall consult with the Committees on Appropriations on other programs to be evaluated and the scope of the evaluation before funding is obligated.

## TRANSITION

The Committees on Appropriations provide \$25,265,000 for transition instead of \$26,000,000 as proposed by the House and \$23,901,000 as proposed by the Senate. Within the funds provided, up to \$1,000,000 is for an independent review to determine whether Federal resources are being adequately and efficiently used in DHS and other Federal agencies to address homeland security needs, including the opportunity costs that may result from the increased prominence of homeland security as detailed in the House report. This review should be conducted by the National Academy of Public Administration.

## UNIVERSITY PROGRAMS

The Committees on Appropriations provide \$49,297,000 for university programs instead of \$48,575,000 as proposed by the House and \$38,718,000 as proposed by the Senate. Within this funding, \$4,000,000 is to support the new National Transportation Security Center of Excellence authorized in the 9/11 Act and \$2,000,000 is to support the ongoing Memorandum of Agreement with the Naval Postgraduate School. Because the funding level is \$10,579,000

above the budget request, S&T shall brief the Committees on Appropriations on how these additional funds will be allocated 60 days after enactment of this Act. As part of this briefing, S&T shall also discuss how universities are selected to participate in this program, how S&T determines the type of research each Center of Excellence will specialize in, how the Directorate evaluates the quality of work from the Centers, and assess the impact a time limit may have on the quality and breadth of research conducted.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

The amended bill provides \$31,500,000 for Management and Administration instead of \$31,176,000 as proposed by the House and \$32,000,000 as proposed by the Senate. The increase of \$1,032,000 above the current services level is intended to partially address critical staff vacancies. The Committees on Appropriation are concerned with the Domestic Nuclear Detection Office's (DNDO) shortfall in critical staffing positions and the impact of this shortfall upon the agency's administrative functions. As a result, there have been significant delays in obtaining quality budgetary information on major acquisitions and research projects from the agency. As of the end of September 2007, DNDO was only supporting 91 positions, or 21 below the fiscal year 2007 enacted level. Furthermore, the fiscal year 2008 budget justification fails to provide detailed data and explanatory statements for the additional 18 program management staff requested. Without an effective staffing plan and the appropriate complement of budgetary and support personnel, DNDO will be unable to manage its projected acquisition, fielding and integration of next generation devices. Therefore, DNDO is directed to prioritize its program management support needs and make every effort to fill associated positions as soon as possible. DNDO shall brief the Committees on Appropriations by February 1, 2008 on its hiring plan.

RESEARCH, DEVELOPMENT, AND OPERATIONS

The amended bill provides \$323,500,000 for Research, Development, and Operations instead of \$316,900,000 as proposed by the House and \$336,000,000 as proposed by the Senate. The following table specifies funding by budget activity:

Systems Engineering and Architecture .....	\$22,400,000
Systems Development .....	118,100,000
Transformational Research and Development .....	96,000,000
Assessments .....	37,500,000
Operations Support .....	34,500,000
National Technical Nuclear Forensics Center .....	15,000,000
Total .....	\$323,500,000

SYSTEMS DEVELOPMENT

The Committees on Appropriations provide \$118,100,000 for systems development instead of \$108,100,000 as proposed by the House and \$132,100,000 as proposed by the Senate. Within the amount appropriated: \$10,000,000 shall be available to support the implementation of the Securing the Cities Initiative; \$10,000,000 is

to deploy up to ten teams to screen general aviation aircraft for illicit material, other aviation programs or non-ports of entry land border efforts; and \$3,000,000 is for the development of detection systems to scan general aviation aircraft for illicit radiological and nuclear materials. DNDO is urged to place a priority within development and deployment of detection systems on the highest risk pathways entering the country.

The Committees on Appropriations concur with direction in the Senate report requiring DNDO to submit a strategic plan for its phased deployment of the Securing the Cities initiative. This plan shall: (1) prioritize the cities that will be covered by the program; (2) lay out decisions on which routes will be covered; (3) address whether decoy detection systems would benefit the public good; (4) indicate what level of detection infrastructure is planned in each city; (5) address whether any given deployment has a reasonable chance of success; and (6) establish a five year projected cost estimate for this initiative. In addition, DNDO shall enter into a memorandum of understanding with any city receiving resources from the Securing the Cities initiative. This memorandum shall outline the duties expected of DNDO and the city over the foreseeable future as well as the annual resources requirements each must meet to fully implement this initiative.

The Committees on Appropriations concur with the House report directing DNDO to report on its assessment of radiation detection technologies that could be used in rail yards, at non-ports of entry land border crossings, at general aviation airports, and with small maritime craft. DNDO shall brief the Committees on Appropriations quarterly on the progress it has made in identifying the necessary architecture, the strengths and weakness of these technologies, and a timetable to develop and deploy these technologies.

The Committees on Appropriations agree with the Senate report encouraging DNDO to place its screening equipment according to threat and risk rather than ease of screening and measurement. Further, DNDO is directed to continue to keep the Committees on Appropriations informed of its efforts to fully cover all high risk pathways into the United States and how it is using intelligence to drive investments in its global nuclear detection architecture.

DNDO shall work with U.S. Customs and Border Protection (CBP) to initiate two pilots of radiation portal monitors within the air port of entry environment for screening individuals and their baggage for radioactive materials. The pilots should include a detailed concept of operations. DNDO and CBP are directed to brief the Committees on Appropriations on the status of the development efforts.

#### ASSESSMENTS

The Committees on Appropriations provide \$37,500,000 for assessments instead of \$32,000,000 as proposed by the House and the Senate. Within the funding provided, \$5,500,000 is to enhance detection links between seaports and railroads at a test center in Tacoma, Washington as authorized by the SAFE Port Act, as proposed by the Senate.

RED TEAMING

DNDO is directed to brief the Committees on Appropriations on red team exercises it has conducted, any vulnerabilities identified, and any changes that are being made to the system to address these vulnerabilities. The first briefing shall be within 120 days after enactment of this Act.

SYSTEMS ACQUISITION

The amended bill provides \$129,750,000 for Systems Acquisition instead of \$171,500,000 as proposed by the House and \$139,000,000 as proposed by the Senate. The following table specifies funding by budget activity:

Radiation Portal Monitor Program .....	\$90,000,000
Securing the Cities .....	30,000,000
Human Portal Radiation Detection Systems Program .....	9,750,000
	\$129,750,000
Total .....	\$129,750,000

RADIATION PORTAL MONITOR PROGRAM

The Committees on Appropriations provide \$90,000,000 for the radiation portal monitor program instead of \$171,500,000 as proposed by the House and \$139,000,000 as proposed by the Senate. Within this appropriation, full funding has been provided for DNDO's effort to: procure and deploy additional polyvinyl toluene (PVT) based fixed radiation portal monitors (RPMs) to all remaining northern border sites by calendar year 2009, deploy PVT units in the air cargo environment, upgrade and deploy the 45 low rate initial production Advanced Spectroscopic Portal (ASPs) units, and support field validation for ASPs to determine that these systems meet CBP's functionality requirements.

As of November 15, 2007, 100-percent of all containerized cargo is being screened by RPMs at the southern border. However, the Committees on Appropriations remain deeply concerned about the Department's ability to detect non-containerized illicit radioactive materials entering the nation. Since the President's budget submission in February 2007, Congress has appropriated \$100,000,000 in unrequested emergency resources to speed placement of fixed radiation detectors at ports of entry (POE). Unfortunately, these resources, as well as prior year appropriations of \$64,330,000, remain largely unspent due to additional development required of the ASP monitors and additional evaluation to determine if ASP monitors are significantly more effective than currently deployed technologies. To date, the Committees on Appropriations have not received a certification from the Secretary that the ASP monitors perform more effectively in an operational environment compared to current generation portal monitors. Therefore, limited funding is provided for ASP in fiscal year 2008. The Committees on Appropriations direct \$147,000,000, from supplemental funds provided in fiscal year 2007 and annual appropriations provided in fiscal year 2008, be utilized to accelerate the procurement and deployment of PVTs to complete deployment of these systems at all remaining northern border sites. While the current generation technologies may not have the expected capabilities of ASP systems, they are

substantially less expensive, proven to work within known limits, and can be quickly deployed to POEs.

The Committees on Appropriations appreciate the difficulties the Secretary faces in certifying the ASP systems and provide sufficient resources to allow DNDO to enter into an agreement with the National Academy of Sciences (NAS) to assist the Secretary in his certification decisions. NAS will help validate testing completed to date, provide support for future testing, assess the costs and benefits of this technology, and bring robustness and scientific rigor to the procurement process. As in prior fiscal years, the Committees on Appropriations include a prohibition of full scale procurement of ASP systems until the Secretary has certified and reported to the Committees that a significant increase in operational effectiveness merits such a decision. However, the amended bill also requires separate and distinct certifications for primary and secondary deployments in recognition of the inherently unique operational requirements each presents. The amended bill also prohibits high-risk concurrent development and production of mutually dependent software and hardware components of detection systems. This restriction is included to address the acquisition and fiscal risks associated with such concurrency and in response to the testing difficulties DNDO has encountered over the last fiscal year.

#### TITLE V—GENERAL PROVISIONS

Section 501. The amended bill continues a provision proposed by the House and Senate that no part of any appropriation shall remain available for obligation beyond the current year unless expressly provided.

Section 502. The amended bill continues a provision proposed by the House that unexpended balances of prior appropriations may be merged with new appropriations accounts and used for the same purpose, subject to reprogramming guidelines.

Section 503. The amended bill continues and modifies a provision proposed by the House and Senate that provides authority to reprogram appropriations within an account and to transfer up to 5 percent between appropriations accounts with 15-day advance notification of the Committees on Appropriations. Modifications adopted include in (1) adding “project” or “activity”; and in (2) adding “office”. A detailed funding table identifying each congressional control level for reprogramming purposes is included at the end of this statement. These reprogramming guidelines shall be complied with by all agencies funded by the Department of Homeland Security Appropriations Act, 2008.

The Committees on Appropriations expect the Department to submit reprogramming requests on a timely basis, and to provide complete explanations of the reallocations proposed, including detailed justifications of the increases and offsets, and any specific impact the proposed changes will have on the budget request for the following fiscal year and future-year appropriations requirements. Each request submitted to the Committees should include a detailed table showing the proposed revisions at the account, program, project, and activity level to the funding and staffing (full-time equivalent position) levels for the current fiscal year and to



the levels requested in the President's budget for the following fiscal year.

The Committees on Appropriations expect the Department to manage its programs and activities within the levels appropriated. The Committees on Appropriations are concerned with the number of reprogramming proposals submitted for consideration by the Department and remind the Department that reprogramming or transfer requests should be submitted only in the case of an unforeseeable emergency or situation that could not have been predicted when formulating the budget request for the current fiscal year. When the Department submits a reprogramming or transfer request to the Committees on Appropriations and does not receive identical responses from the House and Senate, it is the responsibility of the Department to reconcile the House and Senate differences before proceeding, and if reconciliation is not possible, to consider the reprogramming or transfer request unapproved.

The Department is not to propose a reprogramming or transfer of funds after June 30 unless there are exceptional or extraordinary circumstances, such that lives or property are placed in imminent danger.

Section 504. The amended bill continues a provision proposed by the House and the Senate that none of the funds appropriated or otherwise available to the Department may be used to make payment to the Department's Working Capital Fund, except for activities and amounts allowed in the President's fiscal year 2008 budget, excluding sedan service, shuttle service, transit subsidy, mail operations, parking, and competitive sourcing. Any additional activities and amounts must be approved by the Committees on Appropriations 30 days in advance of obligation.

Section 505. The amended bill continues a provision proposed by the House and Senate that not to exceed 50 percent of unobligated balances remaining at the end of fiscal year 2008 from appropriations made for salaries and expenses shall remain available through fiscal year 2009 subject to reprogramming guidelines.

Section 506. The amended bill continues a provision proposed by the House and Senate deeming that funds for intelligence activities are specifically authorized during fiscal year 2008 until the enactment of an Act authorizing intelligence activities for fiscal year 2008.

Section 507. The amended bill continues a provision proposed by the House and Senate directing the Federal Law Enforcement Training Accreditation Board to lead the Federal law enforcement training accreditation process.

Section 508. The amended bill continues and modifies a provision proposed by the House and Senate requiring notification of the Committees on Appropriations three business days before any grant allocation, discretionary grant award, discretionary contract award, including Federal Acquisition Regulation-covered contracts, letter of intent, or public announcement of the intention to make such an award totaling in excess of \$1,000,000. Additionally, the Federal Emergency Management Agency (FEMA) is required to brief the Committees on Appropriations five full business days prior to announcing publicly the intention to make an award of

State Homeland Security grants, Urban Area Security Initiative grants, or Regional Catastrophic Preparedness Grants.

Section 509. The amended bill continues a provision proposed by the House and Senate that no agency shall purchase, construct, or lease additional facilities for Federal law enforcement training without advance approval of the Committees on Appropriations.

Section 510. The amended bill continues a provision proposed by the House and Senate that FLETC shall schedule basic and/or advanced law enforcement training at all four training facilities under its control to ensure that these training centers are operated at the highest capacity.

Section 511. The amended bill continues a provision proposed by the House that none of the funds may be used 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. The amended bill excludes funds that may be required for development of a proposed prospectus. The Senate proposed similar language with a reference to the Public Buildings Act of 1959.

Section 512. The amended bill continues a provision proposed by the House and Senate that none of the funds may be used in contravention of the Buy American Act.

Section 513. The amended bill continues and modifies a provision proposed by the House and Senate to prohibit the obligation of funds for the Secure Flight program, except on a test basis, until the requirements of section 522 of Public Law 108–334 have been met and certified by the Secretary of DHS and reviewed by the Government Accountability Office (GAO). The Committees on Appropriations direct GAO to continue to evaluate DHS and Transportation Security Administration (TSA) actions to meet the ten conditions listed in section 522(a) of Public Law 108–334 and to report to the Committees on Appropriations, either incrementally as the Department meets additional conditions, or when all conditions have been met by the Department. The amended bill also prohibits the obligation of funds to develop or test algorithms assigning risk to passengers not on government watch lists and for a commercial database that is obtained from or remains under the control of a non-federal entity, excluding Passenger Name Record data obtained from air carriers. Within 90 days after enactment of this Act, TSA shall submit a detailed plan on achieving key milestones, as well as certification of this program.

Section 514. The amended bill continues a provision proposed by the Senate prohibiting funds to be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448). The House bill contained no similar provision.

Section 515. The amended bill continues a provision proposed by the House and Senate regarding competitive sourcing.

Section 516. The amended bill continues and modifies a provision proposed by the House and Senate regarding the reimbursement to the Secret Service for the cost of protective services for the head of a Federal agency other than the Secretary of Homeland Security. The provision allows the Secret Service to seek reimbursement for the cost of such protective services.

Section 517. The amended bill continues and modifies a provision proposed by the Senate that allows the Director of the Secret Service to enter into an agreement to perform protection of a Federal officer, other than a person granted such protection by law, on a fully reimbursable basis. The House bill contained no similar provision.

Section 518. The amended bill continues and modifies a provision proposed by the House and the Senate directing TSA to research, develop, and procure new technologies to inspect and screen air cargo. In the interim, TSA shall utilize existing checked baggage explosive detection equipment and screeners to screen cargo on passenger aircraft when practicable. New language is included that requires TSA to work with air carriers and airports to ensure the screening of cargo carried on passenger aircraft, as required by the 9/11 Act, increases incrementally each quarter. TSA is required to report air cargo inspection statistics detailing how incremental progress is being made to the Committees on Appropriations within 45 days of the end of each quarter of the fiscal year.

Section 519. The amended bill continues a provision proposed by the House and Senate directing that only the Privacy Officer, appointed pursuant to section 222 of the Homeland Security Act of 2002, may alter, direct that changes be made to, delay or prohibit the transmission of a Privacy Officer report to Congress.

Section 520. The amended bill continues a provision proposed by the House and Senate prohibiting the use of funds made available in this Act to pay the salary of any employee serving as a contracting officer's technical representative (COTR), or acting in a similar capacity, who has not received COTR training.

Section 521. The amended bill continues a provision proposed by the House directing that any funds appropriated or transferred to TSA "Aviation Security", "Administration" and "Transportation Security Support" in fiscal years 2004, 2005, 2006, and 2007 that are recovered or deobligated shall be available only for procurement and installation of explosives detection systems, for air cargo, baggage, and checkpoint screening systems, subject to notification. Quarterly reports must be submitted identifying any funds that are recovered or deobligated. The Senate bill contained similar language without a reporting requirement.

Section 522. The amended bill continues a provision proposed by the Senate continuing Section 525(d) of Public Law 109-295 pertaining to Sensitive Security Information (SSI) through fiscal year 2008. The House bill modified the SSI provision contained in Section 525 of Public Law 109-295.

Section 523. The amended bill includes a provision proposed by the Senate requiring any funds appropriated to Coast Guard for 110-123 foot patrol boat conversions that are recovered, collected, or otherwise received as a result of negotiation, mediation, or litigation, shall be available until expended for the replacement patrol boat program. The House bill contained no similar provision.

Section 524. The amended bill continues a provision proposed by the House and Senate extending the authorization of the Department's Working Capital Fund in fiscal year 2008.

Section 525. The amended bill includes a new provision that prohibits obligation of funds provided in this Act to commence oper-

ations of the National Applications Office or the National Immigration Information Sharing Operation until the Secretary certifies that these programs comply with all existing laws and that certification is reviewed by GAO.

Section 526. The amended bill continues and modifies a provision proposed by the House and Senate requiring the Chief Financial Officer to submit monthly budget execution and staffing reports within 45 days after the close of each month. These reports are to include the number of contract employees by office as proposed by the Senate.

Section 527. The amended bill continues a provision as proposed by the House and the Senate relating to undercover investigative operations authority of the Secret Service.

Section 528. The amended bill continues a provision proposed by the House prohibiting the use of funds to contravene the Federal buildings performance and reporting requirements of Executive Order 13123, part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.), or subtitle A of title I of the Energy Policy Act of 2005. The Senate bill contained no similar provision.

Section 529. The amended bill continues a provision proposed by the House classifying the functions of instructor staff at FLETC as inherently governmental for purposes of the Federal Activities Inventory Reform Act of 1998. The Senate bill contained a similar provision.

Section 530. The amended bill includes a provision proposed by the House prohibiting the use of funds to contravene section 303 of the Energy Policy Act of 1992. The Senate bill contained no similar provision.

Section 531. The amended bill includes a provision proposed by the House prohibiting the use of funds in contravention of Executive Order 13149 relating to fleet and transportation efficiency. The Senate bill contained no similar provision.

Section 532. The amended bill continues and modifies a provision on Coast Guard contracting and the Integrated Deepwater Systems program as proposed by the House. The Senate bill contained no similar provision.

Section 533. The amended bill includes a new provision proposed by the House that prohibits the obligation of funds for the development, testing, deployment, or operation of any system related to MAX-HR or any subsequent, but related human resources management project, until pending litigation, legal claims or appeals have been fully resolved. The Senate bill contained no similar provision.

Section 534. The amended bill includes a new provision proposed by the Senate on preemption of state or local chemical facility security standards. The House bill contained a similar provision but also included information classification requirements.

Section 535. The amended bill includes and modifies a new provision proposed by the House that requires U.S. Customs and Border Protection (CBP) Officers to offer the ability to be classified as law enforcement officers. The Senate bill contained no similar provision.

Section 536. The amended bill continues and modifies a provision proposed by the House regarding the enforcement of section

4025(1) of Public Law 108-458 regarding butane lighters. The Senate bill contained no similar provision.

Section 537. The amended bill includes a provision proposed by the House and Senate prohibiting the Secretary of Homeland Security from altering or reducing Coast Guard's civil engineering program except as specifically authorized in statute after enactment of this Act.

Section 538. The amended bill includes a new provision reducing the cumulative amount provided to the Office of the Secretary and Executive Management and the Office of the Under Secretary for Management by \$5,000,000 to reflect management efficiencies. The Secretary shall notify the Committees on Appropriations within 30 days of the date of enactment of this Act regarding the spread of these efficiency savings by account and within the account, by program, project and activity detailed in the table located in the back of the explanatory statement.

Section 539. The amended bill includes a new provision proposed by the House prohibiting the obligation of funds 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 for grants or contracts awarded by any means other than full and open competition. Certain exceptions apply. The amended bill also requires the Inspector General to review Departmental contracts awarded noncompetitively and report on the results to the Committees on Appropriations. The Senate bill contained a similar provision.

Section 540. The amended bill includes a new provision proposed by the House that permits one time judicial review of the aviation security and infrastructure fee and limits those amounts made available by the authority in the Department of Homeland Security Appropriations Act for Fiscal Year 2005 (Public Law 108-334). The Senate bill contained no similar provision.

Section 541. The amended bill includes and modifies a new provision proposed by the House that prohibits funding for any position designated as a Principal Federal Official (PFO) during a Stafford Act declared disaster or emergency. This prohibition shall apply to PFOs, successors to that position, and any similar position created by the Department. The Committees on Appropriations are concerned that the Department has not defined a clear role for the PFO and that the position conflicts with the Federal Coordinating Official's (FCO) role during Presidentially-declared disasters and emergencies. States and emergency management organizations have also expressed concern that use of both an FCO and PFO lead to confusion in the field following disasters and undermines FEMA's emergency management role. The Committees on Appropriations understand from the Department that there may be instances in which FEMA should not be the lead agency in charge of response, such as a pandemic outbreak or an Olympic event, and therefore limit the prohibition to Presidentially-declared disasters or emergencies that require Stafford Act assistance. The prohibition also does not apply to major non-Stafford Act responses that may include a Stafford Act component. In instances when a PFO is designated, the Department is expected to work with State and local governments and other Federal partners to clearly define the

role of the PFO and ensure there is no conflict with the well-tested role of the FCO. The Department must work with all homeland security partners to achieve common understanding regarding incident management. The Senate bill contained no similar provision.

Section 542. The amended bill includes a new provision proposed by the House regarding the collection of airport security badges. The Senate bill contained no similar provision.

Section 543. The amended bill includes and modifies a new provision proposed by the House prohibiting funding to grant an immigration benefit to any individual unless the results of background checks required in statute to be completed prior to the grant of the benefit have been received by DHS. The Senate bill contained no similar provision.

Section 544. The amended bill includes a new provision proposed by the Senate prohibiting use of funds to destroy or put out to pasture any horse or other equine belonging to the Federal government unless adoption has been offered first. The House bill contained a similar provision.

Section 545. The amended bill includes a new provision proposed by the Senate that extends the implementation deadline for the Western Hemisphere Travel Initiative (WHTI) to June 1, 2009, or three months after the Department of State and DHS certification occurs, whichever is later. The House bill contained a provision that prohibited funds to be used to implement any plan for WHTI before June 1, 2009.

Section 546. The amended bill includes a provision proposed by the House and Senate that precludes DHS from using funds in this Act to carry out reorganization authority.

Section 547. The amended bill includes and modifies a new provision proposed by the Senate regarding the use of the National Center for Critical Information Processing and Storage data center. The House bill contained no similar provision.

Section 548. The amended bill includes a new provision as proposed by the Senate that prohibits funds from being used to reduce the Coast Guard's Operations Systems Center mission or its government-employed or contract staff. The House bill contained no similar provision.

Section 549. The amended bill includes a new provision prohibiting funds to be used to conduct or implement the results of a competition under Office of Management and Budget Circular A-76 with respect to the Coast Guard National Vessel Documentation Center.

Section 550. The amended bill includes a new provision as proposed by the Senate that permits TSA to transfer up to \$24,000,000 from prior year balances to the Secure Flight program after the Committees on Appropriations receive and approve an expenditure plan for such funds. Bill language specifies programs that may not be utilized. The House bill contained no similar provision.

Section 551. The amended bill includes and modifies a provision that rescinds \$59,286,537 from unobligated balances of funds transferred to DHS when it was created in 2003 instead of \$55,273,000 as rescinded in the House bill and \$45,000,000 as rescinded in the Senate bill. Language is included that specifies

which accounts cannot be rescinded. In addition, new language is included that rescinds a total of \$28,833,463 in unobligated balances made available pursuant to Section 505 of Public Law 109–295, rescinds \$8,480,000 from the Counterterrorism Fund, and \$4,500,000 from TSA’s expenses account. The majority of these rescissions were included as part of the budget amendment submitted by the President on November 6, 2007.

Section 552. The amended bill includes and modifies a provision proposed by the Senate related to disaster assistance for educational agencies. Educational agencies include only those that provide for kindergarten through 12th grade. The Committees on Appropriations require FEMA to provide this assistance within 30 days of a request. The House bill contained no similar provision.

Section 553. The amended bill includes a new provision proposed by the Senate making technical corrections to existing law to make border passages or tunnels a criminal offense. The House bill contained no similar provision.

Section 554. The amended bill includes a new provision proposed by the Senate pertaining to sexual abuse of individuals held in custody at the direction of the Federal government. The House bill contained no similar provision.

Section 555. The amended bill includes a new provision proposed by the Senate requiring the Secretary to establish and maintain a direct link to the DHS Office of Inspector General on the DHS website. The House bill contained no similar provision.

Section 556. The amended bill includes a new provision proposed by the Senate that requires the Secretary to link all contracts that provide award fees to successful acquisition outcomes. The House bill contained no similar provision.

Section 557. The amended bill includes a new provision proposed by the Senate prohibiting the obligation of funds for the Office of Secretary and Executive Management for any new hires at DHS if they are not verified through the basic pilot program of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Section 558. The amended bill continues language contained in Public Law 109–295 related to prescription drugs. The Senate bill modified this language. The House bill contained no similar provision.

Section 559. The amended bill includes a new provision proposed by the Senate prohibiting funds available in this Act from being used to implement a rule or regulation which implements the notice of proposed rulemaking related to Petitions for Aliens to Perform Temporary Nonagricultural Services or Labor (H–2B) set out beginning on 70 Federal Register 3984 (January 27, 2005). The House bill contained no similar provision.

Section 560. The amended bill includes a new provision regarding FEMA assistance provided for DR–845.

Section 561. The amended bill includes a modified provision proposed by the Senate regarding FEMA assistance for Hurricane Rita. The House bill contained no similar provision.

Section 562. The amended bill includes a new provision regarding FEMA assistance for Super Typhoon Paka and the Malojloj hardfill fire.

Section 563. The amended bill includes and modifies a new provision proposed by the Senate regarding the secure handling of ammonium nitrate. The Senate bill language has been modified at the request of the authorizing committees. The House bill contained no similar provision.

Section 564. The amended bill includes and modifies a new provision proposed by the Senate to amend the Secure Fence Act of 2006, requiring the Secretary to complete construction of 370 miles of fencing, or other mileage as determined by the Secretary, on the Southwest border by December 31, 2008, and requiring the Secretary to consult with Federal agencies, State and local governments, and property owners on such construction to minimize adverse impacts on the environment and local communities. No funds provided in this Act for Border Security Fencing, Infrastructure, and Technology may be obligated unless the Secretary complies with the consultation requirement.

Section 565. The amended bill includes a new provision proposed by the Senate that establishes an international registered traveler program, sets dates for rulemaking and implementation activities, and authorizes the collection of fees to support this program. The House bill contained no similar provision.

Section 566. The amended bill includes a new provision proposed by the Senate requiring GAO to study DHS's use of shared border management.

Section 567. The amended bill includes a new provision proposed by the Senate prohibiting funds for planning, testing, piloting or developing a national identification card. The House bill contained no similar provision.

Section 568. The amended bill includes a new provision proposed by the Senate repealing TSA's acquisition management system within 180 days after enactment, thereby making TSA subject to the Federal Acquisition Regulation. The House bill contained no similar provision.

Section 569. The amended bill includes a new provision proposed by the Senate requiring FEMA to report on damage assessment information used to determine if a disaster should be declared and requiring this report to be placed on FEMA's website unless it compromises national security. The House bill contained no similar provision.

Section 570. The amended bill includes a new provision proposed by the Senate that allows the Mineta Transportation Institute to be included as a member of the National Transportation Security Center of Excellence. The House bill contained no similar provision.

Section 571. The amended bill includes a new provision on the TSA's registered traveler program.

Section 572. The amended bill includes a new provision extending other transactional authority of DHS through fiscal year 2008.

Section 573. The amended bill includes a new provision rescinding and reappropriating funds previously allocated to the State of Mississippi.

#### PROVISIONS NOT ADOPTED

The amended bill does not include section 516 of the House bill pertaining to the amount of air cargo screened. The Committees on



Appropriations note that the 9/11 Act, which was signed into law after the House passed its version of the bill, include air cargo screening requirements.

The amended bill does not include section 523 of the House bill and section 525 of the Senate bill pertaining to the Disaster Relief report. These provisions are addressed in the amended bill and the explanatory statement under FEMA.

The amended bill does not include section 536 of the House bill prohibiting funds in this Act for a grant or a contract that does not comply with Davis Bacon, with an exception for national emergencies.

The amended bill does not include section 545 of the House bill pertaining to critical infrastructure vulnerability. This provision is addressed in the explanatory statement under the National Protection and Programs Directorate (NPPD).

The amended bill does not include section 547 of the House bill relating to a limitation on funds to be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

The amended bill does not include section 548 of the House bill and section 572 of the Senate bill pertaining to firefighter assistance grants. These provisions are addressed in the explanatory statement under FEMA.

The amended bill does not include section 538 of the Senate bill pertaining to the development of a plan to control and manage Carrizo cane. This provision is addressed in the explanatory statement under CBP.

The amended bill does not include section 544 of the Senate bill prohibiting the use of funds to remove offenses from the list of criminal offenses disqualifying individuals from receiving a Transportation Worker Identification Credential. The Committees on Appropriations note that the 9/11 Act, which was signed into law after the House and Senate passed their versions of the bills, specifically provides authority for the Secretary to modify the list of offenses by rulemaking. TSA believes that the public will be more fairly served if disqualifying offenses are determined based on considered analysis using threat and intelligence information as to an offense's relationship to terrorism.

The amended bill does not include section 546 of the Senate bill requiring the President to ensure operational control of all international land and maritime borders is achieved and to report every 90 days. This provision is addressed in the explanatory statement under CBP.

The amended bill does not include section 547 of the Senate bill relating to funding to ensure State and local employers have access to the employment eligibility verification system. This provision is addressed in the explanatory statement under United States Citizenship and Immigration Services (USCIS).

The amended bill does not include section 549 of the Senate bill relating to the development of a national strategy for the use of closed circuit television systems. This provision is addressed in the explanatory statement under NPPD.

The amended bill does not include section 552 of the Senate bill relating to the 2010 Vancouver Olympic and Paralympic games.

This provision is addressed in the explanatory statement under the Office of the Secretary and Executive Management.

The amended bill does not include section 554 of the Senate bill relating to grants and contracting systems accountability. This provision is addressed in the explanatory statement under FEMA.

The amended bill does not include section 557 of the Senate bill relating to a report on the performance and standards system of TSA. This provision is addressed in the explanatory statement under TSA.

The amended bill does not include section 559 of the Senate bill pertaining to the authorized level for the border law enforcement relief grant program.

The amended bill does not include section 560 of the Senate bill pertaining to a GAO study on the cost of fencing on the southern border. This provision is addressed in the explanatory statement under CBP.

The amended bill does not include section 561 of the Senate bill comprising a sense of the Senate on border security and immigration reforms. This provision is addressed in the explanatory statement under U.S. Immigration and Customs Enforcement.

The amended bill does not include section 562 of the Senate bill requiring CBP to report on the training its personnel receive to effectively assist the Food and Drug Administration in monitoring our Nation's food supply. This provision is addressed in the explanatory statement under CBP.

The amended bill does not include section 563 of the Senate bill regarding the voluntary emergency services program. This provision is addressed in the explanatory statement under TSA.

The amended bill does not include section 564 of the Senate bill prohibiting funds appropriated or otherwise made available in this Act to be used to enter into a contract greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing that they owe no unpaid Federal tax assessments. The Committees on Appropriations are aware of a pending federal regulation to address this issue.

The amended bill does not include section 565 of the Senate bill regarding transportation facility access control programs in the State of Florida. This provision is addressed in the explanatory statement under TSA.

The amended bill does not include section 567 of the Senate bill amending the Federal Fire Prevention and Control Act of 1974 to clarify fire prevention programs include planning and preparation activities. This provision is addressed in the explanatory statement under FEMA.

The amended bill does not include section 568 of the Senate bill on the need to increase CBP officers and agents on the Northern Border. This provision is addressed in the explanatory statement under CBP.

The amended bill does not include section 569 of the Senate bill requiring the Secretary to study areas along the international borders to determine where Federal and state law enforcement officers are unable to achieve adequate radio communication and develop a plan to enhance these capabilities. This provision is addressed in

the explanatory statement under the Office of the Secretary and Executive Management.

The amended bill does not include section 570 of the Senate bill requiring USCIS to provide not less than \$1,000,000 for fraud risk assessment relating to the H-1B visa program. This provision is addressed in the explanatory statement under USCIS.

The amended bill does not include section 571 of the Senate bill requiring a report on interagency operational centers for port security. This provision is addressed in the explanatory statement under Coast Guard.

The amended bill does not include section 574 of the Senate bill requiring GAO to report on UASI regions and ways to better facilitate a regional approach. This provision is addressed in the explanatory statement under FEMA.

The amended bill does not include section 575 of the Senate bill permitting funds to be used for temporary employment of professional staff relating to assistance for Greensburg, Kansas. This provision is addressed within another division of this amended bill.

The amended bill does not include section 578 of the Senate bill providing \$100,000,000 to State and local law enforcement entities for security associated with the national party conventions in Denver and St. Paul. This funding is provided within another division of this amended bill.

#### TITLE VI—BORDER INFRASTRUCTURE AND TECHNOLOGY MODERNIZATION

The amended bill includes and modifies the “Border Infrastructure and Technology Modernization” title of the Senate bill. The House bill contained no similar matter.

##### BORDER LAW ENFORCEMENT RELIEF ACT

The amended bill does not include Title VI of the Senate bill, “Border Law Enforcement Relief Act.” The House bill contained no similar matter. These matters are addressed in Titles I–IV of the amended bill and the accompanying explanatory statement.

#### DIVISION B—BORDER SECURITY

##### TITLE X—BORDER SECURITY REQUIREMENTS

The amended bill does not include Title X of the Senate bill, “Border Security Requirements.” The House bill contained no similar matter. The amended bill includes \$3,000,000,000 of emergency funding for border security requirements. These matters are addressed in Titles I–IV and other Divisions of the amended bill and the accompanying explanatory statement.

#### DISCLOSURE OF EARMARKS AND CONGRESSIONAL DIRECTED SPENDING ITEMS

Following is a list of congressional earmarks and congressionally directed spending items (as defined in clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, respectively) included in the House amendment or this explanatory statement, along with the name of each

Senator, House Member, Delegate, or Resident Commissioner who submitted a request to the Committee of jurisdiction for each item so identified. Items which did not appear in the House or Senate versions of H.R. 2638 or the accompanying committee reports are marked with an asterisk. Neither the House amendment nor the explanatory statement contains any limited tax benefits or limited tariff benefits as defined in the applicable House and Senate rules.

**DEPARTMENT OF HOMELAND SECURITY**

Account	Project	Funding	Member
CIO	National Center for Critical Information Processing and Storage new construction, MS	\$35,500,000	Thad Cochran
* CBP Salaries and Expenses	Real World testing of Crane-mounted radiation detection	2,000,000	David Price
* CBP Air and Marine Interdiction, Operations, Maintenance, and Procurement	Wireless surveillance at Commercial and General Aviation airports, Wireless Access Surveillance Program	6,000,000	Bob Etheridge
CBP Construction	Advanced Training Center, WV	39,700,000	Robert Byrd
* TSA Aviation Security	Deployable flight deck and voice recorders and remote location recording devices	3,500,000	David Price
* Coast Guard Operating Expenses	Center of excellence in logistics and technology (logtech) educational programs, NC	450,000	David Price
* Coast Guard Operating Expenses	Operation Systems Center, WV	3,600,000	Robert Byrd
* Coast Guard Acquisition, Construction, and Improvements	Consolidate Sector Buffalo, NY	3,100,000	Brian Higgins
Coast Guard Alteration of Bridges	Elgin, Joliet, and Eastern Railway Company Bridge, Morris, IL	2,000,000	Richard Durbin, Ray LaHood, Jerry Weller
Coast Guard Alteration of Bridges	Burlington Northern Railroad Bridge, Burlington, IA	1,000,000	Tom Harkin
Coast Guard Alteration of Bridges	Chelsea Street Bridge, Chelsea, MA	2,000,000	Edward Kennedy, John Kerry, Michael Capuano
Coast Guard Alteration of Bridges	Canadian Pacific Railway Bridge, La Crosse, WI	3,500,000	Herb Kohl, Ron Kind
Coast Guard Alteration of Bridges	Fourteen Mile Bridge, Mobile, AL	3,750,000	Richard Shelby, Spencer Bachus, Jo Bonner
Coast Guard Alteration of Bridges	Galveston Causeway Bridge, Galveston, TX	3,750,000	Kay Bailey Hutchison, John Culberson, Ron Paul, Ted Poe
* NPPD Infrastructure Protection and Information Security	Philadelphia Infrastructure Monitoring Program, PA	2,000,000	Chaka Fattah

**DEPARTMENT OF HOMELAND SECURITY—Continued**

Account	Project	Funding	Member
* NPPD Infrastructure Protection and Information Security	State and Local Cybersecurity Training, University of Texas, San Antonio, TX	4,000,000	Ciro Rodriguez
* NPPD Infrastructure Protection and Information Security	Capital Wireless Information Net, University of Maryland, MD	6,100,000	Steny Hoyer, Chris Van Hollen
NPPD Infrastructure Protection and Information Security	National Infrastructure Simulation and Analysis Center, NM	20,000,000	The President, Pete Domenici
* FEMA Management and Administration	Galveston direct messaging pilot program, TX	1,000,000	Nick Lampson
FEMA State and Local Programs	National Domestic Preparedness Consortium	88,000,000	The President House—Richard Baker, Joe Barton, Kevin Brady, John Carter, Chet Edwards, Kay Granger, Ruben Hinojosa, Bobby Jindal, Solomon P. Ortiz, Ciro Rodriguez Senate—John Cornyn, Pete Domenici, Kay Bailey Hutchison, Mary Landrieu, Harry Reid, David Vitter
FEMA State and Local Programs	Center for Domestic Preparedness	62,500,000	The President, Richard Shelby
* FEMA State and Local Programs	Rural Domestic Preparedness Consortium	8,800,000	Harold Rogers
	<b>FOR INFRASTRUCTURE IMPROVEMENTS, ANALYSIS, AND OTHER ACTIVITIES FOR DISASTER MITIGATION</b>		
* FEMA Predisaster Mitigation	Ludlowville Flood Mitigation project, New York State Emergency Management Office, NY	200,000	Michael Arcuri
* FEMA Predisaster Mitigation	City of Albany, GA	300,000	Sanford Bishop
* FEMA Predisaster Mitigation	Sumter County Commission, GA	300,000	Sanford Bishop
* FEMA Predisaster Mitigation	City of Neodesha, KS	200,000	Nancy Boyda
* FEMA Predisaster Mitigation	Adjutant General's Office of Emergency Preparedness, for projects in Santee and Manning, SC	3,000,000	James Clyburn

* FEMA Predisaster Mitigation	Bosque County, TX	40,000	Chet Edwards
* FEMA Predisaster Mitigation	Town of Clifton Park, NY	94,000	Kirsten Gillibrand
* FEMA Predisaster Mitigation	Calvert County Government, MD	187,500	Steny Hoyer
* FEMA Predisaster Mitigation	Charles County Government, MD	106,500	Steny Hoyer
* FEMA Predisaster Mitigation	St. Mary's County Government, MD	184,619	Steny Hoyer
* FEMA Predisaster Mitigation	City of Detroit, MI	1,600,000	Carolyn Kilpatrick
* FEMA Predisaster Mitigation	City of Coconut Creek, FL	200,000	Ron Klein
* FEMA Predisaster Mitigation	City of Emeryville, CA	600,000	Barbara Lee
* FEMA Predisaster Mitigation	City of Rye and Village of Rye Brook, NY	250,000	Nita Lowey
* FEMA Predisaster Mitigation	Yardley Borough, PA	250,000	Patrick Murphy
* FEMA Predisaster Mitigation	City of Stanley, WI	630,000	David Obey
* FEMA Predisaster Mitigation	Dalton Fire District, MA	750,000	John Olver
* FEMA Predisaster Mitigation	Department of Emergency Management for the City and County of San Francisco, CA	1,000,000	Nancy Pelosi
* FEMA Predisaster Mitigation	City of Anvada, CO	200,000	Ed Perlmutter
* FEMA Predisaster Mitigation	North Carolina Department of Crime Control and Public Safety, NC	1,600,000	David Price
* FEMA Predisaster Mitigation	City of Los Angeles, CA	13,500	Lucille Roybal-Allard
* FEMA Predisaster Mitigation	City of Cudahy, CA	65,000	Lucille Roybal-Allard
* FEMA Predisaster Mitigation	Los Angeles Unified School District, CA	1,000,000	Lucille Roybal-Allard
* FEMA Predisaster Mitigation	North Carolina Department of Agriculture, NC	400,000	Heath Shuler
* FEMA Predisaster Mitigation	Jackson County Board of Supervisors, MS	250,000	Gene Taylor

**DEPARTMENT OF HOMELAND SECURITY—Continued**

Account	Project	Funding	Member
* FEMA Predisaster Mitigation	Town of Dyer, IN	550,000	Peter Visclosky
* FEMA Predisaster Mitigation	City of St. Charles, MN	100,000	Tim Walz
* FEMA Predisaster Mitigation	Public Works Department of Winona County, MN	100,000	Tim Walz
* FEMA Predisaster Mitigation	City of Louisville's Emergency Management Agency, KY	200,000	John Yarmuth
* FEMA Predisaster Mitigation	Northampton and Lehigh Counties, PA	1,000,000	Charles Dent
* FEMA Predisaster Mitigation	Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, Presque Isle State Park, PA	990,000	Phil English
* FEMA Predisaster Mitigation	Cumberland County Public Schools, VA	400,000	Virgil Goode
* FEMA Predisaster Mitigation	City of St. Joseph, MO	1,000,000	Sam Graves
* FEMA Predisaster Mitigation	City of Kannapolis, NC	625,000	Robin Hayes
* FEMA Predisaster Mitigation	Monroe County Office of Emergency Preparedness, NY	1,000,000	John Kuhl
* FEMA Predisaster Mitigation	Sandy Creek Township, City of Franklin, PA	1,000,000	John Peterson
* FEMA Predisaster Mitigation	Pierce County, WA	500,000	David Reichert
* FEMA Predisaster Mitigation	City of Cumberland, KY	2,000,000	Harold Rogers
* FEMA Predisaster Mitigation	University of Kentucky, Department of Civil Engineering, KY	200,000	Harold Rogers
* FEMA Predisaster Mitigation	City of Norwalk, CT	505,000	Christopher Shays
* FEMA Predisaster Mitigation	Onondaga County, NY	500,000	James Walsh
* FEMA Predisaster Mitigation	Onondaga County, for Oswego River Basin, NY	500,000	James Walsh



* FEMA Predisaster Mitigation	City of St. Petersburg, for shelter hardening, FL	750,000	Bill Young
* FEMA Predisaster Mitigation	City of St. Petersburg, for facility hardening, FL	750,000	Bill Young
* FEMA Predisaster Mitigation	City of Fitzgerald, GA	75,000	Jim Marshall
* FEMA Predisaster Mitigation	City of Ashburn, GA	75,000	Jim Marshall
* FEMA Predisaster Mitigation	Butts County Public Works Department, GA	30,000	Jim Marshall
* FEMA Predisaster Mitigation	City of Monticello, GA	50,000	Jim Marshall
* FEMA Predisaster Mitigation	City of Haleyville, AL	1,000,000	Robert Aderholt
* FEMA Predisaster Mitigation	City of Myrtle Beach, SC	500,000	Henry Brown
* FEMA Predisaster Mitigation	City of Georgetown, TX	1,000,000	John Carter
* FEMA Predisaster Mitigation	City of Missouri City, TX	200,000	Nick Lampson
	<b>FOR ACQUISITION, DEMOLITION AND RELOCATION OF PROPERTY FOR DISASTER MITIGATION</b>		
* FEMA Predisaster Mitigation	Chatham County Emergency Management, GA	200,000	John Barrow
* FEMA Predisaster Mitigation	City of Davenport, IA	200,000	Bruce Braley
* FEMA Predisaster Mitigation	Wayne County Commissioners, PA	200,000	Christopher Carney
* FEMA Predisaster Mitigation	City of Plymouth, IN	200,000	Joe Donnelly
* FEMA Predisaster Mitigation	Armstrong County, PA	1,000,000	John Murtha
* FEMA Predisaster Mitigation	Holmes County Commission, OH	200,000	Zachary Space
* FEMA Predisaster Mitigation	Harris County Flood Control District, TX	1,000,000	John Culberson
* FEMA Predisaster Mitigation	City of Fort Worth, TX	1,000,000	Key Granger
* FEMA Predisaster Mitigation	City of Kannapolis, NC	400,000	Robin Hayes

## DEPARTMENT OF HOMELAND SECURITY—Continued

Account	Project	Funding	Member
* FEMA Predisaster Mitigation	Town of Pembroke, NH	150,000	Paul Hodess
* FEMA Predisaster Mitigation	City of Greensburg, KY	500,000	Ron Lewis
* FEMA Predisaster Mitigation	Town of Martin, KY	1,350,000	Harold Rogers
* FEMA Predisaster Mitigation	City of Cumberland, KY	650,000	Harold Rogers
	<b>FOR RISK IDENTIFICATION, PLANNING, COMMUNICATION, RESPONSE COORDINATION, AND MODELING ACTIVITIES FOR DISASTER MITIGATION</b>		
* FEMA Predisaster Mitigation	Des Moines, IA	200,000	Leonard Boswell
* FEMA Predisaster Mitigation	Radford University, VA	200,000	Rick Boucher
* FEMA Predisaster Mitigation	Washington Military Department, WA	1,000,000	Norman Dicks
* FEMA Predisaster Mitigation	Public Works Department of the City of Santa Cruz, CA	90,000	Sam Farr
* FEMA Predisaster Mitigation	Town of Epsom, NH	50,000	Paul Hodess
* FEMA Predisaster Mitigation	Westchester and Rockland Counties, NY	1,000,000	Nita Lowey
* FEMA Predisaster Mitigation	Village of Elmford, NY	30,000	Nita Lowey
* FEMA Predisaster Mitigation	Arlington County, VA	260,000	James Moran
* FEMA Predisaster Mitigation	Franklin Regional Council of Governments, MA	100,000	John Oliver
* FEMA Predisaster Mitigation	North Carolina Department of Crime Control and Public Safety, NC	3,400,000	David Price
* FEMA Predisaster Mitigation	City of Alpine, TX	100,000	Ciro Rodriguez
* FEMA Predisaster Mitigation	City of Del Rio, TX	600,000	Ciro Rodriguez

* FEMA Predisaster Mitigation	Lehman College, NY		1,000,000	José Serrano
* FEMA Predisaster Mitigation	Broward County, FL		500,000	Debbie Wasserman Schultz
* FEMA Predisaster Mitigation	Southeast Missouri State University, MO		430,000	Jo Ann Emerson
* FEMA Predisaster Mitigation	Williamstown Lake, Grant and Pendleton Counties, KY		500,000	Geoff Davis
* FEMA Predisaster Mitigation	City of Whitehall, OH		500,000	David Hobson
* FEMA Predisaster Mitigation	City of Hampton, VA		250,000	Thelma Drake
* FEMA Predisaster Mitigation	Santa Clara County, CA		250,000	Michael Honda
* FEMA Predisaster Mitigation	Regional Joint Readiness Center, Pittsburgh, PA		500,000	Jason Altmore, Mike Doyle, Tim Murphy
	<b>FOR EMERGENCY ALERT AND NOTIFICATION SYSTEMS</b>			
* FEMA Predisaster Mitigation	City of Detroit, MI		485,000	Carolyn Kilpatrick
* FEMA Predisaster Mitigation	City of Los Angeles, CA		100,000	Lucille Roybal-Allard
* FEMA Predisaster Mitigation	Jasper County Government, IN		215,000	Peter Visclosky
* FEMA Predisaster Mitigation	City of Belton, MO		150,000	Emanuel Cleaver
* FEMA Predisaster Mitigation	City of Smithville, MO		200,000	Sam Graves
* FEMA Predisaster Mitigation	Local Emergency Planning Committee, Town of Needham, MA		200,000	Stephen Lynch
	<b>FOR WILDFIRE MITIGATION ACTIVITIES</b>			
* FEMA Predisaster Mitigation	Washington County and Washington County Department of Public Works, UT		200,000	Jim Matheson
* FEMA Predisaster Mitigation	Arrowhead Regional Development Commission, MN		450,000	James Oberstar
* FEMA Predisaster Mitigation	San Bernardino County Fire Department, CA		1,500,000	Jerry Lewis
* FEMA Predisaster Mitigation	Idaho Bureau of Homeland Security, ID		600,000	Mike Simpson

**DEPARTMENT OF HOMELAND SECURITY—Continued**

Account	Project	Funding	Member
* US Citizenship and Immigration Services	Citizens Advice Bureau, NY	150,000	José Serrano
* US Citizenship and Immigration Services	Bronx project, Northern Manhattan Coalition for Immigrant Rights, NY	300,000	José Serrano
FLETC, Acquisition, Construction, Improvements, and Related Expenses	Artesia Training and Related Facilities new construction, NM	3,320,000	Pete Domenici
* S&T Research, Development, Acquisition, and Operations	RTI International, NC	7,500,000	David Price
S&T Research, Development, Acquisition, and Operations	Southeast Regional Research Institute	27,000,000	Lamar Alexander, Thad Cochran, Bob Corker
S&T Research, Development, Acquisition, and Operations	Regional Technology Integration	9,500,000	The President, Dianne Feinstein
* S&T Research, Development, Acquisition, and Operations	Naval Postgraduate School, CA	2,000,000	The President, Sam Farr
* S&T Research, Development, Acquisition, and Operations	Community-Based Critical Infrastructure Protection Institute, KY	11,000,000	Harold Rogers
* S&T Research, Development, Acquisition, and Operations; General Provision	National Transportation Security Center of Excellence	4,000,000	Rosa DeLauro, John Boozman, Joe Courtney, John Larson, Zoe Lofgren, Christopher Murphy, Mike Ross, Vic Snyder, Dianne Feinstein
DMDO, Research, Development and Operations	Intermodal Radiation Test Center, WA	5,500,000	Patty Murray
* General Provision	Pajaro Valley Community Health Trust, CA		Sam Farr
General Provision	Peebles School, LA		Mary Landrieu

*General Provision	Guam			Daniel Inouye, Madeleine Bordallo, Mary Landrieu
*General Provision	Communications system, MS			Thad Cochran

FUNDING RECOMMENDATIONS

The amended bill detailed funding recommendations for programs are contained in the table listed below.

HOUSE AMENDMENT TO SENATE AMENDMENT TO H. R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
<b>TITLE I - DEPARTMENTAL MANAGEMENT AND OPERATIONS</b>						
<b>Departmental Operations</b>						
Office of the Secretary and Executive Management:						
Immediate Office of the Secretary.....	2,540	2,650	2,540	2,650	2,540	---
Immediate Office of the Deputy Secretary.....	1,185	1,222	1,185	1,122	1,122	-63
Chief of Staff.....	2,639	2,639	2,639	2,639	2,639	+79
Office of Counternarcotics Enforcement.....	2,360	3,155	3,000	2,360	2,680	+320
Executive Secretary.....	4,450	5,127	4,588	4,855	4,722	+272
Office of Policy.....	29,305	35,300	32,500	31,310	33,000	+3,695
Secure Border Coordination Office.....	4,500	---	4,500	4,500	---	-4,500
Office of Public Affairs.....	6,000	7,686	6,300	7,400	6,650	+650
Office of Legislative and Intergovernmental Affairs.....	5,449	5,618	4,618	5,518	4,900	-549
Office of General Counsel.....	12,759	15,155	14,000	12,759	13,500	+741
Office of Civil Rights and Liberties.....	13,000	13,722	15,000	13,722	14,200	+1,200
Citizenship and Immigration Services Ombudsman.....	5,927	6,054	6,060	6,054	5,900	-27
Privacy Officer.....	4,435	5,111	6,000	5,111	5,500	+1,065
Supplemental Appropriations - P.L. 110-28 Rescission (sec. 6404).....	-1,201	---	---	---	---	+1,201
Transfer to Aviation Security (P.L. 110-5, sec. 21101).....	(-300)	---	---	---	---	(+300)
House floor amendments.....	---	---	-17,758	---	---	---
<b>Total, Office of the Secretary and Executive Management (including transfers).....</b>	<b>92,969</b>	<b>103,439</b>	<b>85,172</b>	<b>100,000</b>	<b>97,353</b>	<b>+4,384</b>
Appropriations.....	(94,470)	(103,439)	(85,172)	(100,000)	(97,353)	(+2,883)
Rescissions.....	(-1,201)	---	---	---	---	(+1,201)
(transfer out).....	(-300)	---	---	---	---	(+300)

HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
<b>Office of the Under Secretary for Management:</b>						
Under Secretary for Management.....	1,870	2,012	2,012	2,012	2,012	+142
Office of Security.....	52,640	53,990	52,990	53,990	53,490	+850
Office of the Chief Procurement Officer.....	16,895	28,495	27,055	28,495	28,495	+11,600
<b>Office of the Chief Human Capital Officer:</b>						
Salaries and expenses.....	8,811	10,278	10,278	8,811	8,811	---
MAX - HR System.....	25,000	15,000	3,000	5,000	---	-25,000
Human resources.....	---	---	---	---	10,000	+10,000
<b>Subtotal, Office of the Chief Human Capital Officer.....</b>						
	33,811	25,278	13,278	13,811	18,811	-15,000
<b>Office of the Chief Administrative Officer:</b>						
Salaries and expenses.....	40,218	42,575	41,430	42,575	41,430	+1,212
Nebraska Avenue Complex (NAC).....	8,206	6,000	---	6,000	6,000	-2,206
St. Elizabeths Project.....	---	120,000	---	88,000	---	---
DHS headquarters projects.....	---	---	101,000	---	---	---
<b>Subtotal, Office of the Chief Administrative Officer.....</b>						
	48,424	168,575	142,430	136,575	47,430	-994
<b>Supplemental Appropriations - P.L. 110-28:</b>						
Appropriation (sec. 6404).....	900	---	---	---	---	-900
Rescission (sec. 6404).....	-513	---	---	---	---	+513
<b>Transfer to Aviation Security (P.L. 110-5, sec. 2110f).....</b>						
	(-5,000)	---	---	---	---	(+5,000)
<b>House floor amendments.....</b>						
	---	---	-237,765	---	---	---



HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended BILL vs. Enacted
<b>Total, Office of the Under Secretary for</b>						
Management (including transfers).....	149,027	278,350	---	234,883	150,238	+1,211
Appropriations.....	(154,540)	(278,350)	---	(234,883)	(150,238)	(-4,302)
Rescissions.....	(-513)	---	---	---	---	(+513)
(transfer out).....	(-5,000)	---	---	---	---	(+5,000)
<b>Office of the Chief Financial Officer.....</b>	<b>26,000</b>	<b>32,800</b>	<b>30,500</b>	<b>30,076</b>	<b>31,300</b>	<b>+5,300</b>
Supplemental Appropriations - P.L. 110-28						
Rescission (sec. 6404).....	-45	---	---	---	---	+45
<b>Subtotal, Office of the Chief Financial Officer.</b>	<b>25,955</b>	<b>32,800</b>	<b>30,500</b>	<b>30,076</b>	<b>31,300</b>	<b>+5,345</b>
<b>Office of the Chief Information Officer:</b>						
Salaries and expenses.....	79,521	82,400	79,921	82,400	81,000	+1,479
Information technology activities.....	61,013	56,200	56,200	56,200	56,200	-4,813
Security activities.....	89,387	89,400	89,400	149,400	124,900	+35,513
Wireless program.....	86,438	---	---	---	---	-86,438
Homeland Secure Data Network (HSDN).....	32,654	33,100	33,100	33,100	33,100	+446
Supplemental Appropriations - P.L. 110-28						
Rescission (sec. 6404).....	-462	---	---	---	---	+462
<b>Subtotal, Office of the Chief Information Officer.</b>	<b>348,551</b>	<b>261,100</b>	<b>258,621</b>	<b>321,100</b>	<b>295,200</b>	<b>-53,351</b>
Appropriations.....	(349,013)	(261,100)	(258,621)	(321,100)	(295,200)	(-53,813)
Rescissions.....	(-462)	---	---	---	---	(+462)
<b>Analysis and Operations.....</b>	<b>299,663</b>	<b>314,681</b>	<b>301,619</b>	<b>306,000</b>	<b>306,000</b>	<b>+6,337</b>
Supplemental Appropriations - P.L. 110-28						
Emergency appropriations.....	8,000	---	---	---	---	-8,000

HOUSE AMENDMENT TO SENATE AMENDMENT TO H. R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
Rescission.....	---	---	---	---	-8,700	-8,700
Subtotal, Analysis and Operations.....	307,663	314,681	301,619	306,000	297,300	-10,363
Total, Departmental Operations.....	924,165	990,370	675,912	992,059	871,391	-52,774
Office of the Federal Coordinator for Gulf Coast Rebuilding.....	3,000	3,000	3,000	3,000	2,700	-300
Office of Inspector General						
Operating expenses.....	85,185	99,111	99,611	95,211	92,711	+7,526
(transfer from Disaster Relief).....	(13,500)	---	---	(13,500)	(16,000)	(+2,500)
Supplemental Appropriations - P.L. 110-28 Transfer from Disaster Relief (emergency).....	(4,000)	---	---	---	---	(-4,000)
Operating expenses (including transfers).....	102,685	99,111	99,611	108,711	108,711	+6,026
Appropriations.....	(85,185)	(99,111)	(99,611)	(95,211)	(92,711)	(+7,526)
by transfer (including emergencies).....	(17,500)	---	---	(13,500)	(16,000)	(-1,500)
Total, title I, Departmental Management and Operations (including transfers).....	1,029,850	1,092,481	778,523	1,103,770	982,802	-47,048
Appropriations.....	(1,011,871)	(1,092,481)	(778,523)	(1,090,270)	(975,502)	(-36,369)
Emergency appropriations.....	(8,000)	---	---	---	---	(-8,000)
Rescissions.....	(-2,221)	---	---	---	(-8,700)	(-6,479)
by transfer.....	(13,500)	---	---	(13,500)	(16,000)	(+2,500)
transfer out.....	(-5,300)	---	---	---	(+5,300)	(-5,300)
by transfer emergency.....	(4,000)	---	---	---	(-4,000)	(-4,000)

HOUSE AMENDMENT TO SENATE AMENDMENT TO H. R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
<b>TITLE II - SECURITY, ENFORCEMENT, AND INVESTIGATIONS</b>						
<b>U.S. Customs and Border Protection</b>						
Salaries and expenses:						
Headquarters, Management, and Administration:						
Management and administration, border security	658,943	673,981	673,981	639,373	619,325	-39,618
Inspections and trade facilitation.....						
Management and administration, border security	589,446	603,426	603,426	597,016	602,016	+12,570
and control between ports of entry.....						
Subtotal, Headquarters, Mgt, & Admin.....	1,248,389	1,277,407	1,277,407	1,236,389	1,221,341	-27,048
Border security inspections and trade facilitation:						
Inspections, trade, and travel facilitation						
at ports of entry.....	1,326,665	1,622,202	1,654,685	1,675,685	1,583,235	+256,570
Model ports of entry (emergency).....					40,000	+40,000
Terrorist prevention system enhancements					45,000	+45,000
for passenger screening (emergency).....					36,000	+36,000
Electronic travel authorizations (emerg.)					150,000	+150,000
WHII (emergency).....						
Subtotal, Inspections, trade, and travel facilitation at ports of entry.....	1,326,665	1,622,202	1,654,685	1,675,685	1,854,235	+527,570
Harbor maintenance fee collection (trust fund)	3,026	3,026	3,093	3,093	3,093	+67
Container security initiative.....	139,312	156,130	156,130	156,130	156,130	+16,818

HOUSE AMENDMENT TO SENATE AMENDMENT TO H. R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
Other international programs.....	8,701	8,871	8,871	10,866	10,866	+2,165
Customs-Trade Partnership Against Terrorism (C-TPAT).....	54,730	55,560	61,010	62,310	62,310	+7,580
Free and Secure Trade (FAST) NEXUS/SENTRI.....	11,243	11,243	11,243	11,243	11,243	-----
Inspection and detection technology investments.....	141,317	135,979	135,979	105,027	105,027	-36,290
Emergency appropriations.....	100,000	---	---	---	---	-100,000
Automated targeting systems.....	27,298	27,580	27,580	27,580	27,580	+282
National Targeting Center.....	23,635	23,950	23,950	23,950	23,950	+315
Training.....	24,564	24,813	24,813	24,813	24,813	+249
Subtotal, Border security inspections and trade facilitation.....	1,860,491	2,069,354	2,107,354	2,100,697	2,279,247	+418,756
Border security and control between ports of entry:						
Border security and control.....	2,239,586	2,984,443	2,984,443	2,984,443	2,984,443	+744,857
Ground transportation contract (emergency)	---	---	---	---	25,000	+25,000
Border patrol vehicles (emergency).....	---	---	---	---	13,000	+13,000
Training.....	37,924	52,789	52,789	52,789	52,789	+14,865
Subtotal, Border security and control between ports of entry.....	2,277,510	3,037,232	3,037,232	3,037,232	3,075,232	+797,722
Air and Marine Personnel Compensation and Benefits Emergency appropriations.....	175,796	207,740	207,740	226,740	212,740	+36,944
Supplemental Appropriations - P. L. 110-28	---	---	---	---	14,000	+14,000
Emergency appropriations.....	75,000	---	---	---	---	-75,000
Transfer to FLETC (emergency).....	(-3,000)	---	---	---	---	(+3,000)

HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
Subtotal, Air and Marine Personnel Compensation and Benefits (incl transfer)	247,796	207,740	207,740	226,740	226,740	-21,056
Subtotal, Salaries and expenses (including transfers)	5,634,186	6,591,733	6,629,733	6,601,058	6,802,560	+1,168,374
Appropriations	(5,459,160)	(6,588,707)	(6,626,640)	(6,597,965)	(6,476,467)	(+1,017,307)
Emergency appropriations	(175,000)	---	---	---	(323,000)	(+148,000)
Transfer out emergency	(-3,000)	---	---	---	---	(+3,000)
Trust fund	(3,026)	(3,026)	(3,093)	(3,093)	(3,093)	(+67)
Automation modernization:						
Automated commercial environment/International Trade Data System (ITDS)	316,800	316,969	316,969	316,969	316,969	+169
Automated commercial system and current operations and processing support	134,640	159,640	159,640	159,640	159,640	+25,000
Budget amendment	---	-30,000	---	---	---	---
Subtotal, Automation modernization	451,440	446,609	476,609	476,609	476,609	+25,169
Border security fencing, infrastructure, and technology (BSFIT)	28,365	---	---	---	---	-28,365
Development and deployment	1,159,200	836,000	1,025,125	863,000	35,000	+35,000
Emergency appropriations	---	---	---	---	1,053,000	-106,200
Operation and maintenance	---	---	---	73,000	73,000	+73,000
Program management	---	64,000	64,000	64,000	64,000	+64,000
Subtotal, BSFIT	1,187,565	1,000,000	1,089,125	1,000,000	1,225,000	+37,435

HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
Appropriations.....	(28,365)	(1,000,000)	(1,089,125)	(1,000,000)	(172,000)	(+143,635)
Emergency appropriations.....	(1,159,200)	---	---	---	(1,053,000)	(-106,200)
Air and Marine Interdiction, Operations, Maintenance, and Procurement:						
Operations and maintenance.....	236,454	353,954	353,954	365,614	353,614	+117,160
Procurement.....	133,733	123,333	123,333	123,333	122,433	-11,300
Emergency appropriations.....	232,000	---	---	---	94,000	-138,000
Subtotal.....	365,733	123,333	123,333	123,333	216,433	-149,300
Supplemental Appropriations - P.L. 110-28						
Emergency appropriations.....	75,000	---	---	---	---	-75,000
Subtotal, Air and marine interdiction, operations, maintenance, and procurement.....	677,187	477,287	477,287	488,947	570,047	-107,140
Appropriations.....	(370,187)	(477,287)	(477,287)	(488,947)	(476,047)	(+105,860)
Emergency appropriations.....	(307,000)	---	---	---	(94,000)	(-213,000)
Construction:						
Construction.....	122,978	249,663	249,663	274,863	287,363	+164,385
Construction (Border Patrol) (emergency).....	110,000	---	---	---	61,000	-49,000
Subtotal, Construction.....	232,978	249,663	249,663	274,863	348,363	+115,385
Total, Direct appropriations for Customs and and Border Protection.....	8,183,356	8,765,292	8,922,417	8,841,477	9,422,579	+1,239,223

HOUSE AMENDMENT TO SENATE AMENDMENT TO H. R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
<b>Fee accounts:</b>						
Immigration inspection user fee.....	(529,300)	(535,291)	(535,291)	(535,291)	(535,291)	(+5,991)
Immigration enforcement fines.....	(1,724)	(3,440)	(3,440)	(3,440)	(3,440)	(+1,716)
Land border inspection fee.....	(28,071)	(30,121)	(30,121)	(30,121)	(30,121)	(+2,050)
COBRA passenger inspection fee.....	(387,804)	(392,180)	(392,180)	(392,180)	(392,180)	(+4,376)
APHIS inspection fee.....	(214,287)	(299,622)	(299,622)	(299,622)	(299,622)	(+85,335)
Puerto Rico collections.....	(97,815)	(117,214)	(117,214)	(117,214)	(117,214)	(+19,399)
Small airport user fees.....	(6,230)	(7,057)	(7,057)	(7,057)	(7,057)	(+827)
<b>Subtotal, fee accounts.....</b>	<b>(1,265,231)</b>	<b>(1,384,925)</b>	<b>(1,384,925)</b>	<b>(1,384,925)</b>	<b>(1,384,925)</b>	<b>(+119,694)</b>
<b>Total, U.S. Customs and Border Protection.....</b>	<b>(9,448,587)</b>	<b>(10,150,217)</b>	<b>(10,307,342)</b>	<b>(10,226,402)</b>	<b>(10,807,504)</b>	<b>(+1,358,917)</b>
Appropriations.....	(6,435,156)	(8,765,292)	(8,922,417)	(8,841,477)	(7,891,579)	(+1,456,423)
Emergency appropriations.....	(1,751,200)	---	---	---	(1,531,000)	(-220,200)
Transfer out (emergency).....	(-3,000)	---	---	---	---	(+3,000)
<b>(Fee accounts).....</b>	<b>(1,265,231)</b>	<b>(1,384,925)</b>	<b>(1,384,925)</b>	<b>(1,384,925)</b>	<b>(1,384,925)</b>	<b>(+119,694)</b>
<b>U.S. Immigration and Customs Enforcement</b>						
<b>Salaries and expenses:</b>						
Headquarters Management and Administration (non-Detention and Removal Operations):						
Personnel compensation and benefits, service and other costs.....	140,000	162,137	162,137	164,637	164,887	+24,887
ICE vehicle replacements (emergency).....	---	---	---	---	4,000	+4,000

HOUSE AMENDMENT TO SENATE AMENDMENT TO H. R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
Headquarters managed IT investment.....	134,013	152,306	136,606	152,306	146,654	+12,641
Subtotal, Headquarters management and administration.....	274,013	314,443	298,743	316,943	315,541	+41,528
Legal proceedings.....	187,353	207,850	208,350	207,850	208,350	+20,997
Investigations:						
Domestic.....	1,285,229	1,372,328	1,369,928	1,411,101	1,372,328	+87,099
Emergency appropriations.....	---	---	---	---	50,200	+50,200
International.....	104,681	108,074	108,074	107,551	107,551	+2,870
Subtotal, Investigations.....	1,389,910	1,480,402	1,478,002	1,518,652	1,530,079	+140,169
Intelligence.....	51,379	52,146	52,146	52,146	52,146	+767
Detention and removal operations:						
Custody operations.....	1,381,767	1,459,712	1,450,977	1,606,163	1,461,212	+79,445
Emergency appropriations.....	---	---	---	---	186,000	+186,000
Fugitive operations.....	183,200	186,145	183,200	194,645	186,145	+2,945
Emergency appropriations.....	---	---	---	---	32,800	+32,800
Criminal Alien program.....	137,494	168,329	180,009	178,829	178,829	+41,335
Alternatives to detention.....	43,600	43,889	54,889	43,889	43,889	+289
Emergency appropriations.....	---	---	---	---	10,000	+10,000
Transportation and removal.....	238,284	249,084	249,084	282,526	249,126	+10,842
Emergency appropriations.....	---	---	---	---	33,400	+33,400
Subtotal, Detention and removal operations..	1,984,345	2,107,159	2,118,159	2,306,052	2,381,401	+397,056



HOUSE AMENDMENT TO SENATE AMENDMENT TO H. R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
Comprehensive identification and removal of criminal aliens (emergency).....	---	---	---	---	200,000	+200,000
Supplemental Appropriations - P.L. 110-28						
Emergency appropriations.....	6,000	---	---	---	---	-6,000
Subtotal, Salaries and expenses.....	3,893,000	4,162,000	4,155,400	4,401,643	4,687,517	+794,517
Appropriations.....	(3,887,000)	(4,162,000)	(4,155,400)	(4,401,643)	(4,171,117)	(+284,117)
Emergency appropriations.....	(6,000)	---	---	---	(516,400)	(+510,400)
Federal protective service:						
Basic security.....	123,310	186,673	186,673	186,673	186,673	+63,363
Building specific security (including capital equipment replacement/acquisition).....	392,701	426,327	426,327	426,327	426,327	+33,626
Subtotal, Federal Protective Service.....	516,011	613,000	613,000	613,000	613,000	+96,989
Offsetting fee collections.....	-516,011	-613,000	-613,000	-613,000	-613,000	-96,989
Automation modernization:						
ATLAS.....	15,000	---	30,700	15,000	30,700	+15,700
Construction.....	26,281	6,000	6,000	16,250	6,000	-20,281
Emergency appropriations.....	30,000	---	---	---	10,500	-19,500
Subtotal, Construction.....	56,281	6,000	6,000	16,250	16,500	-39,781
Total, Direct appropriations for U.S. Immigration Customs Enforcement.....	3,964,281	4,168,000	4,192,100	4,432,893	4,734,717	+770,436

HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
<b>Fee accounts:</b>						
Immigration inspection user fee.....	(108,000)	(113,500)	(113,500)	(113,500)	(113,500)	(+5,500)
Breached bond/detention fund.....	(90,000)	(63,800)	(63,800)	(63,800)	(63,800)	(-26,200)
Student exchange and visitor fee.....	(54,349)	(56,200)	(56,200)	(56,200)	(56,200)	(+1,851)
Subtotal, fee accounts.....	(252,349)	(233,500)	(233,500)	(233,500)	(233,500)	(-18,849)
<b>Subtotal, U.S. Immigration and Customs Enforcement (gross).....</b>						
Enforcement (gross).....	(4,732,641)	(5,014,500)	(5,038,600)	(5,279,393)	(5,581,217)	(+848,576)
Offsetting fee collections.....	(-516,011)	(-613,000)	(-613,000)	(-613,000)	(-613,000)	(-96,989)
<b>Total, U.S. Immigration and Customs Enforcement.</b>	<b>(4,216,630)</b>	<b>(4,401,500)</b>	<b>(4,425,600)</b>	<b>(4,666,393)</b>	<b>(4,968,217)</b>	<b>(+751,587)</b>
Appropriations.....	(3,928,281)	(4,168,000)	(4,192,100)	(4,432,893)	(4,207,817)	(+279,536)
Emergency appropriations.....	(36,000)	---	---	---	(526,900)	(+490,900)
Fee accounts.....	(252,349)	(233,500)	(233,500)	(233,500)	(233,500)	(-18,849)
<b>Transportation Security Administration</b>						
<b>Aviation security:</b>						
Screening operations:						
Screener workforce:	148,600	143,385	147,190	143,385	143,385	-5,215
Privatized screening.....						

HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
Passenger & Baggage screener - personnel, compensation, and benefits.....	2,470,200	2,638,104	2,589,304	2,601,404	2,636,104	+165,904
Subtotal, Sceener workforce.....	2,618,800	2,781,489	2,736,494	2,744,789	2,779,489	+160,689
Screener training and other.....	244,466	223,766	200,466	200,466	223,766	-20,700
Human resource services.....	207,234	182,234	182,234	182,234	182,234	-25,000
Checkpoint support.....	173,366	136,000	250,000	136,000	---	-173,366
EDS/ETD Systems:						
EDS procurement and installation.....	279,400	440,000	560,000	529,400	294,000	+14,600
EDS/ETD maintenance and other equipment...	222,000	264,000	264,000	---	---	-222,000
Screening technology maintenance and utilities.....	---	---	---	257,000	264,000	+264,000
Operation integration.....	23,000	25,000	25,000	25,000	25,000	+2,000
Subtotal, EDS/ETD Systems.....	524,400	729,000	849,000	811,400	583,000	+58,600
Subtotal, Screening operations.....	3,768,266	4,052,489	4,218,194	4,074,889	3,768,489	+223
Aviation security direction and enforcement:						
Aviation regulation and other enforcement.....	217,516	252,953	223,653	226,653	255,953	+38,437
Airport management, IT, and support.....	666,032	655,933	651,933	645,933	651,933	-14,099
FPDO and flight crew training.....	25,000	25,091	27,530	25,091	25,091	+91
Air cargo.....	55,000	55,768	73,000	65,768	73,000	+18,000
Perimeter security.....	---	---	4,000	4,000	4,000	+4,000
Subtotal, Aviation security direction and enforcement.....	963,548	989,745	980,116	967,445	1,009,977	+46,429

HOUSE AMENDMENT TO SENATE AMENDMENT TO H. R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
Implementing requirements of P. L. 110-53.....	---	---	---	---	30,000	+30,000
Discretionary fees:						
General aviation at DCA.....	---	25	25	25	25	+25
Indirect air cargo.....	---	200	200	200	200	+200
Total, Discretionary fees.....	---	225	225	225	225	+225
Supplemental Appropriations - P. L. 110-28						
Emergency appropriations.....	390,000	---	---	---	---	-390,000
(by transfer) (P. L. 110-5, sec. 21101).....	(7,300)	---	---	---	---	(-7,300)
Aviation security capital fund (mandatory).....	(250,000)	---	---	---	(250,000)	---
Checkpoint screening security fund (mandatory).....	---	---	---	---	(250,000)	(+250,000)
Total, Aviation security (gross) (including transfers).....	5,129,114	5,042,459	5,198,535	5,042,559	4,808,691	-320,423
Offsetting fee collections (non-mandatory).....	-2,420,000	-2,710,000	-2,710,000	-2,710,000	-2,210,000	+210,000
Discretionary fees - offsetting collections (non-mandatory).....	---	-225	-225	-225	-225	-225
Unspecified floor increase.....	---	---	---	10	---	---
Total, Aviation security (net).....	2,709,114	2,332,234	2,488,310	2,332,344	2,598,466	-110,648
Appropriation.....	(2,311,814)	(2,332,234)	(2,488,310)	(2,332,344)	(2,598,466)	(+286,652)
Emergency appropriations (P. L. 110-28) by transfer.....	(390,000)	---	---	---	---	(-390,000)
	(7,300)	---	---	---	---	(-7,300)
Aviation security capital fund.....	(250,000)	---	---	---	(250,000)	---
Checkpoint screening security fund.....	---	---	---	---	(250,000)	(+250,000)

HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
<b>Surface transportation security:</b>						
Staffing and operations.....	24,000	24,485	24,485	24,485	24,485	+485
Rail security inspectors and canines.....	13,200	22,128	16,928	16,928	22,128	+8,928
Subtotal, Surface transportation security.....	37,200	46,613	41,413	41,413	46,613	+9,413
<b>Transportation Threat Assessment and Credentialing:</b>						
Secure Flight.....	15,000	74,000	40,000	28,000	50,000	+35,000
Transfer to Aviation Security (P.L. 110-5, sec. 21101).....	(-2,000)	---	---	---	---	(+2,000)
Crew vetting.....	14,700	14,950	14,950	14,950	14,950	+290
Screening administration and operations.....	10,000	9,500	9,500	9,500	9,500	-500
TWIC direct appropriations.....	---	---	---	15,000	8,100	+8,100
Registered Traveler Program fees.....	(35,101)	(35,101)	(35,101)	(35,101)	(35,101)	---
TWIC fees.....	(20,000)	(26,500)	(26,500)	(26,500)	(26,500)	(+6,500)
Hazardous materials fees.....	(19,000)	(19,000)	(19,000)	(19,000)	(19,000)	---
Alien Flight School (by transfer from DOJ) - fees.....	(2,000)	(2,000)	(2,000)	(2,000)	(2,000)	---
Subtotal, Transportation Threat Assessment and Credentialing (Gross) (including transfers)....	(113,801)	(181,091)	(147,091)	(150,091)	(165,191)	(+51,390)
Fee funded programs.....	(76,101)	(82,601)	(82,601)	(82,601)	(82,601)	(+6,500)
Subtotal, Transportation Threat Assessment and Credentialing (net) (including transfers)....	37,700	98,490	64,490	67,490	82,590	+44,890
Appropriations.....	(39,700)	(98,490)	(64,490)	(67,490)	(82,590)	(+42,890)
(transfer out).....	(-2,000)	---	---	---	---	(+2,000)

HOUSE AMENDMENT TO SENATE AMENDMENT TO H. R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
<b>Transportation security support:</b>						
<b>Administration:</b>						
Headquarters administration.....	294,191	294,191	296,291	291,191	293,191	-1,000
Information technology.....	210,092	209,324	209,324	209,324	209,324	-768
Subtotal, Administration.....	504,283	503,515	505,615	500,515	502,515	-1,768
Intelligence.....	21,000	21,000	21,000	21,000	21,000	---
Subtotal, Transportation security support.....	525,283	524,515	526,615	521,515	523,515	-1,768
<b>Federal Air Marshals:</b>						
Management and administration.....	628,494	674,173	644,173	644,173	674,173	+45,679
Travel and training.....	85,800	95,327	77,827	77,827	95,327	+9,527
Supplemental Appropriations - P.L. 110-28 Emergency appropriations.....	5,000	---	---	---	---	-5,000
Subtotal, Federal Air Marshals.....	719,294	769,500	722,000	722,000	769,500	+50,206
Appropriations.....	(714,294)	(769,500)	(722,000)	(722,000)	(769,500)	(+55,206)
Emergency appropriations.....	(5,000)	---	---	---	---	(-5,000)
Rescission of unobligated balances.....	-66,712	---	---	---	---	+66,712
<b>Total, Transportation Security Administration (gross) (including transfers).....</b>						
	6,707,980	6,564,178	6,635,654	6,477,588	6,813,510	+105,530
Offsetting fee collections.....	-2,420,000	-2,710,225	-2,710,225	-2,710,225	-2,210,225	+209,775
Aviation security capital fund.....	(250,000)	---	---	---	(250,000)	---
Checkpoint screening security fund.....	---	---	---	---	(250,000)	(+250,000)

HOUSE AMENDMENT TO SENATE AMENDMENT TO H. R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
Fee accounts.....	(76,101)	(82,601)	(82,601)	(82,601)	(82,601)	(+6,500)
Total, Transportation Security Administration (net, including transfers).....	3,961,879	3,771,352	3,842,828	3,684,762	4,020,684	+58,805
Appropriations.....	(3,628,291)	(3,771,352)	(3,842,828)	(3,684,762)	(4,020,684)	(+392,393)
Emergency appropriations.....	(395,000)	---	---	---	---	(-395,000)
Rescissions.....	(-66,712)	---	---	---	---	(+66,712)
by transfer.....	(7,300)	---	---	---	---	(-7,300)
transfer out.....	(-2,000)	---	---	---	---	(+2,000)

Coast Guard

Operating expenses:						
Military pay and allowance.....	2,788,276	2,958,622	2,932,636	2,958,622	2,921,673	+133,397
Port and maritime security enhancements (emergency).....	---	---	---	---	70,300	+70,300
Civilian pay and benefits.....	569,434	630,669	592,769	633,319	594,803	+25,369
Training and recruiting.....	180,876	186,548	186,146	186,548	185,604	+4,728
Operating funds and unit level maintenance.....	1,011,374	1,138,199	1,148,447	1,138,199	1,134,881	+123,507
Centrally managed accounts.....	201,968	226,215	226,494	229,815	229,896	+27,928
Intermediate and depot level maintenance.....	710,729	754,042	753,750	754,042	754,190	+43,461
Port security enhancements.....	15,000	---	45,000	30,000	---	-15,000
Less adjustment for defense function.....	-340,000	-340,000	-340,000	-340,000	-340,000	---
Defense function.....	340,000	340,000	340,000	340,000	340,000	---
Supplemental Appropriations - P. L. 110-28 Rescission (sec. 6404).....	-25,596	---	---	---	---	+25,596
Transfer from Defense, O&M Navy (emergency).....	(120,293)	---	---	---	---	(-120,293)
Subtotal, Operating expenses.....	5,572,354	5,894,295	5,885,242	5,930,545	5,891,347	+318,993

HOUSE AMENDMENT TO SENATE AMENDMENT TO H. R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
Appropriations.....	(5,137,657)	(5,554,295)	(5,545,242)	(5,590,545)	(5,481,047)	(+343,390)
Emergency appropriations.....	---	---	---	---	(70,300)	(+70,300)
Rescissions.....	(-25,596)	---	---	---	---	(+25,596)
By transfer emergency.....	(120,293)	---	---	---	---	(-120,293)
Defense function.....	(340,000)	(340,000)	(340,000)	(340,000)	(340,000)	---
Environmental compliance and restoration.....	10,880	12,079	15,000	12,079	13,000	+2,120
Reserve training.....	122,448	126,883	126,883	126,883	126,883	+4,435
Acquisition, construction, and improvements: Vessels:						
Response boat medium (41ft UTB and NSB replacement).....	24,750	9,200	9,200	9,200	9,200	-15,550
Emergency appropriation.....	---	---	---	---	35,800	+35,800
Special purpose craft - Law enforcement (emergency).....	1,800	---	---	---	---	-1,800
Subtotal, Vessels.....	26,550	9,200	9,200	9,200	45,000	+18,450
Aircraft:						
HH-60 replacement.....	15,000	---	---	---	---	-15,000
Other equipment:						
Automatic identification system.....	11,238	12,000	12,000	12,000	12,000	+762
National distress and response system modernization (Rescue 21).....	39,600	80,800	80,800	80,800	80,300	+40,700
HF Recap.....	2,475	2,500	2,500	2,500	2,500	+25
National Capital Region Air Defense.....	48,510	11,500	11,500	11,500	11,500	-37,010



HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
Emergency appropriations (P. L. 109-295) ..	18,000	---	---	---	---	-18,000
Subtotal .....	66,510	11,500	11,500	11,500	11,500	-55,010
Defense messaging system .....	---	5,000	5,000	5,000	5,000	+5,000
Maritime security response team - shootouse ..	---	1,800	1,800	1,800	1,800	+1,800
Interagency operational centers for port security .....	---	---	---	60,000	---	---
Emergency appropriation .....	---	---	---	---	60,000	+60,000
Rescission .....	-4,100	---	---	---	---	+4,100
Subtotal, Other equipment .....	115,723	113,600	113,600	173,600	173,100	+57,377
Personnel compensation and benefits:						
Core acquisition costs .....	500	505	505	505	505	+5
Direct personnel cost .....	80,500	---	82,215	---	82,215	+1,715
Subtotal, Personnel compensation and benefits .....	81,000	505	82,720	505	82,720	+1,720
Integrated deepwater systems:						
Aircraft:						
Maritime Patrol Aircraft (MPA) .....	47,616	170,016	100,000	170,016	170,016	+122,400
Emergency appropriations (P. L. 109-295) VTOL unmanned aerial vehicles (UAVs) .....	70,500	---	---	---	---	-70,500
HH-60 conversions .....	4,950	---	---	---	---	-4,950
HC-130H conversion/sustainment .....	49,302	57,300	57,300	52,300	57,300	+7,998
HH-65 conversion project .....	48,955	18,900	18,900	13,900	18,900	-30,055
Armed helicopter equipment .....	32,373	50,800	50,800	50,800	50,800	+18,427
Emergency appropriations (P. L. 109-295)	55,740	24,600	24,600	24,600	24,600	-31,140
Subtotal .....	30,000	---	---	---	---	-30,000

HOUSE AMENDMENT TO SENATE AMENDMENT TO H. R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
C-130J fleet introduction.....	4,950	5,800	5,800	5,800	5,800	+850
Rescission.....	---	---	-38,608	---	-33,822	-33,822
Subtotal, Aircraft.....	344,386	327,416	218,792	317,416	293,594	-50,792
Surface ships:						
National Security Cutter (NSC).....	417,780	165,700	105,800	165,700	165,700	-252,080
Fast Response Cutter (FRC-A).....	41,580	---	---	---	---	-41,580
Replacement Patrol Boat (FRC-B).....	---	53,600	---	53,600	---	---
FRC-B Emergency Appropriations (P. L. 109-295).....	48,000	---	---	---	---	-48,000
IDS small boats.....	1,188	2,700	2,700	2,700	2,700	+1,512
Patrol Boat sustainment.....	---	40,500	61,000	40,500	40,500	+40,500
Medium endurance cutter sustainment.....	37,818	34,500	50,000	34,500	34,500	-3,318
MEC Emergency Appropriations (P. L. 109-295).....	7,500	---	---	---	---	-7,500
Reappropriation, patrol boats.....	78,693	---	---	---	---	-78,693
Rescission, fast response boat.....	-78,693	---	---	-8,000	---	+78,693
Rescission, Offshore Patrol Cutter.....	-20,000	-48,787	-68,841	-48,787	-98,627	-78,627
Subtotal, Surface ships.....	533,866	248,213	150,659	240,213	144,773	-389,093
Technology obsolescence.....	---	700	700	700	700	+700
C4ISR.....	50,000	89,630	89,630	89,630	89,630	+39,630
Logistics.....	36,000	36,500	36,500	36,500	36,500	+500
Systems engineering and integration.....	35,145	35,145	35,145	35,145	35,145	---
Government program management.....	46,475	50,475	59,475	50,475	50,475	+4,000
Subtotal, Integrated deepwater systems.....	1,045,872	788,079	590,901	770,079	650,817	-395,055

HOUSE AMENDMENT TO SENATE AMENDMENT TO H. R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
Shore facilities and aids to navigation.....	22,000	37,897	37,897	37,897	40,997	+18,997
Supplemental Appropriations - P.L. 110-28						
Sec. 6404.....	30,000	---	---	---	---	-30,000
Subtotal, Acquisition, construction, and Improvements.....	1,336,145	949,281	834,318	991,281	992,634	-343,511
Appropriations.....	(1,263,138)	(998,068)	(941,767)	(1,048,068)	(1,029,283)	(-233,855)
Emergency appropriations.....	(175,800)	---	---	---	(95,800)	(-80,000)
Rescissions.....	(-102,793)	(-48,787)	(-107,449)	(-56,787)	(-132,449)	(-29,656)
Alteration of bridges.....	16,000	---	16,000	16,000	16,000	---
Research, development, test, and evaluation.....	17,000	17,583	17,583	25,583	25,000	+8,000
Health care fund contribution.....	278,704	272,111	272,111	272,111	272,111	-6,593
Subtotal, Coast Guard discretionary.....	7,233,238	7,272,232	7,167,137	7,374,482	7,336,975	+103,737
Retired pay (mandatory).....	1,063,323	1,184,720	1,184,720	1,184,720	1,184,720	+121,397
Supplemental Appropriations - P.L. 110-28						
Retired Pay (mandatory) (Sec. 6401).....	30,000	---	---	---	---	-30,000
Subtotal, Retired pay (mandatory).....	1,093,323	1,184,720	1,184,720	1,184,720	1,184,720	+91,397
Total, Coast Guard (including transfers).....	8,446,854	8,456,952	8,351,857	8,559,202	8,521,695	+74,841
Appropriations.....	(8,279,150)	(8,505,739)	(8,459,306)	(8,615,989)	(8,488,044)	(+208,894)
Emergency appropriations.....	(175,800)	---	---	---	(166,100)	(-9,700)

HOUSE AMENDMENT TO SENATE AMENDMENT TO H. R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
Rescissions.....	(-128,389)	(-48,787)	(-107,449)	(-56,787)	(-132,449)	(-4,060)
By transfer (including emergencies).....	(120,293)	---	---	---	---	(-120,293)
<b>United States Secret Service</b>						
Salaries and expenses:						
Administration:						
Headquarters, management and administration....	169,370	175,934	175,934	175,934	175,934	+6,564
Protection:						
Protection of persons and facilities.....	651,247	696,635	693,535	693,535	693,535	+42,288
Protective intelligence activities.....	55,509	57,704	57,704	57,704	57,704	+2,195
National special security events.....	1,000	1,000	1,000	1,000	1,000	---
NSSE reappropriation (H.R. 5441, sec.560).....	2,500	---	---	---	---	-2,500
NSSE rescission of unobligated balances.....	-2,500	---	---	---	---	+2,500
Presidential candidate nominee protection.....	18,400	85,250	85,250	85,250	85,250	+66,850
White House mail screening.....	16,201	26,601	16,201	26,601	16,201	---
Subtotal, Protection.....	742,357	867,190	853,690	864,090	853,690	+111,333
Investigations:						
Domestic field operations.....	---	---	226,142	219,742	219,742	+219,742
International field office administration, operations.....	---	---	27,520	27,520	27,520	+27,520
Electronic crimes special agent program and electronic crimes task forces.....	---	---	48,565	44,565	44,565	+44,565
Support for missing and exploited children.....	---	---	8,366	8,366	8,366	+8,366
Subtotal, Investigations.....	---	---	310,593	300,193	300,193	+300,193

HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
Training:						
Rowley training center.....	50,052	51,954	51,954	51,954	51,954	+1,902
Supplemental Appropriations - P.L. 110-28 Rescission (sec. 6404).....	-450	---	---	---	---	+450
Subtotal, Salaries and expenses.....	961,329	1,095,078	1,392,171	1,392,171	1,381,771	+420,442
Appropriations.....	(964,279)	(1,095,078)	(1,392,171)	(1,392,171)	(1,381,771)	(+417,492)
Rescissions.....	(-2,950)	---	---	---	---	(+2,950)
Investigations and Field Operations:						
Domestic field operations.....	236,093	219,742	---	---	---	-236,093
International field administration and operations.....	22,616	27,520	---	---	---	-22,616
Electronic crimes special agent program and electronic crimes task forces.....	44,079	44,565	---	---	---	-44,079
Forensic support and grants to NCMC.....	8,366	8,366	---	---	---	-8,366
Subtotal, Investigations and Field operations...	311,154	300,193	---	---	---	-311,154
Acquisition, construction, improvements, and related expenses (Rowley training center).....	3,725	3,725	3,725	3,725	3,725	---
Total, United States Secret Service.....	1,276,208	1,398,996	1,395,896	1,395,896	1,385,496	+109,288
Appropriations.....	(1,279,158)	(1,398,996)	(1,395,896)	(1,395,896)	(1,385,496)	(+106,338)
Rescissions.....	(-2,950)	---	---	---	---	(+2,950)

HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
Total, title II, Security, Enforcement, and Investigations (including transfers).....	25,832,578	26,560,592	26,705,098	26,914,230	28,085,171	+2,252,593
Appropriations.....	(23,550,036)	(26,609,379)	(26,812,547)	(26,971,017)	(25,893,620)	(+2,443,584)
Emergency appropriations.....	(2,358,000)	---	---	---	(2,224,000)	(-134,000)
Rescissions.....	(-198,051)	(-48,787)	(-107,449)	(-56,787)	(-132,449)	(+65,602)
By transfer.....	(7,300)	---	---	---	---	(-7,300)
Transfer out.....	(-2,000)	---	---	---	---	(+2,000)
By transfer emergency.....	(120,293)	---	---	---	---	(-120,293)
Transfer out (emergency).....	(-3,000)	---	---	---	---	(+3,000)
(Fee Accounts).....	(1,593,681)	(1,701,026)	(1,701,026)	(1,701,026)	(1,701,026)	(+107,345)

TITLE III - PROTECTION, PREPAREDNESS, RESPONSE,  
 AND RECOVERY

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
National Protection and Programs						
Management and administration:						
Administrative activities.....	37,812	46,290	31,290	30,000	37,934	+122
Risk management and analysis.....	---	---	9,056	---	9,412	+9,412
Total, Management and administration.....	37,812	46,290	40,346	30,000	47,346	+9,534
Infrastructure Protection and Information Security						
Management and administration.....	54,580	---	---	---	---	-54,580
Infrastructure protection:						
Identification and analysis.....	69,064	68,970	78,970	74,522	69,522	+458
Coordination and information sharing.....	80,772	57,821	83,821	54,930	68,821	-11,951
Mitigation programs.....	74,991	108,793	108,793	122,253	134,253	+59,262

HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
Risk analysis.....	2,316	4,532	---	4,305	---	-2,316
Supplemental Appropriations - P.L. 110-28						
Emergency appropriations.....	24,000	---	---	---	---	-24,000
Rescission (sec. 6404).....	-968	---	---	---	---	+968
Total, Infrastructure protection.....	250,175	240,116	271,584	256,010	272,596	+22,421
Appropriations.....	(227,143)	(240,116)	(271,584)	(256,010)	(272,596)	(+45,453)
Emergency appropriations.....	(24,000)	---	---	---	---	(-24,000)
Rescissions.....	(-968)	---	---	---	---	(+968)
Cyber security.....	92,000	212,688	87,073	92,000	210,413	+118,413
Office of Emergency Communications.....	17,000	35,700	45,700	45,915	35,700	+18,700
National Security/Emergency Preparedness Telecommunications:						
Priority telecommunications.....	105,568	82,821	82,821	78,680	82,821	-22,747
Next generation networks.....	14,080	52,064	18,065	21,100	21,100	+7,020
Programs to study and enhance telecommunications.....	14,125	16,733	16,733	15,896	16,000	+1,875
Critical infrastructure protection.....	8,341	10,905	10,905	10,360	16,100	+7,759
Risk analysis.....	1,158	2,250	---	2,138	---	-1,158
Total, National Security/Emergency Preparedness Telecommunications.....	143,272	164,773	128,524	128,174	136,021	-7,251
Subtotal, Infrastructure Protection and Information Security (Defense function).....	557,027	653,277	532,881	522,099	654,730	+97,703
Appropriations.....	(533,995)	(653,277)	(532,881)	(522,099)	(654,730)	(+120,735)

HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
Emergency appropriations.....	(24,000)	---	---	---	---	(-24,000)
Rescissions.....	(-968)	---	---	---	---	(+968)
U.S. Visitor and Immigrant Status Indicator Technology Emergency appropriations.....	362,494	462,000	462,000	362,000	200,000 275,000	-162,494 +275,000
Subtotal, US-VISIT.....	362,494	462,000	462,000	362,000	475,000	+112,506
Total, National Protection and Programs.....	957,333	1,161,567	1,035,227	914,099	1,177,076	+219,743
Appropriations.....	(934,301)	(1,161,567)	(1,035,227)	(914,099)	(902,076)	(-32,225)
Emergency appropriations.....	(24,000)	---	---	---	(275,000)	(+251,000)
Rescissions.....	-968	---	---	---	---	+968

Office of Health Affairs

Chief Medical Officer.....	4,980	---	---	---	---	-4,980
Biowatch.....	78,120	79,108	77,108	79,108	77,108	-1,012
National biosurveillance integration system.....	8,000	8,000	8,000	8,000	8,000	---
Rapidly deployable chemical detection system.....	2,600	2,600	2,600	2,600	2,600	---
Planning and coordination.....	---	4,475	4,475	4,475	4,475	+4,475
Salaries and expenses.....	5,598	23,750	25,750	20,817	24,317	+18,719
Supplemental Appropriations - P.L. 110-28 Emergency appropriations.....	8,000	---	---	---	---	-8,000
Total, Office of Health Affairs.....	107,298	117,933	117,933	115,000	116,500	+9,202
Appropriations.....	(99,298)	(117,933)	(117,933)	(115,000)	(116,500)	(+17,202)
Emergency appropriations.....	(8,000)	---	---	---	---	(-8,000)



HOUSE AMENDMENT TO SENATE AMENDMENT TO H. R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
<b>Federal Emergency Management Agency</b>						
<b>Management and administration:</b>						
Operating activities.....	501,000	636,600	644,000	426,020	625,500	+124,500
(Defense function).....	(49,240)	(88,930)	(88,930)	(88,930)	(88,930)	(+39,690)
Management activities.....	---	---	---	216,580	---	---
Urban search and rescue response system.....	25,000	25,000	35,000	30,000	32,500	+7,500
Office of National Capitol Region Coordination.....	2,741	6,000	6,000	6,000	6,000	+3,259
National Preparedness Integration Program.....	6,459	---	---	---	---	-6,459
(transfer from Disaster Relief).....	---	(48,000)	---	(48,000)	(60,000)	(+60,000)
Supplemental Appropriations - P.L. 110-28	---	---	---	---	---	---
Emergency appropriations.....	14,000	---	---	---	---	-14,000
Rescissions (sec. 6406).....	-450	---	---	---	---	+450
<b>Subtotal, Management and administration</b>						
(including transfers).....	548,750	715,600	685,000	726,600	724,000	+175,250
Appropriations.....	(535,200)	(667,600)	(685,000)	(678,600)	(664,000)	(+128,800)
Emergency appropriations.....	(14,000)	---	---	---	---	(-14,000)
Rescissions.....	(-450)	---	---	---	---	(+450)
by transfer.....	---	(48,000)	---	(48,000)	(60,000)	(+60,000)
(Non-defense appropriations).....	(485,960)	(578,670)	(596,070)	(589,670)	(575,070)	(+89,110)
(Defense appropriations).....	(49,240)	(88,930)	(88,930)	(88,930)	(88,930)	(+39,690)
<b>State and Local Programs:</b>						
State Homeland Security Grant Program.....	525,000	250,000	550,000	525,000	890,000	+365,000

HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
Law enforcement terrorism prevention grants.....	375,000	---	400,000	375,000	---	-375,000
Operation Stonegarden (emergency).....	---	---	---	---	60,000	+60,000
Subtotal.....	900,000	250,000	950,000	900,000	950,000	+50,000
Urban area security initiative.....	770,000	800,000	850,000	820,000	820,000	+50,000
Regional catastrophic preparedness grants.....	---	---	---	50,000	35,000	+35,000
Emergency appropriation (P.L. 110-28).....	35,000	---	---	---	---	-35,000
Metropolitan Medical Response System.....	33,000	---	50,000	33,000	41,000	+8,000
Citizen Corps program.....	15,000	15,000	17,000	15,000	15,000	---
Public transportation security assistance and railroad security assistance.....	175,000	175,000	400,000	400,000	400,000	+225,000
Emergency appropriation (P.L. 110-28).....	100,000	---	---	---	---	-100,000
Port security grants.....	210,000	210,000	400,000	400,000	400,000	+190,000
Emergency appropriation (P.L. 110-28).....	110,000	---	---	---	---	-110,000
Over-the-road bus security assistance.....	12,000	12,000	11,000	12,000	11,500	-500
Trucking industry security grants.....	12,000	9,000	10,000	16,000	16,000	+4,000
Buffer Zone Protection Program grants.....	50,000	50,000	100,000	50,000	50,000	---
REAL ID grants.....	---	---	50,000	---	---	---
Emergency appropriation.....	---	---	---	---	50,000	+50,000
Commercial equipment direct assistance program.....	50,000	---	20,000	40,000	25,000	-25,000
Interoperable emergency communications grant program.....	---	---	50,000	100,000	50,000	+50,000
Emergency Operations Centers.....	---	---	---	---	15,000	+15,000
Disaster preparedness materials.....	---	---	1,000	---	---	---
National Programs:						
National Domestic Preparedness Consortium.....	88,000	38,000	88,000	88,000	88,000	---
Center for Domestic Preparedness.....	57,000	48,500	51,500	57,000	57,000	---
Noble Training Center.....	5,500	5,500	5,500	5,500	5,500	---

HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
National exercise program.....	49,000	50,000	50,000	50,000	50,000	+1,000
Technical assistance.....	6,000	6,000	18,000	14,000	12,000	+6,000
Emergency appropriation (P.L. 110-28).....	2,000	---	---	---	---	-2,000
Training grants.....	---	---	61,000	---	---	---
Demonstration training grants.....	30,000	---	---	30,000	28,000	-2,000
Continuing training grants.....	31,000	3,000	---	31,000	31,000	---
Evaluations and assessments.....	19,000	19,000	19,000	19,000	19,000	---
Rural Domestic Preparedness Consortium.....	12,000	---	---	---	8,800	-3,200
Subtotal, National Programs.....	299,500	170,000	293,000	294,500	299,300	-200
Management and administration.....	---	5,000	---	---	---	---
Subtotal, State and Local Programs.....	2,771,500	1,696,000	3,202,000	3,130,500	3,177,800	+406,300
Appropriations.....	(2,524,500)	(1,696,000)	(3,202,000)	(3,130,500)	(3,067,800)	(+543,300)
Emergency appropriations.....	(247,000)	---	---	---	(110,000)	(-137,000)
Firefighter assistance grants:						
Fire grants.....	547,000	300,000	570,000	560,000	560,000	+13,000
Staffing for Adequate Fire and Emergency Response (SAFER) Act grants.....	115,000	---	235,058	145,000	190,000	+75,000
Subtotal, Firefighter Assistance grants.....	662,000	300,000	805,058	705,000	750,000	+88,000
Emergency management performance grants.....	200,000	200,000	300,000	300,000	300,000	+100,000
Supplemental Appropriations - P.L. 110-28 Emergency appropriations.....	50,000	---	---	---	---	-50,000
Subtotal, Emergency management performance grants.....	250,000	200,000	300,000	300,000	300,000	+50,000

HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
Subtotal, Grants and training.....	3,683,500	2,196,000	4,307,058	4,135,500	4,227,800	+544,300
Appropriations.....	(3,386,500)	(2,196,000)	(4,307,058)	(4,135,500)	(4,117,800)	(+731,300)
Emergency appropriations.....	(297,000)	---	---	---	(110,000)	(-187,000)
Radiological Emergency Preparedness Program.....	-477	-505	-505	-505	-505	-28
United States Fire Administration.....	41,349	43,300	43,300	43,300	43,300	+1,951
Public health programs.....	33,885	---	---	---	---	-33,885
Disaster relief.....	1,500,000	1,700,000	1,700,000	1,700,000	1,400,000	-100,000
(transfer to Management and administration).....	---	(-48,000)	---	(-48,000)	(-60,000)	(-60,000)
(transfer to Inspector General).....	(-13,500)	---	---	(-13,500)	(-16,000)	(-2,500)
Supplemental Appropriations - P.L. 110-28						
Emergency appropriations.....	4,110,000	---	---	---	---	-4,110,000
Transfer to OIG (emergency).....	(-4,000)	---	---	---	---	(+4,000)
Transfer from SBA Disaster loans program						
account (emergency).....	(150,000)	---	---	---	---	(-150,000)
Supplemental Appropriations - P.L. 110-116						
Emergency appropriations (previously enacted).....	---	---	---	---	(2,900,000)	(+2,900,000)
Subtotal, Disaster Relief.....	5,742,500	1,652,000	1,700,000	1,638,500	4,224,000	-1,518,500
Disaster assistance direct loan program account:						
(Limitation on direct loans).....	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)	---
Direct loan subsidy.....	---	295	295	295	295	+295
Supplemental Appropriations - P.L. 110-28						
Sec. 4502 Loan forgiveness (emergency).....	320,000	---	---	---	---	-320,000
Administrative expenses.....	569	580	580	580	580	+11

HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
Flood map modernization fund.....	198,980	194,881	230,000	200,000	220,000	+21,020
National flood insurance fund:						
Salaries and expenses.....	38,230	45,642	45,642	45,642	45,642	+7,412
Flood hazard mitigation.....	90,358	99,358	99,358	99,358	99,358	+9,000
Offsetting fee collections.....	-128,588	-145,000	-145,000	-145,000	-145,000	-16,412
Transfer to National flood mitigation fund.....	(-31,000)	(-34,000)	(-34,000)	(-34,000)	(-34,000)	(-3,000)
National flood mitigation fund (by transfer).....	(31,000)	(34,000)	(34,000)	(34,000)	(34,000)	(+3,000)
National predisaster mitigation fund.....	100,000	100,053	120,000	120,000	114,000	+14,000
Emergency food and shelter.....	151,470	140,000	153,000	153,000	153,000	+1,530
Total, Federal Emergency Management Agency (including transfers).....	10,820,526	5,042,204	7,238,728	7,017,270	9,706,470	-1,114,056
Appropriations.....	(5,947,476)	(5,042,204)	(7,238,728)	(7,030,770)	(6,712,470)	(+764,994)
Emergency appropriations.....	(4,741,000)	---	---	---	(110,000)	(-4,631,000)
Rescissions.....	(-450)	---	---	---	---	(+450)
Enacted emergency appropriations.....	---	---	---	---	(2,900,000)	(+2,900,000)
by transfer.....	(31,000)	(82,000)	(34,000)	(82,000)	(94,000)	(+63,000)
transfer out.....	(150,000)	---	---	---	---	(-150,000)
transfer out (emergency).....	(-44,500)	(-82,000)	(-34,000)	(-95,500)	(-110,000)	(-65,500)
transfer out (emergency).....	(-4,000)	---	---	---	---	(+4,000)
(Limitation on direct loans).....	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)	---
Rescission, Counter Terrorism Fund.....	-16,000	---	---	---	---	+16,000
Total, title III, Protection, Preparedness, Response and Recovery (including transfers)....	11,869,157	6,321,704	8,391,888	8,046,369	11,000,046	-869,111

HOUSE AMENDMENT TO SENATE AMENDMENT TO H. R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
Appropriations.....	(6,981,075)	(6,321,704)	(8,391,888)	(8,059,869)	(7,731,046)	(+749,971)
Emergency appropriations.....	(4,773,000)	---	---	---	(385,000)	(-4,388,000)
Rescissions.....	(-17,418)	---	---	---	---	(+17,418)
Enacted emergency appropriations.....	---	---	---	---	(2,900,000)	(+2,900,000)
By transfer.....	(31,000)	(82,000)	(34,000)	(82,000)	(94,000)	(+63,000)
Transfer out.....	(-44,500)	(-82,000)	(-34,000)	(-95,500)	(-110,000)	(-65,500)
By transfer (emergency).....	(150,000)	---	---	---	---	(-150,000)
Transfer out emergency.....	(-4,000)	---	---	---	---	(+4,000)
(Limitation on direct loans).....	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)	---

TITLE IV - RESEARCH AND DEVELOPMENT, TRAINING,  
 AND SERVICES

U.S. Citizenship and Immigration Services Business transformation.....	47,000	---	---	---	---	-47,000
Systematic Alien Verification for Entitlements (SAVE).....	21,100	---	---	---	---	-21,100
E-Verify program.....	113,890	30,000	30,000	30,000	60,000	+60,000
Emergency appropriations.....	---	---	---	20,000	---	---
FBI background check backlog.....	---	---	---	---	20,000	+20,000
Emergency appropriations.....	---	---	---	---	523	+523
Benefit parole programs.....	---	---	---	---	---	---
Supplemental Appropriations - P.L. 110-28 Emergency appropriations.....	8,000	---	---	---	---	-8,000
Immigration service programs.....	---	---	---	---	450	+450
Subtotal, Citizenship and Immigration Services Appropriations.....	189,990	30,000	30,000	50,523	80,973	-109,017
Emergency appropriations.....	(8,000)	(30,000)	(30,000)	(50,523)	(973)	(-181,017)
					(80,000)	(+72,000)

HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
<b>Adjudication services (fee account):</b>						
Pay and benefits.....	(624,600)	(763,962)	(763,962)	(763,962)	(763,962)	(+139,362)
District operations.....	(385,400)	(551,701)	(551,701)	(551,701)	(551,701)	(+166,301)
Service center operations.....	(267,000)	(354,527)	(354,527)	(354,527)	(354,527)	(+87,527)
Asylum, refugee and international operations.....	(75,000)	(91,120)	(91,120)	(91,120)	(91,120)	(+16,120)
Records operations.....	(67,000)	(80,589)	(80,589)	(80,589)	(80,589)	(+13,589)
Business transformation.....	---	(139,000)	(139,000)	(139,000)	(139,000)	(+139,000)
Subtotal, Adjudication services.....	(1,419,000)	(1,980,899)	(1,980,899)	(1,980,899)	(1,980,899)	(+561,899)
<b>Information and customer services (fee account):</b>						
Pay and benefits.....	(81,000)	(93,132)	(93,132)	(93,132)	(93,132)	(+12,132)
<b>Operating expenses:</b>						
National Customer Service Center.....	(48,000)	(49,357)	(49,357)	(49,357)	(49,357)	(+1,357)
Information services.....	(15,000)	(19,375)	(19,375)	(19,375)	(19,375)	(+4,375)
Subtotal, Information and customer services.....	(144,000)	(161,864)	(161,864)	(161,864)	(161,864)	(+17,864)
<b>Administration (fee account):</b>						
Pay and benefits.....	(45,000)	(79,268)	(79,268)	(79,268)	(79,268)	(+34,268)
Operating expenses.....	(196,000)	(295,289)	(295,289)	(295,289)	(295,289)	(+99,289)
Subtotal, Administration.....	(241,000)	(374,557)	(374,557)	(374,557)	(374,557)	(+133,557)
<b>Systematic Alien Verification for Entitlements (SAVE) (fee accounts):</b>						
	---	(21,552)	(21,552)	(21,552)	(21,552)	(+21,552)

HOUSE AMENDMENT TO SENATE AMENDMENT TO H. R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
<b>Total, U.S. Citizenship and Immigration Services</b>						
Appropriations.....	(1,993,990)	(2,568,872)	(2,568,872)	(2,589,395)	(2,619,845)	(+625,855)
Emergency appropriations.....	(181,990)	(30,000)	(30,000)	(50,523)	(973)	(-181,017)
Total Fees.....	(8,000)	---	---	---	(80,000)	(+72,000)
(Immigration Examination Fee Account).....	(1,804,000)	(2,538,872)	(2,538,872)	(2,538,872)	(2,538,872)	(+734,872)
(Fraud prevention and detection fee account).....	(1,760,000)	(2,494,872)	(2,494,872)	(2,494,872)	(2,494,872)	(+734,872)
(H1B Non-Immigrant Petitioner fee account).....	(31,000)	(31,000)	(31,000)	(31,000)	(31,000)	---
	(13,000)	(13,000)	(13,000)	(13,000)	(13,000)	---
<b>Federal Law Enforcement Training Center</b>						
<b>Salaries and expenses:</b>						
Law enforcement training.....	209,743	219,786	219,786	219,786	219,786	+10,043
Emergency appropriations.....	---	---	---	---	17,000	+17,000
Accreditation.....	1,290	---	---	1,290	1,290	---
Supplemental Appropriations - P.L. 110-28	(3,000)	---	---	---	---	(-3,000)
Transfer from CBP (emergency).....	---	---	---	---	---	---
Subtotal, Salaries and expenses (incl. transfer)	214,033	219,786	219,786	221,076	238,076	+24,043
Appropriations.....	(211,033)	(219,786)	(219,786)	(221,076)	(221,076)	(+10,043)
Emergency appropriations.....	---	---	---	---	(17,000)	(+17,000)
By transfer (emergency).....	(3,000)	---	---	---	---	(-3,000)
<b>Acquisitions, Construction, Improvements, and Related expenses:</b>						
Direct appropriation.....	42,246	43,270	43,270	44,470	46,590	+4,344
Construction (emergency).....	22,000	---	---	---	4,000	-18,000
Subtotal.....	64,246	43,270	43,270	44,470	50,590	-13,656



HOUSE AMENDMENT TO SENATE AMENDMENT TO H. R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
Appropriations.....	(42,246)	(43,270)	(43,270)	(44,470)	(46,590)	(+4,344)
Emergency appropriations.....	(22,000)	---	---	---	(4,000)	(-18,000)
<b>Total, Federal Law Enforcement Training Center</b>						
(including transfers).....	278,279	263,056	263,056	265,546	288,666	+10,387
Appropriations.....	(253,279)	(263,056)	(263,056)	(265,546)	(267,666)	(+14,387)
Emergency appropriations.....	(22,000)	---	---	---	(21,000)	(-1,000)
By transfer (emergency).....	(3,000)	---	---	---	---	(-3,000)
<b>Science and Technology</b>						
Management and administration.....	134,000	142,632	130,787	140,632	138,600	+4,600
Supplemental Appropriations - P.L. 110-28						
Rescission (sec. 6404).....	-1,215	---	---	---	---	+1,215
Subtotal, Management and administration.....	132,785	142,632	130,787	140,632	138,600	+5,815
Appropriations.....	(134,000)	(142,632)	(130,787)	(140,632)	(138,600)	(+4,600)
Rescissions.....	(-1,215)	---	---	---	---	(+1,215)
<b>Research, development, acquisition, and operations:</b>						
Border and maritime security.....	33,436	25,936	25,936	25,479	25,479	-7,957
Chemical and biological.....	229,453	228,949	215,131	216,038	208,020	-21,433
Command, control and interoperability.....	57,612	63,600	61,100	61,763	56,980	-632
Explosives.....	105,231	63,749	63,749	81,726	77,654	-27,577
Human factors.....	6,800	12,600	12,600	6,706	14,206	+7,406
Infrastructure and geophysical.....	74,781	24,000	24,000	64,000	64,500	-10,281
Innovation.....	38,000	59,900	51,900	46,000	33,000	-5,000
Laboratory facilities.....	105,649	88,814	88,814	103,814	103,814	-1,835

HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
Test and evaluations/standards.....	25,432	25,520	28,520	24,219	28,520	+3,088
Transition.....	24,040	24,700	26,000	23,901	25,265	+1,225
University programs.....	48,575	38,700	48,575	38,718	49,297	+722
Homeland Security Institute:						
Non-add.....	(10,000)	(10,000)	---	---	---	(-10,000)
Appropriation.....	---	---	---	5,000	5,000	+5,000
Supplemental Appropriations - P.L. 110-28	---	---	---	---	---	---
Emergency appropriations.....	5,000	---	---	---	---	-5,000
Subtotal, Research, development, acquisition, and operations.....	754,009	656,468	646,325	697,364	691,735	-62,274
Appropriations.....	(749,009)	(656,468)	(646,325)	(697,364)	(691,735)	(-57,274)
Emergency appropriations.....	(5,000)	---	---	---	---	(-5,000)
(Non-defense related appropriations).....	(453,009)	(481,468)	(471,325)	(522,364)	(516,735)	(+63,726)
(Defense related appropriations).....	(296,000)	(175,000)	(175,000)	(175,000)	(175,000)	(-121,000)
Rescission of unobligated balances.....	-125,000	---	---	---	---	+125,000
Total, Science and Technology.....	761,794	799,100	777,112	837,996	830,335	+68,541
Appropriations.....	(883,009)	(799,100)	(777,112)	(837,996)	(830,335)	(-52,674)
Emergency appropriations.....	(5,000)	---	---	---	---	(-5,000)
Rescissions.....	(-126,215)	---	---	---	---	(+126,215)
Domestic Nuclear Detection Office						
Management and administration.....	30,468	34,000	31,176	32,000	31,500	+1,032

HOUSE AMENDMENT TO SENATE AMENDMENT TO H. R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
<b>Research, development, and operations:</b>						
Systems engineering and architecture.....	26,500	25,100	25,100	22,400	22,400	-4,100
Systems development.....	99,500	108,100	108,100	132,100	118,100	+18,600
Transformational research and development.....	72,600	100,000	100,000	100,000	98,000	+23,400
Assessments.....	25,600	32,000	32,000	32,000	37,500	+11,900
Operations support.....	35,000	37,800	34,800	34,500	34,500	-500
National Technical Nuclear Forensics Center.....	13,300	16,900	16,900	15,000	15,000	+1,700
Supplemental Appropriations - P.L. 110-28						
Emergency appropriations.....	35,000					-35,000
<b>Research, development, and operations.....</b>	<b>307,500</b>	<b>319,900</b>	<b>316,900</b>	<b>336,000</b>	<b>323,500</b>	<b>+16,000</b>
Appropriations.....	(272,500)	(319,900)	(316,900)	(336,000)	(323,500)	(+51,000)
Emergency appropriations.....	(35,000)					(-35,000)
<b>Systems acquisition:</b>						
Radiation Portal Monitor Program.....	165,500	171,500	171,500	139,000	90,000	-75,500
Securing the Cities.....		30,000	30,000	30,000	30,000	+30,000
Human Portal Radiation Detection Systems Program.....	12,500	6,500	6,500	13,000	9,750	-2,750
Supplemental Appropriations - P.L. 110-28						
Emergency appropriations.....	100,000					-100,000
<b>Subtotal, Systems acquisition.....</b>	<b>278,000</b>	<b>208,000</b>	<b>208,000</b>	<b>182,000</b>	<b>129,750</b>	<b>-148,250</b>
Appropriations.....	(178,000)	(208,000)	(208,000)	(182,000)	(129,750)	(-48,250)
Emergency appropriations.....	(100,000)					(-100,000)
<b>Total, Domestic Nuclear Detection Office.....</b>	<b>615,968</b>	<b>561,900</b>	<b>556,076</b>	<b>550,000</b>	<b>484,750</b>	<b>-131,218</b>
Appropriations.....	(480,968)	(561,900)	(556,076)	(550,000)	(484,750)	(+3,782)
Emergency appropriations.....	(135,000)					(-135,000)

HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
Total, title IV, Research and Development, Training, and Services (including transfers) ..	1,846,031	1,654,056	1,626,244	1,704,065	1,684,724	-161,307
Appropriations .....	(1,799,246)	(1,654,056)	(1,626,244)	(1,704,065)	(1,583,724)	(-215,522)
Emergency appropriations .....	(170,000)	---	---	---	(101,000)	(-69,000)
Rescissions .....	(-126,215)	---	---	---	---	(+126,215)
By transfer emergency .....	(3,000)	---	---	---	---	(-3,000)
(Fee Accounts) .....	(1,804,000)	(2,538,872)	(2,538,872)	(2,538,872)	(2,538,872)	(+734,872)

TITLE V - GENERAL PROVISIONS

Rescission of unobligated balances .....	---	-96,000	-55,273	-45,000	-59,287	-59,287
Rescission of recovered lapsed balances .....	---	-30,000	---	---	-28,833	-28,833
Rescission, TSA undistributed carryover .....	---	---	---	---	-4,500	-4,500
Rescission, Counter Terrorism Fund .....	---	-5,500	---	---	-8,480	-8,480
USM/OSEM management efficiencies .....	---	---	---	---	-5,000	-5,000
Sec. 573: Rescission of emergency appropriation .....	---	---	---	---	-20,000	-20,000
Sec. 573: Appropriation (emergency) .....	---	---	---	---	20,000	+20,000
Total, title V, General Provisions .....	---	-131,500	-55,273	-45,000	-106,100	-106,100

TITLE X - DIVISION B

Border Security First (emergency) .....	---	---	---	3,000,000	---	---
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HOUSE AMENDMENT TO SENATE AMENDMENT TO H. R. 2764  
 DIVISION E - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008  
 (Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Amended Bill	Amended Bill vs. Enacted
<b>GENERAL REDUCTION</b>						
Pro rata reduction for interoperability.....				-100,000		
Grand total.....	40,307,323	35,497,333	37,446,480	40,623,434	38,746,643	-1,560,680
Appropriations.....	(33,342,228)	(35,677,620)	(37,609,202)	(37,725,221)	(36,283,892)	(+2,941,664)
(Discretionary).....	(32,248,905)	(34,492,900)	(36,424,482)	(36,540,501)	(35,099,172)	(+2,850,267)
(Mandatory).....	(1,093,323)	(1,184,720)	(1,184,720)	(1,184,720)	(1,184,720)	(+91,397)
Emergency appropriations.....	(7,309,000)			(3,000,000)	(2,710,000)	(-4,599,000)
Rescissions.....	(-343,905)	(-180,287)	(-162,722)	(-101,787)	(-247,249)	(+96,656)
Fee funded programs.....	(3,397,681)	(4,239,898)	(4,239,898)	(4,239,898)	(4,239,898)	(+842,217)
(Enacted emergency appropriations).....					(2,900,000)	(+2,900,000)
(Limitation on direct loans).....	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)	
(Transfer out).....	(-51,800)	(-82,000)	(-34,000)	(-95,500)	(-110,000)	(-58,200)
(Transfer out) (emergency).....	(-7,000)					(+7,000)
(By transfer).....	(51,800)	(82,000)	(34,000)	(95,500)	(110,000)	(+58,200)
(By transfer) (emergency).....	(277,293)					(-277,293)

## AMENDED BILL TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for fiscal year 2008 provided in the amended bill, with comparisons to the fiscal year 2007 amount, the 2008 budget estimates, and the House and Senate bills for 2008 follow;

[In thousands of dollars]	
New budget (obligational) authority, fiscal year 2007 .....	\$40,307,323
Budget estimates of new (obligational) authority, fiscal year 2008	35,497,333
House bill, fiscal year 2008 .....	37,446,480
Senate bill, fiscal year 2008 .....	40,623,434
Amended bill, fiscal year 2008 .....	38,746,643
Amended bill compared with:	
New budget (obligational) authority, fiscal year 2007 .....	-1,560,680
Budget estimates of new (obligational) authority, fiscal year	
2008 .....	+3,249,310
House bill, fiscal year 2008 .....	+1,300,163
Senate bill, fiscal year 2008 .....	-1,876,791