

In the Senate of the United States,

July 13, 2006.

Resolved, That the bill from the House of Representatives (H.R. 5441) entitled “An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 *That the following sums are appropriated, out of any*
2 *money in the Treasury not otherwise appropriated, for the*
3 *Department of Homeland Security for the fiscal year end-*
4 *ing September 30, 2007, and for other purposes, namely:*

1 *OFFICE OF THE CHIEF FINANCIAL OFFICER*

2 *For necessary expenses of the Office of the Chief Finan-*
3 *cial Officer, as authorized by section 103 of the Homeland*
4 *Security Act of 2002 (6 U.S.C. 113), \$26,018,000.*

5 *OFFICE OF THE CHIEF INFORMATION OFFICER*

6 *For necessary expenses of the Office of the Chief Infor-*
7 *mation Officer, as authorized by section 103 of the Home-*
8 *land Security Act of 2002 (6 U.S.C. 113), and Department-*
9 *wide technology investments, \$306,765,000; of which*
10 *\$79,521,000 shall be available for salaries and expenses;*
11 *and of which \$227,244,000 shall be available for develop-*
12 *ment and acquisition of information technology equipment,*
13 *software, services, and related activities for the Department*
14 *of Homeland Security, and for the costs of conversion to*
15 *narrowband communications, including the cost for oper-*
16 *ation of the land mobile radio legacy systems, to remain*
17 *available until expended: Provided, That none of the funds*
18 *appropriated shall be used to support or supplement the*
19 *appropriations provided for the United States Visitor and*
20 *Immigrant Status Indicator Technology project or the*
21 *Automated Commercial Environment: Provided further,*
22 *That the Chief Information Officer shall submit to the Com-*
23 *mittees on Appropriations of the Senate and the House of*
24 *Representatives, not more than 60 days after the date of*
25 *enactment of this Act, an expenditure plan for all informa-*

1 *tion technology projects that: (1) are funded under this*
2 *heading; or (2) are funded by multiple components of the*
3 *Department of Homeland Security through reimbursable*
4 *agreements: Provided further, That such expenditure plan*
5 *shall include each specific project funded, key milestones,*
6 *all funding sources for each project, details of annual and*
7 *lifecycle costs, and projected cost savings or cost avoidance*
8 *to be achieved by the project.*

9 *ANALYSIS AND OPERATIONS*

10 *For necessary expenses for information analysis and*
11 *operations coordination activities, as authorized by title II*
12 *of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.),*
13 *\$298,663,000, to remain available until September 30,*
14 *2008, of which not to exceed \$5,000 shall be for official re-*
15 *ception and representation expenses.*

16 *OFFICE OF INSPECTOR GENERAL*

17 *For necessary expenses of the Office of Inspector Gen-*
18 *eral in carrying out the provisions of the Inspector General*
19 *Act of 1978 (5 U.S.C. App.), \$90,185,000, of which not to*
20 *exceed \$100,000 may be used for certain confidential oper-*
21 *ational expenses, including the payment of informants, to*
22 *be expended at the direction of the Inspector General: Pro-*
23 *vided further, That the Department of Homeland Security*
24 *Inspector General shall investigate whether, and to what ex-*
25 *tent, in adjusting and settling claims resulting from Hurri-*

1 *cane Katrina, insurers making flood insurance coverage*
2 *available under the Write-Your-Own program pursuant to*
3 *section 1345 of the National Flood Insurance Act of 1968*
4 *(42 U.S.C. 4081) and subpart C of part 62 of title 44, Code*
5 *of Federal Regulations, improperly attributed damages*
6 *from such hurricane to flooding covered under the insurance*
7 *coverage provided under the national flood insurance pro-*
8 *gram rather than to windstorms covered under coverage*
9 *provided by such insurers or by windstorm insurance pools*
10 *in which such insurers participated: Provided further, That*
11 *the Department of Homeland Security Inspector General*
12 *may request the assistance of the Attorney General and the*
13 *Department of Justice in conducting such investigation and*
14 *may reimburse the costs of the Attorney General and the*
15 *Department of Justice in providing such assistance from*
16 *such funds: Provided further, That the Department of*
17 *Homeland Security Inspector General shall submit a report*
18 *to Congress not later than April 1, 2007, setting forth the*
19 *conclusions of such investigation.*

20

TITLE II

21 *SECURITY, ENFORCEMENT, AND INVESTIGATIONS*22 *UNITED STATES VISITOR AND IMMIGRANT STATUS*

23

INDICATOR TECHNOLOGY

24

25 *For necessary expenses for the development of the*
United States Visitor and Immigrant Status Indicator

1 *Technology project, as authorized by section 110 of the Ille-*
2 *gal Immigration Reform and Immigration Responsibility*
3 *Act of 1996 (8 U.S.C. 1221 note), \$399,494,000, to remain*
4 *available until expended: Provided, That of the total*
5 *amount made available under this heading, \$200,000,000*
6 *may not be obligated for the United States Visitor and Im-*
7 *migrant Status Indicator Technology project until the Com-*
8 *mittees on Appropriations of the Senate and the House of*
9 *Representatives receive and approve a plan for expenditure*
10 *prepared by the Secretary of Homeland Security that—*

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

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

17 (3) *complies with the acquisition rules, require-*
18 *ments, guidelines, and systems acquisition manage-*
19 *ment practices of the Federal Government;*

20 (4) *includes a certification by the Chief Informa-*
21 *tion Officer of the Department of Homeland Security*
22 *that an independent verification and validation agent*
23 *is currently under contract for the project;*

24 (5) *is reviewed and approved by the Department*
25 *of Homeland Security Investment Review Board, the*

1 *Secretary of Homeland Security, and the Office of*
2 *Management and Budget; and*

3 *(6) is reviewed by the Government Account-*
4 *ability Office.*

5 *CUSTOMS AND BORDER PROTECTION*

6 *SALARIES AND EXPENSES*

7 *For necessary expenses for enforcement of laws relating*
8 *to border security, immigration, customs, and agricultural*
9 *inspections and regulatory activities related to plant and*
10 *animal imports; purchase and lease of up to 4,500 (3,500*
11 *for replacement only) police-type vehicles; and contracting*
12 *with individuals for personal services abroad;*
13 *\$5,329,874,000, of which \$44,000,000 shall be used to hire*
14 *an additional 236 border patrol agents; of which \$3,026,000*
15 *shall be derived from the Harbor Maintenance Trust Fund*
16 *for administrative expenses related to the collection of the*
17 *Harbor Maintenance Fee under section 9505(c)(3) of the In-*
18 *ternal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and*
19 *notwithstanding section 1511(e)(1) of the Homeland Secu-*
20 *rity Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed*
21 *\$45,000 shall be for official reception and representation*
22 *expenses; of which not less than \$172,676,000 shall be for*
23 *Air and Marine Operations; of which such sums as become*
24 *available in the Customs User Fee Account, except sums*
25 *subject to section 13031(f)(3) of the Consolidated Omnibus*

1 *Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)),*
2 *shall be derived from that account; of which not to exceed*
3 *\$150,000 shall be available for payment for rental space*
4 *in connection with preclearance operations; of which not*
5 *to exceed \$1,000,000 shall be for awards of compensation*
6 *to informants, to be accounted for solely under the certifi-*
7 *cate of the Secretary of Homeland Security: Provided, That*
8 *for fiscal year 2007, the overtime limitation prescribed in*
9 *section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C.*
10 *267(c)(1)) shall be \$35,000; and notwithstanding any other*
11 *provision of law, none of the funds appropriated by this*
12 *Act may be available to compensate any employee of United*
13 *States Customs and Border Protection for overtime, from*
14 *whatever source, in an amount that exceeds such limitation,*
15 *except in individual cases determined by the Secretary of*
16 *Homeland Security, or the designee of the Secretary, to be*
17 *necessary for national security purposes, to prevent exces-*
18 *sive costs, or in cases of immigration emergencies.*

19 *AUTOMATION MODERNIZATION*

20 *For expenses for customs and border protection auto-*
21 *mated systems, \$461,207,000, to remain available until ex-*
22 *pended, of which not less than \$318,490,000 shall be for*
23 *the development of the Automated Commercial Environ-*
24 *ment: Provided, That none of the funds made available*
25 *under this heading may be obligated for the Automated*
26 *Commercial Environment until the Committees on Appro-*

1 *this heading, \$100,000,000 may not be obligated until the*
2 *Committees on Appropriations of the Senate and the House*
3 *of Representatives receive and approve a plan for expendi-*
4 *ture prepared by the Secretary of Homeland Security*
5 *that—*

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

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

12 (3) *complies with the acquisition rules, require-*
13 *ments, guidelines, and systems acquisition manage-*
14 *ment practices of the Federal Government;*

15 (4) *includes a certification by the Chief Informa-*
16 *tion Officer of the Department of Homeland Security*
17 *that an independent verification and validation agent*
18 *is currently under contract for the project;*

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

23 (6) *is reviewed by the Government Account-*
24 *ability Office.*

1 *AIR AND MARINE INTERDICTION, OPERATIONS,*
2 *MAINTENANCE, AND PROCUREMENT*
3 *(INCLUDING RESCISSION OF FUNDS)*

4 *For necessary expenses for the operations, mainte-*
5 *nance, and procurement of marine vessels, aircraft, un-*
6 *manned aerial vehicles, and other related equipment of the*
7 *air and marine program, including operational training*
8 *and mission-related travel, and rental payments for facili-*
9 *ties occupied by the air or marine interdiction and demand*
10 *reduction programs, the operations of which include the fol-*
11 *lowing: the interdiction of narcotics and other goods; the*
12 *provision of support to Federal, State, and local agencies*
13 *in the enforcement or administration of laws enforced by*
14 *the Department of Homeland Security; and at the discre-*
15 *tion of the Secretary of Homeland Security, the provision*
16 *of assistance to Federal, State, and local agencies in other*
17 *law enforcement and emergency humanitarian efforts,*
18 *\$472,499,000, to remain available until expended: Pro-*
19 *vided, That no aircraft or other related equipment, with*
20 *the exception of aircraft that are one of a kind and have*
21 *been identified as excess to United States Customs and Bor-*
22 *der Protection requirements and aircraft that have been*
23 *damaged beyond repair, shall be transferred to any other*
24 *Federal agency, department, or office outside of the Depart-*
25 *ment of Homeland Security during fiscal year 2007 without*

1 *the prior approval of the Committees on Appropriations of*
2 *the Senate and the House of Representatives.*

3 *In addition, of the funds appropriated under this*
4 *heading in title II of the Department of Homeland Security*
5 *Appropriations Act, 2006 (Public Law 109–90; 119 Stat.*
6 *2068) for a covert manned surveillance aircraft,*
7 *\$14,000,000 are rescinded.*

8 *CONSTRUCTION*

9 *For necessary expenses to plan, construct, renovate,*
10 *equip, and maintain buildings and facilities necessary for*
11 *the administration and enforcement of the laws relating to*
12 *customs and immigration, \$288,084,000, to remain avail-*
13 *able until expended.*

14 *IMMIGRATION AND CUSTOMS ENFORCEMENT*

15 *SALARIES AND EXPENSES*

16 *For necessary expenses for enforcement of immigration*
17 *and customs laws, detention and removals, and investiga-*
18 *tions; and purchase and lease of up to 2,740 (2,000 for re-*
19 *placement only) police-type vehicles; \$3,740,357,000, of*
20 *which not to exceed \$7,500,000 shall be available until ex-*
21 *pended for conducting special operations under section 3131*
22 *of the Customs Enforcement Act of 1986 (19 U.S.C. 2081);*
23 *of which not to exceed \$15,000 shall be for official reception*
24 *and representation expenses; of which not to exceed*
25 *\$1,000,000 shall be for awards of compensation to inform-*
26 *ants, to be accounted for solely under the certificate of the*

1 *Secretary of Homeland Security; of which not less than*
2 *\$102,000 shall be for promotion of public awareness of the*
3 *child pornography tipline; of which not less than \$203,000*
4 *shall be for Project Alert; of which not less than \$5,400,000*
5 *may be used to facilitate agreements consistent with section*
6 *287(g) of the Immigration and Nationality Act (8 U.S.C.*
7 *1357(g)); and of which not to exceed \$11,216,000 shall be*
8 *available to fund or reimburse other Federal agencies for*
9 *the costs associated with the care, maintenance, and repa-*
10 *triation of smuggled illegal aliens: Provided, That none of*
11 *the funds made available under this heading shall be avail-*
12 *able to compensate any employee for overtime in an annual*
13 *amount in excess of \$35,000, except that the Secretary of*
14 *Homeland Security, or the designee of the Secretary, may*
15 *waive that amount as necessary for national security pur-*
16 *poses and in cases of immigration emergencies: Provided*
17 *further, That none of the funds in this Act or any other*
18 *appropriations Act may be used to fund any activity other*
19 *than those activities funded in fiscal year 2005 to facilitate*
20 *agreements consistent with section 287(g) of the Immigra-*
21 *tion and Nationality Act (8 U.S.C. 1357(g)): Provided fur-*
22 *ther, That of the total amount provided, \$15,770,000 shall*
23 *be for activities to enforce laws against forced child labor*
24 *in fiscal year 2007, of which not to exceed \$6,000,000 shall*
25 *remain available until expended: Provided further, That an*

1 *additional \$58,000,000 shall be available under this head-*
2 *ing and authorized for 1,700 additional detention beds*
3 *spaces and the necessary operational and mission support*
4 *positions, information technology, relocation costs, and*
5 *training for those beds and the amount made available*
6 *under the heading “DISASTER RELIEF” in this Act is re-*
7 *duced by \$58,000,000.*

8 *FEDERAL PROTECTIVE SERVICE*

9 *The revenues and collections of security fees credited*
10 *to this account, not to exceed \$516,011,000, shall be avail-*
11 *able until expended for necessary expenses related to the*
12 *protection of federally-owned and leased buildings and for*
13 *the operations of the Federal Protective Service.*

14 *AUTOMATION MODERNIZATION*

15 *For expenses of immigration and customs enforcement*
16 *automated systems, \$20,000,000, to remain available until*
17 *expended: Provided, That of the funds made available under*
18 *this heading, \$16,000,000 may not be obligated until the*
19 *Committees on Appropriations of the Senate and the House*
20 *of Representatives receive and approve a plan for expendi-*
21 *ture prepared by the Secretary of Homeland Security*
22 *that—*

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

1 *Act (49 U.S.C. 40101 note; Public Law 107–71; 115 Stat.*
2 *597), \$4,751,580,000, to remain available until September*
3 *30, 2008, of which not to exceed \$10,000 shall be for official*
4 *reception and representation expenses: Provided, That of the*
5 *total amount made available under this heading, not to ex-*
6 *ceed \$3,790,132,000 shall be for screening operations, of*
7 *which \$141,400,000 shall be available only for procurement*
8 *of checked baggage explosive detection systems and*
9 *\$171,500,000 shall be available only for installation of*
10 *checked baggage explosive detection systems; and not to ex-*
11 *ceed \$961,448,000 shall be for aviation security direction*
12 *and enforcement presence: Provided further, That the*
13 *Transportation Security Administration shall provide pas-*
14 *senger and baggage screeners and related resources at the*
15 *New Castle Airport in Wilmington, Delaware, as long as*
16 *commercial air service is provided at that airport: Provided*
17 *further, That of the funds appropriated under this heading,*
18 *\$25,000,000 shall not be obligated until after the Secretary*
19 *of Homeland Security submits to the Committees on Appro-*
20 *priations of the Senate and the House of Representatives*
21 *a detailed report in response to findings in the Department*
22 *of Homeland Security Office of Inspector General report*
23 *(OIG–04–44) concerning contractor fees: Provided further,*
24 *That security service fees authorized under section 44940*
25 *of title 49, United States Code, shall be credited to this ap-*

1 *proprietion as offsetting collections and shall be available*
2 *only for aviation security: Provided further, That the sum*
3 *herein appropriated from the General Fund shall be reduced*
4 *on a dollar-for-dollar basis as such offsetting collections are*
5 *received during fiscal year 2007, so as to result in a final*
6 *fiscal year appropriation from the General Fund estimated*
7 *at not more than \$2,331,580,000 Provided further, That*
8 *any security service fees collected in excess of the amount*
9 *made available under this heading shall become available*
10 *during fiscal year 2008: Provided further, That notwith-*
11 *standing section 44923 of title 49, United States Code, the*
12 *share of the cost of the Federal Government for a project*
13 *under any letter of intent shall be 75 percent for any me-*
14 *dium or large hub airport and not more than 90 percent*
15 *for any other airport, and all funding provided by section*
16 *44923(h) of title 49 United States Code, or from appropria-*
17 *tions authorized under section 44923(i)(1) of title 49,*
18 *United States Code, may be distributed in any manner de-*
19 *termined necessary to ensure aviation security and to fulfill*
20 *the Government's planned cost share under existing letters*
21 *of intent: Provided further, That Members of the United*
22 *States House of Representatives and United States Senate,*
23 *including the leadership; and the heads of Federal agencies*
24 *and commissions, including the Secretary, Under Secre-*
25 *taries, and Assistant Secretaries of the Department of*

1 *Homeland Security; the United States Attorney General*
2 *and Assistant Attorneys General and the United States at-*
3 *torneys; and senior members of the Executive Office of the*
4 *President, including the Director of the Office of Manage-*
5 *ment and Budget; shall not be exempt from Federal pas-*
6 *senger and baggage screening: Provided further, That begin-*
7 *ning in fiscal year 2007 and thereafter, reimbursement for*
8 *security services and related equipment and supplies pro-*
9 *vided in support of general aviation access to the Ronald*
10 *Reagan Washington National Airport shall be credited to*
11 *this appropriation and shall be available until expended*
12 *solely for these purposes.*

13 *SURFACE TRANSPORTATION SECURITY*

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

18 *TRANSPORTATION THREAT ASSESSMENT AND*

19 *CREDENTIALING*

20 *For necessary expenses for the development and imple-*
21 *mentation of screening programs of the Office of Transpor-*
22 *tation Threat Assessment and Credentialing, \$29,700,000,*
23 *to remain available until September 30, 2008.*

24 *TRANSPORTATION SECURITY SUPPORT*

25 *For necessary expenses of the Transportation Security*
26 *Administration related to providing transportation secu-*

1 *rity support and intelligence under the Aviation and*
2 *Transportation Security Act (Public Law 107-71; 115*
3 *Stat. 597; 49 U.S.C. 40101 note), \$618,865,000, to remain*
4 *available until September 30, 2008.*

5 *FEDERAL AIR MARSHALS*

6 *For necessary expenses of the Federal Air Marshals,*
7 *\$699,294,000.*

8 *UNITED STATES COAST GUARD*

9 *OPERATING EXPENSES*

10 *For necessary expenses for the operation and mainte-*
11 *nance of the United States Coast Guard not otherwise pro-*
12 *vided for; purchase or lease of not to exceed 25 passenger*
13 *motor vehicles, which shall be for replacement only; pay-*
14 *ments under section 156 of Public Law 97-377 (42 U.S.C.*
15 *402 note; 96 Stat. 1920); and recreation and welfare;*
16 *\$5,534,349,000, of which \$340,000,000 shall be for defense-*
17 *related activities; of which \$24,255,000 shall be derived*
18 *from the Oil Spill Liability Trust Fund to carry out the*
19 *purposes of section 1012(a)(5) of the Oil Pollution Act of*
20 *1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed*
21 *\$10,000 shall be for official reception and representation*
22 *expenses: Provided, That none of the funds made available*
23 *by this or any other Act shall be available for administra-*
24 *tive expenses in connection with shipping commissioners in*
25 *the United States: Provided further, That none of the funds*
26 *made available by this Act shall be for expenses incurred*

1 *for yacht documentation under section 12109 of title 46,*
2 *United States Code, except to the extent fees are collected*
3 *from yacht owners and credited to this appropriation.*

4 *ENVIRONMENTAL COMPLIANCE AND RESTORATION*

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

9 *RESERVE TRAINING*

10 *For necessary expenses of the Coast Guard Reserve, as*
11 *authorized by law; operations and maintenance of the re-*
12 *serve program; personnel and training costs; and equipment*
13 *and services; \$123,948,000.*

14 *ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS*

15 *(INCLUDING RESCISSIONS OF FUNDS)*

16 *For necessary expenses of acquisition, construction,*
17 *renovation, and improvement of aids to navigation, shore*
18 *facilities, vessels, and aircraft, including equipment related*
19 *thereto; and maintenance, rehabilitation, lease and oper-*
20 *ation of facilities and equipment, as authorized by law;*
21 *\$1,145,329,000, of which \$19,800,000 shall be derived from*
22 *the Oil Spill Liability Trust Fund to carry out the purposes*
23 *of section 1012(a)(5) of the Oil Pollution Act of 1990 (33*
24 *U.S.C. 2712(a)(5)); of which \$24,750,000 shall be available*
25 *until September 30, 2011, to acquire, repair, renovate, or*
26 *improve vessels, small boats, and related equipment; of*

1 *which \$14,000,000 shall be available until September 30,*
2 *2011, to increase aviation capability; of which \$92,268,000*
3 *shall be available until September 30, 2009, for other equip-*
4 *ment; of which \$20,680,000 shall be available until Sep-*
5 *tember 30, 2009, for shore facilities and aids to navigation*
6 *facilities; and of which \$993,631,000 shall be available until*
7 *September 30, 2011, for the Integrated Deepwater Systems*
8 *program: Provided, That the Commandant of the Coast*
9 *Guard is authorized to dispose of surplus real property, by*
10 *sale or lease, and the proceeds shall be credited to this ap-*
11 *propriation as offsetting collections and shall be available*
12 *until September 30, 2009: Provided further, That the Sec-*
13 *retary of Homeland Security shall submit to the Commit-*
14 *tees on Appropriations of the Senate and the House of Rep-*
15 *resentatives, in conjunction with the President's fiscal year*
16 *2008 budget, a review of the Revised Deepwater Implemen-*
17 *tation Plan that identifies any changes to the plan for the*
18 *fiscal year; an annual performance comparison of Deep-*
19 *water assets to pre-Deepwater legacy assets; a status report*
20 *of legacy assets; a detailed explanation of how the costs of*
21 *legacy assets are being accounted for within the Deepwater*
22 *program; an explanation of why many assets that are ele-*
23 *ments of the Integrated Deepwater System are not ac-*
24 *counted for within the Deepwater appropriation under this*
25 *heading; a description of the competitive process conducted*

1 *in all contracts and subcontracts exceeding \$5,000,000*
2 *within the Deepwater program; a description of how the*
3 *Coast Guard is planning for the human resource needs of*
4 *Deepwater assets; and the earned value management system*
5 *gold card data for each Deepwater asset: Provided further,*
6 *That the Secretary shall submit to the Committees on Ap-*
7 *propriations of the Senate and the House of Representatives*
8 *a comprehensive review of the Revised Deepwater Imple-*
9 *mentation Plan every 5 years, beginning in fiscal year*
10 *2011, that includes a complete projection of the acquisition*
11 *costs and schedule for the duration of the plan through fiscal*
12 *year 2027: Provided further, That the Secretary shall annu-*
13 *ally submit to the Committees on Appropriations of the*
14 *Senate and the House of Representatives, at the time that*
15 *the President's budget is submitted under section 1105(a)*
16 *of title 31, United States Code, a future-years capital in-*
17 *vestment plan for the Coast Guard that identifies for each*
18 *capital budget line item—*

19 (1) *the proposed appropriation included in that*
20 *budget;*

21 (2) *the total estimated cost of completion;*

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

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

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

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

18 *In addition, of the funds appropriated under this*
19 *heading in title II of the Department of Homeland Security*
20 *Appropriations Act, 2006 (Public Law 109–90; 119 Stat.*
21 *2087), \$79,200,000 are rescinded from the unexpended bal-*
22 *ances specifically identified in the Joint Explanatory*
23 *Statement (House Report 109–241) accompanying that Act*
24 *for the Fast Response Cutter, the service life extension pro-*
25 *gram of the current 110-foot Island Class patrol boat fleet,*

1 *and accelerated design and production of the Fast Response*
2 *Cutter.*

3 *In addition, of the funds appropriated under this*
4 *heading in title II of the Department of Homeland Security*
5 *Appropriations Act, 2006 (Public Law 109–90; 119 Stat.*
6 *2087), \$1,933,000 are rescinded from the unexpended bal-*
7 *ances specifically identified in the Joint Explanatory*
8 *Statement (House Report 109–241) accompanying that Act*
9 *for the covert surveillance aircraft.*

10 *In addition, of the funds appropriated under this*
11 *heading in title II of the Department of Homeland Security*
12 *Appropriations Act, 2006 (Public Law 109–90; 119 Stat.*
13 *2087), \$1,835,000 are rescinded from the unexpended bal-*
14 *ances specifically identified in the Joint Explanatory*
15 *Statement (House Report 109–241) accompanying that Act*
16 *for the automatic identification system.*

17 *ALTERATION OF BRIDGES*

18 *For necessary expenses for alteration or removal of ob-*
19 *structive bridges, as authorized by section 6 of the Truman-*
20 *Hobbs Act (33 U.S.C. 516), \$15,000,000, to remain avail-*
21 *able until expended.*

22 *RESEARCH, DEVELOPMENT, TEST, AND EVALUATION*

23 *For necessary expenses for applied scientific research,*
24 *development, test, and evaluation; and for maintenance, re-*
25 *habilitation, lease, and operation of facilities and equip-*
26 *ment; as authorized by law; \$17,573,000, to remain avail-*

1 *able until expended, of which \$495,000 shall be derived from*
2 *the Oil Spill Liability Trust Fund to carry out the purposes*
3 *of section 1012(a)(5) of the Oil Pollution Act of 1990 (33*
4 *U.S.C. 2712(a)(5)): Provided, That there may be credited*
5 *to and used for the purposes of this appropriation funds*
6 *received from State and local governments, other public au-*
7 *thorities, private sources, and foreign countries for expenses*
8 *incurred for research, development, testing, and evaluation.*

9 *RETIREED PAY*

10 *For retired pay, including the payment of obligations*
11 *otherwise chargeable to lapsed appropriations for this pur-*
12 *pose, payments under the Retired Serviceman's Family*
13 *Protection and Survivor Benefits Plans, payment for career*
14 *status bonuses, concurrent receipts and combat-related spe-*
15 *cial compensation under the National Defense Authoriza-*
16 *tion Act, and payments for medical care of retired per-*
17 *sonnel and their dependents under chapter 55 of title 10,*
18 *United States Code, \$1,063,323,000.*

19 *UNITED STATES SECRET SERVICE*

20 *PROTECTION, ADMINISTRATION, AND TRAINING*

21 *For necessary expenses of the United States Secret*
22 *Service, including purchase of not to exceed 755 vehicles*
23 *for police-type use, of which 624 shall be for replacement*
24 *only, and hire of passenger motor vehicles; purchase of mo-*
25 *torcycles made in the United States; hire of aircraft; serv-*
26 *ices of expert witnesses at such rates as may be determined*

1 *by the Director of the Secret Service; rental of buildings*
2 *in the District of Columbia, and fencing, lighting, guard*
3 *booths, and other facilities on private or other property not*
4 *in Government ownership or control, as may be necessary*
5 *to perform protective functions; payment of per diem or*
6 *subsistence allowances to employees where a protective as-*
7 *signment during the actual day or days of the visit of a*
8 *protectee requires an employee to work 16 hours per day*
9 *or to remain overnight at a post of duty; conduct of and*
10 *participation in firearms matches; presentation of awards;*
11 *travel of Secret Service employees on protective missions*
12 *without regard to the limitations on such expenditures in*
13 *this or any other Act if approval is obtained in advance*
14 *from the Committees on Appropriations of the Senate and*
15 *the House of Representatives; research and development;*
16 *grants to conduct behavioral research in support of protec-*
17 *tive research and operations; and payment in advance for*
18 *commercial accommodations as may be necessary to per-*
19 *form protective functions; \$918,028,000, of which not to ex-*
20 *ceed \$25,000 shall be for official reception and representa-*
21 *tion expenses: Provided, That up to \$18,000,000 provided*
22 *for protective travel shall remain available until September*
23 *30, 2008: Provided further, That the United States Secret*
24 *Service is authorized to obligate funds in anticipation of*
25 *reimbursements from Federal agencies and entities, as de-*

1 *financed in section 105 of title 5, United States Code, receiving*
2 *training sponsored by the James J. Rowley Training Cen-*
3 *ter, except that total obligations at the end of the fiscal year*
4 *shall not exceed total budgetary resources available under*
5 *this heading at the end of the fiscal year.*

6 *INVESTIGATIONS AND FIELD OPERATIONS*

7 *For necessary expenses for investigations and field op-*
8 *erations of the United States Secret Service, not otherwise*
9 *provided for, including costs related to office space and serv-*
10 *ices of expert witnesses at such rate as may be determined*
11 *by the Director of the Secret Service, \$304,205,000; of which*
12 *not to exceed \$100,000 shall be to provide technical assist-*
13 *ance and equipment to foreign law enforcement organiza-*
14 *tions in counterfeit investigations; of which \$2,366,000 shall*
15 *be for forensic and related support of investigations of miss-*
16 *ing and exploited children; and of which \$6,000,000 shall*
17 *be a grant for activities related to the investigations of miss-*
18 *ing and exploited children and shall remain available until*
19 *expended.*

20 *ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND*

21 *RELATED EXPENSES*

22 *For necessary expenses for acquisition, construction,*
23 *repair, alteration, and improvement of facilities,*
24 *\$3,725,000, to remain available until expended.*

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TITLE III

PREPAREDNESS AND RECOVERY

PREPAREDNESS

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Preparedness, the Office of the Chief Medical Officer, and the Office of National Capital Region Coordination, \$30,572,000, of which no less than \$2,741,000 may be used for the Office of National Capital Region Coordination, and of which \$6,459,000 shall be for the National Preparedness Integration Program: Provided, That none of the funds made available under this heading may be obligated for the National Preparedness Integration Program until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security: Provided further, That not to exceed \$7,000 shall be for official reception and representation expenses: Provided further, That none of the funds made available in this title under the heading “Management and Administration” may be used for travel by an officer or employee of the Department of Homeland Security until the Under Secretary for Preparedness has implemented the recommendations in the report by the Inspector General of the Department of Homeland Security titled “Progress in Developing the National

1 *Asset Database*”, dated June 2006; or until the Under Sec-
2 retary for Preparedness submits a report to the Committee
3 on Homeland Security and Governmental Affairs and the
4 Committee on Appropriations of the Senate and the Com-
5 mittee on Homeland Security and the Committee on Appro-
6 priations of the House of Representatives explaining why
7 such recommendations have not been fully implemented.

8 *OFFICE FOR DOMESTIC PREPAREDNESS*

9 *STATE AND LOCAL PROGRAMS*

10 *For grants, contracts, cooperative agreements, and*
11 *other activities, including grants to State and local govern-*
12 *ments for terrorism prevention activities, notwithstanding*
13 *any other provision of law, \$2,400,000,000, which shall be*
14 *allocated as follows:*

15 *(1) \$500,000,000 for formula-based grants and*
16 *\$350,000,000 for law enforcement terrorism preven-*
17 *tion grants under section 1014 of the USA PATRIOT*
18 *ACT (42 U.S.C. 3714): Provided, That the applica-*
19 *tion for grants shall be made available to States with-*
20 *in 45 days after the date of enactment of this Act;*
21 *that States shall submit applications within 90 days*
22 *after the grant announcement; and that the Office for*
23 *Domestic Preparedness shall act within 90 days after*
24 *the grant announcement: Provided further, That not*
25 *less than 80 percent of any grant under this para-*

1 *graph to a State (other than Puerto Rico) shall be*
2 *made available by the State to local governments*
3 *within 60 days after the receipt of the funds.*

4 (2) *\$1,172,000,000 for discretionary grants, as*
5 *determined by the Secretary of Homeland Security, of*
6 *which—*

7 (A) *\$745,000,000 shall be for use in high-*
8 *threat, high-density urban areas: Provided, That*
9 *not later than September 30, 2007, the Secretary*
10 *shall distribute any unallocated funds provided*
11 *for in title III of the Department of Homeland*
12 *Security Appropriations Act, 2006 (Public Law*
13 *109–90; 119 Stat. 2075) under the heading*
14 *“STATE AND LOCAL PROGRAMS” under the head-*
15 *ing “OFFICE FOR DOMESTIC PREPAREDNESS” to*
16 *assist organizations (as described under section*
17 *501(c)(3) of the Internal Revenue Code of 1986*
18 *and exempt from tax under section 501(a) of*
19 *such Code) determined by the Secretary to be at*
20 *high-risk or potential high-risk of a terrorist at-*
21 *tack: Provided further, That applicants shall*
22 *provide for the Secretary’s consideration prior*
23 *threats or attacks (within or outside the United*
24 *States) by a terrorist organization, network, or*
25 *cell against an organization described in the pre-*

1 *vious proviso, and the Secretary shall consider*
2 *prior threats or attacks (within or outside the*
3 *United States) against such organizations when*
4 *determining risk: Provided further, That the Sec-*
5 *retary shall report to the Committees on Appro-*
6 *priations of the Senate and the House of Rep-*
7 *resentatives the risk to each designated tax ex-*
8 *empt grantee at least 3 full business days in ad-*
9 *vance of the announcement of any grant award;*

10 *(B) \$210,000,000 shall be for port security*
11 *grants for the purposes of section 70107(a)*
12 *through (h) of title 46, United States Code,*
13 *which shall be awarded based on risk notwith-*
14 *standing subsection (a), for eligible costs as de-*
15 *finied in subsections (b)(2), (3), and (4);*

16 *(C) \$5,000,000 shall be for trucking indus-*
17 *try security grants;*

18 *(D) \$12,000,000 shall be for intercity bus*
19 *security grants;*

20 *(E) \$150,000,000 shall be for intercity pas-*
21 *senger rail transportation (as defined in section*
22 *24102 of title 49, United States Code), freight*
23 *rail, and transit security grants; and*

24 *(F) \$50,000,000 shall be for buffer zone pro-*
25 *tection grants:*

1 *Provided, That for grants under subparagraph (A),*
2 *the application for grants shall be made available to*
3 *States within 45 days after the date of enactment of*
4 *this Act; that States shall submit applications within*
5 *90 days after the grant announcement; and that the*
6 *Office for Domestic Preparedness shall act within 90*
7 *days after receipt of an application: Provided further,*
8 *That not less than 80 percent of any grant under this*
9 *paragraph to a State shall be made available by the*
10 *State to local governments within 60 days after the*
11 *receipt of the funds: Provided further, That for grants*
12 *under subparagraphs (B) through (F), the applica-*
13 *tions for such grants shall be made available to eligi-*
14 *ble applicants not later than 75 days after the date*
15 *of enactment of this Act, eligible applicants shall sub-*
16 *mit applications not later than 45 days after the date*
17 *of the grant announcement, and the Office for Domes-*
18 *tic Preparedness shall act on such applications not*
19 *later than 45 days after the date on which such an*
20 *application is received.*

21 *(3) \$40,000,000 shall be available for the Com-*
22 *mercial Equipment Direct Assistance Program.*

23 *(4) \$338,000,000 for training, exercises, technical*
24 *assistance, and other programs (including mass evac-*

1 *uation preparation and exercises): Provided, That not*
2 *less than \$18,000,000 is for technical assistance:*
3 *Provided, That none of the grants provided under this head-*
4 *ing shall be used for the construction or renovation of facili-*
5 *ties, except for a minor perimeter security project, not to*
6 *exceed \$1,000,000, as determined necessary by the Secretary*
7 *of Homeland Security: Provided further, That the pro-*
8 *ceeding proviso shall not apply to grants under subpara-*
9 *graphs (B), (E), and (F) of paragraph (2) of this heading:*
10 *Provided further, That grantees shall provide additional re-*
11 *ports on their use of funds, as determined necessary by the*
12 *Secretary of Homeland Security: Provided further, That*
13 *funds appropriated for law enforcement terrorism preven-*
14 *tion grants under paragraph (1) and discretionary grants*
15 *under paragraph (2)(A) of this heading shall be available*
16 *for operational costs, to include personnel overtime and*
17 *overtime associated with Office for Domestic Preparedness*
18 *certified training, as needed: Provided further, That the*
19 *Government Accountability Office shall report on the valid-*
20 *ity, relevance, reliability, timeliness, and availability of the*
21 *risk factors (including threat, vulnerability, and con-*
22 *sequence) used by the Secretary for the purpose of allocating*
23 *discretionary grants funded under this heading, and the ap-*
24 *plication of those factors in the allocation of funds to the*
25 *Committees on Appropriations of the Senate and the House*

1 *of Representatives on its findings not later than 45 days*
2 *after the date of enactment of this Act: Provided further,*
3 *That within 7 days after the date of enactment of this Act,*
4 *the Secretary shall provide the Government Accountability*
5 *Office with the threat and risk methodology and factors that*
6 *will be used to allocate discretionary grants funded under*
7 *this heading.*

8 *FIREFIGHTER ASSISTANCE GRANTS*

9 *For necessary expenses for programs authorized by the*
10 *Federal Fire Prevention and Control Act of 1974 (15 U.S.C.*
11 *2201 et seq.), \$680,000,000, of which \$552,500,000 shall be*
12 *available to carry out section 33 of that Act (15 U.S.C.*
13 *2229) and \$127,500,000 shall be available to carry out sec-*
14 *tion 34 (15 U.S.C. 2229a) of that Act, to remain available*
15 *until September 30, 2008: Provided, That not to exceed 5*
16 *percent of this amount shall be available for program ad-*
17 *ministration.*

18 *EMERGENCY MANAGEMENT PERFORMANCE GRANTS*

19 *For necessary expenses for emergency management*
20 *performance grants, as authorized by the National Flood*
21 *Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert*
22 *T. Stafford Disaster Relief and Emergency Assistance Act*
23 *(42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduc-*
24 *tion Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganiza-*
25 *tion Plan No. 3 of 1978 (5 U.S.C. App.), \$220,000,000: Pro-*

1 *vided, That total administrative costs shall not exceed 3*
2 *percent of the total appropriation.*

3 *RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM*

4 *The aggregate charges assessed during fiscal year 2007,*
5 *as authorized in title III of the Departments of Veterans*
6 *Affairs and Housing and Urban Development, and Inde-*
7 *pendent Agencies Appropriations Act, 1999 (42 U.S.C.*
8 *5196e), shall not be less than 100 percent of the amounts*
9 *anticipated by the Department of Homeland Security nec-*
10 *essary for its radiological emergency preparedness program*
11 *for the next fiscal year: Provided, That the methodology for*
12 *assessment and collection of fees shall be fair and equitable*
13 *and shall reflect costs of providing such services, including*
14 *administrative costs of collecting such fees: Provided fur-*
15 *ther, That fees received under this heading shall be deposited*
16 *in this account as offsetting collections and will become*
17 *available for authorized purposes on October 1, 2007, and*
18 *remain available until expended.*

19 *UNITED STATES FIRE ADMINISTRATION AND TRAINING*

20 *For necessary expenses of the United States Fire Ad-*
21 *ministration and for other purposes, as authorized by the*
22 *Federal Fire Prevention and Control Act of 1974 (15 U.S.C.*
23 *2201 et seq.) and the Homeland Security Act of 2002 (6*
24 *U.S.C. 101 et seq.), \$45,887,000.*

1 *the Committee on Transportation and Infrastructure of the*
2 *House of Representatives.*

3 *FEDERAL EMERGENCY MANAGEMENT AGENCY*

4 *ADMINISTRATIVE AND REGIONAL OPERATIONS*

5 *For necessary expenses for administrative and regional*
6 *operations, \$249,499,000, including activities authorized by*
7 *the National Flood Insurance Act of 1968 (42 U.S.C. 4001*
8 *et seq.), the Robert T. Stafford Disaster Relief and Emer-*
9 *gency Assistance Act (42 U.S.C. 5121 et seq.), the Earth-*
10 *quake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et*
11 *seq.), the Defense Production Act of 1950 (50 U.S.C. App.*
12 *2061 et seq.), sections 107 and 303 of the National Security*
13 *Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No.*
14 *3 of 1978 (5 U.S.C. App.), and the Homeland Security Act*
15 *of 2002 (6 U.S.C. 101 et seq.): Provided, That not to exceed*
16 *\$3,000 shall be for official reception and representation ex-*
17 *penses.*

18 *READINESS, MITIGATION, RESPONSE, AND RECOVERY*

19 *For necessary expenses for readiness, mitigation, re-*
20 *sponse, and recovery activities, \$240,000,000, including ac-*
21 *tivities authorized by the National Flood Insurance Act of*
22 *1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Dis-*
23 *aster Relief and Emergency Assistance Act (42 U.S.C. 5121*
24 *et seq.), the Earthquake Hazards Reduction Act of 1977 (42*
25 *U.S.C. 7701 et seq.), the Defense Production Act of 1950*

1 *(50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the*
2 *National Security Act of 1947 (50 U.S.C. 404, 405), Reor-*
3 *ganization Plan No. 3 of 1978 (5 U.S.C. App.), and the*
4 *Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Pro-*
5 *vided, That of the total amount made available under this*
6 *heading, \$30,000,000 shall be for Urban Search and Rescue*
7 *Teams, of which not to exceed \$1,600,000 may be made*
8 *available for administrative costs: Provided further, That*
9 *the Secretary of Homeland Security, in consultation with*
10 *the Secretary of Health and Human Services and the Attor-*
11 *ney General of the United States, shall conduct an assess-*
12 *ment of the models used by the Louisiana family assistance*
13 *call center and the National Center for Missing and Ex-*
14 *ploited Children in assisting individuals displaced by Hur-*
15 *ricane Katrina of 2005 in locating members of their family*
16 *to determine how these models may be modified to assist*
17 *individuals displaced in a major disaster (as that term is*
18 *defined in section 102 of the Robert T. Stafford Disaster*
19 *Relief and Emergency Assistance Act (42 U.S.C. 5122) in*
20 *locating members of their family: Provided further, That*
21 *the Secretary of Homeland Security shall submit to the*
22 *chairman and ranking member of the Committee on Home-*
23 *land Security and Governmental Affairs; the Committee on*
24 *Health, Education, Labor, and Pensions; and the Com-*
25 *mittee on the Judiciary of the Senate; and the chairman*

1 *and ranking member of the Committee on Homeland Secu-*
2 *rity, the Committee on Energy and Commerce, and the*
3 *Committee on the Judiciary of the House of Representatives*
4 *results of the assessment conducted under the previous pro-*
5 *viso; as well as a plan to implement the findings of such*
6 *assessment, to the maximum extent practicable.*

7 *PUBLIC HEALTH PROGRAMS*

8 *(INCLUDING TRANSFER OF FUNDS)*

9 *For necessary expenses for countering potential bio-*
10 *logical, disease, and chemical threats to civilian popu-*
11 *lations, \$33,885,000: Provided, That the total amount ap-*
12 *propriated and, notwithstanding any other provision of*
13 *law, the functions, personnel, assets, and liabilities of the*
14 *National Disaster Medical System established under section*
15 *2811(b) of the Public Health Service Act (42 U.S.C. 300hh-*
16 *11(b)), including any functions of the Secretary of Home-*
17 *land Security relating to such System, shall be permanently*
18 *transferred to the Secretary of the Department of Health*
19 *and Human Services effective January 1, 2007.*

20 *DISASTER RELIEF*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *For necessary expenses in carrying out the Robert T.*
23 *Stafford Disaster Relief and Emergency Assistance Act (42*
24 *U.S.C. 5121 et seq.), \$1,640,000,000, to remain available*
25 *until expended: Provided, That of the total amount pro-*

1 *vided, not to exceed \$15,000,000 shall be transferred to the*
2 *Department of Homeland Security Office of Inspector Gen-*
3 *eral for audits and investigations related to natural disas-*
4 *ters subject to section 503 of this Act: Provided further, That*
5 *none of the funds appropriated or otherwise made available*
6 *under this heading may be used to enter into contracts*
7 *using procedures based upon the unusual and compelling*
8 *urgency exception to competitive procedures requirements*
9 *under section 303(c)(2) of the Federal Property and Admin-*
10 *istrative Services Act of 1949 (41 U.S.C. 253(c)(2)) or sec-*
11 *tion 2304(c)(2) of title 10, United States Code, unless the*
12 *contract is for the procurement of only such property and*
13 *services as are necessary to address the immediate emer-*
14 *gency and is only for so long as is necessary to put competi-*
15 *tive procedures in place in connection with such procure-*
16 *ment and the Secretary of Homeland Security notifies the*
17 *Committees on Appropriations and Homeland Security*
18 *and Government Affairs of the Senate and Appropriations*
19 *and Homeland Security of the House of Representatives of*
20 *such contract not later than 7 days after the contract is*
21 *entered into.*

22 *DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT*

23 *For administrative expenses to carry out the direct*
24 *loan program, as authorized by section 319 of the Robert*
25 *T. Stafford Disaster Relief and Emergency Assistance Act*

1 (42 U.S.C. 5162), \$569,000: *Provided, That gross obliga-*
2 *tions for the principal amount of direct loans shall not ex-*
3 *ceed \$25,000,000: Provided further, That the cost of modi-*
4 *fying such loans shall be as defined in section 502 of the*
5 *Congressional Budget Act of 1974 (2 U.S.C. 661a).*

6 *FLOOD MAP MODERNIZATION FUND*

7 *For necessary expenses under section 1360 of the Na-*
8 *tional Flood Insurance Act of 1968 (42 U.S.C. 4101),*
9 *\$198,980,000, and such additional sums as may be pro-*
10 *vided by State and local governments or other political sub-*
11 *divisions for cost-shared mapping activities under section*
12 *1360(f)(2) of such Act, to remain available until expended:*
13 *Provided, That total administrative costs shall not exceed*
14 *3 percent of the total appropriation.*

15 *NATIONAL FLOOD INSURANCE FUND*

16 *(INCLUDING TRANSFER OF FUNDS)*

17 *For activities under the National Flood Insurance Act*
18 *of 1968 (42 U.S.C. 4001 et seq.), and the Flood Disaster*
19 *Protection Act of 1973 (42 U.S.C. 4001 et seq.),*
20 *\$128,588,000, which is available as follows: (1) not to ex-*
21 *ceed \$38,230,000 for salaries and expenses associated with*
22 *flood mitigation and flood insurance operations; and (2)*
23 *not to exceed \$90,358,000 for flood hazard mitigation which*
24 *shall be derived from offsetting collections assessed and col-*
25 *lected under section 1307 of the National Flood Insurance*

1 *Act of 1968 (42 U.S.C. 4001 et seq.), to remain available*
2 *until September 30, 2008, including up to \$31,000,000 for*
3 *flood mitigation expenses under section 1366 of that Act,*
4 *which amount shall be available for transfer to the National*
5 *Flood Mitigation Fund until September 30, 2008: Provided,*
6 *That in fiscal year 2007, no funds in excess of: (1)*
7 *\$70,000,000 for operating expenses; (2) \$692,999,000 for*
8 *commissions and taxes of agents; (3) such sums as necessary*
9 *for interest on Treasury borrowings shall be available from*
10 *the National Flood Insurance Fund; and (4) not to exceed*
11 *\$50,000,000 for flood mitigation actions with respect to se-*
12 *vere repetitive loss properties under section 1361A of that*
13 *Act and repetitive insurance claims properties under sec-*
14 *tion 1323 of that Act, which shall remain available until*
15 *expended: Provided further, That total administrative costs*
16 *shall not exceed 3 percent of the total appropriation.*

17 *NATIONAL FLOOD MITIGATION FUND*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *Notwithstanding subparagraphs (B) and (C) of sub-*
20 *section (b)(3), and subsection (f), of section 1366 of the Na-*
21 *tional Flood Insurance Act of 1968 (42 U.S.C. 4104c),*
22 *\$31,000,000, to remain available until September 30, 2008,*
23 *for activities designed to reduce the risk of flood damage*
24 *to structures pursuant to such Act, of which \$31,000,000*
25 *shall be derived from the National Flood Insurance Fund.*

1 *NATIONAL PRE-DISASTER MITIGATION FUND*

2 *For a pre-disaster mitigation grant program under*
3 *title II of the Robert T. Stafford Disaster Relief and Emer-*
4 *gency Assistance Act (42 U.S.C. 5131 et seq.), \$149,978,000,*
5 *to remain available until expended: Provided, That grants*
6 *made for pre-disaster mitigation shall be awarded on a*
7 *competitive basis subject to the criteria in section 203(g)*
8 *of such Act (42 U.S.C. 5133(g)), and notwithstanding sec-*
9 *tion 203(f) of such Act, shall be made without reference to*
10 *State allocations, quotas, or other formula-based allocation*
11 *of funds: Provided further, That total administrative costs*
12 *shall not exceed 3 percent of the total appropriation.*

13 *EMERGENCY FOOD AND SHELTER*

14 *To carry out an emergency food and shelter program*
15 *under title III of the Stewart B. McKinney Homeless Assist-*
16 *ance Act (42 U.S.C. 11331 et seq.), \$151,470,000, to remain*
17 *available until expended: Provided, That total administra-*
18 *tive costs shall not exceed 3.5 percent of the total appropria-*
19 *tion.*

1 *TITLE IV*
2 *RESEARCH AND DEVELOPMENT, TRAINING, AND*
3 *SERVICES*

4 *UNITED STATES CITIZENSHIP AND IMMIGRATION*
5 *SERVICES*

6 *For necessary expenses for citizenship and immigra-*
7 *tion services, \$134,990,000.*

8 *FEDERAL LAW ENFORCEMENT TRAINING CENTER*
9 *SALARIES AND EXPENSES*

10 *For necessary expenses of the Federal Law Enforce-*
11 *ment Training Center, including materials and support*
12 *costs of Federal law enforcement basic training; purchase*
13 *of not to exceed 117 vehicles for police-type use and hire*
14 *of passenger motor vehicles; expenses for student athletic*
15 *and related activities; the conduct of and participation in*
16 *firearms matches and presentation of awards; public aware-*
17 *ness and enhancement of community support of law enforce-*
18 *ment training; room and board for student interns; a flat*
19 *monthly reimbursement to employees authorized to use per-*
20 *sonal mobile phones for official duties; and services as au-*
21 *thorized by section 3109 of title 5, United States Code;*
22 *\$207,634,000, of which up to \$43,910,000 for materials and*
23 *support costs of Federal law enforcement basic training*
24 *shall remain available until September 30, 2008; of which*
25 *\$300,000 shall remain available until expended for Federal*

1 *law enforcement agencies participating in training accredi-*
2 *tation, to be distributed as determined by the Federal Law*
3 *Enforcement Training Center for the needs of participating*
4 *agencies; and of which not to exceed \$12,000 shall be for*
5 *official reception and representation expenses: Provided,*
6 *That the Center is authorized to obligate funds in anticipa-*
7 *tion of reimbursements from agencies receiving training*
8 *sponsored by the Center, except that total obligations at the*
9 *end of the fiscal year shall not exceed total budgetary re-*
10 *sources available at the end of the fiscal year.*

11 *ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND*

12 *RELATED EXPENSES*

13 *For acquisition of necessary additional real property*
14 *and facilities, construction, and ongoing maintenance, fa-*
15 *cility improvements, and related expenses of the Federal*
16 *Law Enforcement Training Center, \$63,246,000, to remain*
17 *available until expended: Provided, That the Center is au-*
18 *thorized to accept reimbursement to this appropriation*
19 *from government agencies requesting the construction of*
20 *special use facilities.*

21 *SCIENCE AND TECHNOLOGY*

22 *MANAGEMENT AND ADMINISTRATION*

23 *For salaries and expenses of the Office of the Under*
24 *Secretary for Science and Technology and for management*
25 *and administration of programs and activities, as author-*
26 *ized by title III of the Homeland Security Act of 2002 (6*

1 *U.S.C. 181 et seq.*), \$104,414,000: *Provided, That of the*
2 *amount provided under this heading, \$60,000,000 shall not*
3 *be obligated until the Committees on Appropriations of the*
4 *Senate and the House of Representatives receive and ap-*
5 *prove an expenditure plan by program, project, and activ-*
6 *ity; with a detailed breakdown and justification of the man-*
7 *agement and administrative costs for each; prepared by the*
8 *Secretary of Homeland Security that has been reviewed by*
9 *the Government Accountability Office: Provided further,*
10 *That the expenditure plan shall include the method utilized*
11 *to derive administration costs in fiscal year 2006 and fiscal*
12 *year 2007: Provided further, That not to exceed \$3,000 shall*
13 *be for official reception and representation expenses.*

14 *RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS*

15 *For necessary expenses for science and technology re-*
16 *search, including advanced research projects; development;*
17 *test and evaluation; acquisition; and operations; as author-*
18 *ized by title III of the Homeland Security Act of 2002 (6*
19 *U.S.C. 181 et seq.); \$714,041,000, to remain available until*
20 *expended: Provided, That no university participating in the*
21 *University-based Centers of Excellence Program shall re-*
22 *ceive a grant for a period in excess of 3 years: Provided*
23 *further, That none of the funds provided under this heading*
24 *shall be made available for management and administrative*
25 *costs: Provided further, That \$2,000,000 under this heading*
26 *shall be available for the construction of radiological labora-*

1 *tories at Pacific Northwest National Laboratory: Provided*
2 *further, That funding will not be available until a Memo-*
3 *randum of Understanding between the Department of*
4 *Homeland Security and the Department of Energy has been*
5 *entered into.*

6 *DOMESTIC NUCLEAR DETECTION OFFICE*

7 *MANAGEMENT AND ADMINISTRATION*

8 *For salaries and expenses of the Domestic Nuclear De-*
9 *tection Office and for management and administration of*
10 *programs and activities, \$30,468,000: Provided, That no*
11 *funds will be made available for the reimbursement of indi-*
12 *viduals from other Federal agencies or organizations in fis-*
13 *cal year 2008: Provided further, That not to exceed \$3,000*
14 *shall be for official reception and representation expenses.*

15 *RESEARCH, DEVELOPMENT, AND OPERATIONS*

16 *For necessary expenses for radiological and nuclear re-*
17 *search, development, testing, evaluation and operations,*
18 *\$234,024,000, to remain available until expended; and of*
19 *which not to exceed \$65,000,000 shall be made available for*
20 *transformation research and development; and of which no*
21 *less than \$40,000,000 shall be made available for radiation*
22 *portal monitor research and development: Provided, That*
23 *of the amount provided, \$80,000,000 shall not be obligated*
24 *until the Secretary of Homeland Security provides notifica-*
25 *tion to the Committees on Appropriations of the Senate and*
26 *the House of Representatives that the Domestic Nuclear De-*

1 *tection Office has entered into a Memorandum of Under-*
2 *standing with each Federal entity and organization: Pro-*
3 *vided further, That each Memorandum of Understanding*
4 *shall include a description of the role, responsibilities, and*
5 *resource commitment of each Federal entity or organization*
6 *for the domestic nuclear global architecture.*

7 *SYSTEMS ACQUISITION*

8 *For expenses for the Domestic Nuclear Detection Office*
9 *acquisition and deployment of radiological detection sys-*
10 *tems in accordance with the global nuclear detection archi-*
11 *itecture, \$178,000,000, to remain available until September*
12 *30, 2009; and of which no less than \$143,000,000 shall be*
13 *for radiation portal monitors; and of which not to exceed*
14 *\$5,000,000 shall be for the Surge program: Provided, That*
15 *none of the funds provided for the Sodium Iodine Manufac-*
16 *turing program shall be made available until a cost-benefit*
17 *analysis on the Advance Spectroscopic Portal monitors is*
18 *submitted to the Committees on Appropriations of the Sen-*
19 *ate and the House of Representatives by the Secretary of*
20 *Homeland Security and reviewed by the Government Ac-*
21 *countability Office.*

22 *TITLE V*

23 *GENERAL PROVISIONS*

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

1 *SEC. 502. Subject to the requirements of section 503*
2 *of this Act, the unexpended balances of prior appropriations*
3 *provided for activities in this Act may be transferred to*
4 *appropriation accounts for such activities established under*
5 *this Act: Provided, That balances so transferred may be*
6 *merged with funds in the applicable established accounts*
7 *and thereafter may be accounted for as one fund for the*
8 *same time period as originally enacted.*

9 *SEC. 503. (a) None of the funds provided by this Act,*
10 *provided by previous appropriations Acts to the agencies*
11 *in or transferred to the Department of Homeland Security*
12 *that remain available for obligation or expenditure in fiscal*
13 *year 2007, or provided from any accounts in the Treasury*
14 *of the United States derived by the collection of fees avail-*
15 *able to the agencies funded by this Act, shall be available*
16 *for obligation or expenditure through a reprogramming of*
17 *funds that: (1) creates a new program; (2) eliminates a pro-*
18 *gram, project, or activity; (3) increases funds for any pro-*
19 *gram, project, or activity for which funds have been denied*
20 *or restricted by the Congress; (4) proposes to use funds di-*
21 *rected for a specific activity by either of the Committees*
22 *on Appropriations of the Senate or House of Representa-*
23 *tives for a different purpose; or (5) contracts out any func-*
24 *tion or activity for which funds have been appropriated for*
25 *Federal full-time equivalent positions; unless the Commit-*

1 *tees on Appropriations of the Senate and the House of Rep-*
2 *resentatives are notified 15 days in advance of such re-*
3 *programming of funds.*

4 **(b)** *None of the funds provided by this Act, provided*
5 *by previous appropriations Acts to the agencies in or trans-*
6 *ferred to the Department of Homeland Security that remain*
7 *available for obligation or expenditure in fiscal year 2007,*
8 *or provided from any accounts in the Treasury of the*
9 *United States derived by the collection of fees available to*
10 *the agencies funded by this Act, shall be available for obliga-*
11 *tion or expenditure for programs, projects, or activities*
12 *through a reprogramming of funds in excess of \$5,000,000*
13 *or 10 percent, whichever is less, that: (1) augments existing*
14 *programs, projects, or activities; (2) reduces by 10 percent*
15 *funding for any existing program, project, or activity, or*
16 *numbers of personnel by 10 percent as approved by the Con-*
17 *gress; or (3) results from any general savings from a reduc-*
18 *tion in personnel that would result in a change in existing*
19 *programs, projects, or activities as approved by the Con-*
20 *gress; unless the Committees on Appropriations of the Sen-*
21 *ate and the House of Representatives are notified 15 days*
22 *in advance of such reprogramming of funds.*

23 **(c)** *Not to exceed 5 percent of any appropriation made*
24 *available for the current fiscal year for the Department of*
25 *Homeland Security by this Act or provided by previous ap-*

1 *appropriations Acts may be transferred between such appro-*
2 *priations, but no such appropriations, except as otherwise*
3 *specifically provided, shall be increased by more than 10*
4 *percent by such transfers: Provided, That any transfer*
5 *under this section shall be treated as a reprogramming of*
6 *funds under subsection (b) of this section and shall not be*
7 *available for obligation unless the Committees on Appro-*
8 *priations of the Senate and the House of Representatives*
9 *are notified 15 days in advance of such transfer.*

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

15 *SEC. 504. None of the funds appropriated or otherwise*
16 *made available to the Department of Homeland Security*
17 *may be used to make payments to the “Department of*
18 *Homeland Security Working Capital Fund”, except for the*
19 *activities and amounts allowed in the President’s fiscal*
20 *year 2007 budget, excluding sedan service, shuttle service,*
21 *transit subsidy, mail operations, parking, and competitive*
22 *sourcing: Provided, That any additional activities and*
23 *amounts shall be approved by the Committees on Appro-*
24 *priations of the Senate and the House of Representatives*
25 *30 days in advance of obligation.*

1 *SEC. 505. Except as otherwise specifically provided by*
2 *law, not to exceed 50 percent of unobligated balances re-*
3 *maining available at the end of fiscal year 2007 from ap-*
4 *propriations for salaries and expenses for fiscal year 2007*
5 *in this Act shall remain available through September 30,*
6 *2008, in the account and for the purposes for which the*
7 *appropriations were provided: Provided, That prior to the*
8 *obligation of such funds, a request shall be submitted to the*
9 *Committees on Appropriations of the Senate and the House*
10 *of Representatives for approval in accordance with section*
11 *503 of this Act.*

12 *SEC. 506. Funds made available by this Act for intel-*
13 *ligence activities are deemed to be specifically authorized*
14 *by the Congress for purposes of section 504 of the National*
15 *Security Act of 1947 (50 U.S.C. 414) during fiscal year*
16 *2007 until the enactment of an Act authorizing intelligence*
17 *activities for fiscal year 2007.*

18 *SEC. 507. The Federal Law Enforcement Training*
19 *Center shall lead the Federal law enforcement training ac-*
20 *creditation process, to include representatives from the Fed-*
21 *eral law enforcement community and non-Federal accredi-*
22 *tation experts involved in law enforcement training, to con-*
23 *tinue the implementation of measuring and assessing the*
24 *quality and effectiveness of Federal law enforcement train-*
25 *ing programs, facilities, and instructors.*

1 *SEC. 508. None of the funds in this Act may be used*
2 *to make a grant allocation, discretionary grant award, dis-*
3 *cretionary contract award, or to issue a letter of intent to-*
4 *taling in excess of \$1,000,000, or to announce publicly the*
5 *intention to make such an award, unless the Secretary of*
6 *Homeland Security notifies the Committees on Appropria-*
7 *tions of the Senate and the House of Representatives at least*
8 *3 full business days in advance: Provided, That no notifica-*
9 *tion shall involve funds that are not available for obliga-*
10 *tion.*

11 *SEC. 509. Notwithstanding any other provision of law,*
12 *no agency shall purchase, construct, or lease any additional*
13 *facilities, except within or contiguous to existing locations,*
14 *to be used for the purpose of conducting Federal law enforce-*
15 *ment training without the advance approval of the Commit-*
16 *tees on Appropriations of the Senate and the House of Rep-*
17 *resentatives, except that the Federal Law Enforcement*
18 *Training Center is authorized to obtain the temporary use*
19 *of additional facilities by lease, contract, or other agreement*
20 *for training which cannot be accommodated in existing*
21 *Center facilities.*

22 *SEC. 510. The Director of the Federal Law Enforce-*
23 *ment Training Center shall schedule basic or advanced law*
24 *enforcement training (including both types of training) at*
25 *all four training facilities under the control of the Federal*

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

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

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

15 *SEC. 513. Notwithstanding any other provision of law,*
16 *the authority of the Office of Personnel Management to con-*
17 *duct personnel security and suitability background inves-*
18 *tigations, update investigations, and periodic reinvestiga-*
19 *tions of applicants for, or appointees in, positions in the*
20 *Office of the Secretary and Executive Management, the Of-*
21 *fice of the Under Secretary for Management, Analysis and*
22 *Operations, Immigration and Customs Enforcement, Direc-*
23 *torate for Preparedness, and the Directorate of Science and*
24 *Technology of the Department of Homeland Security is*
25 *transferred to the Department of Homeland Security: Pro-*

1 *vided, That on request of the Department of Homeland Se-*
2 *curity, the Office of Personnel Management shall cooperate*
3 *with and assist the Department in any investigation or re-*
4 *investigation under this section: Provided further, That this*
5 *section shall cease to be effective at such time as the Presi-*
6 *dent has selected a single agency to conduct security clear-*
7 *ance investigations under section 3001(c) of the Intelligence*
8 *Reform and Terrorism Prevention Act of 2004 (Public Law*
9 *108–458; 50 U.S.C. 435b) and the entity selected under sec-*
10 *tion 3001(b) of such Act has reported to Congress that the*
11 *agency selected under such section 3001(c) is capable of con-*
12 *ducting all necessary investigations in a timely manner or*
13 *has authorized the entities within the Department of Home-*
14 *land Security covered by this section to conduct their own*
15 *investigations under section 3001 of such Act.*

16 *SEC. 514. (a) None of the funds provided by this or*
17 *previous appropriations Acts may be obligated for deploy-*
18 *ment or implementation, on other than a test basis, of the*
19 *Secure Flight program or any other follow on or successor*
20 *passenger prescreening programs, until the Secretary of*
21 *Homeland Security certifies, and the Government Account-*
22 *ability Office reports, to the Committees on Appropriations*
23 *of the Senate and the House of Representatives, that all 10*
24 *of the conditions contained in paragraphs (1) through (10)*
25 *of section 522(a) of the Department of Homeland Security*

1 *Appropriations Act, 2005 (Public Law 108–334; 118 Stat.*
2 *1319) have been successfully met. Until the Secure Flight*
3 *program or a follow on or successor passenger screening*
4 *program has been deployed or implemented, the Transpor-*
5 *tation Security Administration shall provide airlines with*
6 *technical or other assistance to better align their reservation*
7 *and ticketing systems with terrorist databases to assist in*
8 *alleviating travel delays and other problems associated with*
9 *mistaken identification.*

10 *(b) The report required by subsection (a) shall be sub-*
11 *mitted within 90 days after the certification required by*
12 *such subsection is provided, and periodically thereafter, if*
13 *necessary, until the Government Accountability Office con-*
14 *firms that all 10 conditions have been successfully met.*

15 *(c) During the testing phase permitted by subsection*
16 *(a), no information gathered from passengers, foreign or do-*
17 *mestic air carriers, or reservation systems may be used to*
18 *screen aviation passengers, or delay or deny boarding to*
19 *such passengers, except in instances where passenger names*
20 *are matched to a Government watch list.*

21 *(d) None of the funds provided in this or previous ap-*
22 *propriations Acts may be utilized to develop or test algo-*
23 *rithms assigning risk to passengers whose names are not*
24 *on Government watch lists.*

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

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

11 *SEC. 516. None of the funds appropriated by this Act*
12 *may be used to process or approve a competition under Of-*
13 *fice of Management and Budget Circular A-76 for services*
14 *provided as of June 1, 2004, by employees (including em-*
15 *ployees serving on a temporary or term basis) of United*
16 *States Citizenship and Immigration Services of the Depart-*
17 *ment of Homeland Security who are known as of that date*
18 *as Immigration Information Officers, Contact Representa-*
19 *tives, or Investigative Assistants.*

20 *SEC. 517. (a) None of the funds appropriated to the*
21 *United States Secret Service by this Act or by previous ap-*
22 *propriations Acts may be made available for the protection*
23 *of a person, other than persons granted protection under*
24 *3056(a) of title 18, United States Code, and the Secretary*
25 *of the Department of Homeland Security.*

1 **(b)** *Notwithstanding (a) of this section, the Director*
2 *of the United States Secret Service may enter into a fully*
3 *reimbursable agreement to perform such service for*
4 *protectees not designated under 3056(a) of title 18, United*
5 *States Code.*

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

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

14 **(b)** *Existing checked baggage explosive detection equip-*
15 *ment and screeners shall be utilized to screen air cargo car-*
16 *ried on passenger aircraft to the greatest extent practicable*
17 *at each airport until technologies developed under sub-*
18 *section (a) are available.*

19 **(c)** *The Transportation Security Administration shall*
20 *report air cargo inspection statistics within 15 days of the*
21 *close of each quarter of the fiscal year to the Committees*
22 *on Appropriations of the Senate and the House of Rep-*
23 *resentatives, by airport and air carrier, including any rea-*
24 *sons for non-compliance with the second proviso of section*
25 *513 of the Department of Homeland Security Appropria-*

1 *tions Act, 2005 (Public Law 108–334; 118 Stat. 1317),*
2 *within 45 days after the end of the quarter.*

3 *SEC. 520. (a) None of the funds available for obligation*
4 *for the transportation worker identification credential pro-*
5 *gram shall be used to develop a personalization system that*
6 *is executed without fair and open competition for both the*
7 *implementation and production of the program and identi-*
8 *fication cards.*

9 *(b) The Transportation Security Administration shall*
10 *certify to the Committees on Appropriations of the Senate*
11 *and the House of Representatives not later than December*
12 *1, 2006, that the competition required under subsection (a)*
13 *has been achieved.*

14 *SEC. 521. None of the funds made available in this*
15 *Act may be used by any person other than the privacy offi-*
16 *cer appointed under section 222 of the Homeland Security*
17 *Act of 2002 (6 U.S.C. 142) to alter, direct that changes be*
18 *made to, delay, or prohibit the transmission to Congress*
19 *of any report prepared under paragraph (5) of such section.*

20 *SEC. 522. No funding provided by this or previous ap-*
21 *propriation Acts shall be available to pay the salary of any*
22 *employee serving as a contracting officer’s technical rep-*
23 *resentative (COTR) or anyone acting in a similar or like*
24 *capacity who has not received COTR training.*

1 *SEC. 523. Except as provided in section 44945 of title*
2 *49, United States Code, funds appropriated or transferred*
3 *to Transportation Security Administration “Aviation Se-*
4 *curity”, “Administration” and “Transportation Security*
5 *Support” in fiscal years 2004, 2005, and 2006 that are re-*
6 *covered or deobligated shall be available only for procure-*
7 *ment and installation of explosive detection systems for air*
8 *cargo, baggage, and checkpoint screening systems, subject*
9 *to section 503 of this Act.*

10 *SEC. 524. (a) Within 60 days of enactment of this Act,*
11 *the Secretary of the Department of Homeland Security shall*
12 *revise DHS MD (Management Directive) 11056 to provide*
13 *for the following:*

14 *(1) That when a lawful request is made to pub-*
15 *licly release a document containing information des-*
16 *ignated as sensitive security information (SSI), the*
17 *document shall be reviewed in a timely manner to de-*
18 *termine whether any information contained in the*
19 *document meets the criteria for continued SSI protec-*
20 *tion under applicable law and regulation and shall*
21 *further provide that all portions that no longer re-*
22 *quire SSI designation be released, subject to applica-*
23 *ble law, including sections 552 and 552a of title 5,*
24 *United States Code.*

1 (2) *That sensitive security information that is*
2 *four years old shall be subject to release upon request*
3 *unless—*

4 (A) *the Secretary or his designee makes a*
5 *written determination that identifies a rational*
6 *basis why the information must remain SSI;*

7 (B) *the information is covered by a current*
8 *sensitive security information application guide*
9 *approved by the Secretary or his designee in*
10 *writing; or*

11 (C) *such information is otherwise exempt*
12 *from disclosure under applicable law:*

13 *Provided, That any determination made by the Secretary*
14 *under clause (a)(2)(A) shall be provided to the party mak-*
15 *ing a request to release such information and to the Com-*
16 *mittees on Appropriations of the Senate and House of Rep-*
17 *resentatives as part of the annual reporting requirement*
18 *pursuant to section 537 of the Department of Homeland*
19 *Security Appropriations Act, 2006 (Public Law 109–90;*
20 *119 Stat. 2088).*

21 (3) *Common and extensive examples of the indi-*
22 *vidual categories of SSI information cited under 49*
23 *CFR 1520(b)(1) through (16) in order to minimize*
24 *and standardize judgment by covered persons in the*
25 *application of SSI marking.*

1 **(b)** *Not later than 120 days after the date of enactment*
2 *of this Act, the Secretary of Homeland Security shall report*
3 *to the Committees on Appropriations of the Senate and the*
4 *House of Representatives on the progress that the Depart-*
5 *ment has made in implementing the remaining require-*
6 *ments of section 537 of the Department of Homeland Secu-*
7 *rity Appropriations Act, 2006 (Public Law 109–90; 119*
8 *Stat. 2088), including information on the current proce-*
9 *dures regarding access to SSI by civil litigants and the se-*
10 *curity risks and benefits of any proposed changes to these*
11 *procedures.*

12 **SEC. 525. RESCISSION.** *From the unobligated balances*
13 *from prior year appropriations made available for Trans-*
14 *portation Security Administration “Aviation Security”*
15 *and “Headquarters Administration”, \$4,776,000 are re-*
16 *scinded.*

17 **SEC. 526.** *The Department of Homeland Security*
18 *Working Capital Fund, established under section 403 of the*
19 *Government Management Reform Act of 1994 (31 U.S.C.*
20 *501 note; Public Law 103–356), shall continue operations*
21 *during fiscal year 2007.*

22 **SEC. 527. RESCISSION.** *Of the unobligated balances*
23 *from prior year appropriations made available for the*
24 *“Counterterrorism Fund”, \$16,000,000 are rescinded.*

1 *SEC. 528. RESCISSION. From the unobligated balances*
2 *from prior year appropriations made available for Trans-*
3 *portation Security Administration “Aviation Security”,*
4 *\$61,936,000 are rescinded.*

5 *SEC. 529. None of the funds made available in this*
6 *Act may be used to enforce section 4025(1) of Public Law*
7 *108–458 if the Assistant Secretary (Transportation Secu-*
8 *rity Administration) determines that butane lighters are*
9 *not a significant threat to civil aviation security: Provided,*
10 *That the Assistant Secretary (Transportation Security Ad-*
11 *ministration) shall notify the Committees on Appropria-*
12 *tions of the Senate and the House of Representatives 15*
13 *days in advance of such determination including a report*
14 *on whether the effectiveness of screening operations is en-*
15 *hanced by suspending enforcement of the prohibition.*

16 *SEC. 530. RESCISSIONS. Of the unobligated balances*
17 *from prior year appropriations made available for Science*
18 *and Technology, \$55,000,000 for “Management and Admin-*
19 *istration” and \$184,000,000 from “Research, Development,*
20 *Acquisition, and Operations” are rescinded: Provided, That*
21 *of the total amount rescinded from “Management and Ad-*
22 *ministration”, \$30,000,000 shall be from the contingency*
23 *fund and \$25,000,000 shall be from the Homeland Security*
24 *Institute.*

1 *SEC. 531. Notwithstanding any other provision of law,*
2 *the Secretary of Homeland Security shall consider the Han-*
3 *cock County Port and Harbor Commission in Mississippi*
4 *eligible under the Federal Emergency Management Agency*
5 *Public Assistance Program for all costs incurred for dredg-*
6 *ing from navigation channel in Little Lake, Louisiana,*
7 *sediment deposited as a result of Hurricane George in 1998:*
8 *Provided, That the appropriate Federal share shall apply*
9 *to approval of this project.*

10 *SEC. 532. The Department of Homeland Security*
11 *shall, in approving standards for State and local emergency*
12 *preparedness operational plans under section 613(b)(3) of*
13 *the Robert T. Stafford Disaster and Emergency Assistance*
14 *Act (42 U.S.C. 5196b(b)(3)), account for the needs of indi-*
15 *viduals with household pets and service animals before, dur-*
16 *ing, and following a major disaster or emergency: Provided,*
17 *That Federal agencies may provide assistance as described*
18 *in section 403(a) of the Robert T. Stafford Disaster and*
19 *Emergency Assistance Act (42 U.S.C. 5170b(a)) to carry*
20 *out the plans described in the previous proviso.*

21 *SEC. 533. RESCISSION. From the unexpended balances*
22 *of the United States Coast Guard “Acquisition, Construc-*
23 *tion, and Improvements” account specifically identified in*
24 *the Joint Explanatory Statement (House Report 109–241)*
25 *accompanying the Department of Homeland Security Act,*

1 2006 (Public Law 109–90) for the development of the Off-
2 shore Patrol Cutter, \$20,000,000 are rescinded.

3 *SEC. 534. TRANSFER.* All obligated and unobligated
4 balances of funds, totaling not less than \$98,552,000, for
5 the Transportation Security Laboratory shall be transferred
6 from the Science and Technology “Research, Development,
7 Acquisition, and Operations” account to the Transpor-
8 tation Security Administration “Transportation Security
9 Support” account effective October 1, 2006.

10 *SEC. 535. (a)(1)* Within 45 days after the close of each
11 month, the Chief Financial Officer of the Department of
12 Homeland Security shall submit to the Committees on Ap-
13 propriations of the Senate and the House of Representatives
14 a monthly budget execution report that sets forth the total
15 obligational authority appropriated (new budget authority
16 plus unobligated carryover), undistributed obligational au-
17 thority, amount allotted, current year obligations, unobli-
18 gated authority (the difference between total obligational
19 authority and current year obligations), beginning unex-
20 pended obligations, year-to-date costs, and year-end unex-
21 pended obligations, of the Department of Homeland Secu-
22 rity.

23 (2) The information required under paragraph (1)
24 shall be provided for each Departmental component and the
25 Working Capital Fund at the level of detail shown in the

1 *table of detailed funding recommendations displayed at the*
2 *end of the Statement of Managers accompanying the con-*
3 *ference report on this Act.*

4 (3) *Each report submitted under paragraph (1) shall*
5 *include for each Department of Homeland Security compo-*
6 *nent the total full-time equivalent for the prior fiscal year,*
7 *the on-board total full-time equivalent on September 30 of*
8 *the prior fiscal year, the estimated total full-time equivalent*
9 *for the current fiscal year, and the on-board total full-time*
10 *equivalent on the last day of the month for the applicable*
11 *report.*

12 (b) *Obligation authority and transfer authority pro-*
13 *vided under section 503 and 504 of this Act shall not be*
14 *available unless on the date of a notification under section*
15 *503 and 504, the Committees on Appropriations of the Sen-*
16 *ate and House of Representatives have received the most re-*
17 *cent report required by subsection (a) of this section.*

18 SEC. 536. *None of the funds provided by this or pre-*
19 *vious appropriations Acts or transferred to the Department*
20 *of Homeland Security that remain available for obligation*
21 *or expenditure in fiscal year 2007, or provided from any*
22 *accounts in the Treasury of the United States derived by*
23 *the collection of fees available to the agencies funded by this*
24 *Act, shall be available for obligation or expenditure for the*
25 *Office of the Federal Coordinator for Gulf Coast Rebuilding*

1 *effective October 1, 2006, unless the Committees on Appro-*
2 *priations of the Senate and the House of Representatives*
3 *receive a reprogramming notification for fiscal year 2006*
4 *pursuant to section 503 of Public Law 109–90 and a budget*
5 *request and expenditure plan for fiscal year 2007 for this*
6 *office.*

7 *SEC. 537. The Federal Law Enforcement Training*
8 *Center instructor staff shall be classified as inherently gov-*
9 *ernmental for the purpose of the Federal Activities Inven-*
10 *tory Reform Act of 1998 (31 U.S.C. 501 note).*

11 *SEC. 538. Section 7209(b)(1) of the Intelligence Reform*
12 *and Terrorism Prevention Act of 2004 (Public Law 108–*
13 *458; 8 U.S.C. 1185 note) is amended by striking from “(1)*
14 *DEVELOPMENT OF PLAN.—The Secretary” through*
15 *“7208(k).” and inserting the following:*

16 *“(1) DEVELOPMENT OF PLAN AND IMPLEMENTA-*
17 *TION.—*

18 *“(A) The Secretary of Homeland Security,*
19 *in consultation with the Secretary of State, shall*
20 *develop and implement a plan as expeditiously*
21 *as possible to require a passport or other docu-*
22 *ment, or combination of documents, deemed by*
23 *the Secretary of Homeland Security to be suffi-*
24 *cient to denote identity and citizenship, for all*
25 *travel into the United States by United States*

1 *citizens and by categories of individuals for*
2 *whom documentation requirements have pre-*
3 *viously been waived under section 212(d)(4)(B)*
4 *of the Immigration and Nationality Act (8*
5 *U.S.C. 1182(d)(4)(B)). This plan shall be imple-*
6 *mented not later than 3 months after the Sec-*
7 *retary of State and the Secretary of Homeland*
8 *Security make the certifications required in sub-*
9 *section (B), or June 1, 2009, whichever is ear-*
10 *lier. The plan shall seek to expedite the travel of*
11 *frequent travelers, including those who reside in*
12 *border communities, and in doing so, shall make*
13 *readily available a registered traveler program*
14 *(as described in section 7208(k)).*

15 *“(B) The Secretary of Homeland Security*
16 *and the Secretary of State shall jointly certify to*
17 *the Committees on Appropriations of the Senate*
18 *and the House of Representatives that the fol-*
19 *lowing criteria have been met prior to implemen-*
20 *tation of Section 7209(b)(1)(A)—*

21 *“(i) the National Institutes of Stand-*
22 *ards and Technology has certified that the*
23 *card architecture meets the International*
24 *Organization for Standardization ISO*

1 14443 security standards, or justifies a de-
2 viation from such standard;

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

8 “(iii) an agreement has been reached
9 with the United States Postal Service on the
10 fee to be charged individuals for the pass-
11 port card, and a detailed justification has
12 been submitted to the Committees on Appro-
13 priations of the Senate and the House of
14 Representatives;

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

19 “(v) the necessary technological infra-
20 structure to process the passport cards has
21 been installed, and all employees at ports of
22 entry have been properly trained in the use
23 of the new technology;

24 “(vi) the passport card has been made
25 available for the purpose of international

1 *travel by United States citizens through*
2 *land and sea ports of entry between the*
3 *United States and Canada, Mexico, the*
4 *Caribbean and Bermuda; and*

5 *“(vii) a single implementation date for*
6 *sea and land borders has been established.”.*

7 *SEC. 539. Notwithstanding any time limitation estab-*
8 *lished for a grant awarded under title I, chapter 6, Public*
9 *Law 106–31, in the item relating to Federal Emergency*
10 *Management Agency—Disaster Assistance for Unmet*
11 *Needs, the City of Cuero, Texas, may use funds received*
12 *under such grant program until September 30, 2007.*

13 *SEC. 540. None of the funds made available in this*
14 *Act for United States Customs and Border Protection may*
15 *be used to prevent an individual not in the business of im-*
16 *porting a prescription drug (within the meaning of section*
17 *801(g) of the Federal Food, Drug, and Cosmetic Act) from*
18 *importing a prescription drug from Canada that complies*
19 *with the Food, Drug, and Cosmetic Act.*

20 *SEC. 541. The Secretary of Homeland Security shall*
21 *submit a report to the Committees on Appropriations of the*
22 *Senate and the House of Representatives, not later than*
23 *February 8, 2007, that—*

24 *(1) identifies activities being carried out by the*
25 *Department of Homeland Security to improve—*

1 (A) the targeting of agricultural inspections;

2 (B) the ability of United States Customs
3 and Border Protection to adjust to new agricul-
4 tural threats; and

5 (C) the in-service training for interception
6 of prohibited plant and animal products and ag-
7 ricultural pests under the agriculture quarantine
8 inspection monitoring program of the Animal
9 and Plant Health Inspection Service; and

10 (2) describes the manner in which the Secretary
11 of Homeland Security will coordinate with the Sec-
12 retary of Agriculture and State and local governments
13 in carrying out the activities described in paragraph
14 (1).

15 SEC. 542. Any limitation, directive, or earmarking
16 contained in either the House of Representatives or Senate
17 report accompanying H.R. 5441 shall also be included in
18 the conference report or joint statement accompanying H.R.
19 5441 in order to be considered as having been approved by
20 both Houses of Congress.

21 SEC. 543. Any reports required in this Act and accom-
22 panying reports to be submitted to the Committees on Ap-
23 propriations and the Department of Homeland Security's
24 annual justifications of the President's budget request shall
25 be posted on the Department of Homeland Security's public

1 *website not later than 48 hours after such submission unless*
2 *information in the report compromises national security.*

3 *SEC. 544. Notwithstanding any other provision of this*
4 *Act, \$1,000,000 shall be made available from appropria-*
5 *tions for training, exercises, technical assistance, and other*
6 *programs under paragraph (4) under the subheading*
7 *“STATE AND LOCAL PROGRAMS” under the heading “OFFICE*
8 *FOR DOMESTIC PREPAREDNESS” under title III, for the*
9 *Chief Financial Officer of the Department of Homeland Se-*
10 *curity to ensure compliance with the Improper Payments*
11 *Information Act of 2002 (31 U.S.C. 3321 note).*

12 *SEC. 545. None of the amounts available or otherwise*
13 *available to the Coast Guard under title II of this Act under*
14 *the heading “UNITED STATES COAST GUARD” under the*
15 *heading “OPERATING EXPENSES” may be obligated or ex-*
16 *pended for the continuation of operations at Long Range*
17 *Aids to Navigation (LORAN) stations nationwide, except*
18 *in Alaska, the far northwest, and the far northeast conti-*
19 *ental United States of America.*

20 *SEC. 546. No amount appropriated by this or any*
21 *other Act may be used to enforce or comply with any statu-*
22 *tory limitation on the number of employees in the Trans-*
23 *portation Security Administration, before or after its trans-*
24 *fer to the Department of Homeland Security from the De-*
25 *partment of Transportation, and no amount appropriated*

1 *by this or any other Act may be used to enforce or comply*
2 *with any administrative rule or regulation imposing a lim-*
3 *itation on the recruiting or hiring of personnel into the*
4 *Transportation Security Administration to a maximum*
5 *number of permanent positions, except to the extent that*
6 *enforcement or compliance with that limitation does not*
7 *prevent the Secretary of Homeland Security from recruiting*
8 *and hiring such personnel into the Administration as may*
9 *be necessary—*

10 (1) *to provide appropriate levels of aviation se-*
11 *curity; and*

12 (2) *to accomplish that goal in such a manner*
13 *that the average aviation security-related delay expe-*
14 *rienced by airline passengers is reduced to a level of*
15 *10 minutes.*

16 *SEC. 547. Not later than 6 months after the date of*
17 *enactment of this Act, the Secretary of Homeland Security*
18 *shall submit a report to the Committees on Appropriations*
19 *of the Senate and the House of Representatives with an as-*
20 *essment of short-term (defined as within 2 years after the*
21 *date of enactment of this Act), intermediate-term (defined*
22 *as between 2 years and 4 years after such date of enact-*
23 *ment), and long-term (defined as more than 4 years after*
24 *such date of enactment) actions necessary for the Depart-*
25 *ment of Homeland Security to take in order to assist Fed-*

1 *eral, State, and local governments achieve communications*
2 *interoperability, including equipment acquisition, changes*
3 *in governance structure, and training.*

4 *SEC. 548. (a) Section 114 of title 49, United States*
5 *Code, is amended by striking subsection (o) and redesign-*
6 *ating subsections (p) through (t) as subsections (o) through*
7 *(s), respectively.*

8 *(b) The amendment made by subsection (a) shall take*
9 *effect 180 days after the date of enactment of this Act.*

10 *SEC. 549. DATA-MINING. (a) DEFINITIONS.—In this*
11 *section:*

12 *(1) DATA-MINING.—The term “data-mining”*
13 *means a query or search or other analysis of 1 or*
14 *more electronic databases, whereas—*

15 *(A) at least 1 of the databases was obtained*
16 *from or remains under the control of a non-Fed-*
17 *eral entity, or the information was acquired ini-*
18 *tially by another department or agency of the*
19 *Federal Government for purposes other than in-*
20 *telligence or law enforcement;*

21 *(B) a department or agency of the Federal*
22 *Government or a non-Federal entity acting on*
23 *behalf of the Federal Government is conducting*
24 *the query or search or other analysis to find a*

1 *predictive pattern indicating terrorist or crimi-*
2 *nal activity; and*

3 *(C) the search does not use a specific indi-*
4 *vidual's personal identifiers to acquire informa-*
5 *tion concerning that individual.*

6 (2) *DATABASE.—The term “database” does not*
7 *include telephone directories, news reporting, infor-*
8 *mation publicly available via the Internet or avail-*
9 *able by any other means to any member of the public*
10 *without payment of a fee, or databases of judicial and*
11 *administrative opinions.*

12 (b) *REPORTS ON DATA-MINING ACTIVITIES BY THE*
13 *DEPARTMENT OF HOMELAND SECURITY.—*

14 (1) *REQUIREMENT FOR REPORT.—The head of*
15 *each department or agency in the Department of*
16 *Homeland Security that is engaged in any activity to*
17 *use or develop data-mining technology shall each sub-*
18 *mit a report to Congress on all such activities of the*
19 *agency under the jurisdiction of that official. The re-*
20 *port shall be made available to the public.*

21 (2) *CONTENT OF REPORT.—Each report sub-*
22 *mitted under paragraph (1) shall include, for each ac-*
23 *tivity to use or develop data-mining technology that*
24 *is required to be covered by the report, the following*
25 *information:*

1 (A) *A thorough description of the data-min-*
2 *ing technology and the data that is being or will*
3 *be used.*

4 (B) *A thorough description of the goals and*
5 *plans for the use or development of such tech-*
6 *nology and, where appropriate, the target dates*
7 *for the deployment of the data-mining tech-*
8 *nology.*

9 (C) *An assessment of the efficacy or likely*
10 *efficacy of the data-mining technology in pro-*
11 *viding accurate information consistent with and*
12 *valuable to the stated goals and plans for the use*
13 *or development of the technology.*

14 (D) *An assessment of the impact or likely*
15 *impact of the implementation of the data-mining*
16 *technology on the privacy and civil liberties of*
17 *individuals.*

18 (E) *A list and analysis of the laws and reg-*
19 *ulations that govern the information being or to*
20 *be collected, reviewed, gathered, analyzed, or used*
21 *with the data-mining technology.*

22 (F) *A thorough discussion of the policies,*
23 *procedures, and guidelines that are in place or*
24 *that are to be developed and applied in the use*
25 *of such technology for data-mining in order to—*

1 (i) *protect the privacy and due process*
2 *rights of individuals; and*

3 (ii) *ensure that only accurate informa-*
4 *tion is collected, reviewed, gathered, ana-*
5 *lyzed, or used.*

6 (G) *Any necessary classified information in*
7 *an annex that shall be available to the Com-*
8 *mittee on Homeland Security and Governmental*
9 *Affairs, the Committee on the Judiciary, and the*
10 *Committee on Appropriations of the Senate and*
11 *the Committee on Homeland Security, the Com-*
12 *mittee on the Judiciary, and the Committee on*
13 *Appropriations of the House of Representatives.*

14 (3) *TIME FOR REPORT.—Each report required*
15 *under paragraph (1) shall be submitted not later than*
16 *90 days after the end of fiscal year 2007.*

17 SEC. 550. (a) *Not later than 6 months after the date*
18 *of enactment of this Act, the Secretary of Homeland Secu-*
19 *rity shall hereafter issue interim final regulations that es-*
20 *tablish homeland security requirements, including min-*
21 *imum standards and required submission of facility secu-*
22 *rity plans to the Secretary, for chemical facilities that the*
23 *Secretary determines present the greatest security risk and*
24 *that are not currently regulated under Federal law for*
25 *homeland security purposes.*

1 (b) *Interim regulations under this section shall apply*
2 *to a chemical facility until the effective date of final regula-*
3 *tions issued under other laws by the Secretary, that estab-*
4 *lish requirements and standards referred to in subsection*
5 *(a) that apply with respect to that facility.*

6 (c) *Any person that violates an interim regulation*
7 *issued under this section shall be liable for a civil penalty*
8 *under section 70117 of title 46, United States Code.*

9 *SEC. 551. Not later than 1 year after the date of enact-*
10 *ment of this Act, the Secretary of Homeland Security shall*
11 *establish and conduct a pilot program at the Northern Bor-*
12 *der Air Wing bases of the Office of CBP Air and Marine,*
13 *United States Customs and Border Protection, working ex-*
14 *peditionously with the Administrator of the Federal Aviation*
15 *Administration to test unmanned aerial vehicles for border*
16 *surveillance along the international marine and land bor-*
17 *der between Canada and the United States.*

18 *SEC. 552. Not later than February 8, 2007, the Assist-*
19 *ant Secretary for Immigration and Customs Enforcement*
20 *of the Department of Homeland Security shall submit a re-*
21 *port to Congress on the costs and need for establishing a*
22 *sub-office in Greeley, Colorado.*

23 *SEC. 553. Not later than 90 days after the date of the*
24 *enactment of this Act, the Secretary of Homeland Security*
25 *shall submit to the Committees on Appropriations of the*

1 *Senate and the House of Representatives a report on the*
2 *feasibility and advisability of locating existing Louisiana*
3 *facilities and assets of the Coast Guard in the Federal City*
4 *Project of New Orleans, Louisiana, as described in the re-*
5 *port of the Defense Base Closure and Realignment Commis-*
6 *sion submitted to the President in 2005 during the 2005*
7 *round of defense base closure and realignment under the De-*
8 *fense Base Closure and Realignment Act of 1990 (part A*
9 *of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).*

10 *SEC. 554. Notwithstanding any other provision of this*
11 *Act, funding made available under title VII, under the*
12 *heading UNITED STATES COAST GUARD ACQUISITION, CON-*
13 *STRUCTION, AND IMPROVEMENTS may be used to acquire*
14 *law enforcement patrol boats.*

15 *SEC. 555. SCREENING OF MUNICIPAL SOLID WASTE.*

16 *(a) DEFINITIONS.—In this section:*

17 *(1) BUREAU.—The term “Bureau” means the*
18 *Bureau of Customs and Border Protection.*

19 *(2) COMMERCIAL MOTOR VEHICLE.—The term*
20 *“commercial motor vehicle” has the meaning given*
21 *the term in section 31101 of title 49, United States*
22 *Code.*

23 *(3) COMMISSIONER.—The term “Commissioner”*
24 *means the Commissioner of the Bureau.*

1 (4) *MUNICIPAL SOLID WASTE.*—*The term “municipal solid waste” includes sludge (as defined in*
2 *section 1004 of the Solid Waste Disposal Act (42*
3 *U.S.C. 6903)).*

5 (b) *REPORTS TO CONGRESS.*—*Not later than 90 days*
6 *after the date of enactment of this Act, the Commissioner*
7 *shall submit to Congress a report that—*

8 (1) *indicates whether the methodologies and tech-*
9 *nologies used by the Bureau to screen for and detect*
10 *the presence of chemical, nuclear, biological, and radi-*
11 *ological weapons in municipal solid waste are as ef-*
12 *fective as the methodologies and technologies used by*
13 *the Bureau to screen for those materials in other*
14 *items of commerce entering the United States through*
15 *commercial motor vehicle transport; and*

16 (2) *if the report indicates that the methodologies*
17 *and technologies used to screen municipal solid waste*
18 *are less effective than those used to screen other items*
19 *of commerce, identifies the actions that the Bureau*
20 *will take to achieve the same level of effectiveness in*
21 *the screening of municipal solid waste, including ac-*
22 *tions necessary to meet the need for additional screen-*
23 *ing technologies.*

24 (c) *IMPACT ON COMMERCIAL MOTOR VEHICLES.*—*If*
25 *the Commissioner fails to fully implement an action identi-*

1 *fied under subsection (b)(2) before the earlier of the date*
2 *that is 180 days after the date on which the report under*
3 *subsection (b) is required to be submitted or the date that*
4 *is 180 days after the date on which the report is submitted,*
5 *the Secretary shall deny entry into the United States of any*
6 *commercial motor vehicle carrying municipal solid waste*
7 *until the Secretary certifies to Congress that the methodolo-*
8 *gies and technologies used by the Bureau to screen for and*
9 *detect the presence of chemical, nuclear, biological, and ra-*
10 *diological weapons in municipal solid waste are as effective*
11 *as the methodologies and technologies used by the Bureau*
12 *to screen for those materials in other items of commerce en-*
13 *tering into the United States through commercial motor ve-*
14 *hicle transport.*

15 *SEC. 556. (a) CONSTRUCTION OF BORDER TUNNEL OR*
16 *PASSAGE.—Chapter 27 of title 18, United States Code, is*
17 *amended by adding at the end the following:*

18 **“§ 554. Border tunnels and passages**

19 *“(a) Any person who knowingly constructs or finances*
20 *the construction of a tunnel or subterranean passage that*
21 *crosses the international border between the United States*
22 *and another country, other than a lawfully authorized tun-*
23 *nel or passage known to the Secretary of Homeland Secu-*
24 *rity and subject to inspection by the Bureau of Immigration*

1 *and Customs Enforcement, shall be fined under this title*
2 *and imprisoned for not more than 20 years.*

3 “(b) *Any person who knows or recklessly disregards the*
4 *construction or use of a tunnel or passage described in sub-*
5 *section (a) on land that the person owns or controls shall*
6 *be fined under this title and imprisoned for not more than*
7 *10 years.*

8 “(c) *Any person who uses a tunnel or passage described*
9 *in subsection (a) to unlawfully smuggle an alien, goods (in*
10 *violation of section 545), controlled substances, weapons of*
11 *mass destruction (including biological weapons), or a mem-*
12 *ber of a terrorist organization (as defined in section*
13 *2339B(g)(6)) shall be subject to a maximum term of impris-*
14 *onment that is twice the maximum term of imprisonment*
15 *that would have otherwise been applicable had the unlawful*
16 *activity not made use of such a tunnel or passage.”.*

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

 “*Sec. 554. Border tunnels and passages.*”.

20 (c) *CRIMINAL FORFEITURE.—Section 982(a)(6) of title*
21 *18, United States Code, is amended by inserting “554,” be-*
22 *fore “1425.”.*

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

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

9 (2) *REQUIREMENTS.*—In carrying out this sub-
10 section, the United States Sentencing Commission
11 shall—

12 (A) ensure that the sentencing guidelines,
13 policy statements, and official commentary re-
14 flect the serious nature of the offenses described
15 in section 554 of title 18, United States Code,
16 and the need for aggressive and appropriate law
17 enforcement action to prevent such offenses;

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

20 (C) account for any aggravating or miti-
21 gating circumstances that might justify excep-
22 tions, including—

23 (i) the use of a tunnel or passage de-
24 scribed in subsection (a) of such section to
25 facilitate other felonies; and

1 (ii) the circumstances for which the
2 sentencing guidelines currently provide ap-
3 plicable sentencing enhancements;

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

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

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

14 SEC. 557. Notwithstanding any other provision of law,
15 the Secretary of Homeland Security shall provide personnel
16 and equipment to improve national security by inspecting
17 international shipments of municipal solid waste, and shall
18 levy a fee limited to the approximate cost of such inspec-
19 tions.

20 SEC. 558. (a) Not later than 6 months after the date
21 of enactment of this Act, the Secretary of Homeland Secu-
22 rity, in coordination with the Secretary of State, the Fed-
23 eral Communications Commission, and relevant agencies in
24 the States of Alaska, Idaho, Montana, Oregon, and Wash-
25 ington, shall—

1 (1) *evaluate the technical and operational chal-*
2 *lenges with respect to interoperable communications*
3 *facing regional, local, State, and Federal authorities*
4 *in preparing for the 2010 Olympics; and*

5 (2) *develop an integrated plan for addressing*
6 *such technical and operational challenges.*

7 (b) *The Secretary of Homeland Security shall submit*
8 *and present the plan developed under subsection (a) to the*
9 *Committee on Commerce, Science, and Transportation of*
10 *the Senate and the Committee on Energy and Commerce*
11 *of the House of Representatives.*

12 SEC. 559. *The Secretary of Homeland Security may*
13 *not take any action to alter or reduce operations within*
14 *the Civil Engineering Program of the Coast Guard nation-*
15 *wide, including the civil engineering units, facilities, and*
16 *design and construction centers, the Coast Guard Academy,*
17 *and the Research and Development Center until the Com-*
18 *mittees on Appropriations and Commerce, Science, and*
19 *Transportation of the Senate receive and approve a plan*
20 *on changes to the Civil Engineering Program of the Coast*
21 *Guard. The plan shall include a description of the current*
22 *functions of the Civil Engineering Program and a descrip-*
23 *tion of any proposed modifications of such functions and*
24 *of any proposed modification of personnel and offices, in-*
25 *cluding the rationale for such modification, an assessment*

1 *of the costs and benefits of such modification, any proposed*
2 *alternatives to such modification, and the processes utilized*
3 *by the Coast Guard and the Office of Management and*
4 *Budget to analyze and assess such modification.*

5 *SEC. 560. (a) All amounts made available under this*
6 *Act for travel and transportation shall be reduced by*
7 *\$43,000,000.*

8 *(b) All amounts made available under this Act for*
9 *printing and reproduction shall be reduced by \$1,000,000.*

10 *SEC. 561. None of the funds made available by this*
11 *Act may be used to take an action that would violate Execu-*
12 *tive Order 13149 (65 Fed. Reg. 24607; relating to greening*
13 *the government through Federal fleet and transportation ef-*
14 *iciency).*

15 *SEC. 562. (a) The Transportation Security Adminis-*
16 *tration shall require each air carrier and foreign air carrier*
17 *that provides air transportation or intrastate air transpor-*
18 *tation to submit plans to the Transportation Security Ad-*
19 *ministration on how such air carrier will participate in*
20 *the voluntary provision of emergency services program es-*
21 *tablished by section 44944(a) of title 49, United States*
22 *Code.*

23 *(b)(1) Not more than 90 days after the date of the en-*
24 *actment of this Act, the Transportation Security Adminis-*
25 *tration shall prepare a report that contains the following:*

1 (A) *Procedures that qualified individuals need to*
2 *follow in order to participate in the program de-*
3 *scribed in subsection (a).*

4 (B) *Relevant contacts for individuals interested*
5 *in participating in the program described in sub-*
6 *section (a).*

7 (2) *The Transportation Security Administration shall*
8 *make the report required by paragraph (1) available, by*
9 *Internet web site or other appropriate method, to the fol-*
10 *lowing:*

11 (A) *The Congress.*

12 (B) *The emergency response agency of each*
13 *State.*

14 (C) *The relevant organizations representing indi-*
15 *viduals to participate in the program.*

16 *SEC. 563. Not later than 90 days after the date of en-*
17 *actment of this Act, the Director of the Federal Emergency*
18 *Management Agency in conjunction with the Director of the*
19 *National Institutes of Standards and Technology shall sub-*
20 *mit a report to the Senate Committee on Appropriations*
21 *outlining Federal earthquake response plans for high-risk*
22 *earthquake regions in the United States as determined by*
23 *the United States Geological Survey.*

24 *SEC. 564. Not later than 6 months after the date of*
25 *enactment of this Act, the Secretary of Homeland Security*

1 *shall establish revised procedures for expeditiously clearing*
2 *individuals whose names have been mistakenly placed on*
3 *a terrorist database list or who have names identical or*
4 *similar to individuals on a terrorist database list. The Sec-*
5 *retary shall advise Congress of the procedures established.*

6 *SEC. 565. Of the amount appropriated or otherwise*
7 *made available by title II of this Act under the heading*
8 *“UNITED STATES COAST GUARD”, “OPERATING EX-*
9 *PENSES”, \$13,934,000 may be available for the purpose of*
10 *the National Capital Region Air Defense mission of the*
11 *Coast Guard.*

12 *SEC. 566. (a) The Congress makes the following find-*
13 *ings:*

14 *(1) Domestic methamphetamine production in*
15 *both small-and large-scale laboratories is decreasing*
16 *as a result of law enforcement pressure and public*
17 *awareness campaigns.*

18 *(2) It is now estimated that 80 percent of meth-*
19 *amphetamine consumed in the United States origi-*
20 *nates in Mexico and is smuggled into the United*
21 *States.*

22 *(3) The movement of methamphetamine into the*
23 *United States poses new law enforcement challenges*
24 *at the border, in the financial system, and in commu-*
25 *nities affected by methamphetamine.*

1 (4) *Customs and Border Protection is working to*
2 *stop the spread of methamphetamine by examining*
3 *the movement of the drug and its precursors at the*
4 *borders and points of entry.*

5 (5) *Customs and Border Protection is a vital*
6 *source of information for the Drug Enforcement Ad-*
7 *ministration and other law enforcement agencies.*

8 (b) *It is the sense of the Senate that Customs and Bor-*
9 *der Protection should continue to focus on methamphet-*
10 *amine in its reporting and analysis of trade flows to pre-*
11 *vent the spread of methamphetamine throughout the United*
12 *States.*

13 SEC. 567. *Not later than 30 days after the date of en-*
14 *actment of this Act, the Secretary of Homeland Security*
15 *shall submit to the Committee on Appropriations a report*
16 *addressing the compliance by the Department of Homeland*
17 *Security with the recommendations set forth in the July*
18 *6, 2006, Inspector General of Homeland Security report en-*
19 *titled "Progress in Developing the National Asset Data-*
20 *base". The report shall include the status of the*
21 *prioritization of assets by the Department of Homeland Se-*
22 *curity into high-value, medium-value, and low-value asset*
23 *tiers, and how such tiers will be used by the Secretary of*
24 *Homeland Security in the issuance of grant funds.*

1 *SEC. 568. (a) Not later than 60 days after the initi-*
2 *ation of any contract relating to the Secure Border Initia-*
3 *tive that is valued at more than \$20,000,000, and upon the*
4 *conclusion of the performance of such contract, the Inspector*
5 *General of the Department of Homeland Security shall re-*
6 *view each action relating to such contract to determine*
7 *whether such action fully complies with applicable cost re-*
8 *quirements, performance objectives, program milestones, in-*
9 *clusion of small, minority-owned, and women-owned busi-*
10 *nesses, and time lines.*

11 *(b) If a contract review under subsection (a) uncovers*
12 *information regarding improper conduct or wrongdoing,*
13 *the Inspector General shall, as expeditiously as practicable,*
14 *submit such information to the Secretary of Homeland Se-*
15 *curity, or to another appropriate official of the Department*
16 *of Homeland Security, who shall determine if the contractor*
17 *should be suspended from further participation in the Se-*
18 *cure Border Initiative.*

19 *(c) Upon the completion of each review under sub-*
20 *section (a), the Inspector General shall submit a report to*
21 *the Secretary that contains the findings of the review, in-*
22 *cluding findings regarding—*

23 *(1) cost overruns;*

24 *(2) significant delays in contract execution;*

1 (3) *lack of rigorous departmental contract man-*
2 *agement;*

3 (4) *insufficient departmental financial oversight;*

4 (5) *contract bundling that limits the ability of*
5 *small businesses to compete; or*

6 (6) *other high risk business practices.*

7 (d)(1) *Not later than 30 days after the receipt of each*
8 *report submitted under subsection (c), the Secretary shall*
9 *submit a report to the congressional committees listed in*
10 *paragraph (3) that describes—*

11 (A) *the findings of the report received from the*
12 *Inspector General; and*

13 (B) *the steps the Secretary has taken, or plans*
14 *to take, to address the problems identified in the re-*
15 *port.*

16 (2) *Not later than 60 days after the initiation of each*
17 *contract action with a company whose headquarters is out-*
18 *side of the United States, the Secretary shall submit a re-*
19 *port regarding the Secure Border Initiative to the congres-*
20 *sional committees listed in paragraph (3).*

21 (3) *The congressional committees listed in this para-*
22 *graph are—*

23 (A) *the Committee on Appropriations of the Sen-*
24 *ate;*

1 (B) *the Committee on Appropriations of the*
2 *House of Representatives;*

3 (C) *the Committee on the Judiciary of the Sen-*
4 *ate;*

5 (D) *the Committee on the Judiciary of the House*
6 *of Representatives;*

7 (E) *the Committee on Homeland Security and*
8 *Governmental Affairs of the Senate; and*

9 (F) *the Committee on Homeland Security of the*
10 *House of Representatives.*

11 SEC. 569. *Of the amount appropriated by title VI for*
12 *Customs and Border Protection for Air and Marine Inter-*
13 *diction, Operations, Maintenance, and Procurement, such*
14 *funds as are necessary may be available for the establish-*
15 *ment of the final Northern border air wing site in Michi-*
16 *gan.*

17 SEC. 570. *None of the funds appropriated by this Act*
18 *shall be used for the seizure of a firearm based on the exist-*
19 *ence of a declaration or state of emergency.*

20 SEC. 571. *PILOT INTEGRATED SCANNING SYSTEM. (a)*
21 *DESIGNATIONS.—*

22 (1) *IN GENERAL.—Not later than 90 days after*
23 *the date of the enactment of this Act, the Secretary of*
24 *Homeland Security (referred to in this section as the*
25 *“Secretary”) shall designate 3 foreign seaports*

1 *through which containers pass or are transshipped to*
2 *the United States to pilot an integrated scanning sys-*
3 *tem that couples nonintrusive imaging equipment*
4 *and radiation detection equipment, which may be*
5 *provided by the Megaports Initiative of the Depart-*
6 *ment of Energy. In making designations under this*
7 *subsection, the Secretary shall consider 3 distinct*
8 *ports with unique features and differing levels of*
9 *trade volume.*

10 (2) *COLLABORATION AND COOPERATION.—The*
11 *Secretary shall collaborate with the Secretary of En-*
12 *ergy and cooperate with the private sector and host*
13 *foreign government to implement the pilot program*
14 *under this subsection.*

15 (b) *IMPLEMENTATION.—Not later than 1 year after the*
16 *date of the enactment of this Act, the Secretary shall achieve*
17 *a full-scale implementation of the pilot integrated screening*
18 *system, which shall—*

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

21 (2) *electronically transmit the images and infor-*
22 *mation to the container security initiative personnel*
23 *in the host country and/or Customs and Border Pro-*
24 *tection personnel in the United States for evaluation*
25 *and analysis;*

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

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

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

8 (c) *REPORT.—Not later than 120 days after achieving*
9 *full-scale implementation under subsection (b), the Sec-*
10 *retary, in consultation with the Secretary of Energy and*
11 *the Secretary of State, shall submit a report, to the appro-*
12 *priate congressional committees, that includes—*

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

15 (2) *an analysis of the efficacy of the Automated*
16 *Targeted System or other relevant programs in uti-*
17 *lizing the images captured to examine high-risk con-*
18 *tainers;*

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

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

1 (d) *IMPLEMENTATION.*—As soon as practicable and
2 possible after the date of enactment of this Act, an inte-
3 grated scanning system shall be implemented to scan all
4 containers entering the United States prior to arrival in
5 the United States.

6 *SEC. 572. EXPANSION OF THE NATIONAL INFRASTRUC-*
7 *TURE SIMULATION AND ANALYSIS CENTER.*

8 (a) *DEFINITIONS.*—In this section:

9 (1) *CRITICAL INFRASTRUCTURE.*—The term
10 “critical infrastructure” has the meaning given the
11 term in section 1016(e) of the USA PATRIOT Act
12 (42 U.S.C. 5195c(e)).

13 (2) *EMERGENCY AND MAJOR DISASTER.*—The
14 terms “emergency” and “major disaster” have the
15 meanings given the terms in section 102 of the Robert
16 T. Stafford Disaster Relief and Emergency Assistance
17 Act (42 U.S.C. 5122).

18 (3) *NATIONAL INFRASTRUCTURE SIMULATION*
19 *AND ANALYSIS CENTER.*—The term “National Infra-
20 structure Simulation and Analysis Center” means the
21 National Infrastructure Simulation and Analysis
22 Center established under section 1016(d) of the USA
23 PATRIOT Act (42 U.S.C. 5195c(d)).

24 (4) *PROTECT.*—The term “protect” means to re-
25 duce the vulnerability of critical infrastructure in

1 *order to deter, mitigate, or neutralize an emergency,*
2 *natural disaster, terrorist attack, or other cata-*
3 *strophic event.*

4 *(b) AUTHORITY.—*

5 *(1) IN GENERAL.—The National Infrastructure*
6 *Simulation and Analysis Center shall serve as a*
7 *source of national competence to address critical in-*
8 *frastructure protection and continuity through sup-*
9 *port for activities related to—*

10 *(A) counterterrorism, threat assessment, and*
11 *risk mitigation; and*

12 *(B) an emergency, natural disaster, ter-*
13 *rorist attack, or other catastrophic event.*

14 *(2) INFRASTRUCTURE MODELING.—*

15 *(A) PARTICULAR SUPPORT.—The support*
16 *provided under paragraph (1) shall include mod-*
17 *eling, simulation, and analysis of the systems*
18 *comprising critical infrastructure, in order to*
19 *enhance critical infrastructure preparedness,*
20 *protection, response, and recovery activities.*

21 *(B) RELATIONSHIP WITH OTHER AGEN-*
22 *CIES.—Each Federal agency and department*
23 *with critical infrastructure responsibilities under*
24 *Homeland Security Presidential Directive 7, or*
25 *any successor to such directive, shall establish a*

1 *formal relationship, including an agreement re-*
2 *garding information sharing, between the ele-*
3 *ments of such agency or department and the Na-*
4 *tional Infrastructure Simulation and Analysis*
5 *Center.*

6 (C) *PURPOSE.—*

7 (i) *IN GENERAL.—The purpose of the*
8 *relationship under subparagraph (B) shall*
9 *be to permit each Federal agency and de-*
10 *partment described in subparagraph (B) to*
11 *take full advantage of the capabilities of the*
12 *National Infrastructure Simulation and*
13 *Analysis Center consistent with its work-*
14 *load capacity and priorities (particularly*
15 *vulnerability and consequence analysis) for*
16 *real-time response to reported and projected*
17 *emergencies, natural disasters, terrorist at-*
18 *tacks, or other catastrophic events.*

19 (ii) *RECIPIENT OF CERTAIN SUP-*
20 *PORT.—Modeling, simulation, and analysis*
21 *provided under this subsection shall be pro-*
22 *vided to relevant Federal agencies and de-*
23 *partments, including Federal agencies and*
24 *departments with critical infrastructure re-*
25 *sponsibilities under Homeland Security*

1 *Presidential Directive 7, or any successor to*
2 *such directive.*

3 *SEC. 573. Notwithstanding any other provisions of*
4 *law, the Secretary of Homeland Security shall consult with*
5 *National Council on Radiation Protection and Measure-*
6 *ments (in this section referred to as the “NCRP”) and other*
7 *qualified organizations and government organizations in*
8 *preparing guidance and recommendations for emergency*
9 *responders, to assist recovery operations, and to protect the*
10 *general public with respect to radiological terrorism,*
11 *threats, and events.*

12 *SEC. 574. The Comptroller General shall provide a re-*
13 *port to the Senate and House Committees on Appropria-*
14 *tions no later than thirty days after enactment describing*
15 *the impact on public safety and on the effectiveness of*
16 *screening operations resulting from the modification of the*
17 *list of items prohibited from being carried aboard a pas-*
18 *senger aircraft operated by an air carrier or foreign air*
19 *carrier in air transportation or intrastate air transpor-*
20 *tation set forth in section 1540 of title 49, Code of Federal*
21 *Regulations, as of December 1, 2005, to be carried aboard*
22 *a passenger aircraft.*

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TITLE VI

BORDER SECURITY INFRASTRUCTURE

ENHANCEMENTS

SEC. 601. (a) Notwithstanding any other provision of law, the Secretary of Homeland Security shall adjust fees charged by the Department against any non-United States citizen by notice in the Federal Register no later than January 1, 2007, to achieve not less than \$350,000,000 in additional receipts by September 30, 2007: Provided, That the Secretary may adjust only those fees authorized under the Immigration and Nationality Act and the Illegal Immigration Reform and Immigrant Responsibility Act: Provided further, That this adjustment shall be in addition to fees authorized under 8 United States Code 1356.

(b) Amounts collected under subsection (a) shall be deposited in the accounts as provided by 8 United States Code 1356: Provided, That of the total amount collected pursuant to subsection (a) the Secretary shall transfer the following amounts:

(1) \$25,000,000 to Customs and Border Protection “Salaries and Expenses” for vehicle replacement;

(2) \$105,000,000 to Customs and Border Protection “Air and Marine Interdiction, Operations, Maintenance, and Procurement” for air asset replacement and air operations facilities upgrades;

1 *CUSTOMS AND BORDER PROTECTION*2 *SALARIES AND EXPENSES*

3 *For an additional amount for “Salaries and Ex-*
4 *penses”, \$251,000,000, to remain available until expended.*

5 *UNITED STATES COAST GUARD*6 *OPERATING EXPENSES*

7 *For an additional amount for “Operating Expenses”,*
8 *\$23,000,000, to remain available until expended: Provided,*
9 *That funding is available to accelerate foreign port security*
10 *assessments, conduct domestic port vulnerability assess-*
11 *ments, and perform unscheduled security audits of facilities*
12 *regulated by chapter 701 of title 46, United States Code,*
13 *commonly known as the Maritime Transportation Security*
14 *Act of 2002.*

15 *ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS*

16 *For an additional amount for “Acquisition, Construc-*
17 *tion, and Improvements” for acquisition, construction, ren-*
18 *ovation, and improvement of vessels, aircraft, and equip-*
19 *ment, \$184,000,000 for the Integrated Deepwater Systems*
20 *program, to remain available until expended: Provided,*
21 *That funding is available to acquire maritime patrol air-*
22 *craft and parent craft patrol boats, to provide armed heli-*
23 *copter capability, and to sustain the medium endurance*
24 *cutter fleet.*

1 *OFFICE FOR DOMESTIC PREPAREDNESS*2 *STATE AND LOCAL PROGRAMS*

3 *For an additional amount for “State and Local Pro-*
 4 *grams”, \$190,000,000 to remain available until September*
 5 *30, 2007: Provided, That the entire amount shall be for port*
 6 *security grants pursuant to the purposes of subsection (a)*
 7 *through (h) of section 70107 of title 46, United States Code,*
 8 *which shall be awarded based on risk notwithstanding sub-*
 9 *section (a), for eligible costs as defined in paragraphs (2),*
 10 *(3), and (4) of subsection (b).*

11 *TITLE VIII*12 *UNITED STATES EMERGENCY MANAGEMENT*13 *AUTHORITY*14 *SEC. 801. SHORT TITLE.*

15 *This title may be cited as the “United States Emer-*
 16 *gency Management Authority Act of 2006”.*

17 *SEC. 802. UNITED STATES EMERGENCY MANAGEMENT*18 *AUTHORITY.*

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

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

23 ***“TITLE V—NATIONAL PREPARED-***
 24 ***NESS AND RESPONSE”;***

25 *(2) by striking sections 501 through 503;*

1 (3) *by striking sections 506 and 507;*

2 (4) *by redesignating sections 504, 505, 508, and*
3 *509 as sections 521, 522, 523, and 524, respectively;*

4 (5) *by redesignating section 510 (relating to pro-*
5 *curement of security countermeasures for the strategic*
6 *national stockpile) as section 525;*

7 (6) *by redesignating section 510 (relating to*
8 *urban and other high risk area communications capa-*
9 *bilities) as section 526; and*

10 (7) *by inserting before section 521, as so redesign-*
11 *ated by this section, the following:*

12 **“SEC. 501. DEFINITIONS.**

13 *“In this title—*

14 *“(1) the term ‘all-hazards-plus’ means an ap-*
15 *proach to preparedness, response, recovery, and miti-*
16 *gation that emphasizes the development of capabilities*
17 *that are common to natural and man-made disasters,*
18 *while also including the development of capabilities*
19 *that are uniquely relevant to specific types of disas-*
20 *ters;*

21 *“(2) the term ‘Authority’ means the United*
22 *States Emergency Management Authority established*
23 *under section 502;*

24 *“(3) the term ‘Administrator’ means the Admin-*
25 *istrator of the Authority;*

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

5 “(5) the term ‘National Advisory Council’ means
6 the National Advisory Council on Emergency Pre-
7 paredness and Response established under section 508;

8 “(6) the term ‘National Incident Management
9 System’ means the National Incident Management
10 System as described in the National Response Plan;

11 “(7) the term ‘National Response Plan’ means
12 the National Response Plan prepared under Home-
13 land Security Presidential Directive 5 or any presi-
14 dential directive meant to replace or augment that di-
15 rective;

16 “(8) the term ‘Nuclear Incident Response Team’
17 means a resource that includes—

18 “(A) those entities of the Department of En-
19 ergy that perform nuclear or radiological emer-
20 gency support functions (including accident re-
21 sponse, search response, advisory, and technical
22 operations functions), radiation exposure func-
23 tions at the medical assistance facility known as
24 the Radiation Emergency Assistance Center/

1 *Training Site (REAC/TS), radiological assist-*
2 *ance functions, and related functions; and*

3 *“(B) those entities of the Environmental*
4 *Protection Agency that perform such support*
5 *functions (including radiological emergency re-*
6 *sponse functions) and related functions;*

7 *“(9) the term ‘Regional Advisory Council’ means*
8 *a Regional Advisory Council on Preparedness and*
9 *Response established under section 503;*

10 *“(10) the term ‘Regional Administrator’ means a*
11 *Regional Administrator for Preparedness and Re-*
12 *sponse appointed under section 507;*

13 *“(11) the term ‘Regional Office’ means a Re-*
14 *gional Office established under section 507; and*

15 *“(12) the term ‘surge capacity’ means the ability*
16 *to rapidly and substantially increase the provision of*
17 *search and rescue capabilities, food, water, medicine,*
18 *shelter and housing, medical care, evacuation capac-*
19 *ity, staffing, including disaster assistance employees,*
20 *and other resources necessary to save lives and protect*
21 *property during a catastrophic incident, or other nat-*
22 *ural or man-made disaster.*

1 **“SEC. 502. UNITED STATES EMERGENCY MANAGEMENT AU-**
2 **THORITY.**

3 “(a) *IN GENERAL.*—*There is established in the Depart-*
4 *ment the United States Emergency Management Authority,*
5 *headed by an Administrator.*

6 “(b) *MISSION.*—*The mission of the Authority is to—*

7 “(1) *lead the Nation’s efforts to prepare for, re-*
8 *spond to, recover from, and mitigate the risks of nat-*
9 *ural and man-made disasters, including catastrophic*
10 *incidents;*

11 “(2) *partner with State and local governments*
12 *and emergency response providers, with other Federal*
13 *agencies, with the private sector, and with nongovern-*
14 *mental organizations to build a national system of*
15 *emergency management that can effectively and effi-*
16 *ciently utilize the full measure of the Nation’s re-*
17 *sources to respond to a catastrophic incident or other*
18 *natural or man-made disaster;*

19 “(3) *develop a Federal response capability that,*
20 *when necessary and appropriate, can act effectively,*
21 *rapidly, and proactively to deliver assistance essential*
22 *to saving lives or protecting or preserving property or*
23 *public health and safety in a natural or man-made*
24 *disaster;*

25 “(4) *fuse the Department’s emergency response,*
26 *preparedness, recovery, mitigation, and critical infra-*

1 *structure assets into a new, integrated organization*
2 *that can effectively confront the challenges of a nat-*
3 *ural or man-made disaster;*

4 “(5) *develop and maintain robust Regional Of-*
5 *fices that will work with State and local governments*
6 *and emergency response providers to identify and ad-*
7 *dress regional priorities;*

8 “(6) *under the leadership of the Secretary, co-*
9 *ordinate with the Commandant of the Coast Guard,*
10 *the Director of Customs and Border Protection, the*
11 *Director of Immigration and Customs Enforcement,*
12 *the National Operations Center, and other agencies*
13 *and offices in the Department to take full advantage*
14 *of the substantial range of resources in the Depart-*
15 *ment that can be brought to bear in preparing for*
16 *and responding to a natural or man-made disaster;*

17 “(7) *carry out the provisions of the Robert T.*
18 *Stafford Disaster Relief and Emergency Assistance*
19 *Act (42 U.S.C. 5121 et seq.);*

20 “(8) *provide funding, training, exercises, tech-*
21 *nical assistance, planning, and other assistance, to*
22 *build local, State, regional, and national capabilities,*
23 *including communications capabilities, necessary to*
24 *respond to a potential natural or man-made disaster;*

1 “(9) *implement an all-hazards-plus strategy for*
2 *preparedness that places priority on building those*
3 *common capabilities necessary to respond to both ter-*
4 *rorist attacks and natural disasters while also build-*
5 *ing the unique capabilities necessary to respond to*
6 *specific types of incidents that pose the greatest risk*
7 *to our Nation; and*

8 “(10) *promote, plan for, and facilitate the secu-*
9 *rity and resiliency of critical infrastructure and key*
10 *resources, including cyber infrastructure, against a*
11 *natural or man-made disaster, and the post-disaster*
12 *restoration of such critical infrastructure and key re-*
13 *sources.*

14 “(c) *ADMINISTRATOR.—*

15 “(1) *IN GENERAL.—The Administrator shall be*
16 *appointed by the President, by and with the advice*
17 *and consent of the Senate.*

18 “(2) *QUALIFICATIONS.—The Administrator shall*
19 *have not less than 5 years of executive leadership and*
20 *management experience in the public or private sec-*
21 *tor, significant experience in crisis management or*
22 *another relevant field, and a demonstrated ability to*
23 *manage a substantial staff and budget.*

1 “(3) *REPORTING.*—*The Administrator shall re-*
2 *port to the Secretary, without being required to report*
3 *through any other official of the Department.*

4 “(4) *PRINCIPAL ADVISOR ON EMERGENCY PRE-*
5 *PAREDNESS AND RESPONSE.*—

6 “(A) *IN GENERAL.*—*The Administrator is*
7 *the principal emergency preparedness and re-*
8 *sponse advisor to the President, the Homeland*
9 *Security Council, and the Secretary.*

10 “(B) *ADVICE AND RECOMMENDATIONS.*—

11 “(i) *IN GENERAL.*—*In presenting ad-*
12 *vice with respect to any matter to the Presi-*
13 *dent, the Homeland Security Council, or the*
14 *Secretary, the Administrator shall, as the*
15 *Administrator considers appropriate, in-*
16 *form the President, the Homeland Security*
17 *Council, or the Secretary, as the case may*
18 *be, of the range of emergency mitigation,*
19 *preparedness, response, and recovery op-*
20 *tions with respect to that matter.*

21 “(ii) *ADVICE ON REQUEST.*—*The Ad-*
22 *ministrator, as an emergency preparedness*
23 *and response advisor, shall provide advice*
24 *to the President, the Homeland Security*
25 *Council, or the Secretary on a particular*

1 *matter when the President, the Homeland*
2 *Security Council, or the Secretary requests*
3 *such advice.*

4 “(iii) *RECOMMENDATIONS TO CON-*
5 *GRESS.—After informing the Secretary, the*
6 *Administrator may make such recommenda-*
7 *tions to Congress relating to emergency pre-*
8 *paredness and response as the Adminis-*
9 *trator considers appropriate.*

10 “(C) *RETENTION OF AUTHORITY.—Nothing*
11 *in this paragraph shall be construed as affecting*
12 *the authority of the Secretary under this Act.*

13 **“SEC. 503. AUTHORITIES AND RESPONSIBILITIES.**

14 “(a) *IN GENERAL.—The Administrator shall provide*
15 *Federal leadership necessary to prepare for and respond to*
16 *a natural or man-made disaster, including—*

17 “(1) *carrying out the mission to reduce the loss*
18 *of life and property and protect the Nation from all*
19 *hazards by leading and supporting the Nation in a*
20 *comprehensive, risk-based emergency preparedness*
21 *and response program of—*

22 “(A) *mitigation, by taking sustained ac-*
23 *tions to reduce or eliminate long-term risk to*
24 *people and property from hazards and their ef-*
25 *fects;*

1 “(B) preparedness, by planning, training,
2 and building the emergency preparedness and re-
3 sponse workforce to prepare effectively for, miti-
4 gate against, respond to, and recover from any
5 hazard;

6 “(C) response, by conducting emergency op-
7 erations to save lives and property through posi-
8 tioning emergency equipment, personnel, and
9 supplies, through evacuating potential victims,
10 through providing food, water, shelter, and med-
11 ical care to those in need, and through restoring
12 critical public services;

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

17 “(E) critical infrastructure protection, by
18 establishing an inventory of, and protections for,
19 public and private sector critical infrastructure,
20 including cyber and communications assets;

21 “(2) increasing efficiencies, by coordinating ef-
22 forts relating to mitigation, preparedness, response,
23 recovery, and infrastructure protection;

1 “(3) helping to ensure the effectiveness of emer-
2 gency response providers in responding to a natural
3 or man-made disaster;

4 “(4) providing the Federal Government’s re-
5 sponse to a natural or man-made disaster,
6 including—

7 “(A) managing such response;

8 “(B) directing the Domestic Emergency
9 Support Team, the National Disaster Medical
10 System, and (when operating as an organiza-
11 tional unit of the Department under this title)
12 the Nuclear Incident Response Team;

13 “(C) overseeing the Metropolitan Medical
14 Response System; and

15 “(D) coordinating other Federal response
16 resources, including requiring deployment of the
17 Strategic National Stockpile, in the event of a
18 natural or man-made disaster;

19 “(5) working with Federal, State, and local gov-
20 ernment personnel, agencies, and authorities to build
21 a comprehensive national incident management sys-
22 tem to respond to a natural or man-made disaster;

23 “(6) with respect to the Nuclear Incident Re-
24 sponse Team (regardless of whether it is operating as

1 *an organizational unit of the Department under this*
2 *title)—*

3 *“(A) establishing standards and certifying*
4 *when those standards have been met;*

5 *“(B) conducting joint and other exercises*
6 *and training and evaluating performance; and*

7 *“(C) providing funds to the Department of*
8 *Energy and the Environmental Protection Agen-*
9 *cy, as appropriate, for homeland security plan-*
10 *ning, exercises and training, and equipment;*

11 *“(7) helping to ensure that emergency response*
12 *providers acquire interoperable and sustainable tech-*
13 *nology;*

14 *“(8) assisting the President in carrying out the*
15 *functions under the Robert T. Stafford Disaster Relief*
16 *and Emergency Assistance Act (42 U.S.C. 5121 et*
17 *seq.);*

18 *“(9) administering homeland security emergency*
19 *management, first responder, and other preparedness*
20 *grants;*

21 *“(10) administering and implementing the Na-*
22 *tional Response Plan, including monitoring, evalu-*
23 *ating, and ensuring the readiness of each emergency*
24 *support function under the National Response Plan;*

1 “(11) *coordinating with the National Advisory*
2 *Council;*

3 “(12) *ensuring the protection of critical infra-*
4 *structure by—*

5 “(A) *carrying out the responsibilities under*
6 *paragraphs (2) through (6) of section 201(d);*

7 “(B) *helping ensure the protection and re-*
8 *siliency of key resources and critical infrastruc-*
9 *ture, including cyber infrastructure, against a*
10 *natural or man-made disaster; and*

11 “(C) *planning for, assisting with, and fa-*
12 *ilitating, the restoration of key resources and*
13 *critical infrastructure, including cyber infra-*
14 *structure, in the event of a natural or man-made*
15 *disaster;*

16 “(13) *establishing in each Regional Office a Re-*
17 *gional Advisory Council on Preparedness and Re-*
18 *sponse, to advise the Regional Administrator of that*
19 *Regional Office on emergency preparedness and re-*
20 *sponse issues specific to the region; and*

21 “(14) *otherwise carrying out the mission of the*
22 *Authority as described in section 502(b).*

23 “(b) *ADDITIONAL RESPONSIBILITIES RELATED TO*
24 *CATASTROPHIC INCIDENTS.—*

1 “(1) *IN GENERAL.*—*The Administrator, in con-*
2 *sultation with the Secretary and other senior Depart-*
3 *ment officials, shall develop a national emergency*
4 *management system that is capable of responding to*
5 *catastrophic incidents.*

6 “(2) *IDENTIFICATION OF RESOURCES.*—

7 “(A) *IN GENERAL.*—*The Administrator*
8 *shall develop and submit to Congress annually*
9 *an estimate of the resources of the Authority and*
10 *other Federal agencies needed for and devoted*
11 *specifically to developing local, State, and na-*
12 *tional capabilities necessary to respond to a cat-*
13 *astrophic incident.*

14 “(B) *CONTENTS.*—*Each estimate under sub-*
15 *paragraph (A) shall include the resources both*
16 *necessary for and devoted to—*

17 “(i) *planning;*

18 “(ii) *training and exercises;*

19 “(iii) *Regional Office enhancements;*

20 “(iv) *staffing, including for surge ca-*
21 *capacity during a catastrophic event;*

22 “(v) *additional logistics capabilities;*

23 “(vi) *other responsibilities under the*
24 *Catastrophic Incident Annex of the Cata-*

1 *strophic Incident Supplement of the Na-*
2 *tional Response Plan; and*

3 “*(vii) State and local catastrophic pre-*
4 *paredness.*”

5 “(c) *ALL-HAZARDS-PLUS APPROACH.—In carrying*
6 *out this section, the Administrator shall implement an all-*
7 *hazards-plus strategy that places priority on building those*
8 *common capabilities necessary to prepare for, respond to,*
9 *recover from, and mitigate the risks of terrorist attacks and*
10 *natural disasters, while also building the unique capabili-*
11 *ties necessary to prepare for, respond to, recover from, and*
12 *mitigate the risks of specific types of incidents that pose*
13 *the greatest risk to the Nation.*”

14 **“SEC. 504. AUTHORITY COMPONENTS.**

15 “*There are transferred to the Authority the following:*

16 “(1) *Except as provided in title III of the De-*
17 *partment of Homeland Security Appropriations Act,*
18 *2007, regarding the transfer of the National Disaster*
19 *Medical System, the Federal Emergency Management*
20 *Agency, as constituted on June 1, 2006, including all*
21 *of its functions, personnel, assets, components, and li-*
22 *abilities, and including the functions of the Under*
23 *Secretary for Federal Emergency Management relat-*
24 *ing thereto.*”

1 “(2) *The Directorate of Preparedness, as con-*
2 *stituted on June 1, 2006, including all of its func-*
3 *tions, personnel assets, components, and liabilities,*
4 *and including the functions of the Under Secretary*
5 *for Preparedness relating to the Directorate, as con-*
6 *stituted on that date.*

7 **“SEC. 505. PRESERVING THE UNITED STATES EMERGENCY**
8 **MANAGEMENT AUTHORITY.**

9 “(a) *DISTINCT ENTITY.—The Authority shall be main-*
10 *tained as a distinct entity within the Department.*

11 “(b) *REORGANIZATION.—Section 872 shall not apply*
12 *to the Authority, including any function or organizational*
13 *unit of the Authority.*

14 “(c) *PROHIBITION ON CHANGES TO MISSIONS.—*

15 “(1) *IN GENERAL.—The Secretary may not sub-*
16 *stantially or significantly reduce the authorities, re-*
17 *sponsibilities, or functions of the Authority or the ca-*
18 *pability of the Authority to perform those responsibil-*
19 *ities, except as otherwise specifically provided in an*
20 *Act enacted after the date of enactment of the United*
21 *States Emergency Management Authority Act of*
22 *2006.*

23 “(2) *CERTAIN TRANSFERS PROHIBITED.—No*
24 *asset, function or mission of the Authority may be di-*
25 *verted to the principal and continuing use of any*

1 *other organization, unit, or entity of the Department,*
2 *except for details or assignments that do not reduce*
3 *the capability of the Authority to perform its mis-*
4 *sions.*

5 **“SEC. 506. DIRECTORS.**

6 “(a) *IN GENERAL.*—*There shall be in the Authority a*
7 *Director for Preparedness and a Director for Response and*
8 *Recovery, each of whom shall be appointed by the President,*
9 *by and with the advice and consent of the Senate, and shall*
10 *report to the Administrator.*

11 “(b) *QUALIFICATIONS.*—

12 “(1) *IN GENERAL.*—*A Director shall have—*

13 “(A) *not less than 5 years of—*

14 “(i) *executive leadership and manage-*
15 *ment experience in the public or private sec-*
16 *tor; and*

17 “(ii) *significant experience in crisis*
18 *management or another relevant field; and*

19 “(B) *a demonstrated ability to manage a*
20 *substantial staff and budget.*

21 “(2) *CONCURRENT EXPERIENCE.*—*Service during*
22 *any period of time may be used in meeting the re-*
23 *quirements under both clause (i) and (ii) of para-*
24 *graph (1)(A).*

1 “(c) *INITIAL DIRECTORS.*—*The individual serving as*
2 *the Under Secretary for Preparedness and the individual*
3 *serving as the Under Secretary for the Federal Emergency*
4 *Management Agency on the effective date of the United*
5 *States Emergency Management Authority Act of 2006, may*
6 *serve as the Director for Preparedness and the Director of*
7 *Response and Recovery, respectively, until a Director for*
8 *Preparedness or a Director of Response and Recovery, as*
9 *the case may be, is appointed under subsection (a).*

10 **“SEC. 507. REGIONAL OFFICES.**

11 “(a) *IN GENERAL.*—

12 “(1) *REGIONAL OFFICES.*—*The Administrator*
13 *shall establish 10 Regional Offices of the Authority.*

14 “(2) *ADDITIONAL OFFICE.*—*In addition to the*
15 *Regional Offices established under paragraph (1), the*
16 *Administrator may designate the Office for National*
17 *Capital Region Coordination under section 882 as a*
18 *Regional Office.*

19 “(b) *MANAGEMENT OF REGIONAL OFFICES.*—

20 “(1) *REGIONAL ADMINISTRATOR.*—*Each Re-*
21 *gional Office shall be headed by a Regional Adminis-*
22 *trator for Preparedness and Response, who shall be*
23 *appointed by the Administrator. Each Regional Ad-*
24 *ministrator for Emergency Preparedness and Re-*
25 *sponse shall report directly to the Administrator.*

1 “(2) *QUALIFICATIONS.*—*Each Regional Office*
2 *shall be headed by an individual in the Senior Execu-*
3 *tive Service qualified to act as a senior Federal co-*
4 *ordinating officer to provide strategic oversight of in-*
5 *cident management when needed.*

6 “(c) *RESPONSIBILITIES.*—

7 “(1) *IN GENERAL.*—*The Regional Administrator*
8 *shall work in partnership with State and local gov-*
9 *ernments, emergency managers, emergency response*
10 *providers, medical providers, the private sector, non-*
11 *governmental organizations, multijurisdictional coun-*
12 *cils of governments, and regional planning commis-*
13 *sions and organizations in the geographical area*
14 *served by the Regional Office to carry out the respon-*
15 *sibilities of a Regional Administrator under this sec-*
16 *tion.*

17 “(2) *RESPONSIBILITIES.*—*The responsibilities of*
18 *a Regional Administrator include—*

19 “(A) *ensuring effective, coordinated, and in-*
20 *tegrated regional preparedness, mitigation, re-*
21 *sponse, and recovery activities and programs for*
22 *natural and man-made disasters (including*
23 *planning, training, exercises, and professional*
24 *development);*

1 “(B) *coordinating and integrating regional*
2 *preparedness, mitigation, response, and recovery*
3 *activities and programs for natural and man-*
4 *made disasters (including planning, training,*
5 *exercises, and professional development), which*
6 *shall include—*

7 “(i) *providing regional and interstate*
8 *planning assistance;*

9 “(ii) *organizing, in consultation with*
10 *the Administrator, regional training and*
11 *exercise programs;*

12 “(iii) *providing support and coordina-*
13 *tion officers for State and local government*
14 *training and exercises;*

15 “(iv) *participating in emergency pre-*
16 *paredness and planning activities by State,*
17 *regional, and local governments;*

18 “(v) *assisting in the development of re-*
19 *gional capabilities needed for a national*
20 *catastrophic response system; and*

21 “(vi) *helping to coordinate and develop*
22 *interstate agreements;*

23 “(C) *establishing and overseeing 1 or more*
24 *strike teams within the region under subsection*
25 *(e), which shall serve as the focal point of the*

1 *Federal Government’s initial response efforts for*
2 *a natural or man-made disaster within that re-*
3 *gion, and otherwise building Federal response*
4 *capabilities to respond to a natural or man-*
5 *made disaster within that region;*

6 “(D) *working with the private sector to as-*
7 *sess weaknesses in critical infrastructure protec-*
8 *tion in the region and to design and implement*
9 *programs to address those weaknesses;*

10 “(E) *coordinating all activities conducted*
11 *under this section with other Federal depart-*
12 *ments and agencies; and*

13 “(F) *performing such other duties relating*
14 *to such responsibilities as the Administrator*
15 *may require.*

16 “(d) *AREA OFFICES.—The Administrator shall estab-*
17 *lish an Area Office for the Pacific and an Area Office for*
18 *the Caribbean, as components in the appropriate Regional*
19 *Offices.*

20 “(e) *REGIONAL OFFICE STRIKE TEAMS.—*

21 “(1) *ESTABLISHMENT.—In coordination with*
22 *other relevant Federal agencies, each Regional Ad-*
23 *ministrator shall establish multi-agency strike teams*
24 *that shall consist of—*

1 “(A) a designated Federal coordinating offi-
2 cer;

3 “(B) personnel trained in incident manage-
4 ment;

5 “(C) public affairs, response and recovery,
6 and communications support personnel;

7 “(D) a defense coordinating officer;

8 “(E) liaisons to other Federal agencies;

9 “(F) such other personnel as the Adminis-
10 trator or Regional Administrator determines ap-
11 propriate; and

12 “(G) individuals from the agencies with
13 primary responsibility for each of the emergency
14 support functions in the National Response
15 Plan, including the following:

16 “(i) Transportation.

17 “(ii) Communications.

18 “(iii) Public works and engineering.

19 “(iv) Emergency management.

20 “(v) Mass care.

21 “(vi) Housing and human services.

22 “(vii) Public health and medical serv-
23 ices.

24 “(viii) Urban search and rescue.

25 “(ix) Public safety and security.

1 “(x) *External affairs.*

2 “(2) *LOCATION OF MEMBERS.—The members of*
3 *each Regional Office strike team, including represent-*
4 *atives from agencies other than the Department, shall*
5 *be based primarily at the Regional Office that cor-*
6 *responds to that strike team.*

7 “(3) *COORDINATION.—Each Regional Office*
8 *strike team shall coordinate the training and exercises*
9 *of that strike team with the State and local govern-*
10 *ments and private sector and nongovernmental enti-*
11 *ties which the strike team shall support when a nat-*
12 *ural or man-made disaster occurs.*

13 “(4) *PREPAREDNESS.—Each Regional Office*
14 *strike team shall be trained, equipped, and staffed to*
15 *be well prepared to respond to natural and man-made*
16 *disasters, including catastrophic incidents.*

17 “(5) *AUTHORIZATION OF APPROPRIATIONS.—*
18 *There are authorized to be appropriated such sums as*
19 *necessary to carry out this subsection.*

20 **“SEC. 508. NATIONAL ADVISORY COUNCIL ON EMERGENCY**
21 **PREPAREDNESS AND RESPONSE.**

22 “(a) *ESTABLISHMENT.—Not later than 60 days after*
23 *the date of enactment of the United States Emergency Man-*
24 *agement Authority Act of 2006, the Secretary shall establish*
25 *an advisory body under section 871(a), to be known as the*

1 *National Advisory Council on Emergency Preparedness*
2 *and Response.*

3 “(b) *RESPONSIBILITIES.*—*The National Advisory*
4 *Council shall advise the Administrator on all aspects of*
5 *emergency preparedness and response.*

6 “(c) *MEMBERSHIP.*—

7 “(1) *IN GENERAL.*—*The members of the National*
8 *Advisory Council shall be appointed by the Adminis-*
9 *trator, and shall, to the extent practicable, represent*
10 *a geographic (including urban and rural) and sub-*
11 *stantive cross section of State and local government*
12 *officials and emergency managers, and emergency re-*
13 *sponse providers, from State and local governments,*
14 *the private sector, and nongovernmental organiza-*
15 *tions, including as appropriate—*

16 “(A) *members selected from the emergency*
17 *preparedness and response fields, including fire*
18 *service, law enforcement, hazardous materials re-*
19 *sponse, emergency medical services, and emer-*
20 *gency preparedness and response personnel;*

21 “(B) *health scientists, emergency and inpa-*
22 *tient medical providers, and public health profes-*
23 *sionals;*

24 “(C) *experts representing standards setting*
25 *organizations;*

1 “(D) *State and local government officials*
2 *with expertise in terrorism preparedness and*
3 *emergency preparedness and response;*

4 “(E) *elected State and local government ex-*
5 *ecutives;*

6 “(F) *experts in public and private sector*
7 *infrastructure protection, cybersecurity, and*
8 *communications;*

9 “(G) *representatives of the disabled and*
10 *other special needs populations; and*

11 “(H) *such other individuals as the Admin-*
12 *istrator determines to be appropriate.*

13 “(d) *APPLICABILITY OF FEDERAL ADVISORY COM-*
14 *MITTEE ACT.—*

15 “(1) *IN GENERAL.—Notwithstanding section*
16 *871(a) and subject to paragraph (2), the Federal Ad-*
17 *visory Committee Act (5 U.S.C. App.), including sub-*
18 *sections (a), (b), and (d) of section 10 of such Act,*
19 *and section 552b(c) of title 5, United States Code,*
20 *shall apply to the Advisory Council.*

21 “(2) *TERMINATION.—Section 14(a)(2)(B) of the*
22 *Federal Advisory Committee Act (5 U.S.C. App.)*
23 *shall not apply to the Advisory Council.*

1 **“SEC. 509. NATIONAL INCIDENT MANAGEMENT SYSTEM IN-**
2 **TEGRATION CENTER.**

3 “(a) *IN GENERAL.*—*There is in the Authority a Na-*
4 *tional Incident Management System Integration Center.*

5 “(b) *RESPONSIBILITIES.*—

6 “(1) *IN GENERAL.*—*The Administrator, through*
7 *the National Incident Management System Integra-*
8 *tion Center, and in consultation with other Federal*
9 *departments and agencies and the National Advisory*
10 *Council, shall ensure ongoing management and main-*
11 *tenance of the National Incident Management System,*
12 *the National Response Plan, any other document or*
13 *tool in support of Homeland Security Presidential*
14 *Directive 5, or any other Homeland Security Presi-*
15 *dential Directive relating to incident management*
16 *and response.*

17 “(2) *SPECIFIC RESPONSIBILITIES.*—*The Na-*
18 *tional Incident Management System Integration Cen-*
19 *ter shall—*

20 “(A) *periodically review, and revise, as ap-*
21 *propriate, the National Incident Management*
22 *System and the National Response Plan;*

23 “(B) *review other matters relating to the*
24 *National Incident Management System and the*
25 *National Response Plan, as the Administrator*
26 *may require;*

1 “(C) *develop and implement a national pro-*
2 *gram for National Incident Management System*
3 *and National Response Plan education and*
4 *awareness;*

5 “(D) *oversee all aspects of the National In-*
6 *cident Management System, including the devel-*
7 *opment of compliance criteria and implementa-*
8 *tion activities at Federal, State, and local gov-*
9 *ernment levels;*

10 “(E) *provide guidance and assistance to*
11 *States and local governments and emergency re-*
12 *sponse providers, in adopting the National Inci-*
13 *dent Management System; and*

14 “(F) *perform such other duties relating to*
15 *such responsibilities as the Administrator may*
16 *require.*

17 **“SEC. 510. NATIONAL OPERATIONS CENTER.**

18 “(a) *DEFINITION.—In this section, the term ‘situa-*
19 *tional awareness’ means information gathered from a vari-*
20 *ety of sources that, when communicated to emergency pre-*
21 *paredness and response managers and decision makers, can*
22 *form the basis for incident management decisionmaking.*

23 “(b) *ESTABLISHMENT.—There is established in the De-*
24 *partment a National Operations Center.*

1 “(c) *PURPOSE.*—*The purposes of the National Oper-*
2 *ations Center are to—*

3 “(1) *coordinate the national response to any nat-*
4 *ural or man-made disaster, as determined by the Sec-*
5 *retary;*

6 “(2) *provide situational awareness and a com-*
7 *mon operating picture for the entire Federal Govern-*
8 *ment, and for State and local governments as appro-*
9 *priate, for an event described in paragraph (1);*

10 “(3) *collect and analyze information to help*
11 *deter, detect, and prevent terrorist acts;*

12 “(4) *disseminate terrorism and disaster-related*
13 *information to Federal, State, and local governments;*

14 “(5) *ensure that critical terrorism and disaster-*
15 *related information reaches government decision-mak-*
16 *ers; and*

17 “(6) *perform such other duties as the Secretary*
18 *may require.*

19 “(d) *RESPONSIBILITIES.*—*The National Operations*
20 *Center shall carry out the responsibilities of the Homeland*
21 *Security Operations Center, the National Response Coordi-*
22 *nation Center, and the Interagency Incident Management*
23 *Group, as constituted on September 1, 2005.*

1 **“SEC. 511. CHIEF MEDICAL OFFICER.**

2 “(a) *IN GENERAL.*—*There is in the Authority a Chief*
3 *Medical Officer, who shall be appointed by the President,*
4 *by and with the advice and consent of the Senate. The Chief*
5 *Medical Officer shall report directly to the Administrator.*

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

9 “(c) *RESPONSIBILITIES.*—*The Chief Medical Officer*
10 *shall have the primary responsibility within the Depart-*
11 *ment for medical issues related to natural and man-made*
12 *disasters, including—*

13 “(1) *serving as the principal advisor to the Sec-*
14 *retary and the Administrator on medical and public*
15 *health issues;*

16 “(2) *coordinating the biosurveillance and detec-*
17 *tion activities of the Department;*

18 “(3) *ensuring internal and external coordination*
19 *of all medical preparedness and response activities of*
20 *the Department, including training, exercises, and*
21 *equipment support;*

22 “(4) *serving as the Department’s primary point*
23 *of contact with the Department of Agriculture, the*
24 *Department of Defense, the Department of Health and*
25 *Human Services, the Department of Transportation,*
26 *the Department of Veterans Affairs, and other Federal*

1 *departments or agencies, on medical and public*
2 *health issues;*

3 “(5) *serving as the Department’s primary point*
4 *of contact for State and local government, the medical*
5 *community, and others within and outside the De-*
6 *partment, with respect to medical and public health*
7 *matters;*

8 “(6) *discharging, in coordination with the Under*
9 *Secretary for Science and Technology, the responsibil-*
10 *ities of the Department related to Project Bioshield;*

11 “(7) *establishing doctrine and priorities for the*
12 *National Disaster Medical System, consistent with the*
13 *National Response Plan and the National Incident*
14 *Management System, supervising its medical compo-*
15 *nents, and exercising predeployment operational con-*
16 *trol, including—*

17 “(A) *determining composition of the teams;*

18 “(B) *overseeing credentialing of the teams;*

19 *and*

20 “(C) *training personnel of the teams;*

21 “(8) *establishing doctrine and priorities for the*
22 *Metropolitan Medical Response System, consistent*
23 *with the National Response Plan and the National*
24 *Incident Management System;*

1 “(9) *managing the Metropolitan Medical Re-*
2 *ponse System, including developing and overseeing*
3 *standards, plans, training, and exercises and coordi-*
4 *nating with the Office of Grants and Training on the*
5 *use and distribution of Metropolitan Medical Re-*
6 *ponse grants;*

7 “(10) *assessing and monitoring long-term health*
8 *issues of emergency managers and emergency response*
9 *providers;*

10 “(11) *developing and updating, in consultation*
11 *with the Secretary of Health and Human Services,*
12 *guidelines for State and local governments for med-*
13 *ical response plans for chemical, biological, radio-*
14 *logical, nuclear, or explosive weapon attacks;*

15 “(12) *developing, in consultation with the Sec-*
16 *retary of Health and Human Services, appropriate*
17 *patient tracking capabilities to execute domestic pa-*
18 *tient movement and evacuations, including a system*
19 *that has the capacity of electronically maintaining*
20 *and transmitting the health information of hospital*
21 *patients;*

22 “(13) *establishing and providing oversight for*
23 *the Department’s occupational health and safety pro-*
24 *gram, including workforce health; and*

1 “(14) performing such other duties relating to
2 such responsibilities as the Secretary or the Adminis-
3 trator may require.

4 “(d) *LONG-TERM HEALTH ASSESSMENT PROGRAM.*—
5 *The Chief Medical Officer, in consultation with the Director*
6 *of the National Institute for Occupational Safety and*
7 *Health, shall establish a program to assess, monitor, and*
8 *study the health and safety of emergency managers and*
9 *emergency response providers, following Incidents of Na-*
10 *tional Significance declared by the Secretary under the Na-*
11 *tional Response Plan.*

12 “**SEC. 512. PUBLIC AND COMMUNITY PREPAREDNESS.**

13 “*The Administrator shall promote public and commu-*
14 *nity preparedness.*

15 “**SEC. 513. SAVER PROGRAM.**

16 “(a) *IN GENERAL.*—*In the Department there is a Sys-*
17 *tem Assessment and Validation for Emergency Responders*
18 *Program to provide impartial evaluations of emergency re-*
19 *sponse equipment and systems.*

20 “(b) *REQUIREMENTS.*—*The program established under*
21 *subsection (a) shall—*

22 “(1) *provide impartial, practitioner relevant,*
23 *and operationally oriented assessments and valida-*
24 *tions of emergency response provider equipment and*
25 *systems that have not already been third-party cer-*

1 *tified to a standard adopted by the Department,*
2 *including—*

3 *“(A) commercial, off-the-shelf emergency re-*
4 *sponse provider equipment and systems in all*
5 *equipment list categories of the Standardized*
6 *Equipment List published by the Interagency*
7 *Board for Equipment Standardization and*
8 *Interoperability; and*

9 *“(B) such other equipment or systems as the*
10 *Secretary determines are appropriate;*

11 *“(2) provide information that enables decision-*
12 *makers and emergency response providers to better se-*
13 *lect, procure, use, and maintain emergency response*
14 *provider equipment or systems;*

15 *“(3) assess and validate the performance of prod-*
16 *ucts within a system and subsystems; and*

17 *“(4) provide information and feedback to emer-*
18 *gency response providers through the Responder*
19 *Knowledge Base of the National Memorial Institute*
20 *for the Prevention of Terrorism, or other appropriate*
21 *forum.*

22 *“(c) ASSESSMENT AND VALIDATION PROCESS.—The*
23 *assessment and validation of emergency response provider*
24 *equipment and systems shall use multiple evaluation tech-*
25 *niques, including—*

1 “(1) *TASK FORCE PARTICIPATION.*—*The Admin-*
2 *istrator shall select eligible search and rescue teams*
3 *that are sponsored by State and local government en-*
4 *tities to participate as task forces in the National*
5 *Search and Rescue Response System. The Adminis-*
6 *trator shall determine the criteria for such participa-*
7 *tion.*

8 “(2) *AGREEMENTS WITH SPONSORING AGEN-*
9 *CIES.*—*The Administrator shall enter into an agree-*
10 *ment with the State or local government entity that*
11 *sponsors each search and rescue team selected under*
12 *paragraph (1) with respect the team’s participation*
13 *as a task force in the National Search and Rescue Re-*
14 *sponse System.*

15 “(3) *MANAGEMENT AND TECHNICAL TEAMS.*—
16 *The Administrator shall maintain such management*
17 *and other technical teams as are necessary to admin-*
18 *ister the National Search and Rescue Response Sys-*
19 *tem.*

20 **“SEC. 515. METROPOLITAN MEDICAL RESPONSE SYSTEM.**

21 “(a) *IN GENERAL.*—*There is in the Authority a Metro-*
22 *politan Medical Response System. Under the Metropolitan*
23 *Medical Response System, the Assistant Secretary for*
24 *Grants and Planning, in coordination with the Chief Med-*
25 *ical Officer, shall administer grants to develop, maintain,*

1 *and enhance medical preparedness systems that are capable*
2 *of responding effectively to a public health crisis or mass-*
3 *casualty event caused by a natural or man-made disaster.*

4 “(b) *USE OF FUNDS.—The Metropolitan Medical Re-*
5 *sponse System shall make grants to local governments to*
6 *enhance any of the following activities:*

7 “(1) *Medical surge capacity.*

8 “(2) *Mass prophylaxis.*

9 “(3) *Chemical, biological, radiological, nuclear,*
10 *and explosive detection, response, and decontamina-*
11 *tion capabilities.*

12 “(4) *Emergency communications capabilities.*

13 “(5) *Information sharing and collaboration ca-*
14 *pabilities.*

15 “(6) *Regional collaboration.*

16 “(7) *Triage and pre-hospital treatment.*

17 “(8) *Medical supply management and distribu-*
18 *tion.*

19 “(9) *Fatality management.*

20 “(10) *Such other activities as the Secretary may*
21 *provide.*

22 **“SEC. 516. EMERGENCY MANAGEMENT ASSISTANCE COM-**
23 **PACT.**

24 “(a) *IN GENERAL.—The Secretary, acting through the*
25 *Administrator, may make grants for the purposes of admin-*

1 *istering and improving the Emergency Management Assist-*
2 *ance Compact consented to by the Joint Resolution entitled*
3 *‘Joint Resolution granting the consent of Congress to the*
4 *Emergency Management Assistance Compact’ (Public Law*
5 *104–321; 110 Stat. 3877).*

6 “(b) *USES.—A grant under this section shall be used*
7 *to—*

8 “(1) *carry out recommendations identified in*
9 *after-action reports for the 2004 and 2005 hurricane*
10 *season issued under the Emergency Management As-*
11 *sistance Compact;*

12 “(2) *coordinate with the Department and other*
13 *Federal Government agencies;*

14 “(3) *coordinate with State and local government*
15 *entities and their respective national associations;*

16 “(4) *assist State and local governments with*
17 *credentialing emergency response providers and the*
18 *typing of emergency response resources; or*

19 “(5) *administer the operations of the Emergency*
20 *Management Assistance Compact.*

21 “(c) *AUTHORIZATION OF APPROPRIATIONS.—There are*
22 *authorized to be appropriated to the Secretary to carry out*
23 *this section \$4,000,000 for each of fiscal years 2007 through*
24 *2010. Amounts appropriated under this section shall re-*

1 *main available for 3 fiscal years after the date on which*
2 *such funds are appropriated.*

3 **“SEC. 517. OFFICE FOR THE PREVENTION OF TERRORISM.**

4 “(a) *ESTABLISHMENT.*—*There is established in the De-*
5 *partment an Office for the Prevention of Terrorism, which*
6 *shall be headed by a Director.*

7 “(b) *DIRECTOR.*—

8 “(1) *REPORTING.*—*The Director of the Office for*
9 *the Prevention of Terrorism shall report directly to*
10 *the Secretary.*

11 “(2) *QUALIFICATIONS.*—*The Director of the Of-*
12 *fice for the Prevention of Terrorism shall have an ap-*
13 *propriate background with experience in law enforce-*
14 *ment, intelligence, or other anti-terrorist functions.*

15 “(c) *ASSIGNMENT OF PERSONNEL.*—

16 “(1) *IN GENERAL.*—*The Secretary shall assign to*
17 *the Office for the Prevention of Terrorism permanent*
18 *staff and other appropriate personnel detailed from*
19 *other components of the Department to carry out the*
20 *responsibilities under this section.*

21 “(2) *LIAISONS.*—*The Secretary shall designate*
22 *senior employees from each component of the Depart-*
23 *ment that has significant antiterrorism responsibil-*
24 *ities to act a liaison between that component and the*
25 *Office for the Prevention of Terrorism.*

1 “(d) *RESPONSIBILITIES.*—*The Director of the Office*
2 *for the Prevention of Terrorism shall—*

3 “(1) *coordinate policy and operations between*
4 *the Department and State and local government*
5 *agencies relating to preventing acts of terrorism with-*
6 *in the United States;*

7 “(2) *serve as a liaison between State and local*
8 *law enforcement agencies and the Department;*

9 “(3) *in coordination with the Office of Intel-*
10 *ligence, develop better methods for the sharing of intel-*
11 *ligence with State and local law enforcement agencies;*

12 “(4) *work with the Assistant Secretary of the Of-*
13 *fice of Grants and Training to ensure that homeland*
14 *security grants to State and local agencies, including*
15 *the Law Enforcement Terrorism Prevention Program,*
16 *Commercial Equipment Direct Assistance Program,*
17 *grants for fusion centers, and other law enforcement*
18 *programs are adequately focused on terrorism preven-*
19 *tion activities; and*

20 “(5) *coordinate with the Authority, the Depart-*
21 *ment of Justice, the National Institute of Justice, law*
22 *enforcement organizations, and other appropriate en-*
23 *tities to develop national voluntary consensus stand-*
24 *ards for training and personal protective equipment*

1 *to be used in a tactical environment by law enforce-*
2 *ment officers.*

3 “(e) *PILOT PROJECT.*—

4 “(1) *IN GENERAL.*—*The Director of the Office for*
5 *the Prevention of Terrorism, in coordination with the*
6 *Director for Response, shall establish a pilot project*
7 *to determine the efficacy and feasibility of estab-*
8 *lishing law enforcement deployment teams.*

9 “(2) *FUNCTION.*—*The law enforcement deploy-*
10 *ment teams participating in the pilot program under*
11 *this subsection shall form the basis of a national net-*
12 *work of standardized law enforcement resources to as-*
13 *ist State and local governments in responding to a*
14 *natural or man-made disaster.*

15 “(f) *CONSTRUCTION.*—*Nothing in this section may be*
16 *construed to affect the roles or responsibilities of the Depart-*
17 *ment of Justice.*

18 **“SEC. 518. DEPARTMENT OFFICIALS.**

19 “(a) *CYBERSECURITY AND TELECOMMUNICATIONS.*—
20 *There is in the Department an Assistant Secretary for*
21 *Cybersecurity and Telecommunications.*

22 “(b) *UNITED STATES FIRE ADMINISTRATION.*—*The*
23 *Administrator of the United States Fire Administration*
24 *shall have a rank equivalent to an assistant secretary of*
25 *the Department.*

1 **“SEC. 519. CREDENTIALING.**

2 “(a) *DEFINITIONS.—In this section—*

3 “(1) *the term ‘credential’ means to provide docu-*
4 *mentation that can authenticate and verify the quali-*
5 *fications and identity of managers of incidents, emer-*
6 *gency response providers, and other appropriate per-*
7 *sonnel including by ensuring that such personnel pos-*
8 *sess a minimum common level of training, experience,*
9 *physical and medical fitness, and capability appro-*
10 *priate for their position;*

11 “(2) *the term ‘credentialing’ means evaluating*
12 *an individual’s qualifications for a specific position*
13 *under guidelines created in this section and assigning*
14 *such individual a qualification under the standards*
15 *developed in this section; and*

16 “(3) *the term ‘credentialed’ means an individual*
17 *has been evaluated for a specific position under the*
18 *guidelines created under this section.*

19 “(b) *REQUIREMENTS.—*

20 “(1) *IN GENERAL.—The Administrator shall*
21 *enter into a memorandum of understanding to col-*
22 *laborate with the Emergency Management Assistance*
23 *Compact and other organizations to establish, in con-*
24 *sultation with the Authority, nationwide standards*
25 *for credentialing all personnel who are likely to re-*
26 *spond to an emergency or major disaster.*

1 “(2) *CONTENTS.*—*The standards developed under*
2 *paragraph (1) shall—*

3 “(A) *include the minimum professional*
4 *qualifications, certifications, training, and edu-*
5 *cation requirements for specific emergency re-*
6 *sponse functional positions that are applicable to*
7 *Federal, State and local government;*

8 “(B) *be compatible with the National Inci-*
9 *dent Management System; and*

10 “(C) *be consistent with standards for ad-*
11 *vance registration for health professions volun-*
12 *teers under section 319I of the Public Health*
13 *Services Act (42 U.S.C. 247d-7b).*

14 “(3) *TIMEFRAME.*—*The standards developed*
15 *under paragraph (1) shall be completed not later than*
16 *6 months after the date of enactment of the United*
17 *States Emergency Management Authority Act of*
18 *2006.*

19 “(c) *CREDENTIALING OF DEPARTMENT PERSONNEL.*—
20 *Not later than 1 year after the date of enactment of this*
21 *Act, the Secretary and the Administrator shall ensure that*
22 *all personnel of the Department (including temporary per-*
23 *sonnel) who are likely to respond to an emergency or major*
24 *disaster are credentialed.*

1 “(d) *INTEGRATION WITH NATIONAL RESPONSE*
2 *PLAN.*—

3 “(1) *DISTRIBUTION OF STANDARDS.*—*Not later*
4 *than 6 months after the date of enactment of this Act,*
5 *the Administrator of the Authority shall provide the*
6 *standards developed under subsection (b) to all Fed-*
7 *eral agencies that have responsibilities under the Na-*
8 *tional Response Plan.*

9 “(2) *CREDENTIALING OF AGENCIES.*—*Not later*
10 *than 180 days after the date on which the standards*
11 *are provided under paragraph (1), each agency de-*
12 *scribed in paragraph (1) shall—*

13 “(A) *ensure that all employees or volunteers*
14 *of that agency who are likely to respond to an*
15 *emergency or major disaster are credentialed;*
16 *and*

17 “(B) *submit to the Secretary the name of*
18 *each credentialed employee or volunteer of such*
19 *agency.*

20 “(3) *LEADERSHIP.*—*The Administrator shall*
21 *provide leadership, guidance, and technical assistance*
22 *to an agency described in paragraph (1) to facilitate*
23 *the credentialing process of that agency.*

24 “(e) *DOCUMENTATION AND DATABASE SYSTEM.*—

1 “(1) *IN GENERAL.*—Not later than 1 year after
2 the date of enactment of this Act, the Administrator
3 of the Authority shall establish and maintain a docu-
4 mentation and database system of Federal emergency
5 response providers and all other Federal personnel
6 credentialed to respond to an emergency or major dis-
7 aster.

8 “(2) *ACCESSIBILITY.*—The documentation and
9 database system established under paragraph (1) shall
10 be accessible to the Federal coordinating officer and
11 other appropriate officials preparing for or respond-
12 ing to an emergency or major disaster.

13 “(3) *CONSIDERATIONS.*—The Administrator shall
14 consider whether the credentialing system can be used
15 to regulate access to areas affected by a major dis-
16 aster.

17 “(f) *GUIDANCE TO STATE AND LOCAL GOVERN-*
18 *MENTS.*—Not later than 6 months after the date of enact-
19 *ment of this Act, the Administrator shall—*

20 “(1) *in collaboration with the Emergency Man-*
21 *agement Assistance Compact provide detailed written*
22 *guidance, assistance, and expertise to State and local*
23 *governments to facilitate the credentialing of State*
24 *and local emergency response providers and typing of*

1 *assets commonly or likely to be used in responding to*
2 *an emergency or major disaster; and*

3 *“(2) in coordination with the Emergency Man-*
4 *agement Assistance Compact and appropriate na-*
5 *tional professional organizations, assist State and*
6 *local governments with credentialing the personnel*
7 *and typing the resources of the State or local govern-*
8 *ment under the guidance provided under paragraph*
9 *(1).*

10 *“(g) REPORT.—Not later than 6 months after the date*
11 *of enactment of this Act and annually thereafter, the Direc-*
12 *tor of the Authority shall submit to the Committee on*
13 *Homeland Security and Governmental Affairs of the Senate*
14 *and the Committee on Homeland Security of the House of*
15 *Representatives a report describing the implementation of*
16 *this section, including the number and level of qualification*
17 *of Federal personnel trained and ready to respond to an*
18 *emergency or major disaster.*

19 *“(h) AUTHORIZATION OF APPROPRIATIONS.—There*
20 *are authorized to be appropriated such sums as are nec-*
21 *essary to carry out this section.*

22 **“SEC. 520. TYPING OF RESOURCES AND ASSETS.**

23 *“(a) DEFINITIONS.—In this section—*

1 “(1) the term ‘typed’ means an asset or resource
2 has been evaluated for a specific function under the
3 guidelines created under this section; and

4 “(2) the term ‘typing’ means to define in detail
5 the minimum capabilities of an asset or resource.

6 “(b) REQUIREMENTS.—

7 “(1) IN GENERAL.—The Administrator shall
8 enter into a memorandum of understanding to col-
9 laborate with the Emergency Management Assistance
10 Compact and other organizations to establish, in con-
11 sultation with the Authority, nationwide standards
12 for typing of resources and assets commonly or likely
13 to be used in responding to an emergency or major
14 disaster.

15 “(2) CONTENTS.—The standards developed under
16 paragraph (1) shall—

17 “(A) be applicable to Federal, State and
18 local government; and

19 “(B) be compatible with the National Inci-
20 dent Management System.

21 “(c) TYPING OF DEPARTMENT RESOURCES.—Not later
22 than 1 year after the date of enactment of this Act, the Sec-
23 retary shall ensure that all resources and assets of the De-
24 partment that are likely to be used to respond to an emer-
25 gency or major disaster are typed.

1 “(d) *INTEGRATION WITH NATIONAL RESPONSE*
2 *PLAN.*—

3 “(1) *DISTRIBUTION OF STANDARDS.*—*Not later*
4 *than 6 months after the date of enactment of this Act,*
5 *the Administrator of the Authority shall provide the*
6 *standards developed under subsection (b) to all Fed-*
7 *eral agencies that have responsibilities under the Na-*
8 *tional Response Plan.*

9 “(2) *TYPING OF AGENCIES, ASSETS, AND RE-*
10 *SOURCES.*—*Not later than 180 days after the date on*
11 *which the standards are provided under paragraph*
12 *(1), each agency described in paragraph (1) shall—*

13 “(A) *ensure that all resources and assets*
14 *(including teams, equipment, and other assets) of*
15 *that agency that are likely to be used to respond*
16 *to an emergency or major disaster are typed;*
17 *and*

18 “(B) *submit to the Secretary a list of all*
19 *typed resources and assets*

20 “(3) *LEADERSHIP.*—*The Administrator shall*
21 *provide leadership, guidance, and technical assistance*
22 *to an agency described in paragraph (1) to facilitate*
23 *the typing process of that agency.*

24 “(e) *DOCUMENTATION AND DATABASE SYSTEM.*—

1 “(1) *IN GENERAL.*—Not later than 1 year after
2 the date of enactment of this Act, the Administrator
3 shall establish and maintain a documentation and
4 database system of Federal resources and assets likely
5 to be used to respond to an emergency or major dis-
6 aster.

7 “(2) *ACCESSIBILITY.*—The documentation and
8 database system established under paragraph (1) shall
9 be accessible to the Federal coordinating officer and
10 other appropriate officials preparing for or respond-
11 ing to an emergency or major disaster.

12 “(f) *GUIDANCE TO STATE AND LOCAL GOVERN-*
13 *MENTS.*—Not later than 6 months after the date of enact-
14 *ment of this Act, the Administrator of the Authority, in*
15 *collaboration with the Emergency Management Assistance*
16 *Compact, shall—*

17 “(1) *provide detailed written guidance, assist-*
18 *ance, and expertise to State and local governments to*
19 *facilitate the typing of the resources and assets of*
20 *State and local governments likely to be used in re-*
21 *sponding to an emergency or major disaster; and*

22 “(2) *assist State and local governments with*
23 *typing the resources and assets of the State or local*
24 *governments under the guidance provided under*
25 *paragraph (1).*

1 “(g) *GRANTS.*—*The Secretary may make grants to the*
2 *party states of the Emergency Management Assistance*
3 *Compact to develop and maintain a database of typed re-*
4 *sources and assets of State and local governments.*

5 “(h) *REPORT.*—*Not later than 6 months after the date*
6 *of enactment of this Act and annually thereafter, the Ad-*
7 *ministrator shall submit to the Committee on Homeland*
8 *Security and Governmental Affairs of the Senate and the*
9 *Committee on Homeland Security of the House of Rep-*
10 *resentatives a report describing the implementation of this*
11 *section, including the number and type of Federal resources*
12 *and assets ready to respond to an emergency or major dis-*
13 *aster.”.*

14 *SEC. 803. CONFORMING AMENDMENTS. (a) EXECUTIVE*
15 *SCHEDULE.—*

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

19 “*Administrator of the United States Emergency*
20 *Management Authority.”.*

21 (2) *DIRECTORS.*—*Section 5314 of title 5, United*
22 *States Code, is amended by adding at the end the fol-*
23 *lowing:*

24 “*Directors, United States Emergency Manage-*
25 *ment Authority.”.*

1 (3) *FEMA OFFICERS.*—

2 (A) *FEDERAL INSURANCE ADMINIS-*
3 *TRATOR.*—*Section 5315 of title 5, United States*
4 *Code, is amended by striking “Federal Insurance*
5 *Administrator, Federal Emergency Management*
6 *Agency.” and inserting “Federal Insurance Ad-*
7 *ministrator, United States Emergency Manage-*
8 *ment Agency.”.*

9 (B) *INSPECTOR GENERAL.*—*Section 5315 of*
10 *title 5, United States Code, is amended by strik-*
11 *ing “Inspector General, Federal Emergency*
12 *Management Agency.” and inserting “Inspector*
13 *General, United States Emergency Management*
14 *Agency.”.*

15 (C) *CHIEF INFORMATION OFFICER.*—*Section*
16 *5315 of title 5, United States Code, is amended*
17 *by striking “Chief Information Officer, Federal*
18 *Emergency Management Agency.” and inserting*
19 *“Chief Information Officer, United States Emer-*
20 *gency Management Agency.”.*

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

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

1 “(5) *An Administrator of the United States*
2 *Emergency Management Authority.*”;

3 (2) *by striking paragraph (2); and*

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

7 (c) *REFERENCES.*—*Any reference to the Federal Emer-*
8 *gency Management Agency, or the Director thereof, in any*
9 *law, rule, regulation, certificate, directive, instruction, or*
10 *other official paper in force on the effective date of this title*
11 *shall be considered to refer and apply to the United States*
12 *Emergency Management Authority and the Administrator*
13 *thereof, respectively.*

14 (d) *TABLE OF CONTENTS.*—*The table of contents in*
15 *section 1(b) of the Homeland Security Act of 2002 (6 U.S.C.*
16 *101 et seq.) is amended by striking the items relating to*
17 *title V and sections 501 through 509 and inserting the fol-*
18 *lowing:*

 “*TITLE V—NATIONAL PREPAREDNESS AND RESPONSE*

 “*Sec. 501. Definitions.*

 “*Sec. 502. United States Emergency Management Authority.*

 “*Sec. 503. Authorities and responsibilities.*

 “*Sec. 504. Authority components.*

 “*Sec. 505. Preserving the United States Emergency Management Authority.*

 “*Sec. 506. Directors.*

 “*Sec. 507. Regional Offices.*

 “*Sec. 508. National Advisory Council on Emergency Preparedness and Re-*
 sponse.

 “*Sec. 509. National Incident Management System Integration Center.*

 “*Sec. 510. National Operations Center.*

 “*Sec. 511. Chief Medical Officer.*

 “*Sec. 512. Public and community preparedness.*

 “*Sec. 513. SAVER Program.*

1 (2) *Despite the fact that the United States Border*
2 *Patrol apprehends over 1,000,000 people each*
3 *year trying to illegally enter the United States, ac-*
4 *ording to the Congressional Research Service, the net*
5 *growth in the number of unauthorized aliens has in-*
6 *creased by approximately 500,000 each year. The*
7 *Southwest border accounts for approximately 94 per-*
8 *cent of all migrant apprehensions each year. Cur-*
9 *rently, there are an estimated 11,000,000 unauthor-*
10 *ized aliens in the United States.*

11 (3) *The border region is also a major corridor*
12 *for the shipment of drugs. According to the El Paso*
13 *Intelligence Center, 65 percent of the narcotics that*
14 *are sold in the markets of the United States enter the*
15 *country through the Southwest Border.*

16 (4) *Border communities continue to incur sig-*
17 *nificant costs due to the lack of adequate border secu-*
18 *rity. A 2001 study by the United States-Mexico Bor-*
19 *der Counties Coalition found that law enforcement*
20 *and criminal justice expenses associated with illegal*
21 *immigration exceed \$89,000,000 annually for the*
22 *Southwest border counties.*

23 (5) *In August 2005, the States of New Mexico*
24 *and Arizona declared states of emergency in order to*
25 *provide local law enforcement immediate assistance*

1 *in addressing criminal activity along the Southwest*
2 *border.*

3 (6) *While the Federal Government provides*
4 *States and localities assistance in covering costs re-*
5 *lated to the detention of certain criminal aliens and*
6 *the prosecution of Federal drug cases, local law en-*
7 *forcement along the border are provided no assistance*
8 *in covering such expenses and must use their limited*
9 *resources to combat drug trafficking, human smug-*
10 *gling, kidnappings, the destruction of private prop-*
11 *erty, and other border-related crimes.*

12 (7) *The United States shares 5,525 miles of bor-*
13 *der with Canada and 1,989 miles with Mexico. Many*
14 *of the local law enforcement agencies located along the*
15 *border are small, rural departments charged with pa-*
16 *trolling large areas of land. Counties along the South-*
17 *west United States-Mexico border are some of the*
18 *poorest in the country and lack the financial re-*
19 *sources to cover the additional costs associated with*
20 *illegal immigration, drug trafficking, and other bor-*
21 *der-related crimes.*

22 (8) *Federal assistance is required to help local*
23 *law enforcement operating along the border address*
24 *the unique challenges that arise as a result of their*

1 *proximity to an international border and the lack of*
2 *overall border security in the region.*

3 *SEC. 903. BORDER RELIEF GRANT PROGRAM. (a)*
4 *GRANTS AUTHORIZED.—*

5 *(1) IN GENERAL.—The Secretary is authorized to*
6 *award grants, subject to the availability of appro-*
7 *priations, to an eligible law enforcement agency to*
8 *provide assistance to such agency to address—*

9 *(A) criminal activity that occurs in the ju-*
10 *risdiction of such agency by virtue of such agen-*
11 *cy's proximity to the United States border; and*

12 *(B) the impact of any lack of security along*
13 *the United States border.*

14 *(2) DURATION.—Grants may be awarded under*
15 *this subsection during fiscal years 2007 through 2011.*

16 *(3) COMPETITIVE BASIS.—The Secretary shall*
17 *award grants under this subsection on a competitive*
18 *basis, except that the Secretary shall give priority to*
19 *applications from any eligible law enforcement agen-*
20 *cy serving a community—*

21 *(A) with a population of less than 50,000;*
22 *and*

23 *(B) located no more than 100 miles from a*
24 *United States border with—*

25 *(i) Canada; or*

1 (ii) *Mexico.*

2 (b) *USE OF FUNDS.*—*Grants awarded pursuant to*
3 *subsection (a) may only be used to provide additional re-*
4 *sources for an eligible law enforcement agency to address*
5 *criminal activity occurring along any such border,*
6 *including—*

7 (1) *to obtain equipment;*

8 (2) *to hire additional personnel;*

9 (3) *to upgrade and maintain law enforcement*
10 *technology;*

11 (4) *to cover operational costs, including overtime*
12 *and transportation costs; and*

13 (5) *such other resources as are available to assist*
14 *that agency.*

15 (c) *APPLICATION.*—

16 (1) *IN GENERAL.*—*Each eligible law enforcement*
17 *agency seeking a grant under this section shall submit*
18 *an application to the Secretary at such time, in such*
19 *manner, and accompanied by such information as the*
20 *Secretary may reasonably require.*

21 (2) *CONTENTS.*—*Each application submitted*
22 *pursuant to paragraph (1) shall—*

23 (A) *describe the activities for which assist-*
24 *ance under this section is sought; and*

1 (B) provide such additional assurances as
2 the Secretary determines to be essential to ensure
3 compliance with the requirements of this section.

4 (d) DEFINITIONS.—For the purposes of this section:

5 (1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The
6 term “eligible law enforcement agency” means a trib-
7 al, State, or local law enforcement agency—

8 (A) located in a county no more than 100
9 miles from a United States border with—

10 (i) Canada; or

11 (ii) Mexico; or

12 (B) located in a county more than 100
13 miles from any such border, but where such
14 county has been certified by the Secretary as a
15 High Impact Area.

16 (2) HIGH IMPACT AREA.—The term “High Im-
17 pact Area” means any county designated by the Sec-
18 retary as such, taking into consideration—

19 (A) whether local law enforcement agencies
20 in that county have the resources to protect the
21 lives, property, safety, or welfare of the residents
22 of that county;

23 (B) the relationship between any lack of se-
24 curity along the United States border and the

1 *rise, if any, of criminal activity in that county;*
2 *and*

3 *(C) any other unique challenges that local*
4 *law enforcement face due to a lack of security*
5 *along the United States border.*

6 (3) *SECRETARY.*—*The term “Secretary” means*
7 *the Secretary of the Department of Homeland Secu-*
8 *rity.*

9 (e) *AUTHORIZATION OF APPROPRIATIONS.*—

10 (1) *IN GENERAL.*—*There are authorized to be ap-*
11 *propriated \$50,000,000 for each of fiscal years 2007*
12 *through 2011 to carry out the provisions of this sec-*
13 *tion.*

14 (2) *DIVISION OF AUTHORIZED FUNDS.*—*Of the*
15 *amounts authorized under paragraph (1)—*

16 (A) $\frac{2}{3}$ *shall be set aside for eligible law en-*
17 *forcement agencies located in the 6 States with*
18 *the largest number of undocumented alien appre-*
19 *hensions; and*

20 (B) $\frac{1}{3}$ *shall be set aside for areas des-*
21 *ignated as a High Impact Area under subsection*
22 (i). *(d).*

23 (f) *SUPPLEMENT NOT SUPPLANT.*—*Amounts appro-*
24 *priated for grants under this section shall be used to supple-*

1 *ment and not supplant other State and local public funds*
2 *obligated for the purposes provided under this title.*

3 *SEC. 904. ENFORCEMENT OF FEDERAL IMMIGRATION*
4 *LAW.*

5 *Nothing in this title shall be construed to authorize*
6 *State or local law enforcement agencies or their officers to*
7 *exercise Federal immigration law enforcement authority.*

8 *This Act may be cited as the “Department of Home-*
9 *land Security Appropriations Act, 2007”.*

Attest:

Secretary.

109TH CONGRESS
2^D SESSION

H. R. 5441

AMENDMENT