

Union Calendar No. 264

109TH CONGRESS
2^D SESSION

H. R. 5441

[Report No. 109-476]

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2006

Mr. ROGERS of Kentucky, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2007, for the Depart-
6 ment of Homeland Security and for other purposes, name-
7 ly:

1 TITLE I—DEPARTMENTAL MANAGEMENT AND
2 OPERATIONS
3 OFFICE OF THE SECRETARY AND EXECUTIVE
4 MANAGEMENT

5 For necessary expenses of the Office of the Secretary
6 of Homeland Security, as authorized by section 102 of the
7 Homeland Security Act of 2002 (6 U.S.C. 112), and execu-
8 tive management of the Department of Homeland Secu-
9 rity, as authorized by law, \$95,884,000: *Provided*, That
10 not to exceed \$40,000 shall be for official reception and
11 representation expenses: *Provided further*, That of the
12 funds provided under this heading, \$10,000,000 shall not
13 be available for obligation until the Secretary of Homeland
14 Security submits a comprehensive port, container, and
15 cargo security strategic plan to the Committee on Appro-
16 priations and Committee on Homeland Security of the
17 House of Representatives that requires screening all in-
18 bound cargo, doubles the percentage of inbound cargo cur-
19 rently inspected, sets minimum standards for securing in-
20 bound cargo, and includes the fiscal year 2007 perform-
21 ance requirements for port, container, and cargo security
22 as specified in the report accompanying this Act: *Provided*
23 *further*, That the Secretary is directed to submit the Se-
24 cure Border Initiative multi-year strategic plan to the
25 Committee on Appropriations and the Committee on

1 Homeland Security of the House of Representatives no
2 later than November 1, 2006 that includes: a comprehen-
3 sive mission statement; an identification of long-term
4 goals; an explanation of how long-term goals will be
5 achieved; schedule and resource requirements for goal
6 achievement; an identification of annual performance
7 goals and how they link to long-term goals; an identifica-
8 tion of annual performance measures used to gauge effec-
9 tiveness towards goal achievement by goal; and an identi-
10 fication of major capital assets critical to program success.

11 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

12 For necessary expenses of the Office of the Under
13 Secretary for Management, as authorized by sections 701
14 through 705 of the Homeland Security Act of 2002 (6
15 U.S.C. 341–345), \$159,489,000: *Provided*, That not to ex-
16 ceed \$3,000 shall be for official reception and representa-
17 tion expenses: *Provided further*, That of the total amount
18 provided, \$8,206,000 shall remain available until ex-
19 pended solely for the alteration and improvement of facili-
20 ties, tenant improvements, and relocation costs to consoli-
21 date Department headquarters operations.

22 OFFICE OF THE CHIEF FINANCIAL OFFICER

23 For necessary expenses of the Office of the Chief Fi-
24 nancial Officer, as authorized by section 103 of the Home-
25 land Security Act of 2002 (6 U.S.C. 113), \$43,480,000,

1 of which \$18,000,000 is for the eMerge² Program: *Pro-*
2 *vided*, That \$10,000,000 shall be withheld from obligation
3 until the Office of the Chief Financial Officer submits
4 monthly budget execution reports to the Committees on
5 Appropriations of the Senate and the House of Represent-
6 atives as required by section 529 of this Act.

7 OFFICE OF THE CHIEF INFORMATION OFFICER

8 For necessary expenses of the Office of the Chief In-
9 formation Officer, as authorized by section 103 of the
10 Homeland Security Act of 2002 (6 U.S.C. 113), and De-
11 partment-wide technology investments, \$364,765,000; of
12 which \$79,521,000 shall be available for salaries and ex-
13 penses; and of which \$285,244,000 shall be available for
14 development and acquisition of information technology
15 equipment, software, services, and related activities for the
16 Department of Homeland Security, and for the costs of
17 conversion to narrowband communications, including the
18 cost for operation of the land mobile radio legacy systems,
19 to remain available until expended: *Provided*, That none
20 of the funds appropriated shall be used to support or sup-
21 plement the appropriations provided for the United States
22 Visitor and Immigrant Status Indicator Technology
23 project or the Automated Commercial Environment.

1 ANALYSIS AND OPERATIONS

2 For necessary expenses for information analysis and
3 operations coordination activities, as authorized by title II
4 of the Homeland Security Act of 2002 (6 U.S.C. 121 et
5 seq.), \$298,663,000, to remain available until September
6 30, 2008, of which not to exceed \$5,000 shall be for offi-
7 cial reception and representation expenses.

8 OFFICE OF THE FEDERAL COORDINATOR FOR GULF
9 COAST REBUILDING

10 For necessary expenses of the Office of the Federal
11 Coordinator for Gulf Coast Rebuilding, \$3,000,000: *Pro-*
12 *vided*, That \$1,000,000 shall not be available for obliga-
13 tion until the Federal Coordinator submits to the Com-
14 mittee on Appropriations of the House of Representatives
15 a report related to Federal rebuilding efforts.

16 OFFICE OF INSPECTOR GENERAL

17 For necessary expenses of the Office of Inspector
18 General in carrying out the provisions of the Inspector
19 General Act of 1978 (5 U.S.C. App.), \$96,185,000, of
20 which not to exceed \$100,000 may be used for certain con-
21 fidential operational expenses, including the payment of
22 informants, to be expended at the direction of the Inspec-
23 tor General.

1 TITLE II—SECURITY, ENFORCEMENT, AND
2 INVESTIGATIONS
3 UNITED STATES VISITOR AND IMMIGRANT STATUS
4 INDICATOR TECHNOLOGY

5 For necessary expenses for the development of the
6 United States Visitor and Immigrant Status Indicator
7 Technology project, as authorized by section 110 of the
8 Illegal Immigration Reform and Immigrant Responsibility
9 Act of 1996 (8 U.S.C. 1365a), \$362,494,000, to remain
10 available until expended: *Provided*, That of the total
11 amount made available under this heading, \$312,494,000
12 may not be obligated for the United States Visitor and
13 Immigrant Status Indicator Technology project until the
14 Committees on Appropriations of the Senate and the
15 House of Representatives receive and approve a plan for
16 expenditure prepared by the Secretary of Homeland Secu-
17 rity that—

18 (1) meets the capital planning and investment
19 control review requirements established by the Office
20 of Management and Budget, including Circular A-
21 11, part 7;

22 (2) complies with the Department of Homeland
23 Security information systems enterprise architecture;

1 (3) complies with the acquisition rules, require-
2 ments, guidelines, and systems acquisition manage-
3 ment practices of the Federal Government;

4 (4) includes a certification by the Chief Infor-
5 mation Officer of the Department of Homeland Se-
6 curity that an independent verification and valida-
7 tion agent is currently under contract for the
8 project;

9 (5) is reviewed and approved by the Depart-
10 ment of Homeland Security Investment Review
11 Board, the Secretary of Homeland Security, and the
12 Office of Management and Budget; and

13 (6) is reviewed by the Government Account-
14 ability Office.

15 CUSTOMS AND BORDER PROTECTION

16 SALARIES AND EXPENSES

17 For necessary expenses for enforcement of laws relat-
18 ing to border security, immigration, customs, and agricul-
19 tural inspections and regulatory activities related to plant
20 and animal imports; purchase and lease of up to 4,500
21 (3,500 for replacement only) police-type vehicles; and con-
22 tracting with individuals for personal services abroad;
23 \$5,435,310,000; of which \$3,026,000 shall be derived
24 from the Harbor Maintenance Trust Fund for administra-
25 tive expenses related to the collection of the Harbor Main-

1 tenance Fee pursuant to section 9505(c)(3) of the Internal
2 Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and not-
3 withstanding section 1511(e)(1) of the Homeland Security
4 Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed
5 \$45,000 shall be for official reception and representation
6 expenses; of which not less than \$162,976,000 shall be
7 for Air and Marine Operations; of which such sums as
8 become available in the Customs User Fee Account, except
9 sums subject to section 13031(f)(3) of the Consolidated
10 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.
11 58c(f)(3)), shall be derived from that account; of which
12 not to exceed \$150,000 shall be available for payment for
13 rental space in connection with preclearance operations;
14 and of which not to exceed \$1,000,000 shall be for awards
15 of compensation to informants, to be accounted for solely
16 under the certificate of the Secretary of Homeland Secu-
17 rity: *Provided*, That for fiscal year 2007, the overtime lim-
18 itation prescribed in section 5(c)(1) of the Act of February
19 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000; and not-
20 withstanding any other provision of law, none of the funds
21 appropriated by this Act may be available to compensate
22 any employee of the Bureau of Customs and Border Pro-
23 tection for overtime, from whatever source, in an amount
24 that exceeds such limitation, except in individual cases de-
25 termined by the Secretary of Homeland Security, or the

1 designee of the Secretary, to be necessary for national se-
2 curity purposes, to prevent excessive costs, or in cases of
3 immigration emergencies: *Provided further*, That no funds
4 shall be available for the site acquisition, design, or con-
5 struction of any Border Patrol checkpoint in the Tucson
6 sector: *Provided further*, That the Border Patrol shall relo-
7 cate its checkpoints in the Tucson sector at least once
8 every seven days in a manner designed to prevent persons
9 subject to inspection from predicting the location of any
10 such checkpoint: *Provided further*, That of the total
11 amount made available under this heading, \$115,000,000
12 shall be for the Secure Border Initiative Technology and
13 Tactical Infrastructure (SBI_{net}) program, project, and
14 activity, to remain available until expended, of which
15 \$25,000,000 shall not be available for obligation until the
16 Committees on Appropriations of the Senate and the
17 House of Representatives receive and approve a plan for
18 expenditure prepared by the Secretary of Homeland Secu-
19 rity that—

20 (1) defines activities, milestones, and costs for
21 implementing the program;

22 (2) demonstrates how activities will further the
23 goals and objectives of the SBI, as defined in the
24 SBI multi-year strategic plan;

1 (3) identifies funding and the organizational
2 staffing (including full-time employee equivalents,
3 contractors, and detailees) requirements by activity;

4 (4) reports on costs incurred, the activities com-
5 pleted, and the progress made by the program;

6 (5) includes a certification by the Chief Pro-
7 curement Officer of the Department of Homeland
8 Security that procedures to prevent conflicts of in-
9 terest between the prime integrator and major sub-
10 contractors are established and that an independent
11 verification and validation agent is currently under
12 contract for the project;

13 (6) is reviewed and approved by the Depart-
14 ment of Homeland Security Investment Review
15 Board, the Secretary of Homeland Security, and the
16 Office of Management and Budget;

17 (7) complies with the capital planning and in-
18 vestment control review requirements established by
19 the Office of Management and Budget, including
20 Circular A-11, part 7;

21 (8) complies with all applicable acquisition
22 rules, requirements, guidelines, and best systems ac-
23 quisition management practices of the Federal Gov-
24 ernment; and

1 (9) is reviewed by the Government Account-
2 ability Office.

3 AUTOMATION MODERNIZATION

4 For expenses for customs and border protection auto-
5 mated systems, \$451,440,000, to remain available until
6 expended, of which not less than \$316,800,000 shall be
7 for the development of the Automated Commercial Envi-
8 ronment: *Provided*, That of the total amount made avail-
9 able under this heading, \$216,800,000 may not be obli-
10 gated for the Automated Commercial Environment until
11 the Committees on Appropriations of the Senate and the
12 House of Representatives receive and approve a plan for
13 expenditure prepared by the Secretary of Homeland Secu-
14 rity that—

15 (1) meets the capital planning and investment
16 control review requirements established by the Office
17 of Management and Budget, including Circular A-
18 11, part 7;

19 (2) complies with the Department of Homeland
20 Security information systems enterprise architecture;

21 (3) complies with the acquisition rules, require-
22 ments, guidelines, and systems acquisition manage-
23 ment practices of the Federal Government;

24 (4) includes a certification by the Chief Infor-
25 mation Officer of the Department of Homeland Se-

1 security that an independent verification and valida-
2 tion agent is currently under contract for the
3 project;

4 (5) is reviewed and approved by the Depart-
5 ment of Homeland Security Investment Review
6 Board, the Secretary of Homeland Security, and the
7 Office of Management and Budget; and

8 (6) is reviewed by the Government Account-
9 ability Office.

10 CBP AIR AND MARINE INTERDICTION, OPERATIONS,

11 MAINTENANCE, AND PROCUREMENT

12 For necessary expenses for the operations, mainte-
13 nance, and procurement of marine vessels, aircraft, un-
14 manned aerial vehicles, and other related equipment of the
15 air and marine program, including operational training
16 and mission-related travel, and rental payments for facili-
17 ties occupied by the air or marine interdiction and demand
18 reduction programs, the operations of which include the
19 following: the interdiction of narcotics and other goods;
20 the provision of support to Federal, State, and local agen-
21 cies in the enforcement or administration of laws enforced
22 by the Department of Homeland Security; and at the dis-
23 cretion of the Secretary of Homeland Security, the provi-
24 sion of assistance to Federal, State, and local agencies in
25 other law enforcement and emergency humanitarian ef-

1 forts, \$373,199,000, to remain available until expended:
2 *Provided*, That no aircraft or other related equipment,
3 with the exception of aircraft that are one of a kind and
4 have been identified as excess to the Bureau of Customs
5 and Border Protection requirements and aircraft that
6 have been damaged beyond repair, shall be transferred to
7 any other Federal agency, department, or office outside
8 of the Department of Homeland Security during fiscal
9 year 2007 without the prior approval of the Committees
10 on Appropriations of the Senate and the House of Rep-
11 resentatives: *Provided further*, That of the total amount
12 made available under this heading, \$6,800,000 shall not
13 be available for obligation until the Committee on Appro-
14 priations and the Committee on Homeland Security of the
15 House of Representatives receive a report on the April 25,
16 2006, unmanned aerial vehicle mishap.

17 CONSTRUCTION

18 For necessary expenses to plan, construct, renovate,
19 equip, and maintain buildings and facilities necessary for
20 the administration and enforcement of the laws relating
21 to customs and immigration, \$175,154,000, to remain
22 available until expended.

1 IMMIGRATION AND CUSTOMS ENFORCEMENT
2 SALARIES AND EXPENSES

3 For necessary expenses for enforcement of immigra-
4 tion and customs laws, detention and removals, and inves-
5 tigation; and purchase and lease of up to 2,740 (2,000
6 for replacement only) police-type vehicles, \$3,843,257,000,
7 of which not to exceed \$7,500,000 shall be available until
8 expended for conducting special operations pursuant to
9 section 3131 of the Customs Enforcement Act of 1986 (19
10 U.S.C. 2081); of which not to exceed \$15,000 shall be for
11 official reception and representation expenses; of which
12 not to exceed \$1,000,000 shall be for awards of compensa-
13 tion to informants, to be accounted for solely under the
14 certificate of the Secretary of Homeland Security; of which
15 not less than \$102,000 shall be for promotion of public
16 awareness of the child pornography tipline; of which not
17 less than \$203,000 shall be for Project Alert; of which
18 not less than \$5,400,000 may be used to facilitate agree-
19 ments consistent with section 287(g) of the Immigration
20 and Nationality Act (8 U.S.C. 1357(g)); and of which not
21 to exceed \$11,216,000 shall be available to fund or reim-
22 burse other Federal agencies for the costs associated with
23 the care, maintenance, and repatriation of smuggled illegal
24 aliens: *Provided*, That none of the funds made available
25 under this heading shall be available to compensate any

1 employee for overtime in an annual amount in excess of
2 \$35,000, except that the Secretary of Homeland Security,
3 or the designee of the Secretary, may waive that amount
4 as necessary for national security purposes and in cases
5 of immigration emergencies: *Provided further*, That of the
6 total amount provided, \$15,770,000 shall be for activities
7 to enforce laws against forced child labor in fiscal year
8 2007, of which not to exceed \$6,000,000 shall remain
9 available until expended.

10 FEDERAL PROTECTIVE SERVICE

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

16 CONSTRUCTION

17 For necessary expenses to plan, construct, renovate,
18 equip, and maintain buildings and facilities necessary for
19 the administration and enforcement of the laws relating
20 to customs and immigration, \$26,281,000, to remain
21 available until expended.

22 TRANSPORTATION SECURITY ADMINISTRATION

23 AVIATION SECURITY

24 For necessary expenses of the Transportation Secu-
25 rity Administration related to providing civil aviation secu-

1 rity services pursuant to the Aviation and Transportation
2 Security Act (Public Law 107–71; 115 Stat. 597; 49
3 U.S.C. 40101 note), \$4,704,414,000, to remain available
4 until September 30, 2008, of which not to exceed \$3,000
5 shall be for official reception and representation expenses:
6 *Provided*, That of the total amount made available under
7 this heading, not to exceed \$3,740,866,000 shall be for
8 screening operations, of which \$136,000,000 shall be
9 available only for procurement of checked baggage explo-
10 sive detection systems and \$94,000,000 shall be available
11 only for installation of checked baggage explosive detection
12 systems; and not to exceed \$963,548,000 shall be for avia-
13 tion security direction and enforcement: *Provided further*,
14 That security service fees authorized under section 44940
15 of title 49, United States Code, shall be credited to this
16 appropriation as offsetting collections and shall be avail-
17 able only for aviation security: *Provided further*, That the
18 sum herein appropriated from the General Fund shall be
19 reduced on a dollar-for-dollar basis as such offsetting col-
20 lections are received during fiscal year 2007, so as to re-
21 sult in a final fiscal year appropriation from the General
22 Fund estimated at not more than \$2,284,414,000: *Pro-*
23 *vided further*, That any security service fees collected in
24 excess of the amount made available under this heading
25 shall become available during fiscal year 2008: *Provided*

1 *further*, That notwithstanding section 44923 of title 49,
2 United States Code, the share of the cost of the Federal
3 Government for a project under any letter of intent shall
4 be 75 percent for any medium or large hub airport and
5 not more than 90 percent for any other airport, and all
6 funding provided by section 44923(h) of title 49, United
7 States Code, or from appropriations authorized under sec-
8 tion 44923(i)(1) of title 49, United States Code, may be
9 distributed in any manner deemed necessary to ensure
10 aviation security and to fulfill the Government's planned
11 cost share under existing letters of intent: *Provided fur-*
12 *ther*, That no funding may be obligated for air cargo secu-
13 rity, other than that for air cargo inspectors, canines, and
14 screeners, until a detailed air cargo security action plan
15 addressing each of the recommendations contained in the
16 2005 Government Accountability Office Report (GAO-06-
17 76) on domestic air cargo security is provided to the Com-
18 mittee on Appropriations and Committee on Homeland
19 Security of the House of Representatives: *Provided fur-*
20 *ther*, That beginning in fiscal year 2007 and thereafter,
21 reimbursement for security services and related equipment
22 and supplies provided in support of general aviation access
23 to the Ronald Reagan Washington National Airport shall
24 be credited to this appropriation and shall be available
25 until expended solely for those purposes: *Provided further*,

1 That none of the funds in this Act shall be used to recruit
2 or hire personnel into the Transportation Security Admin-
3 istration which would cause the agency to exceed a staff-
4 ing level of 45,000 full-time equivalent screeners.

5 SURFACE TRANSPORTATION SECURITY

6 For necessary expenses of the Transportation Secu-
7 rity Administration related to providing surface transpor-
8 tation security activities, \$37,200,000, to remain available
9 until September 30, 2008.

10 TRANSPORTATION THREAT ASSESSMENT AND
11 CREDENTIALING

12 For necessary expenses for the development and im-
13 plementation of screening programs of the Office of
14 Transportation Threat Assessment and Credentialing,
15 \$74,700,000, to remain available until September 30,
16 2008.

17 TRANSPORTATION SECURITY SUPPORT

18 For necessary expenses of the Transportation Secu-
19 rity Administration related to providing transportation se-
20 curity support and intelligence pursuant to the Aviation
21 and Transportation Security Act (Public Law 107-71;
22 115 Stat. 597; 49 U.S.C. 40101 note), \$523,283,000, to
23 remain available until September 30, 2008: *Provided,*
24 That of the funds appropriated under this heading,
25 \$5,000,000 may not be obligated until the Secretary of
26 Homeland Security submits to the Committees on Appro-

1 priations of the Senate and the House of Representatives
2 a detailed expenditure plan for explosive detection systems
3 refurbishment, procurement, and installations on an air-
4 port-by-airport basis for fiscal year 2007: *Provided further,*
5 That this plan shall be submitted no later than 60 days
6 from the date of enactment of this Act.

7 FEDERAL AIR MARSHALS

8 For necessary expenses of the Federal Air Marshals,
9 \$699,294,000.

10 UNITED STATES COAST GUARD

11 OPERATING EXPENSES

12 For necessary expenses for the operation and mainte-
13 nance of the United States Coast Guard not otherwise
14 provided for; purchase or lease of not to exceed 25 pas-
15 senger motor vehicles, which shall be for replacement only;
16 payments pursuant to section 156 of Public Law 97-377
17 (42 U.S.C. 402 note); and recreation and welfare;
18 \$5,481,643,000, of which \$340,000,000 shall be for de-
19 fense-related activities; of which \$24,255,000 shall be de-
20 rived from the Oil Spill Liability Trust Fund to carry out
21 the purposes of section 1012(a)(5) of the Oil Pollution Act
22 of 1990 (33 U.S.C. 2712(a)(5)); and of which not to ex-
23 ceed \$3,000 shall be for official reception and representa-
24 tion expenses: *Provided,* That none of the funds made
25 available by this or any other Act shall be available for

1 administrative expenses in connection with shipping com-
2 missioners in the United States: *Provided further*, That
3 none of the funds made available by this Act shall be for
4 expenses incurred for yacht documentation under section
5 12109 of title 46, United States Code, except to the extent
6 fees are collected from yacht owners and credited to this
7 appropriation.

8 ENVIRONMENTAL COMPLIANCE AND RESTORATION

9 For necessary expenses to carry out the environ-
10 mental compliance and restoration functions of the United
11 States Coast Guard under chapter 19 of title 14, United
12 States Code, \$11,880,000, to remain available until ex-
13 pended.

14 RESERVE TRAINING

15 For necessary expenses of the Coast Guard Reserve,
16 as authorized by law; operations and maintenance of the
17 reserve program; personnel and training costs; and equip-
18 ment and services; \$122,348,000.

19 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

20 For necessary expenses of acquisition, construction,
21 renovation, and improvement of aids to navigation, shore
22 facilities, vessels, and aircraft, including equipment related
23 thereto; and maintenance, rehabilitation, lease and oper-
24 ation of facilities and equipment, as authorized by law;
25 \$1,139,663,000, of which \$19,800,000 shall be derived
26 from the Oil Spill Liability Trust Fund to carry out the

1 purposes of section 1012(a)(5) of the Oil Pollution Act
2 of 1990 (33 U.S.C. 2712(a)(5)); of which \$24,750,000
3 shall be available until September 30, 2011, to acquire,
4 repair, renovate, or improve vessels, small boats, and re-
5 lated equipment; of which \$15,000,000 shall be available
6 until September 30, 2011, to increase aviation capability;
7 of which \$101,823,000 shall be available until September
8 30, 2009, for other equipment; of which \$24,450,000 shall
9 be available until September 30, 2009, for shore facilities
10 and aids to navigation facilities; of which \$81,000,000
11 shall be available for personnel compensation and benefits
12 and related costs; and of which \$892,640,000 shall be
13 available until September 30, 2011, for the Integrated
14 Deepwater Systems program: *Provided*, That the Com-
15 mandant of the Coast Guard is authorized to dispose of
16 surplus real property, by sale or lease, and the proceeds
17 shall be credited to this appropriation as offsetting collec-
18 tions and shall be available until September 30, 2009: *Pro-*
19 *vided further*, That the Secretary of Homeland Security
20 shall submit to the Committees on Appropriations of the
21 Senate and the House of Representatives, in conjunction
22 with the President's fiscal year 2008 budget, a review of
23 the Revised Deepwater Implementation Plan that identi-
24 fies any changes to the plan for the fiscal year; an annual
25 performance comparison of Deepwater assets to pre-Deep-

1 water legacy assets; a status report of legacy assets; a de-
2 scription of the competitive process conducted in all con-
3 tracts and subcontracts exceeding \$5,000,000 within the
4 Deepwater program; and the earned value management
5 system gold card data for each Deepwater asset: *Provided*
6 *further*, That the Secretary shall submit to the Committees
7 on Appropriations of the Senate and the House of Rep-
8 resentatives a comprehensive review of the Revised Deep-
9 water Implementation Plan every five years, beginning in
10 fiscal year 2011, that includes a complete projection of
11 the acquisition costs and schedule for the duration of the
12 plan through fiscal year 2027: *Provided further*, That the
13 Secretary shall annually submit to the Committees on Ap-
14 propriations of the Senate and the House of Representa-
15 tives, at the time that the President's budget is submitted
16 under section 1105(a) of title 31, United States Code, a
17 future-years capital investment plan for the Coast Guard
18 that identifies for each 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 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

2 For necessary expenses for applied scientific re-
3 search, development, test, and evaluation; and for mainte-
4 nance, rehabilitation, lease, and operation of facilities and
5 equipment; as authorized by law; \$13,860,000, to remain
6 available until expended, of which \$495,000 shall be de-
7 rived from the Oil Spill Liability Trust Fund to carry out
8 the purposes of section 1012(a)(5) of the Oil Pollution Act
9 of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may
10 be credited to and used for the purposes of this appropria-
11 tion funds received from State and local governments,
12 other public authorities, private sources, and foreign coun-
13 tries for expenses incurred for research, development, test-
14 ing, and evaluation.

15 RETIRED PAY

16 For retired pay, including the payment of obligations
17 otherwise chargeable to lapsed appropriations for this pur-
18 pose, payments under the Retired Serviceman's Family
19 Protection and Survivor Benefits Plans, payment for ca-
20 reer status bonuses, concurrent receipts and combat-re-
21 lated special compensation under the National Defense
22 Authorization Act, and payments for medical care of re-
23 tired personnel and their dependents under chapter 55 of
24 title 10, United States Code, \$1,063,323,000.

1 UNITED STATES SECRET SERVICE
2 PROTECTION, ADMINISTRATION, AND TRAINING
3 For necessary expenses of the United States Secret
4 Service, including purchase of not to exceed 755 vehicles
5 for police-type use, of which 624 shall be for replacement
6 only, and hire of passenger motor vehicles; purchase of
7 American-made motorcycles; hire of aircraft; services of
8 expert witnesses at such rates as may be determined by
9 the Director of the Secret Service; rental of buildings in
10 the District of Columbia, and fencing, lighting, guard
11 booths, and other facilities on private or other property
12 not in Government ownership or control, as may be nec-
13 essary to perform protective functions; payment of per
14 diem or subsistence allowances to employees where a pro-
15 tective assignment during the actual day or days of the
16 visit of a protectee requires an employee to work 16 hours
17 per day or to remain overnight at a post of duty; conduct
18 of and participation in firearms matches; presentation of
19 awards; travel of United States Secret Service employees
20 on protective missions without regard to the limitations
21 on such expenditures in this or any other Act if approval
22 is obtained in advance from the Committees on Appropria-
23 tions of the Senate and the House of Representatives; re-
24 search and development; grants to conduct behavioral re-
25 search in support of protective research and operations;

1 and payment in advance for commercial accommodations
2 as may be necessary to perform protective functions;
3 \$954,399,000, of which not to exceed \$25,000 shall be for
4 official reception and representation expenses: *Provided*,
5 That up to \$18,000,000 provided for protective travel
6 shall remain available until September 30, 2008: *Provided*
7 *further*, That of the total amount provided under this
8 heading, \$2,000,000 shall not be available for obligation
9 until the Director of the Secret Service submits a com-
10 prehensive workload re-balancing report to the Commit-
11 tees on Appropriations of the Senate and the House of
12 Representatives that includes funding and position re-
13 quirements for current investigative and protective oper-
14 ations: *Provided further*, That the United States Secret
15 Service is authorized to obligate funds in anticipation of
16 reimbursements from Executive agencies and entities, as
17 defined in section 105 of title 5, United States Code, re-
18 ceiving training sponsored by the James J. Rowley Train-
19 ing Center, except that total obligations at the end of the
20 fiscal year shall not exceed total budgetary resources avail-
21 able under this heading at the end of the fiscal year.

22 INVESTIGATIONS AND FIELD OPERATIONS

23 For necessary expenses for investigations and field
24 operations of the United States Secret Service, not other-
25 wise provided for, including costs related to office space
26 and services of expert witnesses at such rates as may be

1 determined by the Director of the Secret Service,
2 \$312,499,000, of which not to exceed \$100,000 shall be
3 to provide technical assistance and equipment to foreign
4 law enforcement organizations in counterfeit investiga-
5 tions; of which \$2,366,000 shall be for forensic and related
6 support of investigations of missing and exploited children;
7 and of which \$5,445,000 shall be a grant for activities
8 related to the investigations of missing and exploited chil-
9 dren and shall remain available until expended.

10 SPECIAL EVENT FUND

11 For necessary expenses of the United States Secret
12 Service to perform protective functions related to special
13 events, \$20,900,000, to remain available until expended,
14 of which \$18,400,000 shall be for protection activities re-
15 lated to presidential campaigns in the United States, and
16 of which \$2,500,000 shall be for extraordinary costs of
17 National Special Security Events.

18 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
19 RELATED EXPENSES

20 For necessary expenses for acquisition, construction,
21 repair, alteration, and improvement of facilities,
22 \$3,725,000, to remain available until expended: *Provided*
23 *further*, That of the total amount provided under this
24 heading, \$1,000,000 shall not be available for obligation
25 until the Director of the Secret Service submits a revised
26 master plan to the Committees on Appropriations of the

1 Senate and the House of Representatives for the James
2 J. Rowley Training Center.

3 TITLE III—PREPAREDNESS AND RECOVERY

4 PREPAREDNESS

5 UNDER SECRETARY FOR PREPAREDNESS

6 For salaries and expenses of the Office of the Under
7 Secretary for Preparedness, the Office of the Chief Med-
8 ical Officer, and the Office of National Capital Region Co-
9 ordination, \$39,468,000, of which \$15,000,000 shall be
10 for the National Preparedness Integration Program: *Pro-*
11 *vided*, That not to exceed \$7,000 shall be for official recep-
12 tion and representation expenses: *Provided further*, That
13 of the amounts appropriated under this heading,
14 \$4,400,000 shall not be available for obligation until the
15 Secretary of Homeland Security submits to the Commit-
16 tees on Appropriations of the Senate and the House of
17 Representatives the final National Preparedness Goal.

18 OFFICE OF GRANTS AND TRAINING

19 STATE AND LOCAL PROGRAMS

20 For grants, contracts, cooperative agreements, and
21 other activities, including grants to State and local govern-
22 ments for terrorism prevention activities, notwithstanding
23 any other provision of law, \$2,524,000,000, which shall
24 be allocated as follows:

1 (1) \$545,000,000 for formula-based grants and
2 \$400,000,000 for law enforcement terrorism preven-
3 tion grants pursuant to section 1014 of the USA
4 PATRIOT ACT (42 U.S.C. 3714): *Provided*, That
5 the application for grants shall be made available to
6 States within 45 days from the date of enactment of
7 this Act; States shall submit applications within 90
8 days after the grant announcement; and the Office
9 of Grants and Training shall act within 90 days
10 after receipt of an application: *Provided further*,
11 That no less than 80 percent of any grant under
12 this paragraph to a State shall be made available by
13 the State to local governments within 60 days after
14 the receipt of the funds.

15 (2) \$1,165,000,000 for discretionary grants, as
16 determined by the Secretary of Homeland Security,
17 of which—

18 (A) \$750,000,000 shall be for use in high-
19 threat, high-density urban areas;

20 (B) \$200,000,000 shall be for port security
21 grants pursuant to the purposes of section
22 70107(a) through (h) of title 46, United States
23 Code, which shall be awarded based on risk and
24 threat notwithstanding subsection (a), for eligi-

1 ble costs as described in subsections (b)(2)
2 through (4);

3 (C) \$5,000,000 shall be for trucking indus-
4 try security grants;

5 (D) \$10,000,000 shall be for intercity bus
6 security grants;

7 (E) \$150,000,000 shall be for intercity rail
8 passenger transportation (as defined in section
9 24102 of title 49, United States Code), freight
10 rail, and transit security grants; and

11 (F) \$50,000,000 shall be for buffer zone
12 protection grants:

13 *Provided*, That for grants under subparagraph (A),
14 the application for grants shall be made available to
15 States within 45 days after the date of enactment of
16 this Act; States shall submit applications within 90
17 days after the grant announcement; and the Office
18 of Grants and Training shall act within 90 days
19 after receipt of an application: *Provided further*,
20 That no less than 80 percent of any grant under
21 this paragraph to a State shall be made available by
22 the State to local governments within 60 days after
23 the receipt of the funds.

24 (3) \$75,000,000 shall be available for the Com-
25 mercial Equipment Direct Assistance Program.

1 2229a), to remain available until September 30, 2008:
2 *Provided*, That not to exceed 5 percent of this amount
3 shall be available for program administration.

4 EMERGENCY MANAGEMENT PERFORMANCE GRANTS

5 For necessary expenses for emergency management
6 performance grants, as authorized by the National Flood
7 Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-
8 ert T. Stafford Disaster Relief and Emergency Assistance
9 Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards
10 Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Re-
11 organization Plan No. 3 of 1978 (5 U.S.C. App.),
12 \$186,000,000: *Provided*, That total administrative costs
13 shall not exceed 3 percent of the total appropriation.

14 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

15 The aggregate charges assessed during fiscal year
16 2007, as authorized in title III of the Departments of Vet-
17 erans Affairs and Housing and Urban Development, and
18 Independent Agencies Appropriations Act, 1999 (42
19 U.S.C. 5196e), shall not be less than 100 percent of the
20 amounts anticipated by the Department of Homeland Se-
21 curity to be necessary for its radiological emergency pre-
22 paredness program for such fiscal year: *Provided*, That the
23 methodology for assessment and collection of fees shall be
24 fair and equitable and shall reflect costs of providing such
25 services, including administrative costs of collecting such

1 fees: *Provided further*, That fees received under this head-
2 ing shall be deposited in this account as offsetting collec-
3 tions and will become available for authorized purposes on
4 October 1, 2007, and remain available until expended.

5 UNITED STATES FIRE ADMINISTRATION AND TRAINING

6 For necessary expenses of the United States Fire Ad-
7 ministration and for other purposes, as authorized by the
8 Federal Fire Prevention and Control Act of 1974 (15
9 U.S.C. 2201 et seq.) and the Homeland security Act of
10 2002 (6 U.S.C. 101 et seq.), \$46,849,000.

11 INFRASTRUCTURE PROTECTION AND INFORMATION

12 SECURITY

13 For necessary expenses for infrastructure protection
14 and information security programs and activities, as au-
15 thorized by title II of the Homeland Security Act of 2002
16 (6 U.S.C. 121 et seq.), \$549,140,000, of which
17 \$464,490,000 shall remain available until September 30,
18 2008: *Provided*, That of the amount made available under
19 this heading, \$10,000,000 shall not be available for obliga-
20 tion for management and administration until the Depart-
21 ment of Homeland Security has released the National In-
22 frastructure Protection Plan: *Provided further*, That of the
23 amount made available under this heading, \$10,000,000
24 shall not be available for obligation for management and

1 administration until the Department has submitted its na-
2 tional security strategy for the chemical sector report.

3 FEDERAL EMERGENCY MANAGEMENT AGENCY

4 ADMINISTRATIVE AND REGIONAL OPERATIONS

5 For necessary expenses for administrative and re-
6 gional operations, \$254,499,000, including activities au-
7 thorized by the National Flood Insurance Act of 1968 (42
8 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Re-
9 lief and Emergency Assistance Act (42 U.S.C. 5121 et
10 seq.), the Earthquake Hazards Reduction Act of 1977 (42
11 U.S.C. 7701 et seq.), the Defense Production Act of 1950
12 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of
13 the National Security Act of 1947 (50 U.S.C. 404, 405),
14 Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and
15 the Homeland Security Act of 2002 (6 U.S.C. 101 et
16 seq.): *Provided*, That not to exceed \$3,000 shall be for
17 official reception and representation expenses.

18 READINESS, MITIGATION, RESPONSE, AND RECOVERY

19 For necessary expenses for readiness, mitigation, re-
20 sponse, and recovery activities, \$238,199,000, including
21 activities authorized by the National Flood Insurance Act
22 of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford
23 Disaster Relief and Emergency Assistance Act (42 U.S.C.
24 5121 et seq.), the Earthquake Hazards Reduction Act of
25 1977 (42 U.S.C. 7701 et seq.), the Defense Production
26 Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107

1 and 303 of the National Security Act of 1947 (50 U.S.C.
2 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C.
3 App.), and the Homeland Security Act of 2002 (6 U.S.C.
4 101 et seq.): *Provided*, That of the total amount made
5 available under this heading, \$20,000,000 shall be for
6 Urban Search and Rescue Teams, of which not to exceed
7 \$1,600,000 may be made available for administrative
8 costs: *Provided further*, That of the amounts appropriated
9 under this heading, \$20,000,000 shall not be available for
10 obligation until the Secretary of Homeland Security sub-
11 mits to the Committees on Appropriations of the Senate
12 and the House of Representatives a catastrophic planning
13 expenditure plan.

14 PUBLIC HEALTH PROGRAMS

15 For necessary expenses for countering potential bio-
16 logical, disease, and chemical threats to civilian popu-
17 lations, \$33,885,000.

18 DISASTER RELIEF

19 For necessary expenses in carrying out the Robert
20 T. Stafford Disaster Relief and Emergency Assistance Act
21 (42 U.S.C. 5121 et seq.), \$1,662,891,000, to remain avail-
22 able until expended.

23 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

24 For administrative expenses to carry out the direct
25 loan program, as authorized by section 319 of the Robert
26 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
3 exceed \$25,000,000: *Provided further*, That the cost of
4 modifying such loans shall be as defined in section 502
5 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

6 FLOOD MAP MODERNIZATION FUND

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

15 NATIONAL FLOOD INSURANCE FUND

16 (INCLUDING TRANSFER OF FUNDS)

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

1 tional Flood Insurance Act of 1968 (42 U.S.C. 4014), to
2 remain available until September 30, 2008, including up
3 to \$31,000,000 for flood mitigation expenses under section
4 1366 of such Act (42 U.S.C. 4104c), which amount shall
5 be available for transfer to the National Flood Mitigation
6 Fund until September 30, 2008: *Provided*, That in fiscal
7 year 2007, no funds shall be available from the National
8 Flood Insurance Fund in excess of: (1) \$70,000,000 for
9 operating expenses; (2) \$692,999,000 for commissions
10 and taxes of agents; (3) such sums as are necessary for
11 interest on Treasury borrowings; and (4) \$50,000,000 for
12 flood mitigation actions with respect to severe repetitive
13 loss properties under section 1361A of such Act (42
14 U.S.C. 4102a) and repetitive insurance claims properties
15 under section 1323 of such Act (42 U.S.C. 4030), which
16 shall remain available until expended: *Provided further*,
17 That total administrative costs shall not exceed 3 percent
18 of the total appropriation.

19 NATIONAL FLOOD MITIGATION FUND

20 (INCLUDING TRANSFER OF FUNDS)

21 Notwithstanding subparagraphs (B) and (C) of sub-
22 section (b)(3), and subsection (f), of section 1366 of the
23 National Flood Insurance Act of 1968 (42 U.S.C. 4104c),
24 \$31,000,000, to remain available until September 30,
25 2008, for activities designed to reduce the risk of flood

1 damage to structures pursuant to such Act, of which
2 \$31,000,000 shall be derived from the National Flood In-
3 surance Fund.

4 NATIONAL PRE-DISASTER MITIGATION FUND

5 For a predisaster mitigation grant program under
6 title II of the Robert T. Stafford Disaster Relief and
7 Emergency Assistance Act (42 U.S.C. 5131 et seq.),
8 \$100,000,000, to remain available until expended: *Pro-*
9 *vided*, That grants made for predisaster mitigation shall
10 be awarded on a competitive basis subject to the criteria
11 in section 203(g) of such Act (42 U.S.C. 5133(g)), and
12 notwithstanding section 203(f) of such Act, shall be made
13 without reference to State allocations, quotas, or other for-
14 mula-based allocation of funds: *Provided further*, That
15 total administrative costs shall not exceed 3 percent of the
16 total appropriation.

17 EMERGENCY FOOD AND SHELTER

18 To carry out an emergency food and shelter program
19 pursuant to title III of the McKinney-Vento Homeless As-
20 sistance Act (42 U.S.C. 11331 et seq.), \$151,470,000, to
21 remain available until expended: *Provided*, That total ad-
22 ministrative costs shall not exceed 3.5 percent of the total
23 appropriation.

1 TITLE IV—RESEARCH AND DEVELOPMENT,
2 TRAINING, AND SERVICES
3 UNITED STATES CITIZENSHIP AND IMMIGRATION
4 SERVICES

5 For necessary expenses for citizenship and immigra-
6 tion services, \$161,990,000: *Provided*, That \$47,000,000
7 may not be obligated until the Committees on Appropria-
8 tions of the Senate and the House of Representatives re-
9 ceive and approve a strategic transformation plan for
10 United States Citizenship and Immigration Services that
11 has been reviewed and approved by the Secretary of
12 Homeland Security and reviewed by the Government Ac-
13 countability Office.

14 FEDERAL LAW ENFORCEMENT TRAINING CENTER
15 SALARIES AND EXPENSES

16 For necessary expenses of the Federal Law Enforce-
17 ment Training Center, including materials and support
18 costs of Federal law enforcement basic training; purchase
19 of not to exceed 117 vehicles for police-type use and hire
20 of passenger motor vehicles; expenses for student athletic
21 and related activities; the conduct of and participation in
22 firearms matches and presentation of awards; public
23 awareness and enhancement of community support of law
24 enforcement training; room and board for student interns;
25 a flat monthly reimbursement to employees authorized to

1 use personal mobile phones for official duties; and services
2 as authorized by section 3109 of title 5, United States
3 Code; \$210,507,000, of which up to \$43,910,000 for ma-
4 terials and support costs of Federal law enforcement basic
5 training shall remain available until September 30, 2008;
6 of which \$300,000 shall remain available until expended
7 for Federal law enforcement agencies participating in
8 training accreditation, to be distributed as determined by
9 the Federal Law Enforcement Training Center for the
10 needs of participating agencies; and of which not to exceed
11 \$12,000 shall be for official reception and representation
12 expenses: *Provided*, That the Center is authorized to obli-
13 gate funds in anticipation of reimbursements from agen-
14 cies receiving training sponsored by the Center, except
15 that total obligations at the end of the fiscal year shall
16 not exceed total budgetary resources available at the end
17 of the fiscal year: *Provided further*, That section 1202(a)
18 of Public Law 107–206 (42 U.S.C. 3771 note) is amended
19 by striking “5 years after the date of the enactment of
20 this Act” and inserting “December 31, 2009”, and by
21 striking “250” and inserting “350”.

22 ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND
23 RELATED EXPENSES

24 For acquisition of necessary additional real property
25 and facilities, construction, and ongoing maintenance, fa-

1 cility improvements, and related expenses of the Federal
2 Law Enforcement Training Center, \$42,246,000, to re-
3 main available until expended: *Provided*, That the Center
4 is authorized to accept reimbursement to this appropria-
5 tion from government agencies requesting the construction
6 of special use facilities.

7 SCIENCE AND TECHNOLOGY

8 MANAGEMENT AND ADMINISTRATION

9 For salaries and expenses of the Office of the Under
10 Secretary for Science and Technology and for manage-
11 ment and administration of programs and activities, as
12 authorized by title III of the Homeland Security Act of
13 2002 (6 U.S.C. 181 et seq.), \$180,901,000: *Provided*,
14 That not to exceed \$3,000 shall be for official reception
15 and representation expenses: *Provided further*, That of the
16 amounts made available under this heading, \$98,000,000
17 may not be obligated until the Under Secretary submits
18 a detailed expenditure plan for fiscal year 2007 programs
19 and operations to the Committees on Appropriations of
20 the Senate and the House of Representatives.

21 RESEARCH, DEVELOPMENT, ACQUISITION, AND

22 OPERATIONS

23 For necessary expenses for science and technology re-
24 search, including advanced research projects; development;
25 test and evaluation; acquisition; and operations; as author-
26 ized by title III of the Homeland Security Act of 2002

1 (6 U.S.C. 181 et seq.); and the purchase or lease of not
2 to exceed 5 vehicles, \$775,370,000, to remain available
3 until expended: *Provided*, That of the amounts made avail-
4 able under this heading, \$400,000,000 may not be obli-
5 gated until the Committees on Appropriations of the Sen-
6 ate and the House of Representatives receive and approve
7 a report prepared by the Under Secretary that describes
8 Science and Technology's progress to address financial
9 management deficiencies; improve its management con-
10 trols; and implement performance measures and evalua-
11 tions.

12 DOMESTIC NUCLEAR DETECTION OFFICE

13 For necessary expenses of the Domestic Nuclear De-
14 tection Office, including nuclear detection research, devel-
15 opment, testing and evaluation, acquisition, operations,
16 management and administration, \$500,000,000, to remain
17 available until expended, of which not to exceed
18 \$178,000,000 shall be for the purchase and deployment
19 of radiation detection equipment in accordance with the
20 global nuclear detection architecture; and of which not to
21 exceed \$85,200,000 shall be for radiological and nuclear
22 transformational research and development; and of which
23 not to exceed \$30,468,000 shall be for the management
24 and administration of these programs and activities: *Pro-*
25 *vided*, That no funds provided in this Act shall be used

1 to create a Sodium-Iodide Manufacturing Program until
2 the Office demonstrates that Advanced Spectroscopic Por-
3 tal monitors will significantly speed commerce, reduce the
4 costs of secondary inspection, or significantly increase sen-
5 sitivity over current generation Radiation Portal Monitors.

6 TITLE V—GENERAL PROVISIONS

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

10 SEC. 502. Subject to the requirements of section 503
11 of this Act, the unexpended balances of prior appropria-
12 tions provided for activities in this Act may be transferred
13 to appropriation accounts for such activities established
14 pursuant to this Act: *Provided*, That balances so trans-
15 ferred may be merged with funds in the applicable estab-
16 lished accounts and thereafter may be accounted for as
17 one fund for the same time period as originally enacted.

18 SEC. 503. (a) None of the funds provided by this Act,
19 provided by previous appropriations Acts to the agencies
20 in or transferred to the Department of Homeland Security
21 that remain available for obligation or expenditure in fiscal
22 year 2007, or provided from any accounts in the Treasury
23 of the United States derived by the collection of fees avail-
24 able to the agencies funded by this Act, shall be available
25 for obligation or expenditure through a reprogramming of

1 funds that: (1) creates a new program; (2) eliminates a
2 program, project, or activity; (3) increases funds for any
3 program, project, or activity for which funds have been
4 denied or restricted by the Congress; (4) proposes to use
5 funds directed for a specific activity by either of the Com-
6 mittees on Appropriations of the Senate or House of Rep-
7 resentatives for a different purpose; or (5) contracts out
8 any functions or activities for which funds have been ap-
9 propriated for Federal full-time equivalent positions; un-
10 less the Committees on Appropriations of the Senate and
11 the House of Representatives are notified 15 days in ad-
12 vance of such reprogramming of funds.

13 (b) None of the funds provided by this Act, provided
14 by previous appropriations Acts to the agencies in or
15 transferred to the Department of Homeland Security that
16 remain available for obligation or expenditure in fiscal
17 year 2007, or provided from any accounts in the Treasury
18 of the United States derived by the collection of fees avail-
19 able to the agencies funded by this Act, shall be available
20 for obligation or expenditure for programs, projects, or ac-
21 tivities through a reprogramming of funds in excess of
22 \$5,000,000 or 10 percent, whichever is less, that: (1) aug-
23 ments existing programs, projects, or activities; (2) re-
24 duces by 10 percent funding for any existing program,
25 project, or activity, or numbers of personnel by 10 percent

1 as approved by the Congress; or (3) results from any gen-
2 eral savings from a reduction in personnel that would re-
3 sult in a change in existing programs, projects, or activi-
4 ties as approved by the Congress; unless the Committees
5 on Appropriations of the Senate and the House of Rep-
6 resentatives are notified 15 days in advance of such re-
7 programming of funds.

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

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

1 SEC. 504. Except as otherwise specifically provided
2 by law, not to exceed 50 percent of unobligated balances
3 remaining available at the end of fiscal year 2007 from
4 appropriations for salaries and expenses for fiscal year
5 2007 in this Act shall remain available through September
6 30, 2008, in the account and for the purposes for which
7 the appropriations were provided: *Provided*, That prior to
8 the obligation of such funds, a request shall be submitted
9 to the Committees on Appropriations of the Senate and
10 the House of Representatives for approval in accordance
11 with section 503 of this Act.

12 SEC. 505. 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 Na-
15 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
16 year 2007 until the enactment of an Act authorizing intel-
17 ligence activities for fiscal year 2007.

18 SEC. 506. The Federal Law Enforcement Training
19 Center shall lead the Federal law enforcement training ac-
20 creditation process, including representatives from the
21 Federal law enforcement community and non-Federal ac-
22 creditation experts involved in law enforcement training,
23 to continue the implementation of measuring and assess-
24 ing the quality and effectiveness of Federal law enforce-
25 ment training programs, facilities, and instructors.

1 SEC. 507. 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
4 totaling in excess of \$1,000,000, or to announce publicly
5 the intention to make such an award, unless the Secretary
6 of Homeland Security notifies the Committees on Appro-
7 priations of the Senate and the House of Representatives
8 at least 3 full business days in advance: *Provided*, That
9 no notification shall involve funds that are not available
10 for obligation.

11 SEC. 508. Notwithstanding any other provision of
12 law, no agency shall purchase, construct, or lease any ad-
13 ditional facilities, except within or contiguous to existing
14 locations, to be used for the purpose of conducting Federal
15 law enforcement training without the advance approval of
16 the Committees on Appropriations of the Senate and the
17 House of Representatives, except that the Federal Law
18 Enforcement Training Center is authorized to obtain the
19 temporary use of additional facilities by lease, contract,
20 or other agreement for training which cannot be accommo-
21 dated in existing Center facilities.

22 SEC. 509. The Director of the Federal Law Enforce-
23 ment Training Center shall schedule basic and/or ad-
24 vanced law enforcement training at all four training facili-
25 ties under the control of the Federal Law Enforcement

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

4 SEC. 510. None of the funds appropriated or other-
5 wise made available by this Act may be used for expenses
6 of any construction, repair, alteration, or acquisition
7 project for which a prospectus, if required by chapter 33
8 of title 40, United States Code, has not been approved,
9 except that necessary funds may be expended for each
10 project for required expenses for the development of a pro-
11 posed prospectus.

12 SEC. 511. 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. 512. Notwithstanding any other provision of
16 law, the authority of the Office of Personnel Management
17 to conduct personnel security and suitability background
18 investigations, update investigations, and periodic reinves-
19 tigation of applicants for, or appointees in, positions in
20 the Office of the Secretary and Executive Management,
21 the Office of the Under Secretary for Management, Anal-
22 ysis and Operations, Immigration and Customs Enforce-
23 ment, the Directorate for Preparedness, and the Direc-
24 torate of Science and Technology of the Department of
25 Homeland Security is transferred to the Department of

1 Homeland Security: *Provided*, That on request of the De-
2 partment of Homeland Security, the Office of Personnel
3 Management shall cooperate with and assist the Depart-
4 ment in any investigation or reinvestigation under this sec-
5 tion: *Provided further*, That this section shall cease to be
6 effective at such time as the President has selected a sin-
7 gle agency to conduct security clearance investigations
8 pursuant to section 3001(e) of the Intelligence Reform
9 and Terrorism Prevention Act of 2004 (Public Law 108–
10 458; 50 U.S.C. 435b(c)) and the entity selected under sec-
11 tion 3001(b) of such Act has reported to the Congress that
12 the agency selected pursuant to such section 3001(e) is
13 capable of conducting all necessary investigations in a
14 timely manner or has authorized the entities within the
15 Department of Homeland Security covered by this section
16 to conduct their own investigations pursuant to section
17 3001 of such Act.

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

1 that all ten of the elements contained in paragraphs (1)
2 through (10) of section 522(a) of Public Law 108–334
3 (118 Stat. 1319) have been successfully met.

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

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

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

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

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

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

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

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

22 SEC. 516. None of the funds appropriated by this Act
23 shall be available to maintain the United States Secret
24 Service as anything but a distinct entity within the De-
25 partment of Homeland Security and shall not be used to

1 merge the United States Secret Service with any other de-
2 partment function, cause any personnel and operational
3 elements of the United States Secret Service to report to
4 an individual other than the Director of the United States
5 Secret Service, or cause the Director to report directly to
6 any individual other than the Secretary of Homeland Se-
7 curity.

8 SEC. 517. None of the funds appropriated to the
9 United States Secret Service by this Act or by previous
10 appropriations Acts may be made available for the protec-
11 tion of the head of a Federal agency other than the Sec-
12 retary of Homeland Security: *Provided*, That the Director
13 of the United States Secret Service may enter into an
14 agreement to perform such service on a fully reimbursable
15 basis.

16 SEC. 518. The Secretary of Homeland Security, in
17 consultation with industry stakeholders, shall develop
18 standards and protocols for increasing the use of explosive
19 detection equipment to screen air cargo when appropriate.

20 SEC. 519. The Transportation Security Administra-
21 tion (TSA) shall utilize existing checked baggage explosive
22 detection equipment and screeners to screen cargo carried
23 on passenger aircraft to the greatest extent practicable at
24 each airport: *Provided*, That TSA shall report air cargo
25 inspection statistics quarterly to the Committee on Appro-

1 priations of the House of Representatives, by airport and
2 air carrier, within 45 days after the end of the quarter:
3 *Provided further*, That the appropriation for “Aviation Se-
4 curity” in this Act is reduced by \$100,000 for each day
5 beyond such deadline that such quarterly report is not pro-
6 vided.

7 SEC. 520. None of the funds available for obligation
8 for the transportation worker identification credential pro-
9 gram shall be used to develop a personalization system
10 that is decentralized or a card production capability that
11 does not utilize an existing government card production
12 facility.

13 SEC. 521. (a) RESCISSION.—From the unexpended
14 balances of the United States Coast Guard “Acquisition,
15 Construction, and Improvements” account specifically
16 identified in the Joint Explanatory Statement (House Re-
17 port 109–241) accompanying Public Law 109–90 for the
18 Fast Response Cutter, the service life extension program
19 of the current 110-foot Island Class patrol boat fleet, and
20 accelerated design and production of the Fast Response
21 Cutter, \$79,347,002 are rescinded.

22 (b) ADDITIONAL APPROPRIATION.—For necessary
23 expenses of the United States Coast Guard for “Acquisi-
24 tion, Construction, and Improvements”, there is appro-
25 priated an additional \$79,347,002, to remain available

1 until September 30, 2009, for the service life extension
2 program of the current 110-foot Island Class patrol boat
3 fleet and the acquisition of traditional patrol boats (“par-
4 ent craft”).

5 SEC. 522. None of the funds made available in this
6 Act may be used by any person other than the privacy
7 officer appointed pursuant to section 222 of the Homeland
8 Security Act of 2002 (6 U.S.C. 142) to alter, direct that
9 changes be made to, delay, or prohibit the transmission
10 to the Congress of any report prepared pursuant to para-
11 graph (6) of such section.

12 SEC. 523. No funding provided by this or previous
13 appropriation Acts shall be available to pay the salary of
14 any employee serving as a contracting officer’s technical
15 representative (COTR), or anyone acting in a similar or
16 like capacity, who has not received COTR training.

17 SEC. 524. Except as provided in section 44945 of title
18 49, United States Code, funds appropriated or transferred
19 to Transportation Security Administration “Aviation Se-
20 curity” and “Administration” for fiscal years 2004, 2005,
21 and 2006 that are recovered or deobligated shall be avail-
22 able only for procurement and installation of explosive de-
23 tection systems for air cargo, baggage, and checkpoint
24 screening systems: *Provided*, That these funds shall be
25 subject to section 503 of this Act.

1 SEC. 525. Using funds made available in this Act,
2 and within 60 days of enactment of this Act, the Secretary
3 of the Department of Homeland Security shall revise DHS
4 MD 11056 to include the following: (1) that information
5 that is three years old and not incorporated in a current,
6 active transportation security directive or security plan
7 shall be determined automatically to be releaseable unless,
8 for each specific document, the Secretary makes a written
9 determination that identifies a compelling reason why the
10 information must remain SSI; (2) incorporation of com-
11 mon and extensive examples of the individual categories
12 of SSI information cited under 49 CFR 1520(b)(1)
13 through (16) in order to minimize and standardize judg-
14 ment by covered persons in the application of SSI mark-
15 ing; and (3) that in all judicial proceedings where the
16 judge overseeing the proceeding has adjudicated that a
17 party needs to have access to SSI information, the party
18 shall be deemed a DHS Covered Person for purposes of
19 access to the SSI information at issue in the case unless
20 TSA or DHS demonstrates a compelling reason why the
21 specific individual presents a risk of harm to the nation.

22 SEC. 526. The Department of Homeland Security
23 Working Capital Fund, established, pursuant to section
24 403 of Public Law 103–356 (31 U.S.C. 501 note), shall
25 continue operations during fiscal year 2007.

1 SEC. 527. RESCISSION.—Of the unobligated balances
2 from prior year appropriations made available for the
3 “Counterterrorism Fund”, \$16,000,000 are rescinded.

4 SEC. 528. The weekly report required by Public Law
5 109–62 detailing the allocation and obligation of funds for
6 “Disaster Relief” shall include: (1) detailed information
7 on each allocation, obligation, or expenditure that totals
8 more than \$50,000,000, categorized by increments of not
9 larger than \$50,000,000; (2) the amount of credit card
10 purchases by agency and mission assignment; (3) obliga-
11 tions, allocations, and expenditures, categorized by agency,
12 by State, for New Orleans, and by purpose and mission
13 assignment; (4) status of the Disaster Relief Fund; and
14 (5) specific reasons for all waivers granted and a descrip-
15 tion of each waiver: *Provided*, That the detailed informa-
16 tion required by paragraph (1) shall include the purpose
17 of each allocation, obligation, or expenditure; whether the
18 work will be performed by a governmental agency or a con-
19 tractor; and, if the work is to be performed by a con-
20 tractor, the name of the contractor, the type of contract,
21 and whether the contract is sole-source, full and open com-
22 petition, or limited competition.

23 SEC. 529. Within 45 days after the close of each
24 month, the Chief Financial Officer of the Department of
25 Homeland Security shall submit to the Committees on Ap-

1 propriations of the Senate and the House of Representa-
2 tives a monthly budget execution report that sets forth
3 the total obligational authority appropriated (new budget
4 authority plus unobligated carryover), undistributed
5 obligational authority, amount allotted, current year obli-
6 gations, unobligated authority (the difference between
7 total obligational authority and current year obligations),
8 beginning unexpended obligations, year-to-date costs, and
9 year end unexpended obligations, of the Department of
10 Homeland Security: *Provided*, That such information shall
11 be provided for each Departmental component and the
12 Working Capital Fund at the level of detail shown in the
13 table of detailed funding recommendations displayed at
14 the end of the report accompanying this Act.

15 SEC. 530. (a) UNITED STATES SECRET SERVICE USE
16 OF PROCEEDS DERIVED FROM CRIMINAL INVESTIGA-
17 TIONS.—During fiscal years 2007 through 2009, with re-
18 spect to any undercover investigative operation of the
19 United States Secret Service (hereafter referred to in this
20 section as the “Secret Service”) that is necessary for the
21 detection and prosecution of crimes against the United
22 States—

23 (1) sums appropriated for the Secret Service,
24 including unobligated balances available from prior
25 fiscal years, may be used for purchasing property,

1 buildings, and other facilities, and for leasing space,
2 within the United States, the District of Columbia,
3 and the territories and possessions of the United
4 States, without regard to sections 1341 and 3324 of
5 title 31, United States Code, section 8141 of title
6 40, United States Code, sections 3732(a) and 3741
7 of the Revised Statutes of the United States (41
8 U.S.C. 11(a) and 22), and sections 304(a) and 305
9 of the Federal Property and Administrative Services
10 Act of 1949 (41 U.S.C 254(a) and 255);

11 (2) sums appropriated for the Secret Service,
12 including unobligated balances available from prior
13 fiscal years, may be used to establish or to acquire
14 proprietary corporations or business entities as part
15 of such undercover operation, and to operate such
16 corporations or business entities on a commercial
17 basis, without regard to sections 9102 and 9103 of
18 title 31, United States Code;

19 (3) sums appropriated for the Secret Service,
20 including unobligated balances available from prior
21 fiscal years and the proceeds from such undercover
22 operation, may be deposited in banks or other finan-
23 cial institutions, without regard to section 648 of
24 title 18, and section 3302 of title 31, United States
25 Code; and

1 (4) proceeds from such undercover operation
2 may be used to offset necessary and reasonable ex-
3 penses incurred in such operation, without regard to
4 section 3302 of title 31, United States Code.

5 (b) WRITTEN CERTIFICATION.—The authority set
6 forth in subsection (a) may be exercised only upon the
7 written certification of the Director of the Secret Service
8 or designee that any action authorized by any paragraph
9 of such subsection is necessary for the conduct of an un-
10 dercover investigative operation. Such certification shall
11 continue in effect for the duration of such operation, with-
12 out regard to fiscal years.

13 (c) DEPOSIT OF PROCEEDS IN TREASURY.—As soon
14 as practicable after the proceeds from an undercover in-
15 vestigative operation with respect to which an action is
16 authorized and carried out under paragraphs (3) and (4)
17 of subsection (a) are no longer necessary for the conduct
18 of such operation, such proceeds or the balance of such
19 proceeds remaining at the time shall be deposited in the
20 Treasury of the United States as miscellaneous receipts.

21 (d) REPORTING AND DEPOSIT OF PROCEEDS UPON
22 DISPOSITION OF CERTAIN BUSINESS ENTITIES.—If a cor-
23 poration or business entity established or acquired as part
24 of an undercover investigative operation under paragraph
25 (2) of subsection (a) with a net value of over \$50,000 is

1 to be liquidated, sold, or otherwise disposed of, the Secret
2 Service, as much in advance as the Director or designee
3 determines is practicable, shall report the circumstance to
4 the Secretary of Homeland Security. The proceeds of the
5 liquidation, sale, or other disposition, after obligations are
6 met, shall be deposited in the Treasury of the United
7 States as miscellaneous receipts.

8 (e) FINANCIAL AUDITS AND REPORTS.—

9 (1) The Secret Service shall conduct detailed fi-
10 nancial audits of closed undercover investigative op-
11 erations for which a written certification was made
12 pursuant to subsection (b) on a quarterly basis and
13 shall report the results of the audits in writing to
14 the Secretary of Homeland Security.

15 (2) The Secretary of Homeland Security shall
16 annually submit to the Committees on Appropria-
17 tions of the Senate and House of Representatives, at
18 the time that the President's budget is submitted
19 under section 1105(a) of title 31, a summary of
20 such audits.

21 SEC. 531. The Director of the Domestic Nuclear De-
22 tection Office shall operate extramural and intramural re-
23 search, development, demonstrations, testing and evalua-
24 tion programs so as to distribute funding through grants,
25 cooperative agreements, other transactions and contracts.

1 SEC. 532. None of the funds made available in this
2 Act for United States Customs and Border Protection
3 may be used to prevent an individual not in the business
4 of importing a prescription drug (within the meaning of
5 section 801(g) of the Federal Food, Drug, and Cosmetic
6 Act) from importing a prescription drug that complies
7 with sections 501, 502, and 505 of such Act.

8 SEC. 533. From the unobligated balances of Trans-
9 portation Security Administration “Aviation Security”
10 and “Headquarters Administration”, \$4,776,000 are re-
11 scinded.

12 SEC. 534. Notwithstanding the requirements of sec-
13 tion 404(b)(2)(B) of the Robert T. Stafford Disaster Re-
14 lief and Emergency Assistance Act, the Army Corps of
15 Engineers may use Lot 19, Block 1 of the Meadowview
16 Acres Addition and Lot 8, Block 5 of the Meadowview
17 Acres Addition in Augusta, Kansas, for building portions
18 of the flood-control levee.

19 SEC. 535. Notwithstanding any time limitation estab-
20 lished for a grant awarded under title I, chapter 6, Public
21 Law 106–31, in the item relating to Federal Emergency
22 Management Agency—Disaster Assistance for Unmet
23 Needs, the City of Cuero, Texas, may use funds received
24 under such grant program until June 30, 2007.

1 SEC. 536. (a) Not later than six months after the
2 date of enactment of this Act, the Secretary of Homeland
3 Security shall hereafter issue interim final regulations that
4 establish homeland security requirements, including min-
5 imum standards and required submission of facility secu-
6 rity plans to the Secretary, for chemical facilities that the
7 Secretary determines present the greatest security risk
8 and that are not currently regulated under Federal law
9 for homeland security purposes.

10 (b) Interim regulations under this section shall apply
11 to a chemical facility until the effective date of final regu-
12 lations issued under other laws by the Secretary, that es-
13 tablish requirements and standards referred to in sub-
14 section (a) that apply with respect to that facility.

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

18 This Act may be cited as the “Department of Home-
19 land Security Appropriations Act, 2007”.

Union Calendar No. 264

109TH CONGRESS
2D SESSION

H. R. 5441

[Report No. 109-476]

A BILL

Making appropriations for the Department of
Homeland Security for the fiscal year ending
September 30, 2007, and for other purposes.

MAY 22, 2006

Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed