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110TH CONGRESS, 1st Session | HOUSE OF REPRESENTATIVES | REPORT 110–181

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS BILL, 2008

JUNE 8, 2007.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. PRICE of North Carolina, from the Committee on Appropriations, submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 2638]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008.

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(in thousands of dollars)

Bureau/Agency	New budget (obligational) authority, fiscal year 2007 enacted to date	Budget estimates of new (obligational) authority, fiscal year 2008	Recommended in the bill	Bill compared with..... New budget authority, fiscal year 2007	Bill compared with..... Budget estimate, fiscal year 2007
Departmental Management and Operations.....	$1,019,171	$1,096,981	$1,025,046	$5,875	-$71,935
Security, Enforcement and Investigations.....	24,067,008	25,230,872	25,412,153	1,345,145	181,281
Protection, Preparedness, Response and Recovery.....	6,951,575	6,206,704	8,285,830	1,334,255	2,079,126
Research and Development, Training, and Services.....	1,696,246	1,654,056	1,586,244	-110,002	-67,812
Rescission of Unobligated Balances.....	---	---	-55,273	-55,273	-55,273
Grand Total, Discretionary.....	33,734,000	34,188,613	36,254,000	2,520,000	2,065,387

The accompanying bill contains recommendations for new budget (obligational) authority for fiscal year 2008 for the Department of Homeland Security. The table above summarizes discretionary funding levels for these recommendations and reflects comparisons with budget estimates, as amended, and with amounts appropriated for fiscal year 2007.

Note that the amounts contained in the table above and the tables throughout this report do not contain the 2007 supplemental appropriations of $5.66 billion. The recently enacted 2007 supplemental contains $4.58 billion for Federal Emergency Management Agency aid to disaster victims, and $1.05 billion for homeland security investments, including funds for port, border and mass transit security; for explosives detection equipment at airports; and for other security initiatives, such as fusion centers and air cargo security enhancements.

SUMMARY OF MAJOR RECOMMENDATIONS IN THE BILL

The Committee recommends $36,254,000,000 in discretionary resources for the Department of Homeland Security, $2,065,387,000 above the amount requested and $2,520,000,000 above fiscal year 2007 enacted levels (including border security and immigration enforcement emergency funding and excluding recently-enacted 2007 supplemental appropriations).

PRIORITIES IN THE BILL

The Department of Homeland Security (DHS) was established in March 2003 to prevent terrorist attacks in the United States, reduce America's vulnerabilities to catastrophic events, and minimize damage and enhance recovery from attacks and disasters. While the security of our nation has improved since 9/11, many wonder why, six years after that terrible day, we are not further along in reducing known vulnerabilities. The Department has been slow to integrate traditional legacy agency missions with new homeland security missions, and the Federal Emergency Management Agency (FEMA), the primary emergency response agency, was left to disintegrate.

This year, the Committee conducted 20 hearings over two months, beginning with hearings involving outside experts—both practitioners and academics—on the steps the Department and the nation must take to improve homeland security. These early hearings covered overarching topics such as five and ten year goals; risk assessment; management challenges; privacy protections; and investment trade-offs. Many witnesses testified that homeland security investments should serve dual purposes, instead of being focused on terrorism alone, and that risk analysis must be significantly improved and should address all hazards.

The Committee's hearings covered every component and agency of the Department and involved testimony from every high-level Departmental administrator, beginning with the Secretary. The hearings frequently paired Departmental officials on the same panel with experts from the Government Accountability Office and the Inspector General to ensure that the Committee received full information and analysis about Departmental activities. The Committee's intention has been to reassess the Department's performance since its inception and to reevaluate and substantiate its goals for the future. The Committee's goal is to require of the Department the highest level of accountability for carrying out its planning, procuring, managing, and overseeing responsibilities.

Given the critical and demanding nature of the Department's mission, there may well be expectations that it simply cannot meet given resource limitations and the current state of technology: the statutory requirement for the implementation of a comprehensive biometric-exit capability at land ports of entry may prove to be such a case, at least in the short-term. Neither Congress nor the American people expect miracles; when the Department is unable to meet a requirement, the Committee expects Departmental leadership to be frank and clear about its limitations.

The Committee has identified a number of programs and activities that would benefit, in particular, from expert review by an outside entity. The Committee has therefore directed the implementa-

tion of 16 studies or reviews by the Government Accountability Office (GAO), the National Academy of Sciences, or the National Academy of Public Administration. Among the issues for study are the coordination of the government-wide homeland security research portfolio and the opportunity costs in other research areas as homeland security activities absorb a larger share of limited resources; the current direction of the BioWatch program; and the integration of FEMA's preparedness and response programs.

With the testimony from the Committee hearings in mind, the Committee focuses its recommendations for funding in this bill on the following: improving the operation of the Department; improving the Department's stewardship of taxpayer resources by increasing competition in the awarding of grants and contracts, and promoting investments in programs with dual benefits; developing more rigorous and comprehensive risk analysis tools; putting the Department on a path toward meeting well known and established security needs and correcting recent failures; and ensuring that privacy and civil rights are protected as homeland security is enhanced.

PROJECTS

Congress has made significant reforms in the way it reviews funding for the Federal government, reforms which the Committee takes very seriously as it executes its constitutional authority. Earmarking or directed spending of Federal dollars does not begin with Congress. It begins with the Executive Branch. The following is an illustrative list of border patrol and other construction projects submitted by the Administration: Sierra Vista, AZ hangar and flight center; Yuma, AZ hangar; Uvalde, TX hangar; Laredo, TX hangar; Marfa, TX hangar; Three Points, AZ, border patrol station; Sasabe, AZ, border patrol station; Boulevard, CA, border patrol station; and Blythe, CA, border patrol station.

The Administration, in selecting these projects, goes through a process that is the functional equivalent of earmarking. When the Committee reviews the budget request, it goes through a process of rigorous review and may alter or modify this list to reflect additional priorities.

The Executive Branch also determines which entities and areas should receive grant funds. In homeland security, over $4.3 billion in grant funding is allocated per year solely at the discretion of the Executive Branch. Hard and fast rules on how homeland security grant proposals are evaluated and rank ordered are not in place. In fact, even the Government Accountability Office has been unable to ascertain how decisions are made on some of the grant awards. As light is shone on the Congressional process in directing grant funding, so should it be shone on the Executive Branch process.

Finally, the Executive Branch steers or directs money to specific entities or purposes through a process of contracting-out various activities and services. In many important work locations, the number of people working for contractors exceeds the number of Federal employees in the same building or location. In the Transportation Security Administration, for example, 80 percent of the employees who work on air cargo security are not federal employees, but contractors. When added together, the Executive Branch steers or directs far greater spending to specific projects or corporations

than is directed or earmarked by Congress. Many of these, in fact, are noncompetitive or sole-sourced. And the practice of non-competitive contracting has exploded in the past five years. For example, the Federal Emergency Management Agency recently submitted to the Committee a list of 3,982 contracts that were never competitively bid. In this bill, the Committee includes language mandating that all grants and contracts be competitively awarded

The Committee provides no recommendation at this time for specific projects contained in either the Administration's budget or proposed by Members of Congress.

Individual project allocations will be considered comprehensively after the Committee has properly analyzed all relevant information.

DEPARTMENTAL LEADERSHIP

This year's hearings made clear DHS's significant and continuing challenges in transforming its huge workforce and diverse collection of offices and agencies into a coherent, effective Department. Since the Department was created, the organizational integrity of its constituent agencies has been insufficiently protected and valued. The result has been time and energy wasted on interagency turf battles and a DHS workforce that is among the most demoralized in Federal government. According to a recent government-wide survey of Federal employees, the Department ranks last in job satisfaction, last on results-oriented performance culture, next to last on leadership and knowledge management, and third from last on talented management. No organization can thrive unless it recruits, retains and inspires competent personnel.

The Committee is concerned that the Department continues to launch initiatives, including for Administration "top priorities" such as border security and immigration, with an insufficient level of planning. The Secure Border Initiative (SBI) and the Immigration Guest Worker program are prime examples. While the Committee recognizes the need for the Administration to respond quickly to security vulnerabilities, it expects the Department to submit thoughtful, organized and comprehensive program and policy proposals to the Congress.

The Department leaves itself vulnerable to cost increases if its programs are defined at the same time they are being implemented. In general, the Committee has not funded initiatives for which the Department can provide no detailed plan, and has withheld from obligation a total of $1.9 billion in partial funding for nine programs until detailed plans are provided to the Congress. For example, $400,000,000 is withheld from obligation until the Coast Guard submits a Deepwater expenditure plan that lays out key management items; $700,000,000 is withheld from obligation until U.S. Customs and Border Protection submits an SBI expenditure plan that describes how funding is allocated to the highest priority border security needs and how Northern Border vulnerabilities will be addressed; and $100,000,000 is withheld from obligation pending the results of the Western Hemisphere Travel Initiative pilot projects.

Many outside experts have identified the need for greater vertical and horizontal integration of DHS's efforts and programs, to include coordination among the Department, State and local offi-

cials and first responders; coordination and partnerships with other Federal agencies; and information exchange and consultation with the private sector. The private sector owns 85 percent of the assets identified as critical by DHS. A prime example of continuing integration problems was revealed at a hearing on the Justice Department's budget, when the Justice official responsible for distributing grant funding to local police neither knew what the DHS law enforcement grant funding budget was, nor had spoken with DHS grant officials. To spur progress, the Committee has provided funding for intelligence fusion centers, where information is shared with State and local officials, and national infrastructure protection efforts that involve structured public-private partnerships to identify and mitigate critical vulnerabilities.

IMPROVING STEWARDSHIP OF TAXPAYER DOLLARS BY INVESTING IN PROGRAMS WITH MULTIPLE BENEFITS

Nearly every leading expert on homeland security suggests that investments in programs that support first responders pay off during a terrorist attack, natural disaster, chemical spill, or other anticipated or unanticipated crises. When law enforcement agencies at all levels of government have better communication technology and develop common protocols, the benefit is not just to the fight against terrorism. When our borders are better controlled, tools that help detect and stop terrorists from entering will also help catch more criminals and smugglers. Many DHS programs provide such dual benefits.

The Committee has provided increased funding to several DHS programs that "pay off" in more than one way. Specifically, the Committee recommends $4.12 billion for first responder grant, training and preparedness programs, $1.8 billion above the amount requested, and $673,000,000 above the amount appropriated to DHS for 2007. Funding at this level will help the Department begin to meet the investment goals set out in the 2003 Hart-Rudman report, "Drastically Underfunded, Dangerously Unprepared," which found that "America will fall approximately $98 billion short of meeting critical emergency responder needs over the next five years if current funding levels are maintained." A report by the "Task Force on A Unified Security Budget for the United States, 2006" similarly found that funding reductions for preparedness and response programs "translate into dangerous vulnerabilities, given the scope and character of the terrorist threat." We must invest in the capabilities of our police and firefighters because the very first layer of our nation's security is "hometown" security. The Committee has also provided funding for a National Academy of Sciences study on the Department's risk analysis capabilities and the improvements needed to ensure that investments are well targeted.

The Administration has repeatedly stated that port security lies in the hands of Federal border agents, the Coast Guard, port authorities and police agencies. Improvements to port security programs benefit trade, as well as terrorism prevention. In 2002, the Coast Guard estimated that $7 billion was needed in infrastructure improvements and operating costs to implement the sea port security improvements mandated in the Maritime Transportation Security Act. To date, only $1.2 billion has been provided, including

funding in the recently-enacted 2007 supplemental appropriations. This bill contains $400 million for port security improvements. Unfortunately, no additional funding was requested in the Administration's budget to implement the additional port security requirements defined in the 2006 Security and Accountability For Every Port Act. The Committee provides an additional $40,000,000 for the Coast Guard to meet these mandates.

ACHIEVING MEANINGFUL BORDER SECURITY

DHS spends more than $12 billion annually, about a third of its discretionary budget, on programs and operations designed to ensure the integrity of the nation's borders, including activities to prevent terrorism, smuggling, crime, and illegal immigration. Yet, today our border security is uneven. Funding increases have swollen the ranks of the Border Patrol, which (with this bill) will exceed the staffing increases of 2,000 agents per year required under the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA). By the end of fiscal year 2008, the Border Patrol will employ a record 17,819 agents. Border Patrol agent staffing on the Northern Border, however, has not kept pace with statutory IRTPA targets.

Similarly, Congress appropriated $1.5 billion in fiscal years 2006 and 2007 to establish the SBI; yet SBI has focused exclusively on the Southwest Border, to the detriment of the Northern Border and coastlines, which are no less vulnerable. In addition, the program is concentrating on infrastructure between ports of entry, but is not addressing the logical shift of illegal activity to poorly equipped, staffed and designed ports of entry. The US–VISIT program, with $1,750,000,000 in appropriations to date, has only addressed the entry aspect of the entry-exit problem; and new initiatives, such as the Western Hemisphere Travel Initiative (WHTI), are being developed without data from pilot tests or a comprehensive vision for their implementation that is fully transparent to the public and Congress. In hearings, the Committee was struck by testimony from GAO that questioned the adequacy of justifications for spending actions by the Department, and by the inability of DHS witnesses to justify fully investments.

The Committee includes language and funding in the bill and report requiring the Department to comprehensively plan and budget for border security activities; adequately address the problems of the Northern Border; reduce pressure on ports of entry; complete planning for WHTI; develop an exit strategy under US–VISIT (or explain why no near term solution is possible); and strengthen validation of Customs-Trade Partnership Against Terrorism participants. In addition, the bill provides $50,000,000 to help recruit and retain CBP Officers by providing them the same retirement benefits as other law enforcement officers. The Committee includes $1 billion for Border Security, Fencing, Infrastructure and Technology, but has strengthened statutory requirements for the release of funding to ensure that the Department clearly explains how it will plan for and finance a more comprehensive approach to border security. The Committee expects full consultation with affected communities and intends to link future funding to the Department's success in planning, developing, and implementing systems that meet the security needs of the nation without penalizing legitimate travel and commerce.

IMPROVING STEWARDSHIP OF TAXPAYER DOLLARS BY INCREASING CONTRACTING OVERSIGHT AND COMPETITION

DHS spends more than $15 billion annually, more than 40 percent of its discretionary budget, on contracts and acquisitions. In a review performed for the Committee, the GAO found that DHS agencies have experienced ongoing cost, schedule, and performance problems with major acquisitions, including the Coast Guard's Deepwater program, and the procurement of services. DHS is in need of major improvements to its acquisition oversight and managerial process. For instance, most DHS component agencies were found to be unaware of the DHS requirement that they conduct yearly annual acquisition reviews.

The Committee is committed to ensuring that DHS invests acquisition dollars only in projects that are well-planned, competitively awarded, well managed, and closely overseen. To address this concern, the Committee has increased funding for the Department's procurement office by over $10,000,000, or 60 percent above fiscal year 2007, so that more oversight staff can be hired and all staff can be well trained. The bill also requires specific contracting and acquisition management reforms by the Coast Guard.

The Committee is particularly concerned that some DHS funding, including grants and contracts, is being awarded with limited or no competition for those dollars. Competition not only helps ensure that the Government gets the biggest benefit from its investments, but also exposes the Government to new ideas and new directions that it may not have considered. Competition begets innovation; and innovative solutions are sorely needed at DHS. Therefore, the Committee has included bill language mandating that grant and contract funding provided in this Act be awarded through competitive procedures, while giving the Secretary the ability to waive this requirement in time of emergency.

PUTTING THE DEPARTMENT ON A PATH TOWARD MEETING WELL KNOWN AND ESTABLISHED SECURITY NEEDS

Many specific homeland security vulnerabilities have not been sufficiently addressed by the Department, including those at our transit systems and ports, in aviation, on the Northern Border, and related to identifying criminal aliens who are deportable. The Committee recommends placing DHS on a path toward significantly improving security in these five specific areas over the next five years.

Since 9/11, technological strides have permitted better detection of explosives and other threats in checked and carry-on baggage, on people, and in containers and cargo. However, the Department has been slow to test, procure and install these technologies. The Committee has provided resources in this bill to decrease vulnerabilities in transportation security and to correct this under investment. These resources will accelerate the deployment of the best possible screening solutions to protect our citizens and allow us to readily adapt to potential threats. When combined with funding provided for 2007, including funding in the recently-enacted 2007 supplemental appropriations, the $560,000,000 provided in this bill will meet one-sixth of the total need identified in the most recent aviation baggage screening study.

While passengers and checked baggage are routinely inspected, cargo carried on passenger aircraft today is not. In fact, the Transportation Security Administration (TSA) only recently set up a system to help determine how much air cargo is actually screened for explosives; its prior security system was the compilation of written reviews by air cargo inspectors. The bill addresses this glaring vulnerability by mandating that TSA double the amount of air cargo carried on passenger aircraft that is screened for explosives. This requirement puts TSA on a path toward screening all such cargo within three years. The bill also begins the effort to address a third aviation security vulnerability: the current lack of routine screening of airport workers as they enter and re-enter secure airport space. Funding is included to pilot full screening of airport workers at seven airports.

As demonstrated by recent attacks in London and Madrid, transit systems are vulnerable terrorist targets. Yet, only $724,200,000 has been provided since 9/11 to secure them, including funding in the recently-enacted 2007 supplemental appropriations. The transit industry estimates that $6 billion is needed for security training, radio communications systems, security cameras, and access controls. The $400,000,000 provided in this bill for transit and rail security puts the nation on a path toward meeting the majority of these identified security needs within six years.

The Committee has heard repeatedly that the Northern Border is more vulnerable to terrorism than the Southwest Border. Yet the Administration has transferred resources and personnel from the Northern to the Southwest Border. The Committee has funded the U.S. Customs and Border Protection plan to better secure the Northern Border by establishing and equipping Northern Border airwings and by piloting a possible solution to meeting the mandates of the Western Hemisphere Travel Initiative. The Committee is concerned, however, that the Secure Border Initiative (SBI) Program contains no specific funding for further Northern Border security enhancements. The Committee has directed the Administration to provide a SBI plan that includes a plan for addressing the security of the Northern Border.

If the Committee followed the budget requested by the Administration, many illegal aliens who have been convicted of crimes and are currently incarcerated would be released from prison before DHS even became aware of them. The Committee addresses this problem by requiring the Department to obtain information from every jail, prison, and detention facility in the U.S. on a monthly basis to identify every incarcerated alien who may be subject to deportation and to ensure that each such person judged deportable is removed from the United States upon release from the corrections system. According to DHS estimates, prisons and jails of this country currently hold 630,000 foreign nationals who have been convicted of crimes.

BUILDING ON SUCCESSES AND CORRECTING FAILURES

Terrorists and others wishing to do harm are constantly looking for vulnerabilities and weaknesses that can be exploited to cause physical and psychological damage to our homeland. To counter this, DHS must become a well functioning organization that seeks to learn from its mistakes, identify and correct potential errors

and, when necessary, admit when a solution is beyond the reach of current capabilities.

The Department should constantly test its current systems to identify weaknesses and find ways to adapt to the next threat. To address this need, the Committee has encouraged the Department to be more proactive in red teaming and undertaking critical program evaluations. Red teaming involves the use of "what if" experts who devise possible ways to attack or harm us and then test the system to see if it can defend against such tactics. For example, GAO investigators printed a fake Nuclear Regulatory Commission certificate on a computer and used it to carry radiological material into the U.S. from Canada. In that case, CBP officers accurately detected the presence of radiological material, but were unable to identify the documents as forged. While this vulnerability has been corrected, the routine use of red teams is necessary to identify others that almost certainly exist. The Committee has provided $16,000,000, 13 percent above the current level, to expand the use of red teaming activities throughout DHS.

There is a consensus that FEMA must be restored to the strong role it had in the 1990s to avoid a repeat of its inept response to Hurricane Katrina. The Nation must properly prepare for and respond to disasters of every kind because they are going to occur. While a hurricane or tornado cannot be prevented, this country can ensure that strict building codes are enforced, that strong mitigation programs are utilized around the country to prevent repetitive loss, and that our first responders are well-equipped and well trained. Among FEMA's biggest continuing challenges are inadequate staffing and poorly functioning information technology, grants and financial management systems. The Committee provides $100,000,000 in the bill to address these deficiencies.

PROTECTING PRIVACY AND CIVIL LIBERTIES WHILE INCREASING SECURITY

The Department is faced with numerous challenges in the privacy and civil rights area, including a lack of stability at the leadership level. In the four short years the Department has existed, three different individuals have led the Department of Homeland Security's Privacy Office, either officially or in an extended acting capacity. The Privacy Office was created so that privacy issues would receive prominent attention by DHS as it formulated policy—yet this has not always happened. In fact, weak DHS compliance with the Privacy Act has been found at least three times in the past three years: with the ADVISE program, the Secure Flight Program, and with the Automated Targeting System for Airline Passengers. Looking ahead, other critical privacy issues must be addressed through assessments related to State actions under the REAL ID Act; the Transportation Worker Identification Card; the Western Hemisphere Travel Initiative PASS Card; and Aviation Registered Traveler information. Citizens and residents should know what the government and its agents do with personally identifiable information, and how such information will be protected.

The Government Accountability Office (GAO) recommended that early attention to privacy in developing key DHS programs be used to reduce cost risks. The Committee has provided direction

throughout this bill and report requiring the Department to implement this recommendation.

The civil rights component of the Department is currently investigating allegations concerning profiling, discrimination, and the condition of detention facilities. With a total of 47 staff, it is the smallest civil rights office of any major cabinet agency. The Committee provides additional resources to expand the efforts of this office to address the full range of civil rights concerns.

TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

Appropriation, fiscal year 2007 [1]	$94,170,000
Budget request, fiscal year 2008	107,939,000
Recommended in the bill	102,930,000
Bill compared with:	
Appropriation, fiscal year 2007	+8,760,000
Budget request, fiscal year 2008	−5,009,000

[1] Includes $300,000 transferred to TSA in section 21101 of P.L. 110–5.

MISSION

The mission of the Office of the Secretary and Executive Management is to provide efficient services to the Department of Homeland Security and to support the Department in the achievement of its strategic goals: preventing terrorist attacks within the United States; reducing America's vulnerabilities to terrorism and natural disaster; and minimizing damage and expediting recovery from attacks or disasters that may occur.

RECOMMENDATION

The Committee recommends $102,930,000 for the Office of the Secretary and Executive Management, $5,009,000 below the amount requested and $8,760,000 above the amount provided for fiscal year 2007. To adequately oversee expenditures and personnel changes within each office of the Office of the Secretary and Executive Management, the Committee has provided separate funding recommendations on an office-by-office basis as follows:

	Budget estimate	Recommended
Immediate Office of the Secretary	$2,650,000	$2,540,000
Immediate Office of the Deputy Secretary	1,222,000	1,185,000
Chief of Staff	2,639,000	2,639,000
Office of Counternarcotics Enforcement	3,155,000	3,000,000
Executive Secretary	5,127,000	4,588,000
Office of Policy	35,300,000	32,500,000
Secure Border Initiative Program Executive Office	4,500,000	4,500,000
Office of Public Affairs	7,686,000	6,300,000
Office of Legislative and Intergovernmental Affairs	5,618,000	4,618,000
Office of General Counsel	15,155,000	14,000,000
Office of Civil Rights and Liberties	13,722,000	15,000,000
Citizenship and Immigration Services Ombudsman	6,054,000	6,060,000
Privacy Officer	5,111,000	6,000,000
Total	$107,939,000	$102,930,000

IMMEDIATE OFFICE OF THE SECRETARY

The Committee recommends $2,540,000 for the Immediate Office of the Secretary, $110,000 below the amount requested and the same level as provided for fiscal year 2007. Funding has been reduced due to the large number of vacancies in this office that are estimated to continue through the remainder of fiscal year 2007 and into fiscal year 2008.

The Committee directs the Secretary immediately to clearly define, in a memorandum to all DHS employees, the roles and responsibilities of the Inspector General (IG) and the roles and responsibilities of all DHS employees in responding to requests by the IG. The IG has requested such a memo to address recent problems obtaining information from the Department. Although the Secretary testified that he intended to meet the IG's request, the Committee understands that has yet to be accomplished. The Committee also notes its concern with the lack of adequate representation of minorities within the ranks of the Department's senior leadership.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

The Committee recommends $1,185,000 for the Immediate Office of the Deputy Secretary, $37,000 below the amount requested and the same level as provided for fiscal year 2007. Funding has been reduced due to the staff vacancy in this office that is estimated to continue through the remainder of fiscal year 2007 and into fiscal year 2008.

OFFICE OF COUNTERNARCOTICS ENFORCEMENT

The Committee recommends $3,000,000 for the Office of Counternarcotics Enforcement, $155,000 below the amount requested and $640,000 above the amount provided for fiscal year 2007. Funding has been reduced due to the large number of vacancies in this office that are estimated to continue through the remainder of fiscal year 2007 and into fiscal year 2008.

EXECUTIVE SECRETARY

The Committee recommends $4,588,000 for the Executive Secretary, $539,000 below the amount requested and $138,000 above the amount provided for fiscal year 2007. The Committee recommends sufficient funding to support the current staffing level of 37 and does not provide the additional funds requested to increase staff beyond this number.

OFFICE OF POLICY

The Committee recommends $32,500,000 for the Office of Policy, $2,800,000 below the amount requested and $3,195,000 above the amount provided for fiscal year 2007. Sufficient funding is provided to support the 2007 planned staffing level of 136, while taking into account the large number of vacancies in this office that are estimated to continue through the remainder of fiscal year 2007 and into fiscal year 2008. The Committee recommendation includes funding to support the requested Committee on Foreign Investment in the United States (CFIUS) enhancements, the comprehensive homeland security review, and an additional $400,000 for REAL ID

support. No funding has been provided to select REAL ID "card stock" or common procurement items.

SECURE BORDER INITIATIVE PROGRAM EXECUTIVE OFFICE

The Committee recommends $4,500,000 for the Secure Border Initiative Program Executive Office, the same as the amount requested and the amount provided for fiscal year 2007. This Office is directed to submit a plan covering the expected uses of these funds within 30 days of the date of enactment of this Act. This expenditure plan should specifically include staffing, budget information, a description of all contracts contemplated in 2008, the amount of funding that will be utilized by the Secure Border Coordination Council, and a description of the roles and responsibilities of this Council. The Committee is pleased with the level of detail provided in the bi-monthly Secure Border Initiative Status reports and directs they be continued.

OFFICE OF PUBLIC AFFAIRS

The Committee recommends $6,300,000 for the Office of Public Affairs, $1,386,000 below the amount requested and $300,000 above the amount provided for fiscal year 2007. The Committee recommends sufficient funding for a total of 30 staff, equal to the current on-board strength.

OFFICE OF LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS

The Committee recommends $4,618,000 for the Office of Legislative and Intergovernmental Affairs, $1,000,000 below the amount requested and $831,000 below the amount provided for fiscal year 2007. The Committee recommends sufficient funding for 43 staff, equal to the current on-board strength.

OFFICE OF GENERAL COUNSEL

The Committee recommends $14,000,000 for the Office of General Counsel, $1,155,000 below the amount requested and $1,241,000 above the amount provided for fiscal year 2007. The Committee recommends sufficient funding for 77 staff, equal to the current on-board strength. As vacancies arise in this office, the Committee directs the Department to fill the vacancies with positions dedicated to CFIUS reviews and fiscal law.

OFFICE OF CIVIL RIGHTS AND LIBERTIES

The Committee recommends $15,000,000 for the Office of Civil Rights and Liberties, $1,278,000 above the amounts requested and $2,000,000 above the amount provided for fiscal year 2007. These additional funds are to be used to mitigate the office's staffing shortfalls and expand the important work of this office.

CITIZENSHIP AND IMMIGRATION SERVICES OMBUDSMAN

The Committee recommends $6,060,000 for the Citizenship and Immigration Services Ombudsman, $6,000 above the amounts requested and $133,000 above the amounts provided for fiscal year 2007.

PRIVACY OFFICER

The Committee recommends $6,000,000 for the Privacy Officer, $889,000 above the amounts requested and $1,565,000 above the amounts provided for fiscal year 2007. These additional funds are to be used to mitigate the office's staffing shortfalls and expand the important work of this office.

BUDGET JUSTIFICATIONS

The Committee directs that the fiscal year 2009 Congressional budget justifications for the Office of the Secretary and Executive Management include the same level of detail as the table contained at the end of the Committee report. All funding and staffing changes for each individual office must be highlighted and explained. The Committee expects this level of detail to include separate discussions for personnel, compensation, and benefits; travel; training; and other services.

WORKING CAPITAL FUND

Consistent with prior years, the Committee directs the Department to include a separate appropriation justification for the Working Capital Fund (WCF) in the fiscal year 2009 Congressional budget justification. This WCF justification should include a description of each activity funded by the WCF; the basis for the pricing; the number of full-time Federal employees funded in each activity; a list of each Departmental organization providing funds to the activity; and the funding the organization expects in fiscal years 2008 and 2009. If a project contained in the WCF justification is a multi-year activity with a defined cost, scope and schedule, the estimated costs and schedule shall be clearly delineated.

The Committee expects all cross-cutting initiatives funded by multiple DHS organizations to be financed through the WCF. The Committee does not support taxing Departmental organizations for cross-cutting initiatives outside of the WCF. As such, the justification should identify any cross-cutting initiatives or activities that benefit more than one organization that are not financed through the WCF and explain the omission.

The Committee expects to be notified promptly of any additions, deletions, or changes to the WCF during the fiscal year. Furthermore, the Department should not fund any activities within the WCF that the Committees on Appropriations have disapproved either in report language or in their response to reprogramming requests.

COMPARATIVE BORDER CONTROL RESOURCES

The Committee recognizes that Departmental resources on the Southwestern Border greatly exceed those on the Northern Border. The Committee directs the Secretary to report not later than January 31, 2008, on the number, type and location of DHS facilities, personnel, major assets (for example, aircraft and maritime vessels) and technology (for example, communication towers) based or deployed within 100 miles of the United States borders with Mexico and Canada.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

Appropriation, fiscal year 2007 [1]	$148,640,000
Budget request, fiscal year 2008	278,350,000
Recommended in the bill	237,765,000
Bill compared with:	
Appropriation, fiscal year 2007	+89,125,000
Budget request, fiscal year 2008	−40,585,000

[1] Includes reduction of $5,000,000 transferred to TSA in section 21101 of P.L. 110–5.

MISSION

The Office of the Under Secretary for Management's primary mission is to deliver quality administrative support services for human resources and personnel; facilities, property, equipment and other material resources management; safety, health and environmental protection; and identification and tracking of performance measurements relating to the responsibilities of the Department. This office is also in charge of implementing a mission support structure for the Department of Homeland Security to deliver administrative services while eliminating redundancies and reducing support costs.

RECOMMENDATION

The Committee recommends $237,765,000 for the Office of the Under Secretary for Management, $40,585,000 below the amount requested and $89,125,000 above the amount provided for fiscal year 2007. In order to adequately oversee expenditures for each office, the Committee has provided separate funding recommendations as detailed in the following table:

	Budget estimate	Recommended
Under Secretary for Management	$2,012,000	$2,012,000
Office of Security	53,990,000	52,990,000
Office of the Chief Procurement Officer	28,495,000	27,055,000
Office of the Chief Human Capital Officer	25,278,000	13,278,000
Office of the Chief Administrative Officer	168,575,000	142,430,000
Total	$278,350,000	$237,765,000

OFFICE OF SECURITY

The Committee recommends $52,990,000 for the Office of Security, $1,000,000 below the amounts requested and $350,000 above the amount provided for fiscal year 2007. The Committee recommends no funding for fusion center security services, as this activity is funded within the Analysis and Operations appropriation.

OFFICE OF THE CHIEF PROCUREMENT OFFICER

The Committee recommends $27,055,000 for the Office of the Chief Procurement Officer, $1,440,000 below the amounts requested and $10,160,000 above the amount provided for fiscal year 2007. Funding has been reduced due to the large number of vacancies in this office that are estimated to continue through the remainder of fiscal year 2007 and into fiscal year 2008. The Committee recommends $4,500,000, as requested, to improve competencies of the Department's acquisition workforce, and $5,100,000, as requested, for a new acquisition intern program. The

Committee includes bill language (Sec. 537) requiring all contract and grant funding provided in this Act be awarded through the use of full and open competition or any other mechanism specified in statute.

OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER

The Committee recommends $13,278,000 for the Office of the Chief Human Capital Officer, $12,000,000 below the amount requested and $15,533,000 below the amount provided for fiscal year 2007. Of this total, $10,278,000 is recommended for the salaries and expenses of the Office of the Chief Human Capital Officer and $3,000,000 is recommended for human resource activities, including a human capital survey. No funding is recommended for MAX–HR, as the Committee has included a statutory prohibition (Sec. 531) on the obligation of MAX–HR funds until all pending litigation is resolved.

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

The Committee recommends $142,430,000 for the Office of the Chief Administrative Officer, $26,145,000 below the amount requested and $94,006,000 above the amounts provided for fiscal year 2007. Of this total, $41,430,000 is recommended for the salaries and expenses of the Office of the Chief Administrative Officer, and $101,000,000 is for costs associated with DHS headquarters needs at the Nebraska Avenue Complex and the proposed consolidated DHS headquarters campus at the St. Elizabeths Hospital site in Washington, D.C.

The Committee includes bill language withholding funds to design, build or relocate any Departmental activity to St. Elizabeths until the Department provides two critical items to the Committee: (1) a published U–Visa rule, regarding victims of domestic violence, which is more than six years behind schedule; and (2) a detailed expenditure plan for aviation checkpoint and checked baggage explosive detection system procurement and installations. Since the Department is currently working on both of these items, the Committee expects them easily to be provided to the Committee quickly.

DHS HEADQUARTERS FACILITIES

The Committee includes $101,000,000 for headquarters-related projects at DHS, $25,000,000 below the amount requested. The Department must balance its current needs at the Nebraska Avenue Complex with investment in facilities planned for the St. Elizabeths campus facility. Since a significant portion of departmental offices is scheduled to move to St. Elizabeths in 2011 and 2012, the Committee directs the Chief Administrative Officer to minimize investment in improvements at the Nebraska Avenue Complex that will be replicated at the new headquarters campus.

While the St. Elizabeths site offers a good opportunity for DHS component and headquarters functions to be co-located in a secure setting, the Committee is concerned that DHS has not developed a fully-integrated plan for shared use space such as auditoriums and large meeting areas, special storage facilities, child care centers, and campus dining facilities. In addition, the Committee ques-

tions the Department's facility security strategy for the St. Elizabeths campus. Buildings on a controlled-access campus in a quasi-suburban location may not require the same level of structural hardening and blast resistance as street-level buildings in an urban core.

The Committee is also concerned the Department's plan to co-locate representatives of all DHS agencies at the St. Elizabeths campus may result in the separation of top agency leadership from day-to-day management and operational coordination at organizations not entirely located at the new facility. Since final allocation of space at the St. Elizabeths facility is still under development, the Committee directs the Department to ensure that no DHS agency head is relocated to the new campus without sufficient staff and managerial support to ensure operational control and continuity of the component organization.

Finally, the Committee has reservations about the scope of the lead project for the St. Elizabeths campus, the Coast Guard headquarters facility. The prospectus for this construction assumes a 40 percent growth in floor space and a 18 percent growth in headquarters personnel. The Coast Guard program of requirements for the new building includes a variety of questionable elements, including a 23,000 square foot conference center and auditorium, a 10,000 square foot band rehearsal space, and an 8,000 square foot historian's office. The Committee directs the Department and the Coast Guard to plan a headquarters facility that balances growth with more realistic cost assumptions. In keeping with this direction, the Committee provides funding for no more than a five percent increase in headquarters staffing and a 20 percent increase in floor space.

OFFICE OF THE CHIEF FINANCIAL OFFICER

Appropriation, fiscal year 2007	$26,000,000
Budget request, fiscal year 2008	32,800,000
Recommended in the bill	32,000,000
Bill compared with:	
Appropriation, fiscal year 2007	+6,000,000
Budget request, fiscal year 2008	−800,000

MISSION

The primary responsibilities and functions of the Office of the Chief Financial Officer include budget execution and oversight; performance analysis and evaluation; oversight of the Department's financial management system; oversight of the Department's business and financial management systems across all agencies and directorates; and oversight of credit card programs and audit liaisons.

RECOMMENDATION

The Committee recommends $32,000,000 for the Office of the Chief Financial Officer (CFO), $800,000 below the amount requested and $6,000,000 above the amounts provided for fiscal year 2007. Funding has been reduced due to the large number of vacancies in this office that are estimated to continue through the remainder of fiscal year 2007 and into fiscal year 2008.

The Committee recommends no funding for the appropriations liaison positions because the Committee has derived no benefit from them over the past year.

The Department has frequently failed to provide information to the Committee in a timely and accurate manner. The Committee has at times learned of major announcements from Departmental press releases rather than from the CFO, even in cases in which the CFO has been well aware of the Committee's particular interest in the subject. The Committee expects the Secretary and the Under Secretary for Management to correct this situation immediately.

CONGRESSIONAL BUDGET JUSTIFICATIONS

The Committee directs the Department to submit all of its fiscal year 2009 budget justifications on the first Monday in February 2008, concurrent with the official submission of the President's budget to Congress. This should include all classified budgets as well as non-classified budgets. These justifications should have the customary level of detailed data and explanatory statements to support appropriations requests, including tables that detail each agency's programs, projects, and activities for fiscal years 2008 and 2009. The Committee directs the CFO to ensure that adequate justification is given for each increase, decrease, and staffing change proposed for fiscal year 2009, particularly within the Office of Health Affairs, National Protection and Programs Directorate, Science and Technology Directorate, and the Domestic Nuclear Detection Office. The Committee notes that there were many instances in which the fiscal year 2008 budget justification provided limited, and sometimes contradictory, information. For example, individual programs within some appropriation requests failed to clearly identify funding levels.

The CFO shall submit, as part of the justifications, a detailed table identifying the last year authorizing legislation was provided by Congress for each appropriation account, the amount of the authorization; and the appropriation in the last year of the authorization.

MONTHLY REPORTING REQUIREMENTS

The Committee is pleased that the Department has provided more timely monthly budget execution reports. The Committee relies on these reports to provide early warning of financial problems. To ensure that these reports continue to be received on time, the Committee continues bill language (Sec. 524) requiring monthly budget and staffing reports within 45 days after the close of each month.

OFFICE OF THE CHIEF INFORMATION OFFICER

Appropriation, fiscal year 2007	$349,013,000
Budget request, fiscal year 2008	261,100,000
Recommended in the bill	258,621,000
Bill compared with:	
Appropriation, fiscal year 2007	–90,392,000
Budget request, fiscal year 2008	–2,479,000

MISSION

The Chief Information Officer (CIO) has oversight of all information technology projects in the Department. The CIO reviews and approves all DHS information technology (IT) acquisitions estimated to cost over $2,500,000, and also approves the hiring and oversees the performance of all DHS component CIOs. The CIO has input into the development and execution of each component's information technology budget.

RECOMMENDATION

The Committee recommends $258,621,000 for the Office of the Chief Information Officer, a decrease of $2,479,000 below the amount requested and $90,392,000 below the amount provided in fiscal year 2007. The majority of the adjustment to the 2007 funding levels results from a reorganization that transferred the Integrated Wireless Network (IWN) program from the CIO to the National Protection and Programs Directorate, as directed by title VI of Public Law 109–295. The programmatic reduction of $2,479,000 from the request reflects the denial of additional funding for CIO salaries and expenses. The Committee questions the need for these additional funds because the office currently spends more than one-third of its budget on contract support which could be reallocated to lower-cost permanent staff positions, if necessary.

A comparison of the budget request to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Salaries and Expenses	$82,400,000	$79,921,000
Information Technology Services	56,200,000	56,200,000
Security Activities	89,400,000	89,400,000
Homeland Security Data Network	33,100,000	33,100,000
Total, Chief Information Officer	$261,100,000	$258,621,000

SECURITY ACTIVITIES

The Committee recommends $89,400,000 for security activities, the same level as the budget request and $13,000 above the amount provided for fiscal year 2007. Annual funding for security activities has more than quadrupled since 2006; yet both the Office of Inspector General and the GAO continue to report extensive information technology security vulnerabilities at DHS. The Committee is determined to see the resources dedicated to security activities spent wisely, and therefore directs the CIO to provide a briefing no later than November 1, 2007, on the plans for improving DHS IT security and the projected milestones that will be achieved with the 2008 appropriations.

INFORMATION TECHNOLOGY SERVICES

The Committee recognizes that DHS is making investments in business support applications so that it performs its work and manages its resources more efficiently. However, given recent court decisions barring the Department from implementing the MAX–HR "pay for performance" system, it is unwise to make additional investments at this time in systems that will support this program.

Therefore, the Committee has included a statutory prohibition (Sec. 531) on the obligation of funds for any MAX–HR IT application development until all pending litigation is resolved.

DATA CENTER CONSOLIDATION

DHS has made progress establishing two Departmental data centers, which will allow for more effective management of DHS IT infrastructure. Nevertheless, the Department's schedule for transitioning its various components to the new data center facilities and the target date for when those facilities will be fully operational is unclear. As a result, the Committee directs the CIO to report no later than October 1, 2007, and on a quarterly basis thereafter, on the progress in establishing the data centers, the schedule for moving legacy data center components into the consolidated centers, and the expenditures to date and for the quarter for each data center's operations. In addition, the Committee recommends the CIO review the plan for relocation of the U.S. Secret Service Joint Operations Center to determine whether that component's displaced enterprise IT systems should be relocated to one of the new data centers.

HOMELAND SECURITY DATA NETWORK

The Committee provides $33,100,000 for the Homeland Security Data Network (HSDN) project, which is building a stand-alone, secure computer network for DHS and its State and local partners. The Committee is aware that a significant portion of the budget for HSDN comes from outside the CIO budget, since DHS component agencies pay the CIO for connecting their employees and partners. Prior to the obligation of any funds for this reimbursable work, the Committee directs the CIO to report on the level of collections it has budgeted for these installations and the locations of the HSDN terminals that will be built using these funds.

INTEGRATED WIRELESS NETWORK

The Committee is surprised the CIO remains involved in the Integrated Wireless Network (IWN) project even though the 2007 FEMA reorganization specifically moved this function to the new Office of Emergency Communications. As a result the Committee has included a statutory prohibition on the obligation of any funds for CIO personnel to manage or oversee the IWN project.

COORDINATION OF INFORMATION TECHNOLOGY INVESTMENTS

The Committee notes that on March 16, 2007, the Secretary of Homeland Security issued management directive 0007.1, which consolidated authorities for review of the Department's major IT investments in the office of the CIO. It will be important that this additional layer of review and bureaucracy does not result in unnecessary delays in IT investments. Therefore, the Committee includes bill language requiring the CIO to provide an expenditure plan within 60 days of enactment of this Act for all DHS IT investments with a total estimated cost of more than $2,500,000. DHS shall also include within this report a detailed discussion of the steps it is taking to implement the key practices recommended in the GAO IT Investment Management framework.

ANALYSIS AND OPERATIONS

Appropriation, fiscal year 2007	$299,663,000
Budget request, fiscal year 2008	314,681,000
Recommended in the bill	291,619,000
Bill compared with:	
Appropriation, fiscal year 2007	–8,044,000
Budget request, fiscal year 2008	–23,062,000

MISSION

Analysis and Operations includes the Office of Intelligence and Analysis and the Directorate of Operations Coordination, which together collect, evaluate, and disseminate intelligence information, as well as provide incident management and operational coordination.

RECOMMENDATION

The Committee recommends $291,619,000 for Analysis and Operations, $23,062,000 below the amount requested and $8,044,000 below the amount provided in fiscal year 2007.

OFFICE OF OPERATIONS COORDINATION

The Committee has reduced the funding level for the Office of Operations Coordination below the amount requested. The Committee notes that the Office of Operations Coordination carried over significant unobligated balances at the end of fiscal year 2006, and has shown no signs of an increased pace of obligations during the current fiscal year.

HOMELAND SECURITY OPERATIONS CENTER

The Committee has been informed that the Department is planning to request a reprogramming of funds to move the Homeland Security Operations Center (HSOC) from its current location at the Nebraska Avenue Complex to a new location, possibly at the Transportation Security Operations Center (TSOC), only to subsequently relocate the HSOC and potentially the TSOC as well to the St. Elizabeths campus once that facility is constructed. The Committee notes that over $137,000,000 has been appropriated for improvements at the Nebraska Avenue Complex since 2004, and a large portion of these funds have gone toward upgrades to the HSOC specifically requested by the Department. The Committee is concerned by the apparent DHS attitude that costly capital investments are disposable, and will provide no further appropriations for HSOC capital improvements or relocation away from the NAC until the Department submits a coherent and cost-effective plan for consolidating its operations centers.

OFFICE OF INTELLIGENCE AND ANALYSIS

The Committee has reduced the funding level for Intelligence and Analysis below the amount requested. The Committee notes that the Office of Intelligence and Analysis carried over significant unobligated balances at the end of fiscal year 2006, and has shown no signs of an increased pace of obligations during the current fiscal year.

STATE AND LOCAL FUSION CENTERS

Intelligence fusion centers help to integrate Federal homeland security intelligence officers with the State and local officials who are best positioned to analyze and respond to terrorist and other threats. The Committee recommends doubling the requested funding level for establishing DHS presence at these centers in 2008, and directs the Office of Intelligence and Analysis to review all unobligated balances available in the DHS intelligence budgets at the start of fiscal year 2008 and submit a reprogramming request for those amounts that could be reasonably reallocated to fusion center implementation.

To ensure progress is made establishing DHS presence at fusion centers, the Committee directs the Department to provide on-going, quarterly updates to the Committees on Appropriations, starting on October 1, 2007, that detail progress in placing DHS homeland security intelligence professionals in State and local fusion centers. These reports shall include: the qualification criteria used by DHS to decide where and how to place DHS intelligence analysts and related technology; total Federal expenditures to support each center to date and during the most recent quarter of the fiscal year, in the same categorization as materials submitted to the Committees on Appropriations on March 23, 2007; the location of each fusion center, both operational and planned, including an identification of those with DHS personnel; the schedule for operational stand-up of planned fusion centers; the number of DHS-funded employees located at each fusion center, including details on whether the employees are contract or government staff; the privacy protection policies of each center, including the number of facility personnel trained in Federal privacy, civil rights, and civil liberties laws and standards; and the number of local law enforcement agents at each center approved or pending approval to receive and review classified intelligence information.

CLASSIFIED PROGRAMS

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

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

Appropriation, fiscal year 2007	$3,000,000
Budget estimate, fiscal year 2008	3,000,000
Recommended in the bill	3,000,000
Bill compared with:	
Appropriation, fiscal year 2007	.....
Budget estimate, fiscal year 2008	.....

MISSION

The Office of the Federal Coordinator for Gulf Coast Rebuilding coordinates the Gulf Coast Federal rebuilding efforts and works with State and local officials to identify the priority needs for long-term rebuilding.

RECOMMENDATION

The Committee provides $3,000,000 for the Office of the Federal Coordinator for Gulf Coast Rebuilding, equal to the amount requested and the amount provided in fiscal year 2007. Within the funding provided, $1,000,000 is unavailable for obligation until the Committees on Appropriations receive an expenditure plan for fiscal year 2008.

The Committee understands the Office of the Federal Coordinator for Gulf Coast Rebuilding is working on several initiatives, including: (1) working with the Federal Emergency Management Agency (FEMA) to advance public assistance projects in the education and criminal justice areas; (2) working with the Department of Housing and Urban Development (HUD) on a public housing plan; (3) working with HUD and FEMA on a plan to transition evacuees into permanent housing; and (4) working with FEMA to transition the management of FEMA's housing assistance to HUD.

The Committee expects the Office of the Federal Coordinator for Gulf Coast Rebuilding to continue to work with HUD and FEMA to ensure progress is made. The Office of the Federal Coordinator for Gulf Coast Rebuilding should focus on all HUD programs including Section 202, Section 811, and rental assistance. The Committee directs the Office of the Federal Coordinator for Gulf Coast Rebuilding to provide quarterly reports to the Committees on Appropriations outlining monthly progress on ongoing initiatives, factors delaying progress, and the goals and expectations against which progress is being measured.

In addition, the Committee notes that of the 14 positions in the Office of the Federal Coordinator for Gulf Coast Rebuilding, only five are based in the Gulf Coast. The Committee urges the Director and the Secretary to assess this distribution of personnel in light of the Office's mission.

OFFICE OF INSPECTOR GENERAL

Appropriation, fiscal year 2007 [1]	$85,185,000
Budget request, fiscal year 2008	99,111,000
Recommended in the bill	99,111,000
Bill compared with:	
Appropriation, fiscal year 2007	+13,926,000
Budget request, fiscal year 2008	

[1] Does not include $13,500,000 transferred from the Disaster Relief fund in Public Law 109–295.

MISSION

The Homeland Security Act of 2002 established an Inspector General's (IG) office in the Department of Homeland Security by amendment to the Inspector General Act of 1978. This office was established to provide an objective and independent organization that would be more effective in: (1) preventing and detecting fraud, waste, and abuse in departmental programs and operations; (2) providing a means of keeping the Secretary of Homeland Security and the Congress fully and currently informed of problems and deficiencies in the administration of programs and operations; (3) fulfilling statutory responsibilities for the annual audit of the Department's financial statements; (4) ensuring the security of its information technology pursuant to the Federal Information Security Management Act; and (5) reviewing and making recommendations

regarding existing and proposed legislation and regulations to the Department's programs and operational components. According to the authorizing legislation, the Inspector General is to report dually to the Secretary of Homeland Security and to the Congress.

While oversight of DHS disaster response is included in the IG's mission, Hurricane Katrina brought a renewed focus and a major shift in the IG resources to that mission area. In October 2005, in response to the need for oversight, the Inspector General established the Gulf Coast Hurricane Recovery Office to focus exclusively on preventing problems through a proactive program of internal control reviews and contract audits to ensure disaster assistance funds are spent wisely. The Gulf Coast Recovery Office has initiated numerous monitoring activities, reviews, investigations, and audits of the Federal Emergency Management Agency's disaster response and recovery activities as well as disaster-related activities of other DHS components. In addition, this office is coordinating the work of 23 other federal Inspectors General through the President's Commission on Integrity and Efficiency to review all federal spending on Gulf Coast relief.

RECOMMENDATION

The Committee recommends $99,111,000 for the Inspector General, the same as the amount requested and $13,926,000 above the amounts provided in fiscal year 2007. Of this total, $11,000,000 is to continue and expand audits and investigations related to the Gulf Coast disaster and coordinate work with 23 other federal Inspectors General to review all federal spending on Gulf Coast relief. Total funding recommended will permit the IG to: hire five additional FTEs; investigate incoming allegations of criminal or administrative misconduct on the part of DHS employees, contractors, or grantees; provide additional funding for audits of high priority procurement efforts; and provide necessary pay and inflationary increases.

DETENTION CENTER POPULATION

The Committee directs the IG to undertake immediately a review of Immigration and Customs Enforcement's detention center population. In particular, for the past ten years, the Committee would like to know the following: the total number of deportations; the total number of instances in which one parent of a U.S. citizen child was deported and the reasons for deportation and length of time the parent lived in the U.S. before being deported; the total number of instances in which both parents of a U.S. citizen child were deported and the reasons for deportation and length of time the parents lived in the U.S. before being deported; whether the U.S. citizen child remained in the U.S. after a parent or both parents were deported; and the total number of days a U.S. citizen child was held in detention. The IG should report its finding to the Committee by November 1, 2007.

AUDIT REPORTS

The Committee directs the IG to forward copies of all audit reports to the Committee immediately after they are issued and to immediately make the Committee aware of any review that rec-

ommends cancellation of, or modification to, any major acquisition project or grant, or that recommends significant budgetary savings. The IG is also directed to withhold from public distribution for a period of 15 days any final audit or investigation report which was requested by the House Committee on Appropriations.

TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

UNITED STATES CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

Appropriation, fiscal year 2007	$5,562,186,000
Budget estimate, fiscal year 2008	6,579,733,000
Recommended in the bill	6,629,733,000
Bill compared with:	
Appropriation, fiscal year 2007	+1,067,547,000
Budget estimate, fiscal year 2008	+50,000,000

MISSION

The mission of United States Customs and Border Protection (CBP) is to protect the borders of the U.S. by preventing, preempting and deterring threats against the U.S. through ports of entry and to interdict illegal crossing between ports of entry. CBP's mission integrates homeland security, safety, and border management in an effort to ensure goods and persons cross the borders of the U.S. in accordance with applicable laws and regulations, while posing no threat to the U.S. Specifically, the priority of CBP is to prevent terrorists and terrorist weapons from entering the U.S., and to support related homeland security missions affecting border and airspace security. CBP is also responsible for apprehending individuals attempting to enter the U.S. illegally; stemming the flow of illegal drugs and other contraband; protecting U.S. agricultural and economic interests from harmful pests and diseases; protecting American businesses from theft of intellectual property; regulating and facilitating international trade; collecting import duties; and enforcing U.S. trade laws. CBP has a workforce of over 43,500, including CBP Officers; Air Interdiction Agents and Marine Enforcement Officers; canine enforcement officers; Border Patrol agents; Agriculture Specialists; trade specialists; intelligence analysts; and mission support staff.

RECOMMENDATION

The Committee recommends $6,629,733,000 for Salaries and Expenses, $50,000,000 above the amount requested and $1,067,547,000 above the amounts provided in fiscal year 2007. This recommendation provides: 1,277,407,000 for Headquarters Management and Administration; $2,107,354,000 for Border Security Inspections and Trade Facilitation, including $225,000,000 for the Western Hemisphere Travel Initiative, an additional $5,450,000 to support hiring additional CBP Officers as required under Sec. 202 of the Security and Accountability For Every Port Act (P.L. 109–347), an additional $22,000,000 to permit hiring additional CBP Officers for commercial operations to meet requirements of Sec. 403 of P.L. 109–347 and an additional $50,000,000 to enable CBP Officers to enter into service as a law enforcement

officer; $3,037,232,000 for Border Security and Control between Ports of Entry including costs of bringing the total number of Border Patrol agents to 17,819, an increase of 3,000 over fiscal year 2007; and $207,740,000 for Air and Marine Personnel Compensation and Benefits.

A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

Salaries and expenses	Budget estimate	Recommended
Headquarters, Management, and Administration:		
Management and Administration, Border Security Inspections and Trade Facilitation	$673,981,000	$673,981,000
Management and Administration, Border Security and Control between Ports of Entry	603,426,000	603,426,000
Subtotal, Headquarters Management and Administration	1,277,407,000	1,277,407,000
Border Security Inspections and Trade Facilitation:		
Inspections, Trade, and Travel Facilitation at Ports of Entry	1,610,202,000	1,654,685,000
Harbor Maintenance Fee Collection (Trust Fund)	3,026,000	3,093,000
Container Security Initiative	156,130,000	156,130,000
Other international programs	8,871,000	8,871,000
Customs-Trade Partnership Against Terrorism	55,560,000	61,010,000
Free and Secure Trade (FAST)/NEXUS/SENTRI	11,243,000	11,243,000
Inspection and Detection Technology Investments	135,979,000	135,979,000
Automated Targeting Systems	27,580,000	27,580,000
National Targeting Center	23,950,000	23,950,000
Other Technology Investments, including information technology training	24,813,000	24,813,000
Subtotal, Border Security Inspections and Trade Facilitation	2,057,354,000	2,107,354,000
Border Security and Control between Ports of Entry:		
Border Security and Control	2,984,443,000	2,984,443,000
Border Technology (formerly ASI and ISIS)	.....	.....
Secure Border Initiative Technology and Tactical Infrastructure (SBInet) Training	52,789,000	52,789,000
Subtotal, Border Security and Control between POEs	3,037,232,000	3,037,232,000
Air and Marine Personnel Compensation and Benefits	207,740,000	207,740,000
Total	$6,579,733,000	$6,629,733,000

WORKLOAD AND STAFFING

The Committee is concerned that CBP has not submitted its staffing model, the Resource Allocation Model (RAM), as required by Sec. 403 of P.L. 109–347 the Security and Accountability for Every Port Act of 2006, and as directed in the statement of managers accompanying the fiscal year 2007 conference report. This information is essential to understanding how CBP prioritizes and meets its growing and constantly evolving staffing needs.

The first quarterly CBP report on air passenger wait times, received in April 2007, demonstrated some correlation between staffing at inspection booths and length of waiting time. It demonstrated that for eight of the 16 major airports studied, five percent of their flights had wait times greater than 60 minutes, and that average wait times for the 16 airports ranged from 26 to 39 minutes. The report also described how such information will be collected and analyzed in the future to permit more informed cooperation with airports and airlines to meet workload and reduce wait times. The Committee directs that this quarterly reporting continue in fiscal year 2008, and expects to see progress in posting real-time information on the CBP website and in reducing wait times.

In addition, this report should describe what CBP is doing to address how its allocation of CBP Officers could be improved to reduce the need to close or curtail service at small or regional airports or specific terminals at large airports, or conversely overload major hub airports. The Committee encourages CBP to look for performance elements such as data on the number of times, and for how long, passengers are held in airplanes because airport inspection operations cannot accommodate them.

However, the value of this information will only be fully realized when combined with an analytical tool for staffing resources. The report noted that CBP is finalizing its optimal resource allocation model for CBP Officers and Agriculture Specialists at Ports of Entry, with the first component, CBP Officer—Air Passenger Staffing, completed on October 31, 2006. The Committee directs CBP to use the results of its analysis to assign additional CBP officers to those airports with the greatest staffing shortages and wait times, to help alleviate delays encountered by international travelers.

A recent Government Accountability Office (GAO) report (GAO–07–529) details how shortfalls in CBP Officer positions have had a negative impact on the ability of CBP to fulfill its statutory responsibilities for customs revenue collection. The Committee directs CBP to submit its RAM by October 15, 2007, including a plan for addressing the recommendations included in the GAO report. If the RAM is not submitted by October 15, 2007, the Secretary shall provide the reasons for the delay in writing to the Committee.

INTERNAL AFFAIRS

The Committee includes $10,000,000, as requested, to add 50 investigators and eight support staff to expand CBP's internal affairs capability to cope with significant staff increases. The Committee expects this expanded capacity to permit CBP to address internal affairs issues related to administrative or other non-criminal matters, which often receive lower priority than criminal cases due to lack of resources. The failure to promptly address such matters could degrade performance and morale, leading to systemic management problems for CBP as it deals with the challenge of absorbing and administering a workforce slated to increase by almost 10 percent in fiscal year 2008. The Committee directs CBP to present program performance results from this initiative in its fiscal year 2009 budget submission.

WESTERN HEMISPHERE TRAVEL INITIATIVE

The Committee includes $225,000,000 for the implementation of the Western Hemisphere Travel Initiative (WHTI). Current law requires WHTI implementation at all ports of entry by June 2009. The recommended amount is $27,450,000 less than the $252,450,000 requested. The Committee understands that much of the proposed investment is for lane modifications at the top 13 land ports of entry, as well as implementation of "vicinity" radio frequency identification (RFID) technology at the top 39 land ports of entry, accounting for about 95 percent of the highway passenger border crossing volume.

The Committee recognizes that the current situation, in which as many as 8,000 different types of identification may be used and the capacity of our ports of entry is strained, cannot be sustained. Over

the past 30 years, the U.S. has failed to modernize port of entry space and facilities, resulting in a significant need for upgrades. The CBP Commissioner testified that the San Ysidro Port of Entry alone would require at least $520,000,000 for physical improvements to enable it to adequately handle current and anticipated traffic. The requested amount, however, is based on implementation assumptions that have yet to be fully validated. For instance, while CBP testimony proposes a January 2008 implementation date, the results from pilot tests of enhanced drivers licenses scheduled for the State of Washington and British Columbia in 2008 will not be known until later that year, and therefore cannot inform such early investment decisions. In addition, while the Committee is aware that the National Institute of Standards and Technology (NIST) has certified that the card architecture meets statutory requirements, CBP must still demonstrate the effectiveness of the card in an operational context. Beyond these concerns, the Committee notes that the requested funding would only be used to implement the program at the busiest crossings, despite the statutory requirement to process passports and passport cards at all land and sea ports of entry. In addition, the Committee urges the Department to coordinate with the State Department to enable it to anticipate and plan for increased passport demand resulting from implementation of the Initiative.

The Committee makes funding available for two fiscal years, as requested, but includes bill language making $100,000,000 unavailable for obligation until CBP reports on pilot program results. The report should include: (1) infrastructure and staffing required, with associated costs, by port of entry; (2) updated milestones; (3) information on how requirements of Section 7209(b)(1)(B) of the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108–458), as amended, have been satisfied; (4) confirmation that a vicinity-read radio frequency identification card has been adequately tested to ensure operational success; and (5) a description of steps taken to ensure the integrity of privacy safeguards.

NORTHERN BORDER DEPLOYMENT OF BORDER PATROL

The Committee expects CBP to increase the number of Border Patrol agents on the Northern Border by 500 over the fiscal year 2007 level, as indicated in CBP testimony. This increase, which would bring the total number of agents on board to 1,658 by October 2008, is consistent with the requirement under the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108–458) to increase Northern Border placement of agents by 20 percent per year for five years. The Committee notes that threat information has consistently pointed to Northern Border vulnerabilities.

COVERED LAW ENFORCEMENT OFFICER STATUS

The Committee is aware that CBP Officers do not receive the compensation and other benefits accorded law enforcement officers, although they have arrest powers, 24-hour weapon carrying responsibility, and engage in criminal investigation activity. The Committee has heard on numerous occasions that CBP is losing trained, valuable CBP Officers to other agencies due to this disparity. Therefore, the Committee has included bill language (Sec. 533) directing CBP to offer voluntary conversion of all eligible CBP

Officer positions, in consultation with the Office of Personnel Management and employee groups that represent CPBOs. Actual conversions should begin no later than July 1, 2008. The Committee includes $50,000,000 to cover the fiscal year 2008 costs incurred from this change. The Committee expects the cost increase to be more than offset by increases in officer productivity and a reduction in the costs for retention and replacement.

IN-BOND CARGO AND CONTAINER SECURITY

According to CBP, there were 6,428,078 in-bond shipments to the U.S. in the first half of fiscal year 2005. In fiscal years 2005–2007 CBP has conducted pilot studies of the use of commercial off the shelf (COTS) technology to track such shipments; ensure they are not susceptible to fraud or vulnerabilities in security; enable them to be audited; and, when appropriate, permit the collection of revenue at U.S. ports of entry. Approximately $1,040,000 remains for this program in base funding. The Committee directs CBP to report not later than January 31, 2008, on the results of its fiscal year 2007 tests of this technology to address all in-bond shipments. The report should include a description of how CBP has addressed the issues raised in GAO report GAO–04–345 relating to the use of in-bond diversion to conceal textile transshipment.

AIRPORT PASSENGER WAITING TIME

The Committee understands that the rapid growth in air travel and the increasing numbers of incoming international passengers could result in significant bottlenecks at U.S. airports without a concurrent increase in CBP Officers for inspections and analysis. The Committee recognizes that CBP has begun to collect data on its passenger waiting times at major international airports and has included historical data for major airports and terminals on its website. The Committee encourages CBP to accelerate its work on testing and implementing its Wait Times Estimating Tool. As noted above, the Committee expects the forthcoming resource allocation model, which addresses explicitly the allocation of CBP Officers for air passenger processing, to be submitted as soon as possible.

AUTOMATED TARGETING SYSTEM

The Automated Targeting System (ATS) is a tool for prioritizing enforcement and interdiction resources by focusing on potential threats and enabling the rapid flow of secure and low-risk commerce or passengers. Because a robust targeting methodology is critical to our trading system, the Committee directs CBP to report not later than January 31, 2008, on how efforts to improve the ATS for cargo and container screening have progressed and in particular how CBP has complied with section 203 of the 2006 Security and Accountability For Every Port Act (P.L. 109–347).

The Committee is concerned by the lack of a comprehensive approach to target intellectual property (IP) violations, as described in Government Accountability Office report GAO–07–735. The Committee directs CBP to improve analysis of IP enforcement data, to enable more consistent targeting, inspection, seizure and penalty practices.

CBP VEHICLE FLEET MANAGEMENT PLAN

The Committee acknowledges the receipt of a five-year vehicle fleet recapitalization and management plan, in compliance with the statement of managers accompanying the fiscal year 2007 appropriations conference report. The Committee expects CBP will follow this plan in managing its fleet and budgeting for replacement and maintenance of its significant vehicle investment, and will inform the Committee if it needs to deviate from or alter the plan.

TEXTILE TRANSSHIPMENT ENFORCEMENT

The Committee includes $4,750,000, as requested, to continue textile transshipment enforcement. The Committee directs CBP to ensure that the activities of the textile enforcement division and other textile enforcement activities, specifically seizures, detention, and special operations, be maintained at least at the level of those activities in prior years, such as the fiscal year 2006 enforcement performance. The Committee also directs CBP to submit an interim report with the fiscal year 2009 budget on execution of its five-year strategic plan, which should provide information on enforcement activities, including textile production verification team exercises and special operations; numbers of seizures; penalties imposed; and the numbers and types of personnel responsible for enforcing textile laws.

CUSTOMS INDUSTRY TRAINING PROGRAMS

The Committee directs CBP to ensure that CBP Officers, Trade Specialists and other professional staff have the appropriate training to administer customs laws that require detailed knowledge of industry and technology, including continuing active participation in cooperative efforts such as the Steel Industry Training Program.

INTERNATIONAL REGISTERED TRAVELER PROGRAM

The Committee is aware that CBP and the Department have been working to develop expedited traveler programs in conjunction with foreign airports to facilitate international air travel by registering frequent travelers. The Committee understands that operations are planned at John F. Kennedy International, Washington Dulles International and George Bush Houston Intercontinental airports. The Committee also understands that the Department may eventually integrate this work with related efforts of US–VISIT and the Transportation Security Administration. The Committee directs CBP and the Department to continue such efforts, and report not later than January 31, 2008, on plans, staffing and funding necessary to establish such programs at the 20 U.S. international airports with the highest volume of international passenger traffic.

PERMANENT BORDER PATROL CHECKPOINT

The Committee understands that CBP agrees that no permanent checkpoint will be planned for Southern Arizona without significant and direct community involvement. Any planned permanent checkpoint must: (1) be part of an overall network of border security technology and infrastructure, as well as an increase in personnel; (2) be designed to significantly reduce the number of illegal

immigrants and the amount of contraband entering the U.S. through Arizona, and increase the security of our nation by employing technology and capabilities to detect individuals or implements associated with terrorism; and (3) contain attributes that reduce to a minimum the impact on the commerce and quality of life of communities. Prior to the operation of a possible permanent checkpoint in Southern Arizona, CBP must ensure that any temporary checkpoint be administered in a manner consistent with current case law, and must address the checkpoint's impact on residents, legitimate travelers, and public safety.

IMMIGRATION ADVISORY PROGRAM

The Committee is pleased with the performance to date of the Immigration Advisory Program (IAP), which enhances national security by preventing potential terrorists and other high-risk passengers from boarding aircraft destined for the United States, as well as helping avoid potential detention and removal costs for the government. The Committee is aware that CBP is proceeding with plans to establish the program in international airports in London and Tokyo, and is assessing the potential at the top 50 international airports for possible future program expansion. The Committee expects CBP to continue reporting on this program and its performance and include such information in its fiscal year 2009 budget submission.

STOLEN AND LOST TRAVEL DOCUMENTS

The Committee understands that the Department has announced plans to use an INTERPOL database of lost and stolen passports to screen foreign travelers later this year, beginning with a 30-day pilot at one international airport, and is determining whether it will establish a unit at INTERPOL headquarters to investigate any lost or stolen documents that may be detected by CBP Officers or others. The Committee strongly supports efforts to collaborate with INTERPOL to help close a serious vulnerability posed by lost travel documents, especially passport blanks.

COORDINATION OF ALIEN SMUGGLING ENFORCEMENT

The Committee directs CBP and ICE jointly to brief the Committees on Appropriations no later than 30 days after the date of enactment of this Act on the role each agency plays in enforcing laws against human smuggling, how those missions are coordinated, and the timeline for placement of CBP detailees at the Human Smuggling and Trafficking Center

AUTOMATION MODERNIZATION

Appropriation, fiscal year 2007	$451,440,000
Budget estimate, fiscal year 2008	476,609,000
Recommended in the bill	476,609,000
Bill compared with:	
Appropriation, fiscal year 2007	+25,169,000
Budget estimate, fiscal year 2008	.....

MISSION

The Automation Modernization Account includes funding for major information technology projects for CBP. Projects include the

planned Automated Commercial Environment (ACE) system, continued support and transition of the legacy Automated Commercial System (ACS), and technology associated with integration and connectivity of information technology within CBP and the Department of Homeland Security as part of Current Operations Protection and Processing Support (COPPS).

RECOMMENDATION

The Committee recommends $476,609,000 for Automation Modernization, the same as the amount requested and $25,169,000 below the amounts provided for fiscal year 2007. This recommendation includes $316,969,000 for ACE and $159,640,000 for COPPS, to include $134,640,000 for the legacy Automated Commercial System and others. A notable change this year is a request of $25,000,000 for COPPS to begin work on replacing mainframe components for the Treasury Enforcement Communication System (TECS). The Committee includes bill language making $216,969,000 unavailable for obligation until thirty days after the Committee on Appropriations receive a report on program performance and plans.

ACE PROGRAM OVERSIGHT

The Committee is pleased with the progress of the ACE program, which is partially the result of effective oversight. The Committee has revised the expenditure plan requirements in order to eliminate the need for GAO review of items that have remained fairly constant and received favorable review in the past.

TECS MODERNIZATION

The Committee expects the $25,000,000 for TECS in fiscal year 2008 will be used only for system hardware replacement, and directs CBP to notify the Committee before obligating any of this funding for other TECS investment or transformation activities.

BORDER SECURITY, FENCING, INFRASTRUCTURE, AND TECHNOLOGY

Appropriation, fiscal year 2007	$1,187,565,000
Budget estimate, fiscal year 2008	1,000,000,000
Recommended in the bill	1,000,000,000
Bill compared with:	
Appropriation, fiscal year 2007	−187,565,000
Budget estimate, fiscal year 2008	.....

MISSION

Border Security, Fencing, Infrastructure, and Technology (BSFIT) funds the technology and tactical infrastructure solutions to achieve effective control of the U.S. borders and coastlines. It is one of the three "legs" of the Secure Border Initiative (SBI).

RECOMMENDATION

The Committee recommends $1,000,000,000 for Border Security, Fencing, Infrastructure and Technology, the same as the amount requested and $187,565,000 below amounts provided in fiscal year 2007 of which $700,000,000 would not be available for obligation until the Committees on Appropriations approve an investment and expendature plan. The Committee recommendation differs

from the requested funding levels as follows: $55,000,000 for environmental and regulatory assessment; $5,000,000 for advanced technology development; $552,100,000 for technology; and $2,000,000 for a study of procurement practices.

ENVIRONMENTAL AND REGULATORY ASSESSMENTS

The Committee includes $55,000,000 for regulatory and environmental assessments, $5,000,000 above the amount requested. The Committee is encouraged that the Department intends to conduct environmental and regulatory assessments, and expects the Department to exercise the Secretary's authority to waive environmental and similar requirements sparingly. The Committee has included bill language requiring the Secretary to provide a 15 day notice in the Federal Register for each instance in which a decision is made to invoke the waiver authority.

SECURE BORDER INVESTMENT AND EXPENDITURE PLAN

The Committee is closely watching progress on the SBInet contract and related work. The Department has decided to focus on relatively low technology investments—specifically, fencing and barriers—during the first year until results have been tallied from its pilot efforts, such as Project 28. While this may result in more prudent investment in technology that has been properly tested and matched to unique requirements of specific border environments, it may also result in more miles of expensive fencing than are needed. CBP has testified that, by the end of fiscal year 2008, it will have completed work on the following cumulative infrastructure on the Southwest Border: 370 miles of pedestrian fencing; 200 miles of vehicle barriers; and 642 miles of "technology" solutions.

At the same time, there has been very little effort to implement solutions for the Northern Border, which is more than twice the distance of the Southwest Border. In addition, there is no indication that SBI planning has included an analysis of the program's comprehensive impact on ports of entry, including the capacity of existing bridges and ports of entry infrastructure to handle the increased workload that could result from enhanced enforcement or implementation of a temporary worker program—both key elements of the SBI.

SBI investments must be effective and appropriate, with accurate life-cycle costs, expenditures subject to a rigorous audit process, and input from Federal agencies with jurisdiction over border areas. Therefore, the Committee has included bill language making $700,000,000 unavailable for obligation until an expenditure plan has been submitted to the Committee that:

1. Defines activities, milestones, and costs for implementing the program, including an identification of the maximum investment related to the SBInet contract, an estimation of the associated life-cycle costs, and a description of the methodology used to obtain these cost figures;
2. Demonstrates how activities will further the goals and objectives of the Secure Border Initiative (SBI), as defined in the SBI strategic plan, and how the plan allocates funding to the highest priority border security needs;
3. Identifies funding and staffing requirements by activity;

4. Describes how the plan addresses security needs at the Northern Border and the ports of entry, including infrastructure, technology, design and operational requirements;

5. Reports on costs incurred, activities completed, and progress made by the program in terms of obtaining effective operational control of the border;

6. Includes an analysis by the Secretary, for each segment of fencing or tactical infrastructure, of the selected approach compared to other, alternative means of achieving operational control; such analysis should include cost, level of operational control, possible unintended effects on communities, and other factors critical to the decision-making process;

7. Includes a certification by the Chief Procurement Officer of the Department of Homeland Security that procedures to prevent conflicts of interest between the prime integrator and major subcontractors are established, and that the SBI Program Office has adequate staff and resources to effectively manage the SBI program, SBInet contract, and other related contracts, including technical oversight; and a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;

8. Complies with all applicable Federal acquisition rules and best practices, and reflects contracting administration improvements, to include automatic review of task orders by the Defense Contract Audit Agency;

9. Complies with capital planning and investment control review requirements established in Office of Management and Budget Circular A–11;

10. Is reviewed and approved by the DHS Investment Review Board, the Secretary, and the Office of Management and Budget; and

11. Is reviewed by the Government Accountability Office.

CONTRACT MAXIMUM COST AND QUANTITY

The Committee agrees with GAO that Federal procurement rules call for identification of a meaningful maximum in the cost of the contract or quantity of deliverables. While GAO in testimony has credited CBP with generally following good procurement practice and with conducting a competitive process to award the SBInet contract, it noted that "6,000 miles of secure border" does not qualify as a meaningful limitation on the possible size and cost of the contract because it does not relate to specific supplies or services.

A maximum constraint on overall contract spending seems especially needed for a large indefinite delivery/indefinite quantity contract such as SBInet. To compensate for the lack of such a limitation, the Committee includes language requiring that, at least 30 days prior to the award of any task order requiring obligation of more than $100,000,000, the Secretary shall provide a report to the Committees on Appropriations detailing progress achieved to date, and specific objectives to be achieved through the award of this and remaining task orders planned for the balance of available appropriations. A similar report is required prior to the award of a task order that would cause the cumulative level of obligations to exceed 50 percent of the total amount appropriated.

PROCUREMENT PROCESS AND SYSTEM REVIEW

The Committee believes that a project of such complexity as the SBI, with a large-scale integration contract such as SBInet, merits very thorough oversight. The open-endedness of the contract calls for special, disinterested, third-party expertise to assess how and whether best procurement practices are being put into effect. The Committee is aware that the Defense Acquisition University has provided effective consultative and analytic reviews of procurement operations and contract management, including recent work done on behalf of the Coast Guard for the Deepwater program. Such a review would provide neutral insight and constructive program evaluation to CBP, the Department, and the Congress. The Committee therefore has included $2,000,000 for the SBI program office to reimburse the Defense Acquisition University for the costs of conducting such a review and making its findings available to the Department and the Committees on Appropriations.

CONSULTATION WITH FEDERAL AGENCIES

The Committee has included bill language requiring the Department to coordinate with the National Park Service, the U.S. Fish and Wildlife Service, the Forest Service, the Bureau of Indian Affairs, and the Bureau of Land Management on any decisions related to construction of tactical infrastructure on lands administered by those agencies and, to the extent practicable, to minimize impacts on wildlife and natural resources.

CONSULTATION WITH STATE AND LOCAL COMMUNITIES

The Committee has included language requiring the Department to solicit input from State and local communities regarding its fencing and tactical infrastructure plans. The Committee is aware that the Department has recently begun to consult with States and local governments in some affected border communities, and directs the Secretary to continue such consultation or initiate it immediately. The Committee directs that border security fencing and tactical infrastructure installations be implemented in ways that take full advantage of natural terrain and barriers and minimize adverse impacts on the environment and local communities.

NORTHERN BORDER INVESTMENT

The Committee is concerned with the lack of SBI investment and planning on the Northern Border. To better understand what direction the Department is taking with regard to such efforts, the Committee directs the SBI Program Executive Office to brief the Committee not later than July 1, 2007, on how the Department expects to use the $20,000,000 the Committee directed be applied to Northern Border investments, and to provide a revised SBInet investment strategy that includes the Northern Border.

PROJECT 28

The Committee is very interested in knowing the results of Project 28 as soon as they are available, and directs CBP to brief the Committee on those results and how they will affect the SBInet investment strategy as soon as they are known.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCES AND PROCUREMENT

Appropriation, fiscal year 2007	$602,187,000
Budget estimate, fiscal year 2008	477,287,000
Recommended in the bill	477,287,000
Bill compared with:	
Appropriation, fiscal year 2007	−124,900,000
Budget estimate, fiscal year 2008	

MISSION

CBP Air and Marine provides integrated and coordinated border interdiction and law enforcement support for homeland security missions; provides airspace security for high risk areas or National Special Security Events upon request; and combats efforts to smuggle narcotics and other contraband into the United States. CBP Air and Marine also provides aviation and marine support for the counter-terrorism efforts of many other law enforcement agencies.

RECOMMENDATION

The Committee recommends $477,287,000 for Air and Marine Interdiction, Operations, Maintenance, and Procurement, the same as the amount requested and $124,900,000 below the amount provided in fiscal year 2007. The funding includes $353,254,000 for operations and maintenance including $36,700,000 to increase the maintenance of assets to achieve an 80 percent readiness rate; $123,333,000 for procurement to include $47,000,000 for the P–3 service life extension program; $52,400,000 for planned helicopter procurement or upgrades; $10,600,000 for recurring costs to support the existing unmanned aerial systems (UAS); $6.7 million for recurring sensor system costs; and $4,600,000 to upgrade radar and sensors. The Committee includes bill language making no funding available for procurement of additional UAS until CBP certifies that they are essential and are higher priority and more cost effective than other items on the Air and Marine Strategic Recapitalization and Modernization plan. The Committee also directs CBP to submit the marine enforcement strategic plan not later than September 1, 2007.

NORTHERN BORDER

The Northern Border, characterized by vast distances of thinly populated territory, a history of easy movement across borders, and remote or heavily wooded land not easily patrolled by land, presents unique challenges for border security that can be met only with additional Air and Marine assets. The Committee expects continued progress in completing permanent deployment of assets and staff to the five designated airwings. The Committee understands that at least one UAS will be deployed to the Northern Border in fiscal year 2007, and directs CBP to report not later than January 31, 2008, on the performance of the Northern Border airwings and the schedule for their completion.

HELICOPTER PROCUREMENT

The Committee notes that CBP has yet to provide the report on the comparative costs and benefits of helicopter procurement and

leasing required in House Report 109–476, and directs CBP to submit it as soon as possible.

SMALL UNMANNED AERIAL SYSTEM AIRSPACE TESTING PROGRAM

Currently, FAA regulations do not apply to "model airplanes" under 55 pounds that are operated for "recreational purposes" and meet operational restrictions. In contrast, UAS are regulated in the same way as manned aircraft, even if they weigh less than 55 pounds and are operated similarly to model airplanes. The Committee directs CBP to work with the FAA to test the safety of UAS to determine the risk of mid-air collisions with manned aircraft. Such tests should generate safety data necessary for the FAA to determine whether or not an exemption for small UAS is appropriate.

CONSTRUCTION

Appropriation, fiscal year 2007	$232,978,000
Budget estimate, fiscal year 2008	249,663,000
Recommended in the bill	249,663,000
Bill compared with:	
Appropriation, fiscal year 2007	+16,685,000
Budget estimate, fiscal year 2008	.....

MISSION

The construction account funds the planning, design, and assembly of Border Patrol infrastructure, including Border Patrol stations; checkpoints; temporary detention facilities; mission support facilities; and lighting, and road improvements at the border. The Border Security, Fencing, Infrastructure, and Technology (BSFIT) account now funds most tactical infrastructure, fencing and barriers previously funded through this account.

RECOMMENDATION

The Committee recommends $249,663,000 for Construction, the same as the amount requested and $16,685,000 above the amounts provided in fiscal year 2007.

PORT OF ENTRY CONSTRUCTION

The Committee is aware that the infrastructure at U.S. land ports of entry (POE) is in dire need of upgrading and modernization. In June 2000, the former U.S. Customs Service, along with the General Services Administration and other Federal Inspection Service agencies, assessed the condition and infrastructure needs for U.S. POE on the Northern and Southwest Borders, and reported the cost of improvements to be $784,300,000. Seven years later, and after the 9/11 attacks, significant new requirements have been added for border security such as US–VISIT and the Western Hemisphere Travel Initiative. The Committee understands that the combination of new security requirements, outdated design and aging infrastructure have pushed POE to the limits of effectiveness. In testimony before the Committee, the Commissioner of CBP noted that for the San Ysidro border crossing alone, infrastructure requirements could exceed $520,000,000. Because GSA owns most POE, and CBP has become its principal tenant since the establishment of DHS, it is critical to ensure that the best efforts are being made to prepare for the increased demands of border security and

trade and travel facilitation. At the same time, CBP has its own construction program as a result of years of design and building Border Patrol facilities, and may be able to undertake some POE construction, as appropriate. The Committee therefore directs CBP and the General Services Administration to submit jointly a report not later than October 1, 2007, on the comparative construction contracting systems of the two agencies, and the most appropriate agency jurisdiction to ensure the most effective and expedient modernization of the POE.

UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

Appropriation, fiscal year 2007	$3,887,000,000
Budget estimate, fiscal year 2008	4,162,000,000
Recommended in the bill	4,146,300,000
Bill compared with:	
Appropriation, fiscal year 2007	+259,300,000
Budget estimate, fiscal year 2008	−15,700,000

MISSION

United States Immigration and Customs Enforcement (ICE) is the lead agency responsible for enforcement of immigration laws, customs laws, and the security of Federal facilities. ICE protects the United States by investigating, deterring, and detecting threats arising from the movement of people and goods into and out of the country. ICE consists of nearly 17,000 employees within four major program areas: Office of Investigations; Federal Protective Service; Office of Intelligence; and Detention and Removal Operations.

RECOMMENDATION

The Committee recommends $4,146,300,000 for Salaries and Expenses, $15,700,000 below the amount requested and $259,300,000 above the amount provided in fiscal year 2007. The entirety of the reduction to the request reflects the reallocation of requested funds to the on-going ATLAS systems modernization program, funded through the "Automation Modernization" account. While these funds were requested for various ICE application development projects within Salaries and Expenses, activity related to this program is most transparent when the funds are provided through the project-specific Automation Modernization account.

The fiscal year 2008 request proposed a budget structure that would allocate headquarters and information technology costs across other programs, projects and activities (PPAs). The Committee prefers the existing PPA budget structure, which provides transparency for the overhead costs of managing ICE programs. A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Headquarters Management and Administration	$314,443,000	$298,743,000
Legal Proceedings	207,850,000	208,350,000
Investigations		
Domestic	1,372,328,000	1,360,828,000
International	108,074,000	108,074,000
Subtotal, Investigations	1,480,402,000	1,468,902,000

	Budget estimate	Recommended
Intelligence	52,146,000	52,146,000
Detention and Removal Operations		
Custody Operations	1,459,712,000	1,450,977,000
Fugitive Operations	186,145,000	183,200,000
Criminal Alien Program	168,329,000	180,009,000
Alternatives to Detention	43,889,000	54,889,000
Transportation and Removal Program	249,084,000	249,084,000
Subtotal, Detention and Removal Operations	2,107,159,000	2,118,159,000
Total, ICE Salaries and Expenses	$4,162,000,000	$4,146,300,000

PRIORITIES ENFORCING IMMIGRATION LAWS

The Committee is concerned that, as ICE increases its interior enforcement efforts as part of the Secure Border Initiative, the agency is losing perspective on which aliens represent the most significant threat to the nation's social and economic fabric. The Committee questions why a significant number of illegal aliens serving sentences in State and local correctional facilities after conviction for various non-immigration crimes are still released from custody without efforts made to deport those who are deportable. According to ICE estimates, approximately 630,000 foreign nationals are currently serving criminal sentences in U.S. prisons and jails, yet in 2005 ICE identified and deported only 79,000 of these individuals, leaving approximately 551,000 criminal aliens who have yet to be identified and processed for removal from the country. While estimates vary, many who analyze this problem believe a significant number of criminal aliens are released back into society after completing their sentences, rather than being processed for removal from the country.

CRIMINAL ALIEN PROGRAM

The Committee allocates $180,009,000 for the ICE Criminal Alien Program (CAP), which is $14,000,000 more than the amount requested and an increase of $42,515,000 above the 2007 enacted level. The Committee strongly encourages ICE to ensure that all incarcerated aliens eligible for deportation are removed from the country upon their release. Toward that end, the Committee includes statutory language requiring ICE to collect information from every jail, prison and detention facility in the United States on a monthly basis to determine the population of incarcerated aliens, and to develop a plan to remove every removable alien upon their release from the corrections system. According to the Bureau of Prisons, nationwide there are approximately 1,500 Federal and State correctional institutions, and another 3,500 locally-administered jails. While contacting all of these facilities on a regular basis will require coordination and effort on the part of the agency, ICE has more than 8,000 employees who work on domestic investigations and who could help with this effort. The Committee directs ICE to report no later than January 1, 2008, on how it will meet this goal, the need for additional resources to do so, and its successes and challenges in working with State and local corrections managers.

DETENTION BED SPACE

The Committee has made significant investments in detention bed space over the past several years, and ICE is now able to sustain an increased level of immigration enforcement as a result. Funds provided in the 2007 Appropriations Act allowed for 27,500 detention beds, and the fiscal year 2008 request would add 950 more. In multiple written and oral statements before the Committee, departmental officials have assured the Congress this increase in bed space is sufficient to maintain the ICE practice of repatriating all illegal crossers apprehended at the borders. The Committee supports this requested increase, and provides funding for a total of 28,450 detention beds in fiscal year 2008.

ALTERNATIVES TO DETENTION

Alternatives to Detention programs are an effective approach for monitoring aliens who are not mandatory detainees, but are deemed unlikely to appear at their immigration hearings. Through the use of electronic monitoring, telephonic reporting, and intensive supervision, these programs contribute to more effective enforcement of immigration laws at far lower cost than detention. In its most recent year, the Intensive Supervision Appearance Program (ISAP) recorded an average 93 percent appearance rate at court proceedings for final orders of deportation. The corresponding appearance rate for aliens not participating in ISAP is 41 percent. The Committee recommends $54,889,000 for the Alternatives to Detention program, an increase of $11,000,000 above the request and $11,289,000 above the 2007 enacted level. This level should allow for coverage of 12 cities by the end of fiscal year 2008. The Committee directs ICE to report no later than November 1, 2008, on the cities that will be included in this program as it expands, and the schedule for establishing the program in these new locations.

CHILD AND FAMILY DETENTION

The Committee remains concerned by public criticism of ICE detention standards for families and unaccompanied children. Families with children should not be housed in penal-like settings, nor should children detained by ICE be denied access to recreation or the opportunity to receive basic educational instruction. The Committee has provided a substantial increase in the budget for the Alternatives to Detention program, and ICE should prioritize the enrollment of families in this program. In situations where family detention is unavoidable, the Committee directs ICE to house families together in non-penal, home-like environments with appropriate access to health, educational, and social services until the conclusion of their immigration proceedings.

DETENTION STANDARDS COMPLIANCE

The Committee is concerned by reports that ICE detention facilities, both those managed by the Federal government and those acquired as a contracted service, do not comply with ICE-published detention standards, including guidelines for the separation of violent detainees from non-violent detainees, the availability of health care, and the proper preparation of food. Within the budget re-

quest, ICE proposes consolidating its detention standards compliance review activities within the Office of Professional Responsibility (OPR) and increasing the budget for this office by $7,000,000. The Committee supports this plan and recommends an additional $3,000,000 for this office, for a total OPR budget of $50,778,000 and a total staffing level of 351. Of this total, the Committee directs ICE to use $1,000,000 for a third-party compliance review pilot program to ensure standards are met at detention facilities managed by private contractors. In addition, the Committee strongly encourages ICE to establish a full-time OPR presence in each of the 24 Detention and Removal Operations field offices to monitor detention standard compliance. ICE should be prepared to report to the Committee, concurrent with the submission of the fiscal year 2009 budget, on the results of its detention standards compliance efforts.

INAPPROPRIATE TREATMENT OF UNACCOMPANIED ALIEN CHILDREN

The Committee remains concerned about reports that vulnerable unaccompanied alien children are not being transferred in a timely fashion to the Office of Refugee Resettlement (ORR) and are being held by DHS in unacceptable conditions either in Border Patrol stations or jail-like facilities, often for many days. The 1996 Flores Settlement agreement requires DHS to transfer custody of unaccompanied alien minors to ORR within three to five days. The Committee directs ICE to develop and publish minimum standards for the temporary care of children, transfer responsibility for transportation of unaccompanied children to ORR, and reimburse ORR for the cost of performing this transportation function. In addition, the Committee directs ICE to contact ORR immediately upon apprehension of any unaccompanied alien child, and to transfer custody of that child to ORR within 72 hours of apprehension.

The Committee is also troubled by reports of insensitive and inappropriate treatment of unaccompanied alien children and directs the Department to cease its use of and reliance on unreliable forensic testing of children's bones and teeth to determine their age. Instead, the Committee strongly encourages the Department to use holistic age-determination methodologies recommended by medical and child welfare experts.

The Committee does not believe it is appropriate for ICE to use unaccompanied alien children's personal records, such as psychological evaluations, medical reports, and ORR files as evidence against the children in removal proceedings. The Committee directs ICE to cease its practice of using this information, except when the child's legal guardian provides written permission for release of these records.

Finally, the Committee is concerned about the lack of repatriation services available for unaccompanied alien children who are removed from the United States to face uncertain fates in their countries of origin. The Committee directs ICE, in close consultation with the Department of State and ORR, to develop and implement policies and procedures to ensure the safe and secure repatriation of unaccompanied alien children to their home countries, including through the arrangement of family reunification services and placement with non-profit organizations that provide for orphan services.

ICE should brief the Committee within 90 days of enactment of this Act on actions it has taken to implement these changes.

FUGITIVE OPERATIONS TEAMS

Within its fiscal year 2008 justification, ICE has set a goal for every Fugitive Operations Team to deport 1,000 alien absconders per year. According to a recent Office of Inspector General report, however, ICE is unable to track progress toward this goal because it does not maintain separate performance measurements for the fugitive operations program. ICE must develop a performance measurement approach that clearly illustrates the effectiveness of the Fugitive Operations Teams, by location, and a plan for enabling these teams to reach the goal of deporting 1,000 individuals per year. Because of the uncertain effectiveness of this program to date, the Committee recommends $183,200,000, which is the same level appropriated in 2007, providing for 70 teams. In addition, the Committee directs ICE to reallocate agents from the Fugitive Operations Teams to the Criminal Alien Program, as needed, in order to meet the mandate of removing every removable alien convicted of a crime and currently held in the corrections system.

BORDER ENFORCEMENT SECURITY TASK FORCES

As part of the Secure Border Initiative, ICE has proposed the Border Enforcement Security Task Force (BEST) program, which will focus on investigation and interdiction of illegally-smuggled and entering persons, with a priority on terrorist groups, gang members, and criminal aliens. The ICE-led BEST will coordinate Federal, State, local, Tribal, and foreign law enforcement and intelligence entities to disrupt and dismantle cross-border criminal organizations. The Committee recommends $10,700,000 and 63 positions for the BEST program, as requested. The Committee directs ICE to integrate the BEST program with the existing ICE-led Human Smuggling and Trafficking Center, the Customs and Border Protection-led Alien Smuggling Interdiction office, and the Intelligence and Analysis-led Integrated Border Intelligence Program, and to report to the Committee no later than January 1, 2008, on the execution of BEST funds in conjunction with these other DHS activities.

STATE AND LOCAL LAW ENFORCEMENT SUPPORT

The Department works with State and local law enforcement officers who agree to help enforce Federal immigration laws. The request includes a $32,030,000 increase for the three ICE programs that support State and local law enforcement activities: the Law Enforcement Support Center (LESC), the Forensics Document Laboratory (FDL), and the training and support for the voluntary participation of local law enforcement officers in immigration law enforcement as authorized under section 287(g) of the Immigration and Nationality Act (287(g) program).

Over the past two fiscal years, the Committee has provided more than $50,000,000 to support the 287(g) program, including the training of participants. However, 287(g) participation does not appear to be growing as quickly as the Department had planned, and nearly half of the funds provided to date remain unobligated.

Therefore, the Committee recommends $64,411,000 for State and local law enforcement support, which is an increase of $18,030,000 over the 2007 enacted level. Of the amount recommended, $25,356,000 is for LESC, $21,789,000 is for FDL, and $17,266,000 is for the 287(g) program. In implementing the Committee's requirement for ICE to contact every prison, jail, and correctional facility on a monthly basis to identify removable criminal aliens, ICE should draw on the additional 287(g) funding recommended by the Committee to enroll correctional facilities in the program and provide training and technical support to participants so that they can provide accurate and actionable data to ICE agents.

TRADE TRANSPARENCY INITIATIVE

ICE, in cooperation with CBP and the Departments of State and Treasury, operates Trade Transparency Units (TTU) consisting of specialized groups of agents investigating trade-based money laundering activities. The TTU focuses on the laundering of millions of dollars through seemingly legitimate trade, employing analytic tools, intelligence, and reciprocal information sharing with foreign governments to disrupt the illegal flow of cash and goods. Because of the success of this program, foreign governments have become more cooperative with sharing the information needed to stop such fraud. The Committee recommends $13,200,000 for the TTU to increase program staff by 16 full time equivalents (FTEs) and provide for associated equipment, materials and facilities. This level is $2,000,000 more than the request.

GANG ENFORCEMENT FIELD OFFICERS

ICE investigators have developed an expertise identifying and disrupting the criminal activities of organized transnational gangs. The ICE-led Operation Community Shield program has resulted in the arrest of over 4,200 gang members and associates since it was established in 2005. ICE proposes to establish a permanent counter-gang enforcement activity focused on disrupting gang-related crime in cities with high concentrations of gang activity. The Committee supports this goal and recommends a total of $7,000,000 for the ICE Gang Enforcement Field Officers program, an increase of $2,000,000 above the budget request, to support the addition of 50 agents to focus on this issue.

TEXTILE TRANSSHIPMENT ENFORCEMENT

The Committee includes $4,750,000, as requested, to continue textile transshipment enforcement. The Committee directs ICE to ensure that the activities of the textile enforcement division and other textile enforcement activities, specifically seizures, detention, and special operations, be maintained at least at the level of those activities in prior years, such as the fiscal year 2006 enforcement performance. The Committee also directs ICE to submit an interim report with the fiscal year 2009 budget on execution of its five-year strategic plan, which should provide information on enforcement activities, including textile production verification team exercises and special operations; numbers of seizures; penalties imposed; and the numbers and types of personnel responsible for enforcing textile laws.

HUMAN RIGHTS LAW DIVISION

The Committee congratulates the ICE Human Rights Law Division (HRLD) on its recent successes prosecuting individuals who have entered the country illegally to avoid accountability for war crimes, genocide, and other crimes against humanity. In 2006, HRLD concluded the first successful U.S. prosecution of an alien accused of genocide, leading to the deportation of the individual to Rwanda to face charges for his crimes. In April 2007, ICE successfully apprehended three individuals accused of war crimes during conflicts in South America. The Committee recommends $208,305,000 for the Office of Legal Proceedings, $500,000 more than requested. This additional funding should be devoted exclusively to the HRLD, and should be used to hire new staff members and expand the Division's travel and expense budgets. With these funds, the Committee expects HRLD to continue its vigorous pursuit of human rights violators.

ICE MUTUAL AGREEMENT BETWEEN GOVERNMENT AND EMPLOYERS

The ICE budget proposes $5,000,000 to develop a public-private partnership program between ICE and private sector employers designed to increase awareness of immigration document fraud. Because this program appears unnecessarily duplicative of the "Basic Pilot" program within U.S. Citizenship and Immigration Services, the Committee provides no funding for it.

ICE FINANCIAL MANAGEMENT

Since the creation of DHS, ICE has weathered several instances of financial turbulence. While the Committee remains hopeful that the financial managers at ICE have resolved any lingering effects of these problems, the Committee remains concerned about the maturation of ICE's managerial processes. In particular, staffing and resource needs may not be being fully met in critical areas such as personnel training and development. The Committee directs ICE to examine its allocation of resources across its headquarters functions, and brief the Committee by June 30, 2007, on any shortcomings that have the potential to impair the organization's financial management.

ICE VEHICLE FLEET MANAGEMENT PLAN

The Committee directs ICE to submit a Vehicle Fleet Management plan, including a detailed, five-year investment strategy across all types of ICE vehicles, with its fiscal year 2009 budget submission. This plan should include the age and mileage of vehicles in use by the Offices of Investigations, Intelligence, and Detention and Removal Operations, and any investment plans, requirements, and milestones for the ICE vehicle fleet. The Committee notes the same report was required, but not delivered, with the 2008 budget.

FEDERAL PROTECTIVE SERVICE

Appropriation, fiscal year 2007	$516,011,000
Budget estimate, fiscal year 2008	613,000,000
Recommended in the bill	613,000,000
Bill compared with:	
Appropriation, fiscal year 2007	+96,989,000
Budget estimate, fiscal year 2008	.....

MISSION

The Federal Protective Service (FPS) is responsible for the protection of federally owned and leased buildings and properties, particularly those under the charge and control of the General Services Administration. Funding for FPS is provided through a security fee charged to all GSA building tenants in FPS protected buildings. FPS has three major law enforcement initiatives, including: Protection Services to all Federal facilities throughout the United States and its territories; expanded intelligence and anti-terrorism capabilities; and Special Programs, including weapons of mass destruction detection, hazardous material detection and response, and canine programs.

RECOMMENDATION

The Committee recommends $613,000,000, the same as the amount requested and $96,989,000 above the amounts provided in fiscal year 2007.

FEDERAL PROTECTIVE SERVICE POLICE

The budget includes a proposal to eliminate the FPS Police in 2008. The Committee is aware that FPS has encouraged its police officers to find other employment either elsewhere in ICE or outside the Federal government. The Committee is concerned that the diminution and eventual elimination of the FPS Police force will impose a significant burden on State and local law enforcement officers, who will be expected to cover the work previously handled by the FPS Police. As a result, the Committee has included a statutory requirement for FPS to provide information on the number and types of cases handled by FPS Police during the last two fiscal years to the relevant lead State and local law enforcement agencies in areas with an FPS Police presence as of the start of fiscal year 2007. In addition, FPS is directed to negotiate a Memorandum of Agreement with each relevant local law enforcement agency that identifies how work historically carried out by FPS police will be addressed in the future. The Committee also directs FPS to submit quarterly reports, beginning on October 1, 2007, detailing the staffing levels at all FPS police locations, both vacant and filled.

AUTOMATION MODERNIZATION

Appropriation, fiscal year 2007	$15,000,000
Budget estimate, fiscal year 2008	.....
Recommended in the bill	30,700,000
Bill compared with:	
Appropriation, fiscal year 2007	+15,700,000
Budget estimate, fiscal year 2008	+30,700,000

MISSION

The Automation Infrastructure Modernization Account funds major information technology (IT) projects for U.S. Immigration and Customs Enforcement (ICE).

RECOMMENDATION

The Committee recommends $30,700,000 for Automation Modernization, the success of which will be critical to improving the efficiency and effectiveness of ICE programs. This funding level is $30,700,000 more than the amount requested and $15,700,000 more than provided in fiscal year 2007. Of the total amount recommended for Automation Modernization, $15,700,000 has been moved from Salaries and Expenses, since those funds were requested for development of operational support computer applications. The ATLAS project is a necessary investment for strengthening ICE operations, and therefore recommends continued funding for it.

The Committee continues the requirement for ICE to produce, and GAO to review, a detailed expenditure plan for the ATLAS program. While the Committee notes that ATLAS managers have improved the rigor of their oversight of the project, there is nevertheless a need for a well-coordinated and on-going effort to ensure ATLAS investments are made wisely and produce measurable improvement in ICE programs.

CONSTRUCTION

Appropriation, fiscal year 2007	$56,281,000
Budget estimate, fiscal year 2008	6,000,000
Recommended in the bill	6,000,000
Bill compared with:	
Appropriation, fiscal year 2007	−50,281,000
Budget estimate, fiscal year 2008	.....

MISSION

The Construction account funds the planning, design, construction, equipment and maintenance for ICE-owned buildings and facilities.

RECOMMENDATION

The Committee recommends $6,000,000 for Construction, as requested. The Committee restricts obligation of funds to carry out privatization of ICE-owned detention facilities until ICE provides, and the Committee approves, a privatization plan that includes a 30-year cost comparison of government-owned versus privatized detention operations.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

Appropriation, fiscal year 2007[1]	$4,739,114,000
Budget estimate, fiscal year 2008	4,953,159,000
Recommended in the bill	5,198,535,000
Bill compared with:	
Appropriation, fiscal year 2007	+466,721,000
Budget estimate, fiscal year 2008	+245,376,000

[1] Reflects $7,300,000 transfer as required by Public Law 110–5, Section 21101.

MISSION

Aviation security is focused on protecting the air transportation system against terrorist threats, sabotage and other acts of violence through the deployment of passenger and baggage screeners; detection systems for explosives, weapons, and other contraband; and other, effective security technologies.

RECOMMENDATION

The Committee recommends $5,198,535,000 for Aviation Security, $245,376,000 above the amounts requested and $466,721,000 above the amount provided for fiscal year 2007. Funds are partially offset through the collection of security user fees paid by aviation travelers and airlines, and discretionary fees on general aviation using Ronald Reagan Washington National Airport and indirect air cargo. A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Screening operations[1]	$3,992,489,000	$4,218,194,000
Aviation security direction and enforcement	960,445,000	980,116,000
Discretionary fees	225,000	225,000
Subtotal, aviation security	$4,953,159,000	$5,198,535,000

[1] In the past, there was a mandatory appropriation of $250,000,000—the Aviation Security Capital Fund—which was paid for entirely from user fees. This fund has not been authorized for fiscal year 2008.

AVIATION SECURITY FEES

In total, the Committee has assumed the collection of $2,710,000,000 in aviation security user fees. The Committee assumes that, of this total, $2,214,000,000 will be collected from aviation passengers and $496,000,000 will be collected from airlines. These fees partially offset the Federal appropriation for aviation security.

SCREENING OPERATIONS

The Committee recommends $4,218,194,000 for passenger and baggage screening operations, $225,705,000 above the amount requested and $449,928,000 above the amount provided for fiscal year 2007. While TSA refers to the screener workforce as "Transportation Security Officers," these personnel are referred to as "passenger and baggage screeners" for the purposes of this bill and report. A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Screener Workforce:		
Privatized screening	$143,385,000	$147,190,000
Passenger and baggage screeners, personnel, compensation and benefits	2,601,404,000	2,589,304,000
Subtotal, screener workforce	2,744,789,000	2,736,494,000
Screening training and other:	200,466,000	200,466,000
Human resource services:	182,234,000	182,234,000
Checkpoint support:	136,000,000	250,000,000
EDS/ETD Systems:		
EDS procurement and installation	440,000,000	560,000,000
EDS/ETD maintenance	264,000,000	264,000,000

	Budget estimate	Recommended
Operation integration	25,000,000	25,000,000
Subtotal, EDS/ETD systems	729,000,000	849,000,000
Total, screening operations	$3,992,489,000	$4,218,194,000

PRIVATIZED SCREENING

The Committee recommends $147,190,000 for privatized screening, $3,805,000 above the amount requested and $1,410,000 below the amount provided for fiscal year 2007. Funding above the budget request has been provided to support two activities.

First, the Committee has included $2,800,000 to support travel document checkers at the largest airports (Category X and I) that use private screeners. This is consistent with funding recommendations made for those airports that use Federal screeners.

Second, because Federal law requires that all aviation travelers be screened, additional funding is necessary to support two commercial air passenger airports that were federalized after the President's fiscal year 2008 budget request was submitted and that use private screeners. In addition, the Committee is aware of at least a handful of other airports that are in the process of federalizing and acquiring commercial air service that will require funding to support screening activities.

TSA has proposed not screening aviation travelers at newly federalized airports or requiring the airports and heliports to bear those costs. This would contravene section 44901 of the Aviation and Transportation Security Act, which requires all passengers to be screened by either TSA or private screeners before they board commercial aircraft. Vision 100—the Century of Aviation Reauthorization Act (P.L. 108–176) further clarified TSA's screening requirements for charter air carriers with a maximum take-off weight of more than 12,500 pounds and its obligation to deploy screeners to certain airports. The Committee directs TSA to provide screening at those airports and heliports that have requested screening.

TSA is directed to notify the Committees on Appropriations if it expects to spend less than the appropriated amount for privatized screening due to instances in which no additional privatized screening airports are added or airports currently using privatized screening convert to Federal screeners. TSA shall adjust its program, project, and activity (PPA) line items within ten days to reflect the award of contracts under the screening partnership program; to indicate any changes to private screening contracts, personnel levels, or compensation and benefits; and to record the movement of privatized screening into Federal screening.

PASSENGER AND BAGGAGE SCREENER PERSONNEL, COMPENSATION AND BENEFIT

The Committee recommends $2,589,304,000 for passenger and baggage screener personnel, compensation, and benefits, $12,100,000 below the amount requested and $119,104,000 above the amount provided for fiscal year 2007. This level fully funds the pay and cost of living adjustments for all passenger and baggage screeners. Also, it partially funds the travel document checker program and the behavior detection screeners requested in the budget.

Finally, the Committee has provided funding for a pilot program to screen airport employees.

TRAVEL DOCUMENT CHECKERS

The Committee recommends $45,000,000 for the new travel document checker program instead of $60,000,000 as requested. Because this program will begin at the 40 largest airports in fiscal year 2008, it is unlikely that all 1,329 travel document checkers will be on the payroll as of October 1, 2007. While the Committee recognizes that TSA will take the travel document checkers from the current screener workforce, it will take time to train these current employees to inspect and verify the travel documents of airline passengers and to hire new employees to fill vacated screener positions. Furthermore, TSA has not developed a detailed expenditure plan to support the proposed travel document checker program, which is a new activity for the Federal government that will replace activities currently being carried out by airline contract employees. Without such an expenditure plan, it is unclear how TSA will measure program successes, account for the use of current and future year appropriations for these personnel, or hold program managers accountable for the travel document checking functions. As a result, the Committee provides nine months of funding for these positions, a reduction of $15,000,000 below the requested amount. TSA is directed to brief the Committee on how the results of this new function will be measured. In addition, TSA shall submit a report no later than February 1, 2008, that details the function of each different type of new employee category within this personnel, compensation, and benefits (PC&B) appropriation, including travel document checkers, bomb appraisal screeners, and behavior detection screeners. As part of this report, TSA is directed to clearly identify the FTE levels, PC&B expenditures, equipment costs, and measures of success for all three specialized personnel categories.

PILOT PROGRAM TO SCREEN AIRPORT EMPLOYEES

The Committee has provided $5,000,000 for the labor costs to pilot the screening of all airport employees at seven airports. Currently, airport employees do not regularly receive physical screening when entering secure areas of airports. Instead, TSA randomly screens individual employees, vendor deliveries, delivery personnel and vehicles. TSA also conducts background checks on all airport employees that apply for or hold airport-issued identification that permits these employees unescorted access to secure or sterile areas.

After a Delta Airlines plane was reverse screened upon arrival in Puerto Rico on March 5, 2007, two Delta airline employees were found to have placed 14 weapons and eight pounds of marijuana on the flight. Because these airline employees were not physically screened, the contraband did not go through the security checkpoint and was easily placed on the aircraft. TSA has informed the Committee that while it has no plans to physically screen all airport employees at the airports, it has launched a six-point plan to bolster employee screening and airport-wide security surge programs in response to the incident.

TSA currently has no data on the benefits, costs, or impacts of a 100-percent airport employee screening policy. As a result, the Committee provides funding for TSA to pilot the screening of airport employees at up to seven airports for no less than 180 days. TSA shall report to the Committees on Appropriations on: (1) the results of these pilots, including the average wait times at screening checkpoints for passengers and employees; (2) the estimated cost of the infrastructure and personnel necessary to implement a screening program for airport workers at all U.S. commercial service airports in order to meet a 10-minute standard for processing passengers and workers through screening checkpoints; (3) the ways in which the current methods for screening airport employees could be strengthened; and (4) the impact of screening airport workers on other security-related duties at airports. TSA is directed to submit this report no later than August 1, 2008.

BEHAVIOR DETECTION SCREENERS

The Committee has reduced funding for behavior detection screeners within the passenger and baggage screener appropriation because of a high number of vacancies in this program in 2007 that are expected to carry into fiscal year 2008. At this time, TSA has filled less than 20 percent of the 401 positions it planned to fill in 2007. Because of the high level of vacancies, TSA does not require full year funding for an additional 188 screeners it has requested for 2008. Consistent with recommendations made throughout this section, the Committee provides nine months of funding for these positions, a reduction of $2,100,000 below the requested amount.

Behavior detection is a new TSA program in 2007 that requires screeners to receive specialized training to detect threats through the recognition of suspicious behavioral characteristics. The Committee directs TSA to report to the Committee by December 2007 on the status of filling these positions and how the agency will measure the performance of these screeners.

STAFFING ALLOCATIONS

In February 2007, a Government Accountability Office review of TSA's staffing allocation model (GAO–07–299) found that TSA does not periodically reevaluate its assumptions to ensure that they reflect the most current operating conditions. As a result, TSA has not always made staffing decisions that are informed by each airport's current part-time workforce and reflect leave, absenteeism, injuries, training, and non-screening duties. This Committee has heard repeatedly from airports questioning revisions TSA has made to airport screener allocations, noting that TSA's model does not take into account new or additional service to an airport by air carriers, assumes an unachievable level of part-time employees, or does not reflect challenging airport layouts. GAO recommended that TSA establish a formal, documented plan for reviewing all of the assumptions of the staffing allocation model on a periodic basis to ensure that screener staffing allocations accurately reflect operating conditions that may change over time. The Committee concurs with this recommendation and directs TSA to provide periodic briefings to the Committee on such a plan beginning on November 1, 2007.

SCREENING WAIT TIMES

The Committee continues to be concerned that screening wait times vary disproportionately by airport. The Committee directs TSA to submit wait time data on a quarterly basis for domestic airports with above average times and for the top 40 busiest airports in the United States. TSA shall annotate this report to explain any dramatic shift in wait times at any airport. The first report shall be submitted on January 1, 2008.

CHECKPOINT SUPPORT

The Committee recommends $250,000,000 for checkpoint support, $114,000,000 above the amount requested and $76,634,000 above the amount provided for fiscal year 2007. Unfortunately, very little has changed at airport checkpoints since September 11, 2001. Despite the 9/11 Commission recommendation, very few passengers and carry-on baggage are screened for explosives, even though promising new technologies that dramatically improve security and decrease wait times have been developed. Additional funding is provided for pilot testing and deployment of advanced checkpoint explosive detection equipment and screening techniques to determine optimal deployment as well as preferred operational and equipment protocols. Eligible systems may include, but are not limited to: advanced technology screening systems, whole body imagers, liquid explosives detectors, and automated explosive detection systems. Funding may also be used to establish new checkpoints to screen airport employees. No later than 60 days after enactment of this Act, TSA shall provide the Committees on Appropriations a checkpoint support plan that outlines how these funds will be spent.

EXPLOSIVE DETECTION SYSTEMS

The Aviation and Transportation Security Act required the Federal Government to be responsible for the electronic screening of all checked baggage using explosive detection machines. To satisfy this mandate, TSA deployed two types of screening equipment: (1) explosive detection systems (EDS) using computer aided tomography X-rays to scan objects and automatically recognize the characteristic signature of explosives; and (2) explosive trace detection machines (ETDs) using chemical analysis to detect traces of explosive materials' vapors or residues. Because of shortages of equipment and insufficient time to modify airports to accommodate large EDS machines, many EDS machines were placed in congested airport lobbies, impeding traffic flows and limiting the effectiveness of the screening equipment.

To correct these problems, as well as plan for future aviation security needs, TSA completed a 20-year electronic baggage screening plan in 2006 for deploying checked baggage screening systems and refurbishing or replacing these first generation systems. The plan analyzed the top 250 airports and concluded that the preferred solution would cost a total of $50.32 billion by 2025. A more recently completed baggage screening investment study concluded that the capital funding requirements to procure new optimal systems, install these systems, modify facilities to expand existing checked baggage screening systems, and acquire new systems to support

new airport terminals would cost $8.2 billion over the same time period.

The Committee recognizes that additional investments are necessary to: increase security at airports nationwide; more readily adapt to growing airline traffic, potential threats, and other industry changes over the next 20 years; deploy the best possible screening solutions at each airport; and leverage emerging screening technologies to the maximum extent practicable.

The Committee recommends a total of $560,000,000 for explosive detection systems procurement and installations, $120,000,000 more than the amount requested. The mandatory Aviation Security Capital Fund has not been authorized for fiscal year 2008. The total amount provided, coupled with funding appropriated in fiscal year 2007, including the recently-enacted 2007 supplemental appropriations, represents one sixth of the total need identified in the most recent baggage screening study.

The Committee provides $560,000,000 to expedite the procurement and installation of in-line systems at airports, using current or next-generation EDS machines, as well as to replace the existing ETD machines at medium and small airports with EDS machines. The Committee directs that no funding should be used for new ETD purchases or installations unless they are necessary for secondary screening of checked baggage, to replace an aging ETD system in those airports that are primarily dependent on ETD technologies, or to procure new ETD systems for new, small airports or heliports that are federalized.

CONSOLIDATING CHECKPOINT AND CHECKED BAGGAGE SCREENING AT SMALLER AIRPORTS

The Committee is aware that TSA is studying the effectiveness of consolidating checkpoint and checked baggage screening at smaller airports. The Committee believes this approach has the potential to maximize the use of limited resources and increase efficiency in airport screening. Therefore, the Committee encourages TSA to continue to explore the consolidation of checkpoint and checked baggage screening at Category III and IV airports, and to report back no later than February 15, 2008, on its findings on how this consolidation may work.

AVIATION SECURITY DIRECTION AND ENFORCEMENT

The Committee recommends $980,116,000 for aviation security direction and enforcement, $19,671,000 above the amount requested and $16,558,000 more than the amount provided for fiscal year 2007. The Committee also assumes the collection of $225,000 in new discretionary fees related to general aviation operations at Ronald Reagan Washington National airport and indirect air cargo. The following table highlights funding levels by program, project, and activity:

	Budget estimate	Recommended
Aviation Direction and Enforcement:		
Aviation regulation and other enforcement	$223,653,000	$223,653,000
Airport management, information technology and support	655,933,000	651,933,000
FFDO and flight crew training	25,091,000	27,530,000
Air cargo	55,768,000	73,000,000

	Budget estimate	Recommended
Perimeter security	0	4,000,000
Subtotal, aviation security direction and enforcement	$960,445,000	$980,116,000
Discretionary Fees:		
General Aviation at DCA	$200,000	$200,000
Indirect Air Cargo	25,000	25,000
Subtotal, discretionary fees	$225,000	$225,000

AVIATION SECURITY INSPECTORS

The Committee recommends $223,653,000 for aviation regulation and other enforcement, the same amount as requested. The Committee is concerned that, over the past four years, TSA has allowed the aviation inspection workforce to decrease by over 10 percent, from about 700 aviation security inspectors in 2004 to 618 inspectors currently, while inspection responsibilities have increased. Therefore, the Committee directs GAO to review the operation of the aviation security inspector program since it has been located at TSA. The review should include the historical FTE levels for this program, a description of the roles and responsibilities of these inspectors and how their work has changed since 2002, as well as an analysis of what areas may not be receiving adequate inspections due to the current workforce size. GAO should make recommendations on ways to reorganize or enhance this program, if appropriate.

AIRPORT MANAGEMENT, INFORMATION TECHNOLOGY AND SUPPORT

The Committee recommends $651,933,000 for airport management, information technology and support, $4,000,000 below the amount requested and $14,099,000 below the amount provided for fiscal year 2007. A reduction was made to reflect the completion of the high-speed connectivity project at all airports and vacancies within this program.

FEDERAL FLIGHT DECK OFFICER AND FLIGHT CREW TRAINING

The Committee recommends $27,530,000 for the Federal flight deck officer and flight crew training program, $2,439,000 above the amount requested and $2,530,000 above the amount provided for fiscal year 2007. Within this total, $24,621,000 is for the Federal flight deck officer training program and $3,269,000 is for flight crew training. The Committee has provided $2,439,000 above the budget request to maintain the current number of Federal flight deck officers who receive basic firearm training, including training on how to safely carry and use a firearm while on an aircraft. Without this additional funding, fewer pilots will be trained as flight deck officers than have expressed interest in the program.

AIR CARGO

The Committee recommends $73,000,000 for air cargo, $17,232,000 above the amount requested and $18,000,000 above the amount provided in fiscal year 2007.

Unlike checked passenger baggage, air cargo carried in the belly of passenger aircraft is not all screened for explosives. While TSA has made limited progress in the past few years in increasing the

percentage of air cargo screened, it must more aggressively pursue the goal of screening 100 percent of all air cargo carried on passenger aircraft. The reliability of TSA's current air cargo security system, the "known shipper" database, is questionable because it does not reflect the complete universe of certified shippers and because it is populated by information voluntarily provided by shippers that has not all been validated by TSA.

In November 2006, TSA updated its air cargo security directive to require more air cargo be screened. At the larger airports, for example, all cargo that is high risk or presented at airline ticket counters must now be screened. At the smaller airports, 100 percent of all cargo must be screened. In addition, TSA has taken measures to increase inspections of previously exempted cargo.

The Committee has included $17,232,000 above the request for: (1) continued training and deployment of additional canine teams at high volume air cargo airports to increase inspections; (2) additional air cargo inspectors to monitor the compliance of air carrier and freight forwarders with security directives; and (3) the transfer of promising techniques from the three, ongoing air cargo pilot programs to additional airports that may express an interest in using them.

The Committee notes an apparent growth in the number of airports and air carriers that are not in compliance with security screening percentages, as required by Public Law 108–334. While TSA has penalized and/or shut down a few operations that were not in compliance with the air cargo security requirements, the agency could be more aggressive in acting to reduce the rate of non-compliance, particularly for repeat offenders. The Committee directs TSA to continue to report quarterly on air cargo inspection statistics by airport and air carrier, to note any reason for non-compliance, and to fully explain the reasoning in all instances where TSA has not imposed maximum penalties.

In addition, because there has been no statutory change in passenger aircraft air cargo screening percentages since 2005, the Committee has included bill language (Sec. 516) that doubles the amount of air cargo to be screened in fiscal year 2008. Funding in this bill will make this substantial increase in air cargo screening possible, positioning TSA closer to the goal of screening 100 percent of air cargo in the near future.

Over the past few years, TSA has become increasingly dependent on contractors to support its air cargo regulatory efforts. At this time, 80 percent of work conducted by the air cargo office is done by contractors. While it makes sense to utilize contractors at times, the air cargo regulatory program should not be reliant on contractors for day-to-day activities of such critical government programs as the known shipper management system, the indirect air carrier management system, the freight assessment program, air cargo risk based programs and new technology initiatives. TSA shall make every effort to limit the use of contractors for air cargo regulatory activities and hire dedicated Federal employees who are well trained in this area. TSA shall report quarterly to the Committee on the progress it has made to reduce its dependence on contractors. The first report is due January 1, 2008.

AIRPORT PERIMETER SECURITY

The Committee recommends $4,000,000 for airport perimeter security pilots. Many specific vulnerabilities have been identified at airport perimeters, none of which have been systematically addressed by TSA. Since 9/11, $22,000,000 has been provided for airport perimeter and terminal security pilot projects, but TSA has been slow to act in awarding competitive projects and in determining solutions. The Committee expects that these funds and all funds currently available for airport perimeter pilot projects will be competitively awarded in 2008.

GENERAL AVIATION

The 9/11 Commission, GAO and the Congressional Research Service have issued reports citing vulnerabilities in general aviation security. For example, general aviation airports and aircraft are viewed as comparatively soft targets that could be exploited by terrorists. With more than 5,400 public use general aviation airports in the United States, the Committee supports a robust program to reinforce security at these facilities and directs TSA to continue funding ongoing activities in this area. Funding shall be awarded under a competitive process.

FOREIGN REPAIR STATIONS

According to the Department of Transportation, U.S. air carriers have outsourced over 50 percent of the repair and maintenance of their aircraft. Numerous concerns have been expressed about the lax security standards at the foreign repair stations that perform work on U.S. registered aircraft and the potential for terrorist sabotage of such an aircraft. In 2006, Congress appropriated $3,000,000 to hire staff to inspect the security of foreign and domestic repair stations. The Committee notes that 13 staff have been hired for this work. Yet, 18 months after this appropriation was provided, about half of the appropriation remains unobligated and TSA has failed to finalize a regulation to audit certified repair stations in foreign countries. TSA has informed the Committee that this regulation will not be completed until the second quarter of 2008. This timeline is unacceptable. The Committee directs TSA, in consultation with the Federal Aviation Administration, to work aggressively to complete this rule in a more timely fashion, and report monthly on its efforts to do so.

DEPLOYABLE FLIGHT DATA AND COCKPIT VOICE RECORDERS

The Committee understands that TSA plans to evaluate the safety and security benefits of deployable flight data and cockpit voice recorders equipped with emergency locator transmitters. The Committee encourages TSA to work with the Federal Aviation Administration to test such technologies on civilian passenger aircraft in order to identify those that would improve the survivability of flight data and cockpit voice recorders following civil aviation disasters.

SURFACE TRANSPORTATION SECURITY

Appropriation, fiscal year 2007	$37,200,000
Budget estimate, fiscal year 2008	41,413,000
Recommended in the bill	41,413,000
Bill compared with:	
Appropriation, fiscal year 2007	+4,213,000
Budget estimate, fiscal year 2008	.....

MISSION

Surface Transportation Security is responsible for assessing the risk of terrorist attacks to all non-aviation transportation modes, issuing regulations to improve the security of these modes, and enforcing regulations to ensure the protection of the transportation system.

RECOMMENDATION

The Committee recommends $41,413,000 for Surface Transportation Security, the same as the amount requested and $4,213,000 above the amount provided in fiscal year 2007. Within this total, $24,485,000 is for surface transportation staffing and operations and $16,928,000 is for rail security inspectors and canines. The Committee recognizes the ability of canine teams to detect explosives and supports TSA's plan to expand the National Explosive Detection Canine Team program by an additional 45 teams to include new locations as well as work in the ferry system. Also, the Committee encourages TSA to use explosive sniffing canines to screen intercity bus terminals when those terminals are either part of an intermodel facility that includes transit or are located near transit terminals.

In addition to the funds provided for surface transportation security under this heading, the Committee has provided $421,000,000 for rail, transit, bus, trucking, and ferry security grants under the Federal Emergency Management Agency's "State and Local Programs" appropriation.

RED TEAMING AND RANDOM PATROLS

TSA developed a program known as the Visible Intermodal Protection and Response teams that consist of both uniformed and covert air marshals, rail inspectors, and canine units randomly patrolling transportation stations to deter terrorists from surveiling facilities and planning related attacks. In addition to this activity, the Committee directs the Office of Internal Affairs to randomly conduct red teaming operations at rail, transit, bus, and ferry facilities that receive Federal grant funds to ensure that any vulnerabilities are identified and corrected. Funding for these activities is included under the recommendation for Transportation Security Support.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

Appropriation, fiscal year 2007 [1]	$37,700,000
Budget estimate, fiscal year 2008	77,490,000
Recommended in the bill	49,490,000
Bill compared with:	
Appropriation, fiscal year 2006	+11,790,000
Budget estimate, fiscal year 2007	−28,000,000

[1] Reflects the transfer of $2,000,000 from Secure Flight to Aviation Security as required by Public Law 110–5, Section 21101.

MISSION

The Transportation Threat Assessment and Credentialing mission is to reduce the probability of a successful terrorist or other criminal attack to the transportation system through the application of threat assessment methodologies that are intended to identify known or suspected terrorist threats working in or seeking access to the Nation's transportation system. This appropriation consolidates the management of all TSA vetting and credentialing programs into one office and includes the following screening programs: Secure Flight; Crew Vetting; Transportation Worker Identification Credential; Registered Traveler; Hazardous Materials; and Alien Flight School.

RECOMMENDATION

The Committee recommends a direct appropriation of $49,490,000 for Transportation Threat Assessment and Credentialing, $28,000,000 below the amount requested and $11,700,000 above the amount provided for fiscal year 2007. In addition, the Committee anticipates TSA will collect $82,601,000 in fees. A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Direct Appropriation:		
Secure flight	$53,000,000	$25,000,000
Crew vetting	14,990,000	14,990,000
Screening administration and operations	9,500,000	9,500,000
Subtotal, direct appropriations	77,490,000	49,490,000
Fee Collections:		
Registered traveler	35,101,000	35,101,000
Transportation worker identification credential	26,500,000	26,500,000
Hazardous materials	19,000,000	19,000,000
Alien flight school (transfer from DOJ)	2,000,000	2,000,000
Subtotal, fee collections	$82,601,000	$82,601,000

SECURE FLIGHT

The Committee recommends $25,000,000 for Secure Flight, $28,000,000 less than the amount requested and $12,000,000 above the amount provided for fiscal year 2007 after the transfer required by Public Law 110–5, Section 21101. While TSA recently completed a year long initiative to reassess Secure Flights' capabilities and address privacy and other concerns, the agency has not completed a cost estimate for completing development and conducting operational testing of the program. In addition, while TSA has stated that it plans to accelerate the Secure Flight program, the latest data provided to the Committee shows operational testing slipping

from 2008 until early 2009. As part of its initial review of this reassessment, GAO noted that TSA needs to develop a management plan that clearly outlines how TSA will measure the program's success, holds program managers accountable, and accounts for the use of current and future appropriations. Until TSA develops a detailed expenditure and management plan, it is premature for the Committee to fully fund the budget request.

The Committee continues a longstanding general provision (Sec. 513) that directs the GAO to continue to evaluate DHS and TSA actions to meet the ten requirements listed in Section 522 of Public Law 108–344, including Secretarial certification. Bill language also prohibits the use of commercial data or the development and testing of algorithms assigning risk to passengers whose names are not on Government watch lists. The Committee expects DHS and TSA to fully cooperate with GAO and provide GAO with access to all required documents and officials in a timely manner so that GAO can fulfill the congressional mandate.

The Committee is concerned that, even with the Secure Flight program, TSA plans to continue to screen passenger names against only a subset of the full terrorist watch list. Therefore, the Committee includes bill language that requires the Assistant Secretary to certify that no security risks are raised because the full watch list will not be checked. In addition, the Committee directs GAO, to report by February 1, 2008, on the vulnerabilities that exist to our aviation system if Secure Flight does not screen against the full terrorist watch list.

SCREENING ADMINISTRATION AND OPERATIONS

The Committee provides $9,500,000 for screening administration and operations, as requested. This funding shall be used to support 15 FTEs working on a variety of vetting activities, including the imposition of temporary flight restrictions; reviews of non-scheduled commercial operators (charters) to ensure a level of security equivalent to regularly scheduled airlines; the vetting of general aviation, charter, and business aircraft that fly into Ronald Reagan Washington National Airport and the three Maryland airports within 15 miles of Washington D.C. (Potomac Airpark, Washington Executive, and College Park); and checks of alien flight school pilots seeking recurring training in the United States. None of this funding shall be used in support of the Secure Flight program or the Transportation Worker Identification Credential (TWIC). Secure Flight has a separate appropriation that shall not be supplemented by this funding. TWIC is anticipated to be solely funded by user fees in fiscal year 2008. If a direct appropriation is required for TWIC, TSA shall submit a budget addendum prior to enactment of this Act or a reprogramming request in fiscal year 2008, subject to Section 503 of this Act.

The Committee denies the budget request to combine the screening administration and operations appropriation with the crew vetting appropriation. Consistent with prior years, crew vetting is funded as separate appropriation totaling $14,990,000 in fiscal year 2008.

TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL

While the Security and Accountability For Every Port Act of 2006 (Public Law 109–347) set a deadline for TSA to implement TWIC at the 10 highest risk ports by July 1, 2007, the Agency recently testified that it may not meet this deadline due to vetting problems within the identity management system. Until these problems can be resolved, TSA has no enrollment or deployment schedule for TWIC.

Because of these delays, the Committee is concerned that TSA's fee estimates are too high and its assumption that TWIC will be solely user fee funded in fiscal year 2008 may be unrealistic. Specifically, it appears unlikely TSA will collect its revised estimate of $10,000,000 in user fees in fiscal year 2007, or $26,500,000 in user fees as estimated for fiscal year 2008. Furthermore, while TSA had informed the Committee that no funding would be required in fiscal year 2007 for TWIC, the agency recently submitted an expenditure plan showing that $4,700,000 of the screening administration and operations appropriation provided in fiscal year 2007 would support the TWIC program. TSA shall provide a monthly briefing to the Committee detailing efforts to resolve TWIC problems, forecasting a date for enrollments to begin, updating a port-by-port program implementation schedule, and estimating the impact of delays on total program expenses. The first briefing should be received no later than July 1, 2007. Furthermore, the Committee urges TSA to ensure that the Coast Guard and terminal operators work closely with local port police and other law enforcement agencies to develop the operational procedures that will ensure effective implementation of the TWIC program. If a direct appropriation for TWIC is necessary in 2008, the Committee directs TSA to submit a budget addendum to justify this need or to submit a reprogramming request consistent with Section 503 of this Act.

REGISTERED TRAVELER

The Committee anticipates the collection of $35,101,000 in user fees to support the Registered Traveler (RT) program in fiscal year 2008. TSA and private industry developed the RT program to provide expedited security screening for passengers who volunteer biometric and biographic information to a TSA-approved RT vendor and successfully complete a security threat assessment. Market-driven and offered by the private sector, the RT program is intended to permit TSA to shift screening resources away from individuals who have been prescreened and are therefore less likely to be a threat. For its part, TSA provides the security threat assessment and program oversight, and conducts physical screening at airport checkpoints. While a limited number of airports are currently participating in the RT program, it is anticipated that this number will grow.

The success of the RT program depends on its ability to deliver time saving benefits to participants that are consistent with both airport security and individual privacy. The RT program also has the potential benefit to TSA of serving as a ready-made venue for the evaluation, approval, or certification of new technologies. TSA is directed to work with private RT providers to maximize time saving benefits while maintaining and enhancing security.

The Committee urges TSA to permit RT members to use their biometrically secure cards to fully satisfy the identity verification requirement when entering an RT line at a participating airport in lieu of the government issued photo identification document required of individuals who are not Registered Travelers.

The Committee also directs TSA to work with Science and Technology to quickly review proposed technology and procedures to streamline the generally-applied checkpoint process for members of the Registered Traveler program, and to quickly approve technologies or procedures that would provide equal or better protection than the generally-applied checkpoint process with respect to detecting unauthorized persons or items.

TRANSPORTATION SECURITY SUPPORT

Appropriation, fiscal year 2007	$525,283,000
Budget estimate, fiscal year 2008	524,515,000
Recommended in the bill	526,615,000
Bill compared with:	
Appropriation, fiscal year 2007	+1,332,000
Budget estimate, fiscal year 2008	+2,100,000

MISSION

The Transportation Security Support account includes financial and human resources support; the Transportation Security Intelligence Service; information technology support; policy development and oversight; performance management and e-government; communications; public information and legislative affairs; training and quality performance; internal conduct and audit; legal advice; and overall headquarters administration.

RECOMMENDATION

The Committee recommends $526,615,000 for Transportation Security Support, $2,100,000 above the amount requested and $1,332,000 above the amount provided for fiscal year 2007. A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Headquarters administration	$294,191,000	$296,291,000
Information technology	209,324,000	209,324,000
Intelligence	21,000,000	21,000,000
Subtotal, transportation security support	$524,515,000	$526,615,000

RED TEAMING

The Committee is strongly supportive of red teaming exercises which help identify vulnerabilities to our critical transportation systems. The Committee directs TSA to be more proactive in red teaming in fiscal year 2008. To do so, the Committee recommends $6,360,000 for red teaming activities within the appropriation for Headquarters Administration, $2,100,000 or 50-percent above the amounts requested. This funding level will enable 12 full-time teams to undertake red teaming activities to identify potential vulnerabilities and exploitable weaknesses in airports and air cargo facilities, as well as in transit, rail and ferry systems. TSA should

use temporary detailees to test the systems to prevent airport screeners and other employees from recognizing the red team members. The Committee expects red teams to think "outside the box" about ways to exploit transportation security vulnerabilities.

The Committee directs TSA to report biannually on its red teaming activities, to include specific discussions on the test results at airport checkpoints, in the secure areas of the airport, at air cargo facilities, and on other modes of transportation. The first report should be submitted by January 1, 2008.

EXPENDITURE PLANS FOR THE PURCHASE AND DEPLOYMENT OF CHECKPOINT SUPPORT AND EXPLOSIVE DETECTION EQUIPMENT

Similar to actions taken last year, the Committee has included bill language requiring TSA to provide the Committee with a detailed expenditure and deployment plan for checkpoint support and explosive detection equipment. This plan shall be submitted no later than 60 days after enactment of this Act and shall detail expenditures for checkpoint support and explosive detection procurement and installation on an airport-by-airport basis for fiscal year 2008. In regards to explosive detection equipment, the plan shall clearly delineate funding for next generation systems and refurbishment.

SENIOR CAREER EMPLOYEES

TSA has had frequent and sustained turnover within its senior workforce, resulting in a lack of historical knowledge about the programs and policies of the agency. While this may be expected for political appointees, it is disappointing that turnover among senior career employees is so high and is anticipated to grow dramatically over the next year. The Committee encourages TSA to take appropriate measures to build a stable, senior career workforce so that when a change in political administration occurs, the agency can continue operating without a diminution in transportation security oversight. TSA shall report to the Committees on Appropriations no later than January 15, 2008, on its plans and efforts to retain senior career employees. In addition, the GAO is directed to report on the history of SES-level career turnover since the formation of TSA.

FEDERAL AIR MARSHALS

Appropriation, fiscal year 2007	$714,294,000
Budget estimate, fiscal year 2008	722,000,000
Recommended in the bill	722,000,000
Bill compared with:	
Appropriation, fiscal year 2007	+7,706,000
Budget estimate, fiscal year 2008	.....

MISSION

The Federal Air Marshals (FAMs) provide security for the nation's civil aviation system through the effective deployment of armed Federal agents to detect, deter, and defeat hostile acts targeting U.S. air carriers, airports, passengers, and crews.

RECOMMENDATION

The Committee recommends $722,000,000 for the Federal Air Marshals (FAMs), the same as the amount requested and $7,706,000 above the amount provided for fiscal year 2007. Of this total, $644,173,000 is for management and administration and $77,827,000 is for travel and training. The Committee anticipates that this funding level will maintain mission coverage on both domestic and international flights, as well as provide FAMs with the flexibility to conduct law enforcement operations in some of the nation's larger airports. The Committee continues to expect quarterly reports on mission coverage, staffing levels, and hiring rates as directed in previous Appropriations Acts.

UNITED STATES COAST GUARD

OPERATING EXPENSES

Appropriation, fiscal year 2007 [1]	$5,477,657,000
Budget estimate, fiscal year 2008	5,894,295,000
Recommended in the bill	5,885,242,000
Bill compared with:	
Appropriation, fiscal year 2007	+407,585,000
Budget estimate, fiscal year 2008	−9,053,000

[1] Does not include $90,000,000 transfer from DoD, pursuant to P.L. 109–289, for Iraqi war costs.

MISSION

The U.S. Coast Guard is the principal Federal agency charged with maritime safety, security and stewardship. The Operating Expenses appropriation provides funding for the operation and maintenance of multipurpose vessels, aircraft, and shore units strategically located along the coasts and inland waterways of the United States and in selected areas overseas. This is the primary appropriation financing operational activities of the Coast Guard.

RECOMMENDATION

The Committee recommends a total appropriation of $5,885,242,000 for Operating Expenses, including $340,000,000 for national security activities. The recommended funding level is $9,053,000 below the amount requested and $407,585,000 above the amount provided for fiscal year 2007. A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Military pay and allowance:		
Military pay and allowance	$2,496,230,000	$2,472,564,000
Military health care	348,960,000	347,733,000
Permanent change of station	113,432,000	112,339,000
Subtotal, military pay and allowance	2,958,622,000	2,932,636,000
Civilian pay and benefits:	630,669,000	592,769,000
Training and recruiting:		
Training and education	85,593,000	85,050,000
Recruitment	100,955,000	101,096,000
Subtotal, training and recruiting	186,548,000	186,146,000
Operating funds and unit level maintenance:		
Atlantic Command	177,020,000	176,972,000
Pacific Command	198,488,000	198,740,000

	Budget estimate	Recommended
1st District	58,573,000	58,583,000
5th District	22,222,000	22,227,000
7th District	77,138,000	78,390,000
8th District	46,129,000	46,156,000
9th District	32,084,000	32,092,000
11th District	17,437,000	17,450,000
13th District	23,230,000	23,240,000
14th District	19,401,000	19,402,000
17th District	31,734,000	31,816,000
Headquarters directorates	271,914,000	281,577,000
Headquarters managed units	131,153,000	130,098,000
Other activities	31,376,000	31,704,000
Subtotal, operating funds and unit level maintenance	1,138,199,000	1,148,447,000
Centrally managed accounts:	226,215,000	226,494,000
Intermediate and depot level maintenance:		
Aeronautical maintenance	295,950,000	295,950,000
Electronic maintenance	118,968,000	118,998,000
Civil/ocean engineering and shore facilities maintenance	171,317,000	170,729,000
Vessel maintenance	167,807,000	168,073,000
Subtotal, Intermediate and depot level maintenance	754,042,000	753,750,000
Port security improvements:	0	45,000,000
Total, operating expense	$5,894,295,000	$5,885,242,000

IRAQ OPERATIONS

The fiscal year 2008 Homeland Security budget request does not include any funding for Coast Guard port security operations in Iraq. Rather, the fiscal year 2008 Operation Iraqi Freedom supplemental request includes $222,600,000 to support base Coast Guard operations in Iraq and two additional six-month port security unit deployments.

PORT SECURITY

In fiscal year 2008, Coast Guard plans to obligate $135,100,000 for port security, $3,300,000 above fiscal year 2007, to implement the Maritime Transportation Security Act (MTSA). However, no additional funding was requested in the fiscal year 2008 budget to meet the requirements of the Security and Accountability For Every Port Act of 2006 (Public Law 109–347). Approximately 3,000 facilities and 11,000 vessels are required to have security plans under MTSA. P.L. 109–347 requires further maritime security improvements, including: updates to area maritime security plans to contain salvage response plans to identify equipment capable of restoring operations and facility ownership changes; introduction of unannounced inspections of maritime facilities; establishment of interagency operational centers for port security; enhancement of identification documents for foreign mariners calling on U.S. ports; use of a maritime risk analysis model by field units; establishment of a port security training program; conducting of regular port security exercises, with additional exercises for high risk facilities; and assessments of foreign ports.

Coast Guard cannot successfully meet these increased requirements without additional resources. Therefore, the Committee recommends $40,000,000 for activities mandated by P.L. 109–347, $40,000,000 above the amount requested. Included within this amount is funding to establish interagency port security oper-

ational centers and for Coast Guard to establish a port security training program. Funding is not included for the national research program authorized in section 808 of P.L. 108–293, as the Science and Technology Directorate is currently soliciting proposals for a Center of Excellence for Maritime, Island and Extreme/Remote Environment Security. In addition, the Committee directs that any housing allowance or military entitlement funding that Coast Guard does not expect to obligate in fiscal year 2008 be transferred to the port security program. Within 60 days of the date of enactment of this Act, Coast Guard shall submit an expenditure plan for the use of these funds to the Committees on Appropriations.

LIQUEFIED NATURAL GAS (LNG)

Coast Guard is responsible for approving offshore LNG terminal siting applications. In addition, Coast Guard contributes to the Federal Energy Regulatory Commission's review of onshore LNG facilities by reviewing and validating an applicant's Waterway Suitability Assessment (WSA) and reaching a preliminary conclusion about the suitability of the waterway for LNG operations with regard to navigational safety and security. LNG currently accounts for about three percent of total U.S. natural gas supply, but is expected to increase to about 17 percent by 2030. According to GAO, experts disagreed with the heat impact and cascading tank failure conclusions reached by the Sandia National Laboratories' study used by Coast Guard to prepare its WSA. The Committee directs Coast Guard to review the findings of GAO Report 07–316 and undertake appropriate additional research or other action to ensure that its WSA passes peer-reviewed, scientific scrutiny. The Committee recommends $5,000,000 for these activities and for additional in-house Coast Guard staff to address the projected increase in LNG applications.

MINORITY RECRUITMENT AND DIVERSITY

In active duty ranks, the percentage of minorities who enter Coast Guard, known as accessions, has increased in recent years, from about 16 percent in 2001 for both enlisted and officers to over 40 percent for enlisted ranks and 26 percent for officers in 2006. A similar increase, although not as dramatic, has occurred for female Coast Guard members. However, Coast Guard is behind the Army, Navy and Air Force in terms of the percentage of entering African American officers and is the lowest of all services in terms of its percentage of entering Asian and Hispanic officers. To increase minority enlistment, Coast Guard is directed to raise the recruitment ceilings in those recruiting offices with strong records of minority enlistments.

In addition, a recent Coast Guard review of issues at the Coast Guard Academy found that under-representation of minority members within the faculty may contribute to an unhealthy racial climate. Approximately seven percent of the Academy staff and faculty are minority, compared with about 24 percent of Coast Guard workforce and 14 percent of Coast Guard cadets. Of the Academy's 113 permanent and temporary faculty members, 24 percent are women, seven percent are African-American and three percent are Hispanic. A review of a 2006 survey of cadets revealed that 33 percent of females reported being subjected to gender discrimination

or sexual harassment at the Academy. The Committee is very concerned with these findings and understands that Coast Guard is preparing a plan to address them. The Committee directs Coast Guard to provide a briefing on its plan within three months after the date of enactment of this Act.

EVALUATION OF MULTI-CREWING

Coast Guard plans to increase its use of multi-crewing with some of the new cutters that will be fielded by the Deepwater program. In addition, Coast Guard will begin multi-crewing eight 110′ patrol boats to help mitigate the reduction in patrol boat hours created by the decommissioning of the 123′ cutters. The Committee expects Coast Guard to utilize lessons learned from the 110′ multi-crewing endeavor, and to report quarterly to the Committee on the following multi-crewing metrics: (1) actual support expense compared to the standard support level; (2) percent availability, as defined by the time each cutter is not in pier side maintenance status, compared with the goal of more than 70 percent availability; (3) percent of time the cutter is fully mission capable, or has no category three or category four casualty reports compared with the goal of 95 percent mission capable; and (4) average number of casualty reports per operational day compared with the goal of 0.3 or less.

TRANSFER OF BRIDGES AUTHORITY

The Committee denies the request to transfer personnel devoted to maintaining the safe and unhindered passage of marine traffic on all navigable waterways from Coast Guard to the Maritime Administration within the Department of Transportation (DOT). The Committee notes that maintaining navigable waterways, including the maintenance of bridges and buoy tending, continues to be an appropriate Coast Guard mission.

TRANSFER OF ACQUISITION PERSONNEL TO OPERATING EXPENSES

The Committee denies the request to transfer personnel devoted to overseeing and supporting Coast Guard acquisitions to the Operating Expenses (OE) appropriation from the Acquisition, Construction, and Improvements (AC&I) appropriation. Therefore, OE has been reduced by $82,215,000 from the requested amount and AC&I has been increased by a like amount. Coast Guard requested consolidating all AC&I personnel funding into the OE appropriation to allow it to maximize efficiencies and leverage potential synergies in acquisition oversight, as well as increase the ability to surge personnel to AC&I-related positions as project funding levels fluctuate. The Commandant recently recognized that Coast Guard needs to build its organic acquisition staff and such staffing levels can best be tracked in the AC&I appropriation. In addition, it is imperative for Coast Guard operating personnel to be able to focus on operations. Coast Guard should manage the staffing levels in each of these areas so that it maximizes productivity and oversight.

AIRBORNE USE OF FORCE

According to Coast Guard, all HH–60s will be armed by the end of fiscal year 2008, but the armament of 63 of the 95 HH–65s will still be pending. Until all helicopters are “pre-wired” to support

Airborne Use of Force, it may be premature for Coast Guard to eliminate funding for leased armed helicopters. Therefore, the Committee recommendation does not include the $21,500,000 requested reduction. Coast Guard shall submit a plan for use of this $21,500,000 to the Committee by November 1, 2007.

MANAGEMENT AND TECHNOLOGY EFFICIENCIES

The Committee recommendation does not include the $4,000,0000 reduction included in the request for management and technology efficiencies, as such efficiencies have yet to be identified.

The Committee is concerned with the amount of time it takes Coast Guard to respond to questions about basic budgetary and program information. The average time it takes Coast Guard to respond to questions, not about policy but about detail supporting Coast Guard's budgets and plans, is two weeks. Virtually all other DHS agencies take days. The Committee directs the Coast Guard Chief of Staff to identify the reason for these delays in writing and rectify this inefficiency by June 30, 2007.

LORAN C

Coast Guard has proposed terminating the Loran C program in the budget because it believes this system is no longer necessary for a secondary means of navigation. The Committee understands that a decision to terminate Loran C is dependent upon agreement by DOT, which has not occurred. The Committee also understands that in late 2006, DOT convened an Independent Assessment Team, in cooperation with DHS, to complete yet another evaluation of Loran C. The Team concluded that Loran C should be retained and modernized to serve as a long term back up for GPS. The Committee assumes continuation of Loran C in fiscal year 2008.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

Appropriation, fiscal year 2007	$10,880,000
Budget estimate, fiscal year 2008	12,079,000
Recommended in the bill	15,000,000
Bill compared with:	
Appropriation, fiscal year 2007	+4,120,000
Budget estimate, fiscal year 2008	+2,921,000

MISSION

The Environmental Compliance and Restoration appropriation assists in bringing Coast Guard facilities into compliance with applicable Federal, State and environmental regulations; conducting facilities response plans; developing pollution and hazardous waste minimization strategies; conducting environmental assessments; and furnishing necessary program support. These funds permit the continuation of a service-wide program to correct environmental problems, such as through major improvements of storage tanks containing petroleum and regulated substances. The program focuses mainly on Coast Guard facilities, but also includes third party sites where Coast Guard activities have contributed to environmental problems.

RECOMMENDATION

The Committee recommends $15,000,000 for Environmental Compliance and Restoration, an increase of $2,921,000 above the amount requested and $4,120,000 above the amount provided in fiscal year 2007. At this level, about one-third of the estimated $43,700,000 of environmental compliance projects can be funded.

RESERVE TRAINING

Appropriation, fiscal year 2007	$122,448,000
Budget estimate, fiscal year 2008	126,883,000
Recommended in the bill	126,883,000
Bill compared with:	
Appropriation, fiscal year 2007	+4,435,000
Budget estimate, fiscal year 2008	

MISSION

This appropriation provides for the training of qualified individuals who are available for active duty in time of war or national emergency or to augment regular Coast Guard forces in the performance of peacetime missions. Program activities fall into the following categories:

Initial training—The direct costs of initial training for three categories of non-prior service trainees;

Continued training—The training of officer and enlisted personnel;

Operation and maintenance of training facilities—The day-to-day operation and maintenance of reserve training facilities; and

Administration—All administrative costs of the reserve forces program.

RECOMMENDATION

The Committee recommends $126,883,000 for Reserve Training, the same as the amount requested and $4,435,000 above the amount provided in fiscal year 2007.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING RESCISSIONS OF FUNDS)

Appropriation, fiscal year 2007	$1,306,145,000
Budget estimate, fiscal year 2008	949,281,000
Recommended in the bill	834,318,000
Bill compared with:	
Appropriation, fiscal year 2007	−471,827,000
Budget estimate, fiscal year 2008	−114,963,000

MISSION

The Acquisition, Construction, and Improvements appropriation finances the acquisition of new capital assets, construction of new facilities, and physical improvements to existing facilities and assets. The appropriation covers Coast Guard-owned and operated vessels, aircraft, shore facilities, and other equipment such as computer systems, as well as the personnel needed to manage acquisition activities.

RECOMMENDATION

The Committee recommends $834,318,000 for Acquisition, Construction, and Improvements, $114,963,000 below the amount requested and $471,827,000 below amounts provided for fiscal year 2007. A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Vessels and critical infrastructure:		
Response boat medium	$9,200,000	$9,200,000
Subtotal, vessels and critical infrastructure	9,200,000	9,200,000
Deepwater:		
Aircraft:		
Maritime patrol aircraft	170,016,000	100,000,000
HH–60 conversion projects	57,300,000	57,300,000
HC–130H conversion/sustainment project	18,900,000	18,900,000
HH–65 conversion project	50,800,000	50,800,000
Armed helicopter equipment	24,600,000	24,600,000
C–130J fleet introduction	5,800,000	5,800,000
Subtotal, aircraft	327,416,000	257,400,000
Surface ships:		
National security cutter	165,700,000	105,800,000
Replacement Patrol Boat (FRC B)	53,600,000	0
IDS small boats	2,700,000	2,700,000
Patrol Boats sustainment	40,500,000	61,000,000
Medium endurance cutter sustainment	34,500,000	50,000,000
Subtotal, surface ships	297,000,000	219,500,000
Technology obsolescence prevention	700	700
C4ISR	89,630,000	89,630,000
Logistics	36,500,000	36,500,000
Systems engineering and integration	35,145,000	35,145,000
Government program management	50,475,000	59,475,000
Subtotal, Deepwater	836,866,000	698,350,000
Other equipment:		
Automatic identification system	12,000,000	12,000,000
Rescue 21	80,800,000	80,800,000
HF recap	2,500,000	2,500,000
Defense messaging system	5,000,000	5,000,000
National Capital region air defense	11,500,000	11,500,000
Maritime security response team shoot house	1,800,000	1,800,000
Subtotal, other equipment	113,600,000	113,600,000
Shore facilities and aids to navigation	37,897,000	37,897,000
Personnel and related support:		
Direct personnel costs	0	82,215,000
AC&I core	505,000	505,000
Subtotal, personnel and related support	505,000	82,720,000
Rescissions:		
Prior year OPC funding	−48,787,000	−68,841,000
Prior year UAV funding	0	−38,608,000
Total	$949,281,000	$834,318,000

QUARTERLY REPORT ON ACQUISITION PROJECTS

The Committee is concerned with the limited quality of Coast Guard's quarterly acquisition reports and notes that the Deepwater project was recently rated by Coast Guard as being "moderate" on

cost risk, "moderate" on schedule risk, and "low" on technical risk. This is despite the fact that the 123′ cutters procured by Deepwater have structural failures and have been decommissioned, that Coast Guard currently lacks a plan for the Offshore Patrol Cutter or the Vertical Unmanned Aerial Vehicle, and that the National Security Cutter is 20 percent above post-9/11 cost estimates. In addition, no outyear funding estimates are included in this report. The Committee directs Coast Guard to develop robust metrics for cost, schedule, and technical risk and to relay those to the Committee. In addition, the Committee directs that outyear funding estimates, by asset, be included in the quarterly report.

DEEPWATER PROGRAM ACQUISITION MANAGEMENT

The Committee agrees that the Commandants' recent announcement outlining six management changes to the Deepwater acquisition program appears to help put Coast Guard on a more successful acquisition path. Nevertheless, the proof will be whether Coast Guard maintains a firm hand in steadying its acquisition program. The Committee remains concerned about Coast Guard's ability to manage complex, large-scale contracts. Of particular concern are frequent changes to estimates of the acquisition funding Coast Guard plans to obligate over the next two years. For example, within approximately a one month time period, the Committee received three different estimates of the amount of Deepwater funding Coast Guard planned to carry forward into fiscal year 2008: $248,120,000; $445,602,996; and $740,710,000. These changing estimates reveal poor planning and management.

Therefore, the Committee includes new bill language requiring Coast Guard to submit a detailed expenditure plan, which shall be reviewed by GAO and approved by the Committees on Appropriations, prior to the obligation of $400,000,000 of Deepwater funding. The expenditure plan must:

(1) define activities, milestones, yearly costs, and lifecycle costs for each procurement of a major asset, including an independent cost estimate for each;

(2) identify lifecycle staffing and training needs of Coast Guard project managers and of procurement and contract staff;

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

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

(5) contain very limited indefinite delivery/indefinite quantity contracts and explain the need for any indefinite delivery/indefinite quantity contracts;

(6) comply with all applicable acquisition rules, requirements, and guidelines, and incorporate the best systems acquisition management practices of the Federal Government;

(7) comply with the capital planning and investment control requirements established by the Office of Management and Budget, including circular A–11, part 7;

(8) include a certification by the head of contracting activity for Coast Guard and the Chief Procurement Officer of the Department of Homeland Security that Coast Guard has established sufficient controls and procedures and has sufficient staffing to comply with all contracting requirements, and that

any apparent conflicts of interest have been sufficiently addressed;

(9) include a description of the process used to act upon deviations from the contractually specified performance requirements and that clearly explains the actions taken on such deviations;

(10) include a certification that the Assistant Commandant of the Coast Guard for Engineering and Logistics is designated as the technical authority for all engineering, design, and logistics decisions pertaining to the Integrated Deepwater System program; and

(11) identify use of the Defense Contract Auditing Agency.

The Committee also includes a provision (Sec. 530) mandating specific Coast Guard contracting reforms. The Committee recommends $59,475,000 for Deepwater government program management, $9,000,000 above the amount requested. Additional funding is provided to enable Coast Guard to colocate all acquisition staff.

DEEPWATER

The Committee recommends $698,350,000 for Deepwater, $138,516,000 below the amount requested and $367,522,000 below the amount provided for fiscal year 2007. Specific changes to the President's request are discussed below.

MARITIME PATROL AIRCRAFT (MPA)

The Committee recommends $100,000,000 for the MPA, $70,016,000 below the amount requested. Funding is reduced because the lead aircraft is at least one year behind schedule. At this time, it has not yet entered the Development Test and Evaluation phase.

In April 2003, Coast Guard informed the Committee that the requirements for the MPA were as follows: (1) ability to arrive on the scene of 90 percent of search and rescue emergencies within two hours of initial notification; and (2) ability to travel 300 nautical miles in 90 minutes (212 knot ground speed, with time to climb factored in), stay on scene for approximately four hours, and return over 300 nautical miles with required fuel reserves.

The first MPA was conditionally accepted by Coast Guard, with the exception that it did not have the mission pallet integrated and tested. The aircraft is currently at the Coast Guard Aircraft Repair and Supply Center undergoing integration of the mission systems pallet. As the aircraft has not yet entered Developmental Test and Evaluation or subsequent Operational Test and Evaluation, Coast Guard currently is unable to verify that the aircraft will meet listed requirements.

NATIONAL SECURITY CUTTER (NSC)

The Committee recommends $105,800,000 for the NSC, $59,900,000 below the amount requested. The request includes $67,000,000 for long lead material for the fifth NSC as well as $98,700,000 for engineering change proposals for the first four NSCs. The additional funds requested for the first four NSCs are a result of economic and customer changes. The customer changes are the result of additional requirements added to the NSC as part

of the post-9/11 revised mission needs; costs due to delay and disruption in production schedules that were required to implement the changes; and structural enhancement to increase the fatigue life of the NSC hull. The economic changes are the result of cost overruns incurred due to long-term Gulf Coast regional economic inflation resulting from Hurricane Katrina. The first NSC is currently 77 percent complete and is scheduled to be operational in fiscal year 2008. The second NSC is currently 26 percent complete, with all units under construction. Due to a recent strike in the shipyard, the schedule of both the first and second cutters will likely be delayed, at least by one month. Because long lead materials for NSC 3 were only recently put under contract, that cutter is not expected to be under contract until the summer of 2007.

The Committee has reduced funding for long lead material because Coast Guard has informed the Committee that long lead material items are put under contract three to six months before the cutter is put under contract. Because the NSC 4 long lead materials and contract will be negotiated before NSC 5, the Committee would be surprised if NSC 5 long lead materials need to be purchased in fiscal year 2008.

FAST RESPONSE CUTTER (FRC)/REPLACEMENT PATROL BOAT

The Committee does not provide the requested amount of $53,600,000 for the FRC–B/Replacement Patrol Boat. No funding is recommended the Coast Guard currently projects that previously appropriated funds of $101,889,000 for the FRC–B and $41,500,000 for the FRC–A, the original composite patrol boat, will be carried forward into fiscal year 2008. Since previous appropriation Acts allowed this $143,389,000 to be used for the FRC–B and for sustainment of the 110′ cutters, Coast Guard does not require an additional appropriation in 2008. If funding beyond this is needed, the Committee directs the Coast Guard to submit a reprogramming of unobligated Offshore Patrol Boat funding.

On March 14, 2007, the Commandant reassigned the FRC–B project to the Coast Guard Office of Acquisition. Coast Guard's goal, which the Committee supports, is to deliver an operating patrol boat in the shortest time possible to help reduce Coast Guard's patrol boat mission hour gap. Coast Guard is currently operating 25,000 hours, or twenty-five percent, short of its needed patrol boat mission hours. This "gap" means that undocumented migrants, drugs, and other unlawful persons and activities are less likely to be intercepted by Coast Guard. Procuring new patrol boats and completing service life extensions is even more critical now that the Navy has informed Coast Guard that it plans to extend the current Memorandum of Agreement for continued use of only three of the Navy's five 179-foot patrol boats beyond 2008. This decision to eliminate the use of two 179-foot patrol boats after 2008 means that Coast Guard will reduce patrol hours by an additional 5,000 per year, further exacerbating the patrol boat mission hour deficit.

Coast Guard does not expect to award a contract for the lead FRC–B replacement patrol boat until the second quarter of fiscal year 2008. The lead cutter is expected to be delivered two years later, in the second quarter of fiscal year 2010. The Committee understands Coast Guard is currently determining the best structure for this contract and may decide to quickly procure two cutters in-

stead of one, a strategy that would have procurement risks. Coast Guard is directed to continue to brief the Committees on Appropriations monthly on the status of all patrol boat operations and procurement plans.

PATROL BOAT SUSTAINMENT

The Committee recommends $61,000,000 for sustainment of existing 110′ patrol boats, $20,500,000 above the amount requested. The Committee has been told repeatedly how the 110′ patrol boats operating in Iraq are able to operate at a significantly higher mission tempo than those in the United States because they are under a more aggressive maintenance regime. In order to further mitigate the patrol boat mission hour gap discussed above, the Committee has included additional funding to institute an intensive maintenance and sustainment regime for the 110′ patrol boats operating stateside similar to that used for 110′ boats operating in Iraq. The Committee directs Coast Guard to report within 30 days after enactment of this Act on its plan to utilize this additional funding and increase patrol boat operating hours.

OFFSHORE PATROL CUTTER (OPC)

The Committee rescinds $68,841,000 of OPC unobligated funding, $20,054,000 more than the amount requested. Currently, $104,000,000 in OPC funding is unobligated. The OPC is the replacement cutter for the current 210′ and 270′ Medium Endurance cutters. In March 2006, Coast Guard suspended OPC design efforts due to cost concerns. While a revised schedule indicated that Coast Guard would restart the OPC design process in 2007, it now appears that OPC design will be postponed until 2009, at the earliest, with production to follow. The lead OPC is tentatively planned for delivery in 2015.

MEDIUM ENDURANCE CUTTER SUSTAINMENT

With the delays discussed above related to the OPC, robust sustainment of the Medium Endurance cutters is even more critical. The Committee recommends $50,000,0000, $15,500,000 above the amount requested, to sustain the 25 year-old plus Medium Endurance cutters. Recently the Committee saw first-hand the increasing difficulty of maintaining old cutters and how a lack of maintenance negatively impacts unit readiness, sanitary conditions, and crew morale. Coast Guard has invested little in sustaining these cutters because they were due to be replaced. With replacement postponed, rigorous and robust sustainment has become more important. The Committee directs Coast Guard to report within 30 days after enactment of this Act on its plan to utilize this additional funding.

UNMANNED AERIAL VEHICLES

The Committee rescinds $38,608,000 for the vertical takeoff and landing unmanned aerial vehicle (VUAV). The VUAV was originally conceived to be launched off of the NSC, enhancing the NSC's operational effectiveness by extending its surveillance range to approximately 100 nautical miles for up to twelve hours per day. In

fact, the number of planned NSCs was reduced from 12 to 8 in part due to this anticipated extension of operational effectiveness.

Unfortunately, the VUAV has not worked as planned. Coast Guard recently chartered a research study to investigate the viability of the VUAV and explore alternatives to fill the VUAV "gap" if the project is not continued. The study concluded that additional research is needed and that the original solutions contemplated by Coast Guard were not cost effective. Based on the current plan, it is clear that the first, second, and third NSCs will likely be launched without a VUAV, thereby reducing their surveillance range. The Committee has included funding within Coast Guard's Research, Development, Test and Evaluation account to accelerate the further research needed in this area.

ALTERATION OF BRIDGES

Appropriation, fiscal year 2007	$16,000,000
Budget estimate, fiscal year 2008	.....
Recommended in the bill	16,000,000
Bill compared with:	
Appropriation, fiscal year 2007	.....
Budget estimate, fiscal year 2008	+16,000,000

MISSION

The bill includes funding for alteration of bridges deemed a hazard to marine navigation pursuant to the Truman-Hobbs Act. The purpose of these alterations is to improve the safety of marine navigation under the bridge rather than the improvement of surface transportation on the bridge itself. Because there are occasionally unsafe conditions on the waterway beneath a bridge that has an adequate surface or structural condition, Federal-aid highways funding is not appropriate to address the purpose of the Truman-Hobbs program.

RECOMMENDATION

The Committee recommends $16,000,000 for Alteration of Bridges, $16,000,000 above the amount requested and the same level as provided in fiscal year 2007. The Committee directs Coast Guard to fund bridges with the most critical needs, giving priority to ongoing projects.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Appropriation, fiscal year 2007	$17,000,000
Budget estimate, fiscal year 2008	17,583,000
Recommended in the bill	22,583,000
Bill compared with:	
Appropriation, fiscal year 2007	+5,583,000
Budget estimate, fiscal year 2008	+5,000,000

MISSION

The purpose of Research, Development, Test and Evaluation is to allow Coast Guard to maintain its non-homeland security research and development capability, while also partnering with DHS and the Department of Defense to leverage beneficial initiatives.

RECOMMENDATION

The Committee recommends $22,583,000 for Research, Development, Test and Evaluation, $5,000,000 above the amount requested and $5,583,000 above the amounts provided for fiscal year 2007. The additional funding is for priority research to determine the best unmanned aerial-type vehicle to operate off of the NSC and for increased research on ways to best manage ballast water to prevent the introduction and spread of aquatic invasive species.

MEDICARE ELIGIBLE RETIREE HEALTH CARE FUND CONTRIBUTION

Appropriation, fiscal year 2007 [1]	$278,704,000
Budget estimate, fiscal year 2008 [1]	272,111,000
Recommended in the bill [1]	272,111,000
Bill compared with:	
Appropriation, fiscal year 2007	−6,593,000
Budget estimate, fiscal year 2008	.....

[1] This expenditure requires no annual action by Congress, however, it is counted towards the Coast Guard's discretionary spending.

MISSION

The Medicare-eligible retiree health care fund contribution provides funding for military Medicare-eligible health benefit contributions to the Department of Defense Medicare-eligible health care fund. Contributions are for future Medicare-eligible retirees currently serving active duty in the Coast Guard, retiree dependents, and their potential survivors. The authority for Coast Guard to make this payment on an annual basis was provided in the Department of Defense Appropriations Act for Fiscal Year 2005.

RECOMMENDATION

While this account requires no annual action by Congress, the Committee provides the amount requested of $272,111,000 to fund the Medicare-eligible retiree health care fund.

RETIRED PAY

Appropriation, fiscal year 2007	$1,063,323,000
Budget estimate, fiscal year 2008	1,184,720,000
Recommended in the bill	1,184,720,000
Bill compared with:	
Appropriation, fiscal year 2007	+121,397,000
Budget estimate, fiscal year 2008	.....

MISSION

This appropriation provides for the retired pay of military personnel of Coast Guard and the Coast Guard Reserve, including career status bonuses for active duty personnel. Also included are payments to members of the former Lighthouse Service and beneficiaries pursuant to the retired serviceman's family protection plan and survivor benefit plan, as well as payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act.

RECOMMENDATION

The bill provides $1,184,720,000 for Retired Pay, the same as the amount requested and $121,397,000 above the amounts provided in fiscal year 2007. The Committee includes bill language allowing

funds to remain available until expended. This is scored as a mandatory appropriation in the Congressional budget process.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

Appropriation, fiscal year 2007 [1]	$1,272,933,000
Budget estimate, fiscal year 2008 [1]	1,395,271,000
Recommended in the bill	1,392,171,000
Bill compared with:	
Appropriation, fiscal year 2007 [1]	+119,238,000
Budget estimate, fiscal year 2008 [1]	–3,100,000

[1] Figures are shown for comparative purposes only. Funds were appropriated in 2007 and requested in 2008 in two separate accounts. However, the 2008 appropriation recommends consolidating all Secret Services expenses into one primary account with several discrete Programs, Projects and Activities.

MISSION

The United States Secret Service has statutory authority to carry out two primary missions: protection of the nation's leaders and investigation of financial and electronic crimes pursuant to various sections of title 18 of the U.S. Code. The Secret Service protects the President and Vice President, their families, visiting heads of state, and other designated individuals; investigates threats against these protectees; protects the White House, the Vice President's Residence, Foreign Missions, and other buildings within Washington, D.C.; and plans and implements security designs for National Special Security Events. The Secret Service also investigates violations of laws relating to counterfeiting of obligations and securities of the United States; financial crimes that include, but are not limited to, access device fraud, financial institution fraud, identity theft, and computer fraud; computer-based attacks on our nation's financial, banking, and telecommunications infrastructure. The agency also provides support for investigations on missing and exploited children.

RECOMMENDATION

The Committee recommends $1,392,171,000 for the Secret Service under a re-combined "Salaries and Expenses" account. The 2007 appropriations bill separated Secret Service funds into two accounts: "Protection, Administration, and Training" and "Investigations and Field Operations." While the intention of this action was to build accountability into the Secret Service budget, it has created an administrative burden for the Secret Service budget staff, distracting them from more valuable financial management work.

Given the history of resource management problems at the Secret Service, it is particularly critical that the Agency's financial executives closely monitor compliance with fiscal control laws and quickly inform the Congress of any resource reallocations required to carry out the Secret Service's missions. As a result, the Committee has included a five percent reprogramming threshold for the Secret Service, and expects the Agency to submit all reprogramming requests to the Committees on Appropriations in a timely manner.

A comparison of the budget estimate to the Committee recommended levels, by budget activity, is as follows:

	Budget estimate	Recommended
Headquarters Management and Administration	$175,934,000	$175,934,000
Protection:		
Protection of Persons and Facilities	696,635,000	689,535,000
Protective Intelligence Activities	57,704,000	57,704,000
National Special Security Events	1,000,000	1,000,000
White House mail screening	26,601,000	16,201,000
Presidential candidate nominee protection	85,250,000	85,250,000
Total, Protection	867,190,000	849,690,000
Investigations:		
Domestic field operations	219,742,000	230,142,000
International field office administration operations	27,520,000	27,520,000
Electronic Crimes Special Agent Program and Electronic Crimes Task Forces	44,565,000	48,565,000
Support for missing and exploited children	8,366,000	8,366,000
Total, Investigations	300,193,000	314,593,000
Training:		
Rowley Training Center	51,954,000	51,954,000
Total, U.S. Secret Service	$1,395,271,000	$1,392,171,000

2008 PRESIDENTIAL CAMPAIGN AND POST-PRESIDENCY PROTECTIVE DETAIL

The Committee recognizes the unique protective challenges associated with the 2008 Presidential campaign and the post-Presidency protective detail, given that no incumbent office holder will be a candidate in the race. As a result, the Committee has funded the entire $85,250,000 request for this activity. Any additional funds required for campaign protection must be approved by the Committee in advance of obligation, pursuant to the regular reprogramming guidelines.

WORKLOAD AND BUDGET

The Committee continues to have concerns about the ability of the Secret Service to manage its agents' and officers' overtime workload. The cost of the Secret Service payroll has increased so dramatically in recent years that budgets for replacing critical equipment, vehicles, and administrative systems have been eroded. Given the rapid evolution of threats, technologies and terrorist techniques, the Committee believes that delaying reinvestment in Secret Service assets is a false economy. While the Committee is aware that the Secret Service has taken actions to address its workload balance, the demands of protective operations seem to require more creative and cost-effective solutions. As a result, the Committee recommends that pay for Secret Service overtime be capped at the same levels as for employees at Immigration and Customs Enforcement and Customs and Border Protection, and allows for the Secretary of Homeland Security to waive the provision for reasons of national security.

PROTECTION OF INDIVIDUALS NOT SPECIFICALLY IDENTIFIED IN STATUTE

The budget proposes that $3,100,000 be added to the Secret Service budget to pay for the cost of presidentially designated Secret Service protection for executive branch personnel. The list of individuals who have been so designated in the past include a variety of senior-level political employees within the White House and

other Executive Office of the President agencies. Since this protection is provided at the discretion of the President, the costs for this activity should be budgeted for and managed by the staff of the Executive Office of the President who oversee administration of the executive's responsibilities, much like the cost for protection of the Secretary of the Treasury is borne by the Department of the Treasury. As a result, the Committee does not fund these activities in the Secret Service budget, and recommends that the Executive Office of the President include a request for these activities in a future budget. Since the Secret Service has been able to provide this protection from within its base resources, it should continue to do so in fiscal year 2008. However, the Committee directs the Secret Service to seek reimbursement from the Executive Office of the President if these protective assignments create an undue burden on Secret Service protective missions.

WHITE HOUSE MAIL FACILITY

The budget proposes $10,400,000 to purchase new equipment to sort and screen mail sent to the White House complex. Since the equipment at the current mail screening facility is less than five years old, it is unclear to the Committee why it needs to be replaced at this time. While the Committee appreciates the security-related aspects of mail screening, it is not clear why the Secret Service should do more than provide consultative security expertise for White House mail screening and oversee contracts for delivering the mail screening service. The Committee is concerned about whether the current budgetary approach for mail screening services reflects an appropriate division of responsibilities between the Secret Service and the Executive Office of the President. Since the justification materials for acquiring this equipment reflect that it will not be purchased unitl fiscal year 2009, the Committee directs the Secret Service and the Executive Office of the President to provide, as part of the fiscal year 2009 budget, a joint plan explaining the allocation of mail screening responsibilities and budgetary resources betwen the two agencies. The Secret Service should continue to use the existing equipment until the Committee has an opportunity to evaluate this information and the fiscal year 2009 budget request for new equipment. In addition, there may be significant efficiencies to be gained by combining White House mail screening with other Executive branch mail operations, such as the screening conducted on mail sent to the Federal Bureau of Investigations or the Internal Revenue Service.

Given the Committee's on-going concerns about the investigatory mission of the Secret Service, it recommends reallocating funds requested for White House mail screening equipment to the Secret Service investigative mission.

RELOCATION OF THE JOINT OPERATIONS CENTER

Due to the renovation of the Eisenhower Executive Office Building, the General Services Administration requires that the Secret Service move its Joint Operations Center (JOC) to a new location. While the Committee understands this facility is important to the secure operations of the White House compound, it is concerned that the proposed center will be nearly three times as large as the existing location. In addition, the Committee is concerned that the

current Secret Service data center that will be moved to accommodate the relocated JOC has apparently not been included within the DHS-wide data center consolidation plan. As a result, the Committee has reduced the budget request for the relocation of the JOC by $4,000,000 and reallocated this funding to the Secret Service investigative mission, specifically for the Electronic Crimes Special Agent Program.

SUPPORT FOR MISSING AND EXPLOITED CHILDREN

The Committee has included the funding requested for both forensic activities and grants for partner organizations to help with the recovery and protection of children who are missing or exploited. For 2008, the Committee directs the Secret Service to develop a competitive application program for these resources, which should include, at a minimum, specific performance standards and administrative cost ceilings that will be maintained by recipients. The Committee directs the Secret Service to report within 60 days of enactment of this Act on the process it will use to award these funds.

E STREET CLOSURE

The Committee understands that E Street between 15th and 17th Streets in northwest Washington, D.C. was closed on September 16th, 2001 at the request of the Secret Service and in response to the threat of terrorist attacks on the White House and surrounding Federal office buildings. Since that time, the area to the south of the White House, including E Street and the Ellipse, has evolved into an ugly example of security fortifications more appropriate to a demilitarized zone than for a cultural icon and symbol of the country's democratic institutions. In addition, the closure of E Street has put a significant burden on the working and commuting population of the metropolitan Washington area, specifically complicating east-west traffic flow in an already congested area of the city. The Committee directs the Secret Service to develop a plan for addressing both security and aesthetic conditions of this section of E Street, specifically re-examining the rationale for keeping the thoroughfare closed to the flow of traffic. The Secret Service shall develop the plan in consultation with the Washington, D.C. Department of Transportation, the Metropolitan Police Department, the National Capital Planning Commission, the Department of the Interior, the U.S. Department of Transportation, and any other relevant agencies. This plan shall be submitted to the Committee concurrent with the fiscal year 2009 Secret Service budget request.

PARK POLICE HELICOPTER

The Committee understands that the Secret Service routinely requests, receives, and pays for deployment of the Park Police helicopters to patrol neighborhoods in Washington, D.C., when the President and Vice President travel through the area or make public appearances at various local sites. Within 90 days of passage of this bill by the House of Representatives, the Committee directs the Secret Service to report: (1) Federal costs incurred by fiscal year since 1990 for all Secret Service-requested deployments of the

Park Police helicopter; (2) the results of all deployments of the Park Police helicopter over the past two fiscal years, including any arrests and prosecutions resulting from the presence of the helicopter at Secret Service-protected events; and (3) for the past two fiscal years, the number of times helicopters have been requested and deployed at appearances by the President or other protectees outside of the capital city, and the number of times helicopters have not been requested.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

Appropriation, fiscal year 2007	$3,725,000
Budget estimate, fiscal year 2008	3,725,000
Recommended in the bill	3,725,000
Bill compared with:	
Appropriation, fiscal year 2006	.....
Budget estimate, fiscal year 2007	.....

MISSION

This account supports the acquisition, construction, improvement, equipment, furnishing and related cost for maintenance and support of Secret Service facilities, including the Secret Service Memorial Headquarters Building and the James J. Rowley Training Center.

RECOMMENDATION

The Committee recommends $3,725,000, the same as the President's request and the same level provided for fiscal year 2007.

TITLE III—PROTECTION, PREPAREDNESS, RESPONSE AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

Appropriation, fiscal year 2007 [1]	$37,812,000
Budget estimate, fiscal year 2008	46,290,000
Recommended in the bill	40,346,000
Bill compared with:	
Appropriation, fiscal year 2007	+2,534,000
Budget estimate, fiscal year 2008	−5,994,000

[1] Committee estimate of comparable 2007 appropriations level.

MISSION

The National Protection and Programs Directorate (NPPD) was created by the dissolution of the DHS Preparedness directorate and the separation of FEMA and the DHS grants programs from the various DHS infrastructure protection and information security activities. The Management and Administration account funds the immediate office of the Undersecretary for National Protection and Programs, provides for administrative overhead costs such as IT support and shared services, and includes a national planning office for development of standard doctrine and policy for infrastructure protection and cyber security.

RECOMMENDATION

The Committee recommends $40,346,000 for the Office of the Under Secretary for National Protection and Programs, $5,994,000 below the amount requested and $2,534,000 above the estimated amount provided for fiscal year 2007. The entirety of this reduction is to the proposed growth in contract services, which the Committee does not believe is justified at this time.

RISK MANAGEMENT AND ANALYSIS

Within the Management and Administration account, the Committee consolidates funding for the NPPD Risk Management and Analysis Office, which will serve as the Department's source of expertise in risk analysis and methods. This office will provide assistance in risk analysis for other Departmental offices. In total, the budget for this office is $9,412,000, nearly all of which is derived from funding requests for other NPPD program budgets for risk analysis activities.

The Committee recognizes the need for DHS to produce sound risk analyses, but is concerned about the approach DHS takes to quantify risk, particularly how the Department incorporates the risk of natural disasters into the risk models it uses for grant-making purposes. The Committee also questions whether it is wise or even possible for the Department to develop a "unified" risk model that could meet the needs of every DHS agency and component. To answer these questions, and enable the new Risk Management and Analysis function to understand the challenges it faces, the Committee recommends that up to $1,000,000 be used by the National Academy of Sciences to: (1) evaluate the quality of the current DHS approach to measuring risk; (2) assess the significance accorded to the risk of natural disasters by such methodologies; (3) review the feasibility of combining terrorist threats and natural disasters within a single risk analysis; and (4) recommend how the risk models currently used by DHS can be improved and validated using empirical scientific standards.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

Appropriation, fiscal year 2007 [1]	$533,995,000
Budget estimate, fiscal year 2008	538,277,000
Recommended in the bill	532,881,000
Bill compared with:	
Appropriation, fiscal year 2007	−1,114,000
Budget estimate, fiscal year 2008	−5,396,000

[1] Committee estimate of comparable 2007 appropriations level; includes 2007 transfer of $17,000,000.

MISSION

Infrastructure Protection and Information Security (IPIS) works to reduce the vulnerability of the nation's critical infrastructure, key resources, information technology networks, and telecommunications systems. The program managers focus on reducing vulnerabilities to terrorist attacks and natural disasters, enabling timely protective responses to threats and incidents, and promoting rapid recovery in the aftermath of crises. IPIS is also responsible for maintaining effective telecommunications for Federal users in times of national emergencies.

RECOMMENDATION

The Committee recommends $532,881,000 for IPIS, $5,396,000 below the amount requested, and $1,114,000 below the amount provided for fiscal year 2007. A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Infrastructure Protection:		
Identification and Analysis	$68,970,000	$78,970,000
Coordination and Information Sharing	57,821,000	83,821,000
Mitigation Programs	108,793,000	108,793,000
Risk Analysis	4,532,000	– – –
Subtotal, Infrastructure Protection	240,116,000	271,584,000
Cyber Security	97,688,000	87,073,000
Office of Emergency Communications	35,700,000	45,700,000
National Security and Emergency Preparedness Telecommunications (NS/EP):		
Priority Telecommunications	82,821,000	82,821,000
Next Generation Networks	52,064,000	18,065,000
Programs to Study and Enhance Telecommunications	16,733,000	16,733,000
Critical Infrastructure Protection	10,905,000	10,905,000
Risk Analysis	2,250,000	– – –
Subtotal, NS/EP	164,773,000	128,524,000
Total, Infrastructure Protection and Information Security	538,277,000	532,881,000

QUALITY OF BUDGET JUSTIFICATION MATERIALS

As discussed in House Report 109–476, the quality of official budgetary justification materials provided by IPIS has been poor, making it extremely difficult for the Committee to analyze or even understand the programs that are funded in this account. While the program managers at IPIS may have a better understanding of their missions and activities, it is imperative that the Committee receive organized and consistent justification materials. The Committee understands the tumult of near constant reorganization at IPIS may have created difficulties for its financial managers, but expects that future budget submissions will be delivered on time and with sufficient detail to illustrate the programs carried out by IPIS and the comparable historic funding levels provided for them. Absent a marked improvement in budgetary justifications for fiscal year 2009, the Committee will have little choice but to recommend that IPIS budgetary formulation and execution be carried out on a reimbursable basis by another more competent DHS component.

NATIONAL INFRASTRUCTURE PROTECTION PLAN IMPLEMENTATION

Late in fiscal year 2006, DHS published the National Infrastructure Protection Plan (NIPP) and announced its efforts to draft 17 sector-specific plans for each of the most critical infrastructure sectors in the economy. The NIPP provides a coordinated approach to the protection of the nation's critical infrastructure and key resources, and has been generally well-received by the private sector participants who assisted in development of the document. In 2007, DHS made progress standing up the Sector Coordinating Councils and Government Coordinating Councils that will be critical to implementing the NIPP and improving the security of the country's infrastructure. With such progress, it is therefore puzzling to the

Committee why DHS proposed only $23,702,000 for NIPP management, a 25 percent reduction to the fiscal year 2007 enacted level. Instead of reducing the budget for this program, and consequently the pace with which vulnerabilities in the nation's infrastructure can be addressed, funding for NIPP management should be increased. The Committee recommends a total NIPP management budget of $40,702,000, or $17,000,000 above the amount requested. In addition, the Committee recommends an increase of $3,000,000 to the associated Sector Specific Agency Management budget, for a total funding level of $21,519,000, to allow DHS to accelerate the pace at which it is reaching infrastructure sectors for which it is not the lead Federal agency. For both of these programs, the Committee encourages DHS to follow the advice of the numerous experts who recommend providing administrative and logistical support to industry-led Sector Coordinating Councils. In addition, the Committee directs the Assistant Secretary for Infrastructure Protection, starting on October 1, 2007, to provide quarterly updates on the status of NIPP implementation. Included in this report, the Assistant Secretary shall also provide a summary of the most current recovery plans for attacks on critical infrastructure sectors.

CRITICAL INFRASTRUCTURE WARNING NETWORK

The Critical Infrastructure Warning Network (CWIN) is a component of the Homeland Security Information Network that connects DHS with its vital infrastructure sector partners, including other Federal agencies, State and local governments, private infrastructure owners, and foreign allies to ensure the restoration of the nation's critical infrastructure during major disasters. Enabling this kind of information-sharing is one of the best ways to prepare for responding to disasters, and the Committee therefore recommends $12,896,000 for the program, or $6,000,000 above the amount requested.

NATIONAL ASSET DATABASE

The Committee is concerned about the contents of the National Asset Database, and directs NPPD to remove any items from that system it deems insignificant. In addition, the Committee encourages NPPD to provide its State and local partners the opportunity to review their list of assets in the National Asset Database and recommend items for removal. NPPD should also clarify its guidance for including information in the National Asset Database in order to obtain more uniform and accurate information from States in future data calls.

NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER

The analytical and consequence models generated by the National Infrastructure Simulation and Analysis Center (NISAC) allow for planners within DHS to better understand the immediate and cascading effects that natural and man-made disasters can have on the nation's critical infrastructure. Without a clear understanding of the potential losses resulting from damage to infrastructure sectors, the Department risks making poorly informed decisions about addressing vulnerabilities, and being caught unawares when broad-based disasters affect large areas of the coun-

try. The Committee recommends $24,348,000 for the NISAC, an increase of $10,000,000 above the amount requested, and roughly equivalent to the amount provided for fiscal year 2007.

Within 60 days of enactment, the Committee directs the Assistant Secretary for Infrastructure Protection, in conjunction with the Department of Energy, to provide a report on the most critical, capacity-limited segments of the North American electricity transmission and distribution network, the disruption of which would generate a cascading effect on other critical infrastructure sectors. Additionally, within one calendar year thereafter, the Assistant Secretary shall provide a companion report developed in conjunction with the Department of Energy that identifies system-level approaches to mitigate the highest risks of failure associated with the identified segments.

CHEMICAL FACILITY SECURITY REGULATIONS

The Committee includes a provision (Sec. 532) requiring that Federal regulations for chemical facility security not preempt stronger State and local regulations. This provision is needed because the final chemical facility security rule published by DHS in April 2007 established that the Department would seek to preempt State and local regulations. The Committee remains unconvinced by Administration arguments that Federal regulations should supplant more robust State or local regulations. In addition, the provision clarifies information security standards for chemical facility data by requiring that information collected through the DHS inspections and security planning process is categorized as Sensitive Security Information, making chemical facility information protection consistent with standards already established for critical aviation and port infrastructure data. This revision protects chemical facility security plans from public release during judicial proceedings, and ensures the confidentiality of facility security plans without watering down the classification system for intelligence and other sensitive government-collected information.

WIRELESS PRIORITY SERVICE/NEXT GENERATION NETWORK

The Committee recognizes that the Wireless Priority Service (WPS) program has been largely successful at achieving a sophisticated and nation-wide priority emergency communications capability for government officials to use in times of national crisis. The Congress has invested over $400,000,000 since fiscal year 2002 in upgrading the nation's privately owned telephonic networks; DHS will largely complete the project with an additional $50,000,000 investment in fiscal year 2008, which the Committee recommends. In addition to these resources, DHS has proposed $52,064,000 for Next Generation Networks (NGN), an increase of more than 350 percent over the fiscal year 2007 enacted level. Because this extreme level of program growth does not appear justified at this time, the Committee recommends funding NGN at $18,065,000, and directs the Assistant Secretary for Cyber Security and Communications to brief the Committee no later than December 1, 2007, on the planned expenditure of these funds.

CYBER SECURITY COLLABORATION AND INFORMATION SHARING PROGRAM

The Committee does not fund the Cyber Security Collaboration and Information Sharing program, $8,340,000 less than the amount requested.

COMPUTER FORENSICS TRAINING FACILITY

The Committee is concerned with the process used by the Office of Cyber Security to acquire access to a facility for a Secret Service-led computer forensics training program. While the Committee strongly supports the Department's efforts to fight cyber-crime, the Department's first notification to Congress of this program was via a press release announcing the Secretary's ribbon cutting at the planned center. This approach represents a violation of the spirit, if not the letter, of section 503 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295). Within 30 days from the date of enactment of this Act, the Secretary is directed to submit to the Committees on Appropriations a report providing a detailed description of the source and amount of funds to be used in support of the new program, the original purpose of each of the funding sources, a legal opinion providing the legal basis for the actions taken in establishing this activity, and the process that will be used in the future to ensure that Congress is informed in advance of any activity that could be construed as either creating new programs or making awards that do not involve an appropriate competitive solicitation of participants or service providers. In addition, the report shall include a justification outlining why this activity is properly undertaken by the Secret Service and DHS rather than the Federal Bureau of Investigation and the Department of Justice.

OFFICE OF EMERGENCY COMMUNICATIONS

The Committee is encouraged that the Department has largely followed the direction of Congress in establishing the Office of Emergency Communications (OEC), which was authorized in Public Law 109–295. In particular, OEC should be a valuable resource for State and local governments as they develop communications interoperability plans. In addition, OEC should work closely with the Office of Interoperability and Compatibility (OIC) to ensure the implementation of national standards and new technology for interoperable communications. However, the Committee notes that it has provided no funding for new product development or testing in the OEC budget, since this activity is the responsibility of OIC.

As a result of the additional Federal support needed for State and local interoperability grants, the Committee recommends $45,700,000 for OEC in fiscal year 2008, $10,000,000 above the amount requested. Of this amount, $8,000,000 is for integration and technical assistance, and $2,000,000 is for regional governance, coordination, and outreach.

INTERNET PROTOCOL INTEROPERABILITY

The Committee encourages the Office of Emergency Communications and the Office of Interoperability and Compatibility to evaluate internet-protocol (IP) based interoperability solutions and, if ap-

propriate, amend SAFECOM guidelines and technical assistance materials to include those types of systems and technologies.

INTEGRATED WIRELESS NETWORK

The Committee notes that a recent report by the Department of Justice Office of Inspector General found that the inter-agency management of the Integrated Wireless Network (IWN) project is in danger of collapse. Since the DHS component of this program was moved from the control of the Chief Information Officer to OEC pursuant to Title VI of Public Law 109–295, the Committee is optimistic that new project management will renew opportunities for an effective Federal interoperable investment strategy. To avoid a repeat of the difficulties experienced with this program to date, the Committee directs the Department to respect the independence of OEC management of the IWN budget, and directs the Assistant Secretary of Cyber Security and Communications to report no later than October 1, 2007, on efforts to correct the shortcomings identified in the Office of Inspector General report.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

Appropriation, fiscal year 2007	$362,494,000
Budget estimate, fiscal year 2008	462,000,000
Recommended in the bill	462,000,000
Bill compared with:	
Appropriation, fiscal year 2007	+99,506,000
Budget Estimate, fiscal year 2008	

MISSION

The mission of the United States Visitor and Immigrant Status Indicator Technology (US–VISIT) program is to enhance the security of U.S. citizens and visitors, facilitate legitimate travel and trade, ensure the integrity of the immigration system, and improve and standardize the processes, policies, and systems utilized to collect information on foreign nationals who apply for visas at an embassy or consulate overseas, attempt to enter the country at established ports of entry (POE), request benefits such as change of status or adjustment of status, or depart the United States.

RECOMMENDATION

The Committee recommends $462,000,000 for US–VISIT, the same as the amount requested and $99,506,000 above the amount provided for fiscal year 2007. The Committee includes $228,000,000 as requested for ten-print and interoperability investments and $234,000,000 for base operations, including program management, operations and maintenance, and contractor support. This latter number includes $51,000,000 for continued operation of the IDENT system.

The Committee continues to be concerned that US–VISIT results have not met expectations. Of $1,750,000,000 appropriated to US–VISIT to date, the Department reports that $357,000,000 was used to develop and deploy a biometric-based entry system and $146,000,000 was used to develop and deploy "prototype" exit capabilities and pilots. The result has been entry systems at most ports of entry (at secondary inspection for land ports), but no exit solu-

tion, and thus no comprehensive "status indicator technology," despite the program's name. If the program were to be assessed exclusively in terms of its contribution to capturing or identifying criminals and other high-threat individuals who seek to enter the U.S., the data would not be compelling: for 80,000,000 travelers processed since the program's inception, only 1,800 criminals and immigration violators have been intercepted.

What is harder to assess is the deterrent impact of the current entry-only program. US–VISIT has reported a slight decline in watchlist hits from 2005 to 2006, from about 2,050 to 1,950, at ports of entry, and an increase from 900 to 3,200 adverse actions per year at Consular Offices. This negative correlation between increased hits at Consular Offices, and correspondingly fewer at ports of entry, might suggest a deterrent effect.

US–VISIT's new initiative is to establish a virtual single standard for biometric sharing and matching, consistent with US–VISIT's declared mission to be the steward of "identity services for the entire Department." This initiative will maintain the IDENT system while marrying it with consolidated watchlist and Justice Department biometric information and incorporating new 10-print information from US–VISIT registrations, the Border Patrol, Coast Guard, ICE, and the State Department. The Committee understands that managing this data system will be a major responsibility for US–VISIT. The Committee therefore includes in bill language a requirement for a more detailed expenditure plan, including the cost of ongoing operations and maintenance.

10-PRINT AND INTEROPERABILITY STANDARDS

The Committee is dissatisfied with the slow pace of action by Departmental leadership in establishing a ten-print standard to serve all DHS agencies. The resources to move forward with this effort have not been lacking, but the benefits of full interoperability in sharing biometric and biographic information for law enforcement and homeland security purposes will not be realized until decisions are made on how information will be shared and access to it managed between agencies. The Committee includes $228,000,000, as requested, to support development and implementation of 10-print biometric data collection for entry, exit and other law enforcement collection purposes (for example, by the Coast Guard when interdicting ships, CBP when encountering illegal border crossers, or ICE when conducting enforcement operations). The Committee directs the Department to report to the Committees on Appropriations not later than 30 days after enactment of this Act on its plans, with detailed milestones, for establishing full capability for 10-print collection and data sharing to align US–VISIT fully with and meet the needs of all DHS agencies.

EXPENDITURE PLANS

The Committee denies the Administration request to remove requirements for an expenditure plan that have been carried in previous appropriations Acts. A statutory requirement for expenditure plans is necessary to enable the Committee to exercise rigorous program oversight. To ensure no disruption of program management, and to enable continued progress on the 10-point and interoperability program, the Committee recommends that $230,000,000

be made available to the program immediately upon enactment of this Act, with the remainder subject to expenditure plan approval.

CONTRACT MANAGEMENT

GAO reported in 2006 (GAO 06–404) that while US–VISIT was establishing tools and practices consistent with effective management of non-financial contractor services, it was deficient in two areas: overseeing US–VISIT contracts managed by other agencies (CBP, TSA, ICE) and maintaining effective financial controls over external agency contracting efforts. As a result, the program office was unable to account fully for tracking and completion of contract actions and their resultant costs. As the bulk of US–VISIT funding goes for contract services, the program office must exercise control over such activity. The Committee therefore includes an expenditure plan requirement on accounting for contractor services, and requests that DHS certify how these weaknesses have been corrected.

EXIT SOLUTION

The Committee is concerned by the lack of a clear plan, with timelines and milestone goals, for addressing an exit strategy, and by the failure to include this in the fiscal year 2007 expenditure plan, as required by law. The Department has testified that it is finalizing a report that will include information on costs, benefits, and the feasibility of deploying biometric and non-biometric exit capabilities at land ports of entry. In the meantime, the Committee's only available cost estimate is US–VISIT testimony indicating that a non-interdiction solution (i.e., a "mirror image" of entry) at land ports of entry would entail direct costs of over $1,000,000,000 for new infrastructure, and tens of billions of dollars in indirect costs imposed on the public and economy due to exit delays and congestion. After four years of US–VISIT operations and several years of pilot plan experience, it is time for more cogent, specific steps. Failure to move forward has real costs. While US–VISIT has increased the ability to track exit records—after the fact—there is still an expansive gap in knowledge about departures. As a result, we may not know who, like some 9/11 attackers, has overstayed. In addition, we may be wasting resources chasing aliens who have already departed. The Department has testified that in fiscal year 2006, ICE expended 34,000 hours investigating aliens it later found had left the country—something a working exit system could have prevented. There is also a disturbing opportunity cost from such efforts associated with forgone investigations of true and high-risk visa overstays.

While it is frustrating to see so little progress, the Committee understands the rationale behind the decision to terminate the land exit pilots, which demonstrated that the technology was not mature enough to be adopted. This decision enabled remaining funds to be applied to more productive use. Nevertheless, while a long-term comprehensive answer to the land exit problem may not yet be available, there is no explanation for the lack of a clear plan to pursue practical, short-term, intermediate or local solutions, while working toward a more permanent and global solution. For example, the Committee understands that discussions have been underway with the Canadian and Mexican governments to explore

the possibility of gaining information about U.S. exits from Canadian and Mexican entry processes, which could change the model for an exit system, involve lower costs than a unilateral approach, and increase security in North America.

The failure to exploit the foundation for air exit solutions is incomprehensible—as are current plans to terminate the existing air pilots, rather than use them to fill a gap until a permanent solution can be found. While deployment of kiosks for voluntary exit registration may not work without a mechanism to compel their use, they provide data on voluntary compliance that will be lost if they are terminated before a comprehensive solution, likely to require cooperation with the airlines, is in place. The Committee is not persuaded by assertions that the Secretary cannot mandate that travelers use kiosks or risk a significant penalty if they fail to comply, or that airlines cannot collect kiosk receipts and provide them to the Department until such time as a biometric exit match is made part of the check-in or departure gate process.

The Committee expects the Department to definitively assess whether an exit solution for the land borders is feasible and, if so, to detail the specific steps and schedule required to achieve one. The Committee has inserted bill language requiring an expenditure plan that includes a complete schedule for the full implementation within five years of a biometric exit solution at the land borders or a certification that a cost effective, five-year solution is not technically feasible. In the latter case, the Committee directs the Department to explain its reasoning and describe the value of a US–VISIT program that lacks an exit solution.

COORDINATION WITH OTHER DEPARTMENTAL INITIATIVES

The Committee has been troubled by apparent lack of coordination between US–VISIT and other initiatives related to entry and exit, such as the Western Hemisphere Travel Initiative. While US–VISIT testified that policy coordination on these initiatives occurs at the Departmental level, the Committee wishes to see coordination become more routine and integral. To help track progress to this end, the Committee includes bill language requiring quarterly status reports on US–VISIT specifically addressing coordination with Western Hemisphere Travel Initiative planning and implementation, as well as any other potential DHS agency efforts that could overlap with US–VISIT goals and activities.

OFFICE OF HEALTH AFFAIRS

Appropriation, fiscal year 2007 [1]	$99,298,000
Budget estimate, fiscal year 2008	117,933,000
Recommended in the bill	117,933,000
Bill compared with:	
Appropriation, fiscal year 2007	+18,635,000
Budget Estimate, fiscal year 2008	

[1] Reflects funding for programs transferred to the Office of Health Affairs from the Preparedness Directorate and the Science and Technology Directorate on March 31, 2007.

MISSION

The Office of Health Affairs (OHA) serves as the Department of Homeland Security's principal agent for all medical and public health matters. Working across local, State, Federal, Tribal and territorial governments and with the private sector, the Office has

the lead DHS role in the establishment of a scientifically rigorous, intelligence-based, medical and biodefense architecture that ensures the health and medical security of our nation.

RECOMMENDATION

The Committee recommends $117,933,000 for the Office of Health Affairs, the same as the amount requested and $18,635,000 above the adjusted amount provided for fiscal year 2007. A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

Office of Health Affairs	Budget estimate	Recommended
BioWatch	$79,108,000	$77,108,000
National Biosurveillence Integration System	8,000,000	8,000,000
Rapidly Deployable Chemical Detection System	2,600,000	2,600,000
Planning and Coordination	4,475,000	4,475,000
Salaries and Expenses	23,750,000	25,750,000
Total	$117,933,000	$117,933,000

BUDGET STRUCTURE

The fiscal year 2008 request consolidates biodefense programs across the Department within the Office of Health Affairs. Several programs from the former Preparedness Directorate and the Science and Technology Directorate were transferred to OHA.

PLANNING AND COORDINATION

Of the amounts available for OHA, $4,475,000 is for Planning and Coordination, the same as the amount requested. In a hearing before the Committee, the Assistant Secretary for Health Affairs outlined an initiative to produce a plan that Federal, State, local, and private health systems could use as a guide to medical readiness. This plan could be used during an avian flu pandemic or following natural disasters or domestic terrorist attacks. While the Committee is pleased that OHA is addressing this gap in planning, it notes that the Department of Health and Human Services (HHS) is engaged in many similar planning activities. OHA should closely coordinate with HHS to avoid any duplication of effort.

Included in the amount recommended for Planning and Coordination, $727,000 is to lead DHS' planning and coordination efforts in AgroDefense, as called for in Homeland Security Presidential Directive-9.

SURVEILLANCE AND DETECTION

Of the amounts available for the Office of Health Affairs, $8,000,000 is for the National Biosurveillance Integration System (NBIS), the same as the amount requested and the amount provided for fiscal year 2007. Homeland Security Presidential Directive 9 and 10 direct DHS to establish NBIS to provide early detection and situational awareness of biological events of potential national consequence by acquiring, integrating, analyzing, and disseminating existing human, animal, plant, and environmental biosurveillance system data.

The major detection program at DHS that informs NBIS is the BioWatch monitoring system. The Committee recommends

$77,108,000 for BioWatch, $2,000,000 less than the amount requested. Operating in approximately 30 cities nationwide since early 2003, BioWatch is designed to provide early warning of a pathogen release, alerting health authorities before victims begin to show symptoms and providing the opportunity to deliver early treatment. The Committee has also recommended $28,170,000 for the Department's Science and Technology Directorate to fully fund the ongoing BioWatch generation 3 research to begin validation and pilot testing of three different prototypes and complete signatures to identify pathogens of concern.

The Committee is concerned that the reliance of DHS and other agencies on BioWatch and similar detection systems may not be the most efficient and effective way to detect the presence of pathogens. The number of biological threats BioWatch can currently detect is limited and it is also not clear current detection systems would provide earlier warning of an attack than hospitals and public health system components treating the earliest cases of infection. In addition a fundamental question is whether an investment in rapid point of care diagnostic tests in hospitals would be a more effective use of resources than the continued investment in BioWatch technologies. Therefore the Committee provides $2,000,000 above the requested amount for Salaries and Expenses for OHA to enter into a grant or contract with the National Academy of Sciences (NAS) to evaluate the effectiveness of BioWatch, including the reliability of monitoring data and the ability of hospitals and public health officials to respond based on information received from those systems. As part of the analysis, NAS should compare the benefits and costs of generation 2 BioWatch technology with generation 3 technology. NAS should also assess the cost and benefits of an enhanced national surveillance system that relies on U.S. hospitals and the U.S. public health system and compare the effectiveness of such a system with the current BioWatch approach. A final report should be completed before the end of fiscal year 2008.

FORMALDEHYDE EMISSIONS

The Committee is concerned by reports that trailers FEMA purchased to house disaster victims have high levels of formaldehyde emissions, possibly leading to adverse health effects, especially in children. The Office of Health Affairs is directed to evaluate possible health effects associated with the presence of formaldehyde gas in these trailers. The evaluation should include statistical information on the types of illness associated with formaldehyde exposure found in the FEMA trailer residents, the prevalence of such health effects, and suggested ways to mitigate these effects. The findings shall be reported to the Committees on Appropriations within 6 months of the date of enactment of this Act.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

Appropriation, fiscal year 2007 [1]	$535,200,000
Budget estimate, fiscal year 2008	667,600,000
Recommended in the bill	685,000,000
Bill compared with:	
Appropriation, fiscal year 2007	+149,800,000
Budget estimate, fiscal year 2008	+17,400,000

[1] Reflects funding for the Office of the National Capitol Region and the National Preparedness Integration Program, which were transferred to FEMA from the Preparedness Directorate on March 31, 2007, pursuant to the FEMA reform legislation (P.L. 109–295).

MISSION

The Federal Emergency Management Agency (FEMA) manages and coordinates the Federal response to major domestic disasters and emergencies of all types in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act. It supports the effectiveness of emergency response providers at all levels of government in responding to terrorist attacks, major disasters, and other emergencies. FEMA also administers public assistance and hazard mitigation programs to prevent or reduce the risk to life and property from floods and other hazards. Finally, FEMA leads all Federal incident management preparedness and response planning through a comprehensive National Incident Management System (NIMS) that involves Federal, State, Tribal, and local government personnel, agencies, and regional authorities.

FEMA provides for the development and maintenance of an integrated, nationwide capability to prepare for, mitigate against, respond to, and recover from the consequences of major disasters and emergencies of all types in partnership with other Federal agencies, State, local and Tribal governments, volunteer organizations, and the private sector. Management and Administration supports all of FEMA's programs by coordinating all policy, managerial, resource, and administrative actions between headquarters and regional offices.

RECOMMENDATION

The Committee recommends $685,000,000 for Management and Administration, $17,400,000 above the amount requested and $149,800,000 above the adjusted amount provided for fiscal year 2007. This account is a combination of the former Administrative and Regional Operations account and the Readiness, Mitigation, Response and Recovery account. The amount provided will support an additional 275 staff as requested.

STRENGTHENING CORE COMPETENCIES

FEMA has embarked on an initiative to strengthen what it calls core competencies, including disaster operations, logistics management, and mitigation programs. The Committee agrees that FEMA should strengthen these capabilities and recommends the requested increase of $100,000,000 for that purpose. Included in the increase is $21,247,000 for Incident Management; $5,794,000 for Operational Planning; $6,162,000 for Disaster Logistics; $12,416,000 for Emergency Communications; $1,265,000 for Integrated Preparedness; $4,427,000 for Service to Disaster Victims; $25,632,000 for

Continuity Programs; $20,863,000 for improved business practices; and $2,194,000 in mitigation and public disaster communications. These funds are provided to equip FEMA to prepare for and respond more effectively to disasters.

As FEMA attempts to enhance its core competencies, it must first make major improvements in its hiring and staffing. While FEMA has made some progress on staffing, including the placement of experienced emergency managers in all 10 FEMA regional office director positions, it did not achieve its stated goal of filling 95 percent of open staff positions by mid-May 2006 and has yet to meet that goal. GAO found that FEMA's lack of a strategic workforce plan and coordinated training effort have been major reasons FEMA's operations have faltered in the past. The Committee notes that FEMA has still not submitted the strategic workforce plan due on April 4, 2007 as required by Public Law 109–295.

URBAN SEARCH AND RESCUE

The Committee recommends $35,000,000 for Urban Search and Rescue (US&R), $10,000,000 above the amount requested and the amount provided for fiscal year 2007. The Committee is concerned by the readiness level of US&R and provides this increase to ensure the US&R response system is adequate during future disasters. The US&R response system is comprised of 28 task forces that are deployed during emergencies to assist State and local governments in responding to structural collapses. The US&R task forces search structures to extricate and medically treat victims. A 2006 DHS Inspector General report found that DHS and FEMA did not provide proportionate staffing increases to adequately manage US&R task forces. While this level was inadequate, it reached a crisis point during the four Florida hurricanes in 2004 and Hurricanes Katrina, Rita, and Wilma in 2005.

OFFICE OF NATIONAL CAPITAL REGION COORDINATION (NCRC)

The Committee recommends $6,000,000 for the Office of National Capital Region Coordination (NCRC), the same as the amount requested and $3,259,000 above the amount provided for fiscal 2007. The Committee notes that NCRC is updating the National Capitol Region strategic plan and directs the office to provide a briefing to the Committee within 30 days from the date of enactment of this Act on progress made with respect to this plan.

PREPAREDNESS

Preparedness functions were moved into FEMA on March 31, 2007. The Committee understands that it will take FEMA time to fully integrate preparedness and response functions, and believes FEMA will benefit from outside assistance and advice as it undertakes this integration. Therefore, the Committee provides up to $1,000,000 for FEMA to enter into a grant or contract with the National Academy of Public Administration (NAPA) to review the integration of preparedness and response programs with a focus on organizational structure, hiring plans and goals, coordination and integration mechanisms, and other areas FEMA may identify. The work shall be completed by the end of fiscal year 2008.

CONTRACTS

Following Hurricane Katrina, the DHS Inspector General (IG) identified numerous problems with FEMA's contracting and acquisition support practices. According to the IG, FEMA's overall response efforts suffered from: (1) inadequate acquisition planning and preparation; (2) a lack of clearly communicated acquisition responsibilities between FEMA, other Federal agencies, and State and local governments; and (3) an insufficient number of acquisition personnel to manage and oversee contracts. In February 2006, the IG reported that FEMA purchased mobile housing units without having a plan for how the housing would be used. As a result, these assets continue to sit in storage areas while taxpayers pick up the bill for storage fees.

When GAO reviewed FEMA's performance following Hurricane Katrina, it found that processes for executing contracts were hindered by poor communication and unclear responsibilities, resulting in poor acquisition outcomes. While FEMA reportedly now has some standby contracts in place that are ready to be executed when disaster strikes, it is not clear that the Agency has addressed the staffing and communication problems identified by GAO and IG. The Committee remains concerned that FEMA continues to rely on sole source contracts. FEMA recently submitted to the Committee an alarming list of 3,982 contracts that were never competitively bid.

NATIONAL RESPONSE PLAN

The National Response Plan (NRP) details the way in which the Federal Government coordinates with State, local, and Tribal governments and the private sector during and after disasters and other domestic incidents. The Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234) provided FEMA $3,000,000 to update the NRP. Unfortunately, FEMA does not expect to meet the June 1, 2007, deadline set to complete needed updates to the NRP and the National Incident Management System (NIMS). The Committee finds this delay unacceptable, and directs GAO to: (1) evaluate the process used to update the NRP, (2) identify barriers to the timely completion of the work, and (3) evaluate the process for including key stakeholders and other Federal agencies in updating the NRP. The report is due to the Committee within nine months after the date of enactment of this Act. Because the NRP and NIMS will need to be routinely updated in the future, it is imperative that FEMA establish an efficient updating process.

HURRICANE KATRINA AND TOXIC POLLUTANTS

The Committee is aware that the National Response Plan directs the designation of a Federal On-Scene Coordinator (OCS) following a disaster, to direct the response efforts to a discharge or release of oil, hazardous substances, pollutants, or contaminants. The Committee is also aware of the possible toxic distribution among New Orleans neighborhoods as a result of the great amount of debris caused by the flooding associated with Hurricane Katrina, and the human health need to conduct a risk assessment of these pollutants. Therefore, the Committee directs FEMA to report, no later

than January 31, 2008, on the work of the OCS following Hurricane Katrina, including any efforts to conduct such an assessment, and how the OCS is assisting communities in identifying and responding to toxicant vulnerabilities.

LOGISTICS MANAGEMENT PROGRAM

The Committee recommends $61,553,000 for disaster logistics, an increase of $6,162,000 above the amount provided for fiscal year 2007. FEMA is directed to build partnerships with the Defense Logistics Agency and other organizations to avoid recreating systems that already exist. The Committee notes the recent media scrutiny of FEMA's poorly functioning logistics processes, which resulted in the loss of $70,000,000 in supplies for disaster victims. While GAO has noted that FEMA is taking action to make its logistics program more proactive, flexible, and responsive, it cautioned that these capabilities are years away from being fully implemented and operational. The Committee expects this investment in FEMA's logistics program to result in a program that is capable of responding in an efficient and timely manner, and directs the Agency to provide quarterly briefings on its progress.

In addition, the Committee directs FEMA to continue prepositioning critical supplies needed during disaster response, including generators, blankets, water and portable water purification systems near potential disaster areas.

DISASTER COMMUNICATIONS CHALLENGES

The Emergency Alert System (EAS) is a cooperative arrangement among the Federal Communications Commission (FCC), FEMA, the National Weather Service, and the states. FEMA provides direction and assistance for State and local emergency management officials to develop, implement, and maintain their EAS structure. The Committee is concerned this important communications tool in emergency response is not adequate. GAO reported that the EAS faces a range of technical, cultural, and other challenges, such as interfacing with newer communications technologies and issuing alerts in multiple languages. FEMA is directed to report to the Committee within six months after the date of enactment of this Act its plans to address GAO's recommendation that DHS and FCC develop a plan to address the shortcomings of EAS.

In addition, the Committee is concerned that individuals with Limited English Proficiency (LEP) may be underserved during disaster response efforts. The Committee urges FEMA to coordinate with members of LEP populations to provide sufficient translators and interpreters to carry out section 689(e) of Public Law 109–295.

LEVEE CERTIFICATION

The Committee is aware of concerns about a recent decision by FEMA to include a warning on some flood maps recommending that property owners in areas behind provisionally certified levees purchase flood insurance. FEMA reportedly intends to continue to require such warnings even for levees that receive full certification as providing protection in the event of a "1-percent-annual-chance-flood." These concerns stem from a perception that the FEMA warning may imply that FEMA is aware of specific information

that casts doubt on the structural integrity or protection value of particular levees when no such information exists. The Committee urges property owners to carefully evaluate the flood risk associated with their property and to purchase flood insurance accordingly, based on full and accurate information. The Committee urges FEMA to consult with stakeholder communities on the current wording of the FEMA warning to ensure that it: (1) accurately reflects FEMA's state of knowledge about the protection provided by the particular levees to which the warning is applied; and (2) clarifies whether or not property owners are legally required to purchase flood insurance in areas protected by such levees.

FEMA TRAILERS AND HOMELESS VETERANS

On any given night, there are 200,000 homeless veterans in the United States. The Committee is aware that there are unused surplus FEMA trailers. The Committee directs FEMA to work with the Department of Veterans Affairs and other relevant federal agencies on a feasibility study to determine how these unused surplus FEMA trailers can be used to house homeless veterans. FEMA shall report its findings to Congress within six months after the date of enactment of this Act.

STATE AND LOCAL PROGRAMS

Appropriation, fiscal year 2007 [1]	$2,524,500,000
Budget estimate, fiscal year 2008	1,696,000,000
Recommended in the bill	3,101,000,000
Bill compared with:	
Appropriation, fiscal year 2007	+576,500,000
Budget estimate, fiscal year 2008	+1,405,000,000

[1] Reflects decrease of $12,000,000 due to transfer of Technical Assistance funds and increase of $5,500,000 due to transfer of Noble Training Center.

MISSION

State and Local Programs help build and sustain the preparedness and response capabilities of the nation's first responder community. These programs include support for various grant programs; training programs; planning activities; and technical assistance. The grant programs funded by this appropriation include State homeland security grants; law enforcement terrorism prevention grants; emergency management performance grants; high-threat high-density urban area grants; transit grants; port security grants; and critical infrastructure grants. For purposes of eligibility for funds under this heading, the term "local unit of government" refers to any county; city; village; town; district; borough; port authority; transit authority; intercity rail provider; commuter rail system; freight rail provider; water district; regional planning commission; council of government; Indian tribe with jurisdiction over Indian country; authorized tribal organization; Alaska Native village; independent authority; special district; or other political subdivision of any State.

RECOMMENDATION

The Committee recommends $3,101,000,000 for State and Local Programs, $1,405,000,000 above the amount requested and $575,500,000 above the amount provided for fiscal year 2007. Up to three percent of State and Local programs may be used for man-

agement and administrative costs. A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

State and Local Programs	Budget estimate	Recommended
State Formula Grants:		
State Homeland Security Grant Program	$250,000,000	$550,000,000
Law Enforcement Terrorism Prevention	—	400,000,000
Subtotal, Formula Grants	250,000,000	950,000,000
Discretionary Grants: [1] [2]		
Urban Area Security Initiative Grant	800,000,000	800,000,000
Buffer Zone Protection Program	50,000,000	50,000,000
Port Security Grants	210,000,000	400,000,000
Rail and Transit Security Grants	175,000,000	400,000,000
Trucking Security Grants	9,000,000	10,000,000
Intercity Bus Security Grants	12,000,000	11,000,000
Metropolitan Medical Response System	—	50,000,000
Citizen Corps	15,000,000	17,000,000
Real ID	—	50,000,000
Interoperable Communications	—	50,000,000
Commercial Equipment Direct Assistance Program	—	20,000,000
Subtotal, Discretionary Grants	1,271,000,000	1,858,000,000
National Programs:		
National Domestic Preparedness Consortium	38,000,000	88,000,000
Center for Domestic Preparedness	54,000,000	57,000,000
National Exercise Program	50,000,000	50,000,000
Technical Assistance	6,000,000	18,000,000
Training Grants [3]	3,000,000	61,000,000
Evaluations and Assessments	19,000,000	19,000,000
Subtotal, National Programs	170,000,000	293,000,000
Management and Administration	5,000,000	– – –
Total	$1,696,000,000	$3,101,000,000

[1] Includes Metropolitan Medical Response System and Citizen Corp. These two programs were funded under ''National Programs'' in fiscal year 2007.
[2] Includes the Commercial Equipment Direct Assistance Program. This program was a separate program under ''State and Local Programs'' in fiscal year 2007.
[3] Includes the Competitive Training Grant Program and the Continuing and Emerging Grant program funded in fiscal year 2007 separately.

ALL-HAZARDS

Homeland Security Presidential Directive-8 "establishes policies to strengthen the preparedness of the United States to prevent and respond to threatened or actual domestic terrorist attacks, major disasters, and other emergencies by requiring a national domestic all-hazards preparedness goal, establishing mechanisms for improved delivery of Federal preparedness assistance to State and local governments, and outlining actions to strengthen preparedness capabilities of Federal, State, and local entities." Unfortunately, the Inspector General review of FEMA's disaster management activities in response to Hurricane Katrina noted that "DHS' prevention and preparedness for terrorism have overshadowed that for natural hazards, both in perception and in application." FEMA is directed to work with the National Protection and Programs Directorate (NPPD) as it evaluates how to incorporate the risk of natural disasters within the risk models used for grant-making. The Committee recognizes this may require multiple risk methodologies and has directed NPPD to commission a study by the National Academy of Sciences (NAS) to review the feasibility of combining terrorist threats and natural disasters within a single risk analysis. FEMA is directed to utilize the results from the NAS study

to work toward the goal of ensuring that all hazards are appropriately addressed in grant allocations.

STATE HOMELAND SECURITY GRANT PROGRAM

The Committee recommends $550,000,000 for State Homeland Security grants, $300,000,000 above the amount requested and $25,000,000 above the amount provided for fiscal year 2007. These funds are available to all States for purposes of training, procuring equipment, planning, and conducting exercises, based on each State's approved, updated homeland security strategy.

Under current law, States and territories are to be awarded a base level of 0.75 percent (0.25 percent for territories) of the total funding. The request proposes to reduce the amount guaranteed to each State or territory to a minimum of 0.25 percent of the total. The Committee's recommendation does not change current law. The remainder of the funds should continue to be distributed based on risk. While the Department continues to have discretion in awarding the remainder of the funds based on the risk methodologies it develops, the Committee encourages the Department to ensure that such funds are utilized for all-hazards purposes. The Committee directs FEMA to brief the Committee five days prior to any announcement of the awarding of these funds. Such briefings shall include detailed information on the risk analysis employed. The Committee directs that application kits be made available to States within 45 days after enactment of this Act, that States have 90 days to apply after a grant opportunity is announced, and that FEMA make grant determinations within 90 days of the application deadline. No less than 80 percent of these funds shall be passed on by a State or the Commonwealth of Puerto Rico to local units of government within 60 days of the State or the Commonwealth of Puerto Rico receiving funds. None of the funds may be used for construction, except for emergency operations centers.

The Committee is concerned by the lack of coordination between DHS and the Department of Justice (DOJ) in light of the complementary nature of many of their grant programs and the fact that grants from each department are frequently awarded to the same jurisdictions. FEMA is directed to begin a dialogue with DOJ to ensure the Federal government is speaking with a coordinated voice on funding for first responders.

LAW ENFORCEMENT TERRORISM PREVENTION GRANTS

The Committee recommends $400,000,000 for State and local Law Enforcement Terrorism Prevention grants (LETPP), $400,000,000 above the amount requested and $25,000,000 above the amount provided for fiscal year 2007.

The Committee does not agree with the proposal to set aside a percentage of the Urban Area Security Initiative and State Homeland Security grant programs to fund LETPP activities and continues to fund LETPP separately. The Committee continues to make these funds available to all States based on current law. Each State shall continue to be guaranteed a base of 0.75 percent of the total. The Department continues to have discretion in awarding the remainder of the funds based on the funding methodologies it develops. The Committee continues to believe the remainder of the funds should be based on risk. Law enforcement terrorism pre-

vention activities that involve compensation for overtime shall be limited to those specifically related to homeland security, such as activities supporting expanded investigation and intelligence efforts. Funding may not be used to supplant ongoing, routine public safety activities of State and local law enforcement personnel. The Committee directs that FEMA make the application kits available within 45 days after enactment of this Act, that States have 90 days to apply after a grant opportunity is announced, and that FEMA make grant determinations within 90 days of the application deadline. The Committee also agrees that no less than 80 percent of these funds shall be passed on by the State to local units of government within 60 days of the State receiving funds.

Within the funds provided, the Committee recommends $15,000,000 for Operation Stonegarden. All awards under Operation Stonegarden shall be made on a competitive basis to units of local government in counties along the southwest border of the United States, including towns, cities, and counties, to enhance the coordination between local and Federal law enforcement agencies. Eligible law enforcement activities shall include, but not necessarily be limited to, efforts related to human trafficking..

URBAN AREA SECURITY INITIATIVE GRANTS

The Committee recommends $800,000,000 for Urban Area Security Initiative grants (UASI), the same as the amount requested and $30,000,000 above the amount provided for fiscal year 2007. The Committee expects the application kits to be made available to eligible urban areas within 45 days after enactment of this Act, that eligible areas will have 90 days to apply after the grant is announced, and that FEMA will make grant determinations within 90 days of the application deadline. These funds should be distributed based on terrorism risk methodologies developed by the Department. The Committee encourages the Department to ensure such funds are leveraged for all-hazards purposes. The Committee expects FEMA to continue the practice of reimbursing eligible overtime expenses as designated in ODP Information Bulletin No. 127, dated August 3, 2004.

The Committee is aware that in accordance with fiscal year 2007 grant guidance, up to 25 percent of UASI and LETPP funds may be used to hire new staff and/or contractor positions to serve as intelligence analysts. These costs are allowable only for two years, after which States and urban areas are responsible for supporting the sustainment costs for those intelligence analysts. The guidance, however, does not allow funds to be used to pay for existing intelligence analysts. The Committee is concerned that this policy may unfairly disadvantage those States and urban areas who have already acquired intelligence analysts on their own initiative. Therefore, the Committee encourages FEMA to review this policy so that no State or urban area is unfairly penalized.

The Committee understands that the Capital Wireless Integrated Network project has received funding within the National Capital Region UASI grant to develop an interoperable first responder data communication and information sharing network. The Committee expects that this effort will continue to be supported with the increased funding provided to the UASI program in this Act.

BUFFER ZONE PROTECTION PROGRAM

The Committee recommends $50,000,000 for the Buffer Zone Protection Program, the same as the amount requested and the amount provided for fiscal year 2007. The Committee directs FEMA to continue to work with Infrastructure Protection and Information Security to identify critical infrastructure, assess vulnerabilities at those sites, and direct funding to vulnerability gaps.

PORT SECURITY

The Committee recommends $400,000,000 for Port Security grants, $190,000,000 above the amount requested and the amount provided for fiscal year 2007. This is equal to the amounts authorized in the Security and Accountability For Every Port Act (Public Law 109–347).

Even before 9/11, in 2000, the Interagency Commission on Crime and Security concluded that the vulnerability of American ports to potential terrorist attacks was high. At that time, the 14 deepwater seaports in Florida alone estimated they would need $80,000,000 to fully implement identified critical security measures. The Coast Guard estimated in 2003 that the port facility improvements and operational costs required to fully implement the Maritime Transportation Security Act totaled over $7 billion. With the funding provided in this Act, including funding in the recently-enacted 2007 supplemental appropriations, 23 percent of these costs will have been provided since 9/11.

A March 2007 GAO report recommended that ports develop adequate plans for responding to natural disasters and that the Secretary of Homeland Security encourage port stakeholders to use existing forums for discussing all-hazards planning. The Committee directs the Department to ensure that these plans are developed.

RAIL AND TRANSIT SECURITY

The Committee recommends $400,000,000 for Rail and Transit Security grants, $225,000,000 above the amount requested and the amount provided for fiscal year 2007. Congress has appropriated a total of $724,200,000 to date, including funding in the recently-enacted 2007 supplemental appropriations, for security related to rail transit systems, including commuter, light and heavy rail; intercity passenger rail; intra-city buses; and ferry systems. These grants are designed to improve infrastructure at or near transit facilities, to enhance communication and surveillance detection capabilities, and for training. The transit industry estimates that funding needs for transit security improvements total $6 billion. With this funding, 19 percent of these costs will have been provided since 9/11.

TRUCKING

The Committee recommends $10,000,000 for trucking grants, $1,000,000 above the amount requested and $2,000,000 below the amount provided for fiscal year 2007. Funds are used to train highway professionals to identify and report security and safety situations on the Nation's highways.

The Committee urges FEMA to maximize the use of effective Internet-based training tools to meet the demand for the program

while lowering costs. The Committee directs FEMA to submit an expenditure plan to the Committees on Appropriations for the use of these funds within 90 days of enactment of this Act.

INTERCITY BUS SECURITY

The Committee recommends $11,000,000 for Intercity Bus Security grants, $1,000,000 below the amount requested and the amount provided for fiscal year 2007. Funds are used to improve: facility security in UASI jurisdictions; passenger and baggage screening, driver and vehicle security; emergency communication technology, and coordination with local first responders.

METROPOLITAN MEDICAL RESPONSE SYSTEM

The Committee recommends $50,000,000 for the Metropolitan Medical Response System, $50,000,000 above the amount requested and $17,000,000 above the amount provided for fiscal year 2007. The Committee directs FEMA to work with the Office of Health Affairs to develop guidelines for the program and to competitively award funding to applicants based on preparedness needs.

CITIZEN CORPS

The Committee recommends $17,000,000 for the Citizen Corps Program, $2,000,000 above the amount requested and $2,000,000 above the amount provided for fiscal year 2007. This funding supports Citizen Corps Councils and programs in efforts to engage citizens in preventing, preparing for, and responding to all hazards. Eligible activities include planning and evaluation; public education and communication; training; and participation in exercises.

REAL ID

The Committee recommends $50,000,000 for grants to States pursuant to section 204(a) of the REAL ID Act of 2005 (division B of Public Law 109–13). Instead of a request to directly fund a program to support State REAL ID implementation, DHS requested setting aside 20 percent of the State Homeland Security Grant Program for REAL ID activities. The Committee does not agree with the proposal to set-aside State Homeland Security Grant funds for REAL ID activities and instead provides this separate funding to assist States in complying with this Federal mandate. Funds are available until September 30, 2008.

Enacted in May 2005 as part of the fiscal year 2005 Emergency Supplemental Appropriation, the REAL ID Act was established to secure, State-issued, identification documents that could be used for Federal purposes. Twenty-four months after the enactment of the REAL ID Act, the Department finally proposed standards for States to meet the law's requirements. The estimated compliance cost for States is $23.1 billion over five years, much higher than originally anticipated.

The Committee is concerned that $40,000,000 appropriated in fiscal year 2006 for REAL ID remains largely unobligated, including some funding for pilot projects. The Department is directed to utilize the remaining pilot project funding for near-term REAL ID pilots that emphasize multi-state coordination.

INTEROPERABLE COMMUNICATIONS

The Committee recommends $50,000,000 for interoperable communications grants, which are available until September 30, 2008. No funds were requested for this program in fiscal year 2008.

With some estimates of the value of the current public safety communications infrastructure totaling $60 billion, needed improvements to ensure interoperability will take time. According to DHS, $2.15 billion in grant funding was awarded to States and localities from 2003 to 2005 for communications interoperability enhancements. The Deficit Reduction Act of 2005 gave the Commerce Department, in consultation with DHS, the authority to use $1 billion of spectrum auction receipts to establish an interoperable grant program. The Call Home Act (Public Law 109–459) further directed that this $1 billion be awarded no later than September 30, 2007. To date DHS has issued no guidance for this program.

DHS' inability to establish a coherent nationwide interoperable planning effort remains a major hindrance to effective interoperability investment. GAO found that DHS has no process in place for ensuring that State grant requests are consistent with their statewide communications plans and recommended that DHS incorporate such consistency requirements in its grant decision making process. The funds provided under this heading should be prioritized for State and local efforts to adopt SAFEty Interoperability COMmunications (SAFECOM) standard operating procedures, technology standards, and best practices for training, exercises, and usage. The DHS SAFECOM program is charged with creating standards to improve public safety communications interoperability, establish a national architecture for interoperable systems, and coordinate Federal interoperability investment. The Committee also adds $10,000,000 to the Office of Emergency Communications for interoperable communications integration; technical assistance; and regional governance, coordination, and outreach.

The Committee encourages the Department to allow States that do not use reallocated public safety spectrum to be eligible for the Public Safety Interoperable grant funds as long as their systems are compatible with those using reallocated spectrum.

COMMERCIAL EQUIPMENT DIRECT ASSISTANCE PROGRAM

The Committee recommends $20,000,000 for the Commercial Equipment Direct Assistance Program (CEDAP), $20,000,000 above the amount requested and $30,000,000 below the amount provided for fiscal year 2007. CEDAP eligibility is limited to law enforcement, firefighter, and other emergency responder organizations. The Committee has reduced funding for this program, but expects increased funding in other grant programs to benefit communities that receive CEDAP assistance. Eligible jurisdictions are those that do not receive UASI funding. FEMA is directed to issue grant funds directly to local jurisdictions for equipment purchases, rather than purchasing equipment on their behalf. FEMA shall develop a list of equipment acceptable for purchase by grantees. For cases in which multiple vendors offer equipment of similar quality, FEMA shall not unnecessarily limit the list of acceptable equipment. FEMA is directed to brief the Committee on its plan to award fund-

ing under this program using the new guidelines within 90 days after the date of enactment of this Act. Funds are available until September 30, 2008.

NATIONAL PROGRAMS

The Committee recommends $293,000,000 for National Programs, $123,000,000 above the adjusted amount requested and $4,500,000 below the adjusted amount provided for fiscal year 2007.

NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM

Of the funds recommended for National Programs, the Committee provides $88,000,000 for the National Domestic Preparedness Consortium, $50,000,000 above the amount requested and the same as the amount provided for fiscal year 2007.

CENTER FOR DOMESTIC PREPAREDNESS

Of the funds recommended for National Programs, the Committee provides $57,000,000 for the Center for Domestic Preparedness, $3,000,000 above the amount requested and $5,500,000 below adjusted amount provided for fiscal year 2007. Pursuant to the FEMA Reform legislation (P.L. 109–295) the Noble Training Center is funded as part of the Center for Domestic Preparedness.

NATIONAL EXERCISE PROGRAM

Of the funds recommended for National Programs, the Committee provides $50,000,000 for the National Exercise Program, the same as the amount requested and $1,000,000 above the amount provided for fiscal year 2007. This program provides the opportunity for key leaders at the Federal, State and local, territory and Tribal levels, along with representatives of nongovernmental organizations and private sector partners, to gauge the level of effectiveness of plans, policies and procedures for responding to natural disasters and terrorist attacks.

TECHNICAL ASSISTANCE

Of the funds recommended for National Programs, the Committee provides $18,000,000 for Technical Assistance, $12,000,000 above the amount requested and amount provided for fiscal year 2007. The Committee recognizes that State and local first responders and emergency managers require technical assistance to ensure that equipment is used properly and to support effective planning.

TRAINING GRANTS

Of the funds recommended for National Programs, the Committee provides $61,000,000 for Training Grants, $58,000,000 above the amount requested and the same as the amount provided for fiscal year 2007. This program combines the competitive training grants and the continuing and emerging training grants that have been awarded separately in previous fiscal years. FEMA shall give priority to training efforts that benefit nation-wide initiatives including those that identify and disseminate preparedness and response best practices to States and local communities and are conducted at or in cooperation with universities, colleges and commu-

nity colleges. This shall include efforts related to information integration, communication, and interagency coordination.

EVALUATIONS AND ASSESSMENTS

Of the funds recommended for National Programs, the Committee provides $19,000,000 for Evaluations and Assessments, the same as the amount requested and the amount provided for fiscal year 2007. The Committee understands that DHS is working to implement a comprehensive system to measure the effectiveness of DHS programs in implementing HSPD–8 and enhancing national readiness. FEMA is directed to provide the Committees on Appropriations the results of all evaluations within 30 days of completion.

ANIMAL RESPONSE CAPABILITIES

The Department reports that many States do not have adequate animal response capabilities. The Committee urges FEMA to assist States, in consultation with the Office of Health Affairs, in developing local capabilities to address small and large animal response needs. FEMA should identify and draw upon best practices that are already being implemented in some states. FEMA shall brief the Committees on Appropriations within 45 days after the date of enactment of this Act on its plans to assist states in this critical area.

EMERGENCY MEDICAL SERVICES

The Committee supports the Department's efforts to complete capability assessments for emergency medical service (EMS) providers, but remains concerned that current funding levels for the EMS community for training and equipment for disaster preparedness may be insufficient to meet capability requirements. The Committee directs FEMA, in conjunction with the Office of Health Affairs, to report to the Committee no later than January 23, 2008, on the current state of disaster preparedness capabilities of emergency medical services and the capabilities required to meet future preparedness goals. This report shall include an analysis of the gap between current and target capabilities. The Committee further directs FEMA, in conjunction with the Office of Health Affairs, to review the amount of first responder grant funding emergency medical service providers are currently receiving and evaluate whether these funding levels are sufficient to meet capability requirements for disaster preparedness.

The Committee previously directed the Grants and Training office, whose functions are now in FEMA, to report no later than January 23, 2007, to the Committees on Appropriations, the House Committee on Homeland Security and the Senate Committee on Homeland Security and Governmental Affairs, on the use of Homeland Security Grant Program funds and Firefighter Assistance Grant funds for EMS. The Committee has yet to receive this report.

FIREFIGHTER ASSISTANCE GRANTS

Appropriation, fiscal year 2007	$662,000,000
Budget estimate, fiscal year 2008	300,000,000
Recommended in the bill	800,000,000
Bill compared with:	
Appropriation, fiscal year 2007	+138,000,000
Budget estimate, fiscal year 2008	+500,000,000

MISSION

Firefighter Assistance Grants provide grants to local firefighting departments for the purpose of protecting the health and safety of the public and firefighting personnel, including volunteers and emergency medical service personnel, against fire and fire-related hazards.

RECOMMENDATION

The Committee recommends $800,000,000 for Firefighter Assistance Grants, $500,000,000 above the amount requested and $138,000,000 above the amount provided for fiscal year 2007. Of this amount, $230,000,000 is for firefighter staffing, as authorized by section 34 of the Federal Fire Prevention and Control Act of 1974 (Staffing for Adequate Fire and Emergency Response—SAFER). FEMA is directed to continue granting funds directly to local fire departments and including the United States Fire Administration during the grant administration process. FEMA is also directed to maintain an all-hazards focus and not limit the list of eligible activities. Up to five percent may be used for administrative expenses.

The Committee is concerned by the large number of applications that never reach the peer review stage of grant funding. According to FEMA a total of 20,972 FIRE grant applications were received in 2005. Only 13 of those applications were deemed ineligible, but nearly half of the applications, 9,268, were never peer-reviewed. Of the 11,704 that were peer-reviewed only 5,966 were awarded. Therefore the Committee directs that GAO review the application and award process for the FIRE and SAFER grants. The Committee expects GAO to analyze factors used to determine which grant applications are reviewed, the factors by which reviewers score grant applications, and the system used by FEMA and DHS to incorporate scores from reviewers and make final determinations on funding. To ensure the integrity of the program, the Committee directs FEMA to peer review all grant applications that meet basic eligibility requirements. Those basic requirements necessary for peer-review must be included in the grant application package. Grants applications not reviewed must receive an official notification detailing why the application did not meet the requirements for review. The applications must then be rank-ordered, and funded following the rank order.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

Appropriation, fiscal year 2007	$200,000,000
Budget estimate, fiscal year 2008	200,000,000
Recommended in the bill	300,000,000
Bill compared with:	
Appropriation, fiscal year 2007	+100,000,000
Budget estimate, fiscal year 2008	+100,000,000

MISSION

Emergency Management Performance Grant (EMPG) funds are used to support comprehensive emergency management at the State and local levels and to encourage the improvement of mitigation, preparedness, response, and recovery capabilities for all hazards.

RECOMMENDATION

The Committee recommends $300,000,000 for Emergency Management Performance Grants (EMPG), $100,000,000 above the amount requested and $100,000,000 above the amount provided in fiscal year 2007. The Committee does not agree to transfer EMPG to State and Local Programs, and continues to fund the EMPG program as a separate appropriation. EMPG is the one true all-hazard source of funding for emergency managers. While EMPG is a 50–50 matching program, the latest estimate is that State and local governments are overmatching by $96,000,000 each year.

The Committee includes bill language directing FEMA to continue EMPG grant practices used in fiscal year 2007, including a continued emphasis on all-hazards activities and permitting the use of funds for personnel expenses. Up to three percent of funding awards may be used by recipients for administrative expenses.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

Appropriation, fiscal year 2007	$ – 477,000
Budget estimate, fiscal year 2008	– 505,000
Recommended in the bill	– 505,000
Bill compared with:	
Appropriation, fiscal year 2007	+28,000
Budget estimate, fiscal year 2008	.....

MISSION

The Radiological Emergency Preparedness Program (REP) ensures that the public health and safety of citizens living near commercial nuclear power plants will be adequately protected in the event of a nuclear power station incident. In addition, the program informs and educates the public about radiological emergency preparedness. The REP program provides funding only for "offsite" emergency preparedness activities of State and local governments that take place beyond nuclear power plant boundaries.

RECOMMENDATION

The Committee provides for the receipt and expenditure of Radiological Emergency Preparedness (REP) program fees collected as authorized by Public Law 105–276. The request estimates that fee collections will exceed expenditures by $505,000 in fiscal year 2008. Between 2007 and 2011 it is estimated that twenty-five nuclear reactors will be built across the country, significantly increasing the work load of the REP program. In light of the need to prepare for this increased workload, the Committee is disappointed in the slow progress in hiring new personnel. There are currently 56 staff vacancies, 43 percent of the authorized staffing level.

UNITED STATES FIRE ADMINISTRATION

Appropriation, fiscal year 2007 [1]	$41,349,000
Budget estimate, fiscal year 2008	43,300,000
Recommended in the bill	43,300,000
Bill compared with:	
Appropriation, fiscal year 2007	+1,951,000
Budget estimate, fiscal year 2008	.....

[1] Reflects transfer of $5,500,000 for the Noble Training Center.

MISSION

The mission of the United States Fire Administration is to reduce economic losses and loss of life due to fire and related emergencies through leadership, coordination, and support. The Administration trains the Nation's first responder and health care leaders to evaluate and minimize community risk, enhance the security of critical infrastructure, and better prepare their communities to react to emergencies of all kinds.

RECOMMENDATION

The Committee recommends $43,300,000 for U.S. Fire Administration and Training, the same as the amount requested and $1,951,000 above the amount provided for fiscal year 2007. The reduction to the fiscal year 2007 level reflects the transfer of the Noble Training Center to the Center for Domestic Preparedness in accordance with the FEMA reform legislation, Public Law 109–295.

DISASTER RELIEF

Appropriation, fiscal year 2007 [1]	$1,486,500,000
Budget estimate, fiscal year 2008 [2]	1,700,000,000
Recommended in the bill	1,700,000,000
Bill compared with:	
Appropriation, fiscal year 2007	+200,000,000
Budget estimate, fiscal year 2008	.....

[1] Includes transfer of $13,500,000 to the Inspector General.
[2] Does not reflect transfer of $48,000,000, to Management and Administration.

MISSION

The Federal Emergency Management Agency is responsible for administering disaster assistance programs and coordinating the Federal response following Presidential disaster declarations. Major activities under the Disaster Relief fund are: providing aid to families and individuals; supporting the efforts of State and local governments to take emergency protective measures, clear debris and repair infrastructure damage; mitigating the effects of future disasters; and helping States and local communities manage disaster response, including the assistance of disaster field office staff and automated data processing support.

RECOMMENDATION

The Committee recommends $1,700,000,000 for the Disaster Relief fund, the same as the amount requested and $200,000,000 above the amount provided in the regular fiscal year 2007 bill. The Committee does not approve the transfer of $48,000,000 to convert temporary disaster employees into permanent positions because there is currently a large backlog of such conversions. FEMA is directed to provide a briefing to the Committees on Appropriations

on the status of the effort to convert temporary disaster positions within 30 days after the date of enactment of this Act.

The Committee continues and modifies a provision (Sec. 523) requiring monthly reports detailing information related to Hurricanes Katrina, Rita, and Wilma, including amounts allocated, obligated and undistributed.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

ADMINISTRATIVE EXPENSES

Appropriation, fiscal year 2007	$569,000
Budget estimate, fiscal year 2008	580,000
Recommended in the bill	580,000
Bill compared with:	
Appropriation, fiscal year 2007	+11,000
Budget estimate, fiscal year 2008	.....

SUBSIDY

Appropriation, fiscal year 2007	.....
Budget estimate, fiscal year 2008	$295,000
Recommended in the bill	295,000
Bill compared with:	
Appropriation, fiscal year 2007	+295,000
Budget estimate, fiscal year 2008	.....

LIMITATION ON DIRECT LOANS

Appropriation, fiscal year 2007	$25,000,000
Budget estimate, fiscal year 2008	25,000,000
Recommended in the bill	25,000,000
Bill compared with:	
Appropriation, fiscal year 2007	.....
Budget estimate, fiscal year 2008	.....

MISSION

Beginning in 1992, loans made to States under the cost sharing provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act were funded in accordance with the Federal Credit Reform Act of 1990. The Disaster Assistance Direct Loan Program Account, which was established as a result of the Federal Credit Reform Act, records the subsidy costs associated with the direct loans obligated beginning in 1992 to the present, as well as the administrative expenses of this program.

RECOMMENDATION

The Committee recommends $25,000,000 for the limitation on direct loans from the Disaster Assistance Direct Loan Program pursuant to section 319 of the Stafford Act, and $580,000 for the administrative expenses of the program, the same as the amount requested. The Committee also includes a subsidy of $295,000 to cover the cost of loans.

FLOOD MAP MODERNIZATION FUND

Appropriation, fiscal year 2007	$198,980,000
Budget estimate, fiscal year 2008	194,881,000
Recommended in the bill	230,000,000
Bill compared with:	
Appropriation, fiscal year 2007	+31,020,000
Budget estimate, fiscal year 2008	+35,119,000

MISSION

The mission of the Flood Map Modernization Program is to modernize and digitize the inventory of over 100,000 flood maps. These flood maps are used to determine appropriate risk-based premium rates for the National Flood Insurance Program, complete hazard determinations required for the nation's lending institutions, and develop appropriate disaster response plans for Federal, State, and local emergency management personnel.

RECOMMENDATION

The Committee recommends $230,000,000 for the Flood Map Modernization Fund, $35,119,000 above the amount requested and $31,020,000 above the amount provided in fiscal year 2007. The Committee recognizes the importance of the Flood Map Modernization program to State and local governments. The Committee encourages FEMA to prioritize as criteria the number of streams, rivers, and coastal miles within a State and the participation of the State in leveraging non-federal contributions. In addition FEMA is directed to dedicate at least 15 percent of funds provided under this heading to activities associated with maintaining flood maps that are at least three years beyond their effective date. The goal should be to complete maintenance of maps before they are more than five years beyond their effective date. Map maintenance includes: studying previously unstudied or under-studied areas; restudying areas where watershed and/or floodplain conditions have altered flood hazards; and re-evaluating flood hazards to take into account new data or methodologies. Cooperating technical partners that offer significant funding matches should be given priority in allocating map maintenance funding. Up to three percent of awarded funds may be used by recipients for administrative expenses.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

Appropriation, fiscal year 2007	$128,588,000
Budget estimate, fiscal year 2008	145,000,000
Recommended in the bill	145,000,000
Bill compared with:	
Appropriation, fiscal year 2007	+16,412,000
Budget estimate, fiscal year 2008	+16,412,000

MISSION

The Flood Disaster Protection Act of 1973 requires the purchase of insurance in communities where it is available as a condition for receiving various forms of Federal financial assistance for acquisition and construction of buildings or projects within special flood hazard areas identified by the Federal Emergency Management Agency. The owners of existing buildings and their contents in communities where flood insurance is available are eligible, through either the emergency or regular program, for a first layer of subsidized insurance coverage.

Full risk actuarial rates are charged for insurance covering new construction or substantial improvements commenced in identified special flood hazard areas after December 31, 1974, or after the effective date of the flood insurance rate map issued to the commu-

nity, whichever is later. For communities in the regular program, a second layer of flood insurance coverage is available at actuarial rates on all properties. Actuarial rates for both layers apply to all new construction or substantial improvements located in special flood hazard areas. Program operations are financed with premium income augmented by Treasury borrowings.

RECOMMENDATION

The Committee has included bill language providing up to $45,642,000 for salaries and expenses to administer the National Flood Insurance Fund, the same as the budget request. The Committee has included bill language providing up to $90,000,000, available until expended, for severe repetitive loss property mitigation expenses under section 1361A of the National Flood Insurance Act of 1968 and for a repetitive loss property mitigation pilot program under section 1323 of the Act. No less than $99,358,000 is available for flood mitigation activities, of which $34,000,000 is available under section 1366 of the Act for transfer to the National Flood Mitigation Fund. Flood mitigation funds are available until September 30, 2009. Total funding is offset by premium collections.

FEMA has reported that as of February 28, 2007, there were over 180,000 closed paid claims for Hurricanes Katrina, Rita and Wilma. As of that same date, the National Flood Insurance Program (NFIP) has borrowed $17.3 billion from the U.S. Treasury. In addition, since Hurricane Katrina struck the Gulf Coast in August, 2005 the NFIP had paid a total of $526,000,000 of interest on the borrowing. The borrowing limit is currently $20.8 billion.

The National Flood Insurance Fund is the funding mechanism for the NFIP.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Appropriation, fiscal year 2007	$31,000,000
Budget estimate, fiscal year 2008	34,000,000
Recommended in the bill	34,000,000
Bill compared with:	
Appropriation, fiscal year 2007	+3,000,000
Budget estimate, fiscal year 2008	.....

MISSION

The National Flood Mitigation Fund assists States and communities in implementing measures to reduce or eliminate the long-term risk of flood damage to buildings, manufactured homes, and other structures insurable under the National Flood Insurance Program (NFIP).

RECOMMENDATION

The Committee recommends $34,000,000 for the National Flood Mitigation Fund, the same as the amount requested and $3,000,000 above the amount provided in fiscal year 2007, to be derived by transfer from the National Flood Insurance Program.

NATIONAL PRE-DISASTER MITIGATION FUND

Appropriation, fiscal year 2007	$100,000,000
Budget estimate, fiscal year 2008	100,053,000
Recommended in the bill	120,000,000
Bill compared with:	
Appropriation, fiscal year 2007	+20,000,000
Budget estimate, fiscal year 2008	+19,947,000

MISSION

The National Pre-Disaster Mitigation Fund provides technical assistance and competitive grants to State, local, and Tribal governments, and to universities to reduce the risks associated with disasters. Resources support the development and enhancement of hazard mitigation plans, as well as the implementation of disaster mitigation projects.

RECOMMENDATION

The Committee recommends $120,000,000 for the National Pre-Disaster Mitigation Fund (PDM), $19,947,000 above the amount requested, and $20,000,000 above the amount provided in fiscal year 2007. Pre-Disaster mitigation grants are for plans and projects that reduce overall risks to the population and structures, while also reducing future costs to the Federal Disaster Relief fund following disasters. PDM grants are to be awarded on a competitive basis and without reference to State allocations, quotas, or other formula-based allocations of funds. The Committee is pleased that risk is a factor in award selection, even though it is unclear if awards are based solely on risk. FEMA is directed to brief the Committee on its PDM risk methodology within 45 days of enactment of this Act.

POST-DISASTER MITIGATION

The Post-Hazard Mitigation Grant Program, authorized by the Robert T. Stafford Act, is a key component of mitigation and disaster recovery. Federal investments in post disaster mitigation activities are leveraged by a unique "window of opportunity" that exists following a disaster, when perceptions of risk become clearer and prompt individuals and communities to undertake risk reduction activities that they may not have considered in a pre-disaster context.

The Committee notes that Public Law 109–295 amended the Robert T. Stafford Act to address the amount communities receive in Post-Hazard Mitigation following a disaster. Communities receiving Federal disaster assistance are now eligible to receive post disaster mitigation funding equal to 15 percent on their eligible Federal disaster costs under $2 billion; 10 percent for disasters with costs between $2 billion and $10 billion; and 7.5 percent for disasters with costs between $10 billion and $35.333 billion.

The Committee notes that the post-disaster mitigation program has been greatly underutilized in the wake of Hurricane Katrina. Of the $1.47 billion currently available for this purpose in Louisiana, only $18,038,177 has been expended; in Mississippi, $24,301,967 of a possible $433,895,495 has been expended. Post-disaster mitigation facilitates state and community planning as to what areas will or will not be rebuilt and what construction speci-

fications will apply to rebuilt areas. It gives assurance to individuals thinking of buying, renovating, or repairing homes that the surrounding neighborhood will be restored. All of this is sorely needed on the Gulf Coast, where neighborhood rehabilitation lags badly some 21 months after the storm. The Committee directs FEMA to report within 30 days of the enactment of this Act on its analysis of this failure to employ post-disaster mitigation and plans for getting the program seriously underway. The report should also contain an analysis of any flaws in current law or FEMA's administration that, in the agency's view, hinder the effective implementation of the program.

EMERGENCY FOOD AND SHELTER

Appropriation, fiscal year 2007	$151,470,000
Budget estimate, fiscal year 2008	140,000,000
Recommended in the bill	153,000,000
Bill compared with:	
Appropriation, fiscal year 2007	+1,530,000
Budget estimate, fiscal year 2008	+13,000,000

MISSION

The Emergency Food and Shelter National Board Program was created in 1983 to supplement the work of local social service organizations within the United States, both private and governmental, to help people in need of emergency assistance. The program provides funds to local communities for soup kitchens, food banks, shelters, and homeless prevention services.

RECOMMENDATION

The Committee recommends $153,000,000 for the Emergency Food and Shelter program, $13,000,000 above the amount requested and $1,530,000 above the amount provided in fiscal year 2007. The most recent estimate from the Department of Housing and Urban Development indicates there are some 754,000 homeless people in the United States, including those living in shelters, transitional housing and on the street. The Emergency Food and Shelter program provides shelter, food and support services for homeless and hungry individuals nationwide. Up to three percent of grant awards may be used by recipients for administrative expenses.

TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

Appropriation, fiscal year 2007	$181,990,000
Budget estimate, fiscal year 2008	30,000,000
Recommended in the bill	30,000,000
Bill compared with:	
Appropriation, fiscal year 2007	−151,990,000
Budget estimate, fiscal year 2008	.....

MISSION

The mission of U.S. Citizenship and Immigration Services (CIS) is to process all immigrant and non-immigrant benefits provided to visitors to the United States, adjudicate naturalization requests,

promote national security as it relates to immigration issues, eliminate immigration adjudication backlogs, and implement solutions to improve immigration customer services. CIS also maintains substantial records and data related to the individuals who have applied for immigration benefits.

RECOMMENDATION

The Committee recommends $30,000,000 in discretionary appropriations for U.S. Citizenship and Immigration Services, at the requested level and $151,990,000 below the amount provided for 2007. This funding is for expansion of the Employment Eligibility Verification (EEV)/Basic Pilot program, which provides employers the ability to determine the legal status of prospective employees. The Committee supports the goal of this program, but questions the appropriateness of taxpayer support for a system that largely benefits the private sector. As a result, the Committee directs CIS to submit, concurrent with the fiscal year 2009 budget, a report on the potential to charge fees for participation in the EEV/Basic Pilot program. The report shall include: proposals for recovering both the capitalization and on-going maintenance costs for the system; a recommended fee structure based on the usage level of various subscribers; an estimate of the anticipated impact of fees on participation rates based on CIS observations and experience to date; and any other issues of relevance for Congress to consider.

USER FEE FUNDED PROGRAMS

Current estimates of fee collections, which constitute the majority of CIS resources, are $2,538,872,000. These revenues will support adjudication of applications for immigration benefits and fraud prevention activities, and be derived from fees collected from persons applying for immigration benefits. Within the total amount of immigration examination fees collected, the Committee directs CIS to provide not less than $49,357,000 to support Customer Service Center operations, and to dedicate the entirety of premium processing revenue, currently estimated at $139,000,000, to business system and information technology transformation, including converting immigraton records to digital format. No more than $10,000 of the collections shall be used for official reception and representation expenses.

The Committee notes that under recent regulatory filings published by CIS, the application fees proposed to be charged in fiscal year 2008 will generate 42 percent more revenue for CIS than in fiscal year 2007. The average individual application fee will increase by 66 percent after factoring in cancellation of charges for interim benefit applications. While the Committee appreciates that CIS has used a much more sophisticated workload model to develop its revised fee schedules, it is nevertheless concerned that charges are reaching levels that may put U.S. citizenship beyond the reach of many individuals and families with limited incomes. Many of the public comments made on the draft CIS fee rule highlighted how the increased fees would place an even-greater financial burden on families already making sacrifices to apply for citizenship or legal residency. As a result, the Committee strongly encourages CIS to continue regular reviews of its fee rules, and to incorporate equitable processes for fee waivers and other consideration for those

who may not possess the financial wherewithal to afford the new charges. In particular, CIS should consider capping the total charges for large families and charging lower fees for adjudications involving children, given the generally straight-forward nature of minors' background checks. Additionally, the Committee directs CIS to carefully monitor the savings generated by its planned business transformation efforts, and adjust fees downward if processing costs fall.

CHANGES TO CASH FLOW PROJECTIONS

CIS operations depend on a variety of fees to offset operations, particularly the Immigration Examination Fee. The potential fluctuation of these fees can adversely affect operations if spending is not appropriately prioritized. The Committee directs CIS to ensure that it fully funds current, ongoing base operations that are fee-supported before undertaking new initiatives.

PERFORMANCE METRICS

While CIS has made progress in improving its business processes and has significantly reduced the backlog of cases that take longer than six months to adjudicate, the agency should work to ensure that increased fees charged to customers result in commensurate improvements in the service provided by the agency. The Committee directs CIS to provide the Committee with a comprehensive report, due with the submission of the fiscal year 2009 budget, on its service level performance measures and any improvements in service levels the agency has achieved. The Committee is particularly concerned that, without improvements in the Memorandum of Understanding with the Federal Bureau of Investigation, the backlog of applicants pending advanced background checks will continue to grow, and directs CIS to report jointly with the Department of Justice on how it will strengthen the background check process to ensure that this backlog is eliminated.

IMMIGRATION SERVICES

The Committee encourages CIS to continue to expand its immigration service programs throughout the country, prioritizing areas that have large populations of underserved immigrant populations. Such services should include partnerships with immigrant rights and immigrant services groups to provide technical and consultative support to these organizations as they assist the immigrant community with their benefit applications.

IMMIGRATION REFORM

Although the Administration has voiced an on-going commitment to pursue comprehensive immigration reform that includes a temporary worker program, the Committee is concerned that CIS is not prepared to deal with the realities of the adjudicatory process that would be necessary to support such a benefit. The Committee therefore directs CIS to report no later than September 1, 2007, on: the process it envisions for the adjudication of a temporary worker program; the financial and personnel resources that will be required to administer such a program; the potential up-front investments that would be required to make such a program operational;

and the projected timeline for establishing a fully-functional program.

U–VISA

The Committee continues to be disappointed with the lack of progress in publishing regulations to allow for immigration benefit applications under the U–Visa authorities enacted in the Trafficking Victims Protection Act of 2000. Given that this program is designed to provide relief for immigrant victims of domestic violence and other heinous crimes, it is unacceptable that it has taken the Administration more than six years to promulgate this regulation. The Committee encourages the Administration in the strongest possible terms to use its authority to immediately publish the pending U–Visa rule in an interim final form. To encourage speedy progress on this issue, the Committee has withheld from obligation any funds for the Department's headquarters projects until the U–Visa rule is published.

INFORMATION TECHNOLOGY AND BUSINESS SYSTEM TRANSFORMATION

The Committee welcomes the seriousness with which CIS appears to be taking efforts to transform its business processes and systems. Only with a technologically up-to-date approach to its work can CIS be expected to avoid future backlogs in adjudications, particularly if immigration reform creates a temporary worker program or generates significant new applications for naturalization. The Committee therefore supports the request to allocate all of the premium processing fee revenue to information technology and business system transformation, as was Congress' intent when the fee was originally authorized. In order to ensure this effort is consistent with best practices, the Committee directs CIS to provide a fiscal year expenditure plan for review by the Committees on Appropriations and the Judiciary prior to obligating any premium processing fee revenue. CIS should include materials in the report that address the alignment of the transformation process with Departmental enterprise architecture, as well as details on expected project performance and deliverables.

SECURITY AND INTERNAL AFFAIRS

The Committee is aware of reports that CIS may be open to significant security vulnerabilities or to compromise by outside forces seeking to manipulate the immigration system. While the Committee is encouraged by recent public announcements that CIS is expanding the internal security functions at the agency, there is nevertheless a genuine concern that the agency charged with welcoming newcomers to the country not be vulnerable to those who would do the nation harm. The Committee urges CIS to continue its investments in internal security improvements, and to keep the Committee fully informed of progress in this effort.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

Appropriation, fiscal year 2007	$211,033,000
Budget estimate, fiscal year 2008	219,786,000
Recommended in the bill	219,786,000
Bill compared with:	
Appropriation, fiscal year 2007	+8,753,000
Budget estimate, fiscal year 2008	.....

MISSION

The Federal Law Enforcement Training Center (FLETC) provides the necessary facilities, equipment, and support services to conduct advanced, specialized, and refresher training for Federal law enforcement personnel. Specifically, FLETC serves as an interagency law enforcement training organization for 83 Federal agencies with personnel located throughout the United States and its territories. FLETC also provides services to State, local, and international law enforcement agencies, and on a space available basis, other Federal agencies with related law enforcement missions.

FLETC is headquartered in Glynco, GA with facilities in Artesia, NM and Charleston, SC. Each of these facilities is designed primarily for residential training operations. A fourth training facility is located in Cheltenham, MD, and provides in-service and re-qualification training for officers and agents in the Washington D.C. area.

RECOMMENDATION

The Committee recommends $219,786,000 for FLETC, the same as the amount requested and $8,753,000 above the amount provided for fiscal year 2007. This funding supports the increased training needs of the Border Patrol and Immigration and Customs Enforcement.

The Committee does not support the proposed Revolving Fund that was included in the fiscal year 2008 budget request to replace the Salaries and Expenses account within FLETC since the current funding mechanisms utilized for FLETC appear to be working well. The Committee approves the request to transfer the Office of Federal Law Enforcement Training Accreditation Board from FLETC to the Department of Homeland Security, Chief Human Capital Officer.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

Appropriation, fiscal year 2007	$64,246,000
Budget estimate, fiscal year 2008	43,270,000
Recommended in the bill	43,270,000
Bill compared with:	
Appropriation, fiscal year 2007	−20,976,000
Budget estimate, fiscal year 2008	.....

MISSION

This account provides for the acquisition, construction, improvements, equipment, furnishings, and related costs for expansion and maintenance of facilities of the Federal Law Enforcement Training Center.

RECOMMENDATION

The Committee recommends $43,270,000 for FLETC Acquisition, Construction, Improvements, and Related Expenses, the same as the amount requested and $20,976,000 below the amounts provided for fiscal year 2007. The decrease is due to one time facility construction costs.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

Appropriation, fiscal year 2007 [1]	$134,000,000
Budget estimate, fiscal year 2008	142,632,000
Recommended in the bill	130,787,000
Bill compared with:	
Appropriation, fiscal year 2007	−3,123,000
Budget estimate, fiscal year 2008	−11,845,000

[1] Reflects funding for programs transferred to Office of Health Affairs on March 31, 2007.

MISSION

The Management and Administration appropriation provides for the salaries and expenses of Federal employees of the Science and Technology Directorate (S&T).

RECOMMENDATION

The Committee recommends $130,787,000 for Management and Administration, $11,845,000 below the amount requested and $3,123,000 below amount provided for fiscal year 2007 after reflecting the transfer of funds to the Office of Health Affairs. Within this total, $7,602,000 is provided for the Office of the Under Secretary and $123,185,000 is provided for other salaries and expenses.

OTHER SALARIES AND EXPENSES

The Committee recommends $123,185,000 for other salaries and expenses for employees of the Science and Technology Directorate instead of $135,030,000 as requested. Within this amount, the Committee fully funds the pay and cost of living increases as requested. However, funding was reduced from the budget request because S&T has struggled to hire employees on a timely basis. Currently, S&T has a 32 percent staff vacancy rate. While the Directorate has a hiring plan to fill many of these vacancies, 39 positions will not be filled until late in fiscal year 2007 and an additional 38 positions will remain vacant at the beginning of fiscal year 2008. Because these vacant positions were fully funded in 2007, the Committee believes that the fiscal year 2008 request is overstated and that half year funding for many of these positions in 2008 is appropriate.

RECEPTION AND REPRESENTATION

The Committee recommends $10,000 for reception and representation expenses instead of the requested $15,000. This funding level is consistent with other large agencies within DHS, such as the Transportation Security Administration. In addition, the justification for a $12,000 increase from fiscal year 2007 to fiscal year 2008 for such expenses is unclear when, halfway through 2007, the Secretary has spent little of the $3,000 permitted for that year.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

Appropriation, fiscal year 2007 [1] [2]	$749,009,000
Budget estimate, fiscal year 2008	656,468,000
Recommended in the bill	646,325,000
Bill compared with:	
Appropriation, fiscal year 2007	−102,684,000
Budget estimate, fiscal year 2008	−10,143,000

[1] Does not include funding for programs transferred to Office of Health Affairs and to the Office of Emergency Communications due to Department reorganization on March 31, 2007.
[2] Excludes rescission of $125,000,000 in prior year appropriations as required by Sec. 529 of P.L. 109–295.

MISSION

The mission of the Science and Technology Directorate is to develop and deploy technologies and capabilities to secure our homeland. This Directorate conducts, stimulates, and enables research, development, testing, evaluation, and the timely transition of homeland security capabilities to Federal, State, and local operational end-users. This activity includes investments in both evolutionary and revolutionary capabilities with high payoff potential; early deployment of off-the-shelf, proven technologies to provide for initial defense capability; near-term utilization of emerging technologies to counter current terrorist threats; and development of new capabilities to thwart future and emerging threats.

RECOMMENDATION

The Committee recommends $646,325,000 for Research, Development, Acquisition, and Operations, $10,143,000 below the amount requested and $102,684,000 below the revised amount provided for fiscal year 2007 after reflecting the transfer of funds to the Office of Health Affairs and to the Office of Emergency Communications. A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Border and Maritime Security	$25,936,000	$25,936,000
Chemical and Biological	228,949,000	215,131,000
Command, Control and Interoperability	63,600,000	61,100,000
Explosives	63,749,000	63,749,000
Human Factors	12,600,000	12,600,000
Infrastructure and Geophysical	24,000,000	24,000,000
Innovation	59,900,000	51,900,000
Laboratory Facilities	88,814,000	88,814,000
Test, Evaluations and Standards	25,520,000	28,520,000
Transition	24,700,000	26,000,000
University Programs	38,700,000	48,575,000
Total	$656,468,000	$646,325,000

REALIGNMENT OF THE 2007 BUDGET STRUCTURE

In February 2007, S&T submitted a revised fiscal year 2007 budget execution plan to realign programs within the Research, Development, Acquisition, and Operations appropriation to make them more responsive to customer needs, to reflect new priorities since the 2007 budget was originally proposed, and to eliminate projects that were not clearly defined. The Committee approved this new structure in March 2007 and any comparisons to fiscal year 2007 enacted levels reflect this realignment.

CHEMICAL AND BIOLOGICAL

The Committee recommends $215,131,000 for chemical and biological programs, $13,818,000 below the amount requested and $14,321,595 below the revised amount provided for fiscal year 2007. The fiscal year 2007 and 2008 funding levels reflect the transfer of certain chemical and biological programs to the Office of Health Affairs ($2,600,000 and $81,500,000 respectively) on March 31, 2007.

In total, the Committee recommends $28,170,000 for the BioWatch generation 3 program. Within this total, the Committee provides full funding for fiscal year 2008 to begin validation and pilot testing of the three prototype BioWatch 3 systems currently under development, as well as to complete the signatures necessary to identify pathogens of concern. However, $13,818,000 requested to procure approximately 125 low rate initial production units has been denied. Before this procurement can occur, S&T must review and respond to the results from the National Academy of Sciences study recommended and discussed under the Office of Health Affairs. The Committee requires this study to ensure that BioWatch detection systems are the most cost effective detection approach.

The Committee is aware that National Institutes of Health (NIH) has established a network of Regional Biocontainment Laboratories to conduct biodefense and pandemic preparedness research, and encourages the Department to coordinate with NIH, as appropriate, to leverage the federal investment in these facilities.

COMMAND, CONTROL AND INTEROPERABILITY

The Committee recommends $61,100,000 for command, control and interoperability programs, $2,500,000 less than the amount requested and $3,487,592 above the revised amount provided for fiscal year 2007. The fiscal year 2007 funding level reflects the transfer of $5,000,000 to the Office of Emergency Communications on March 31, 2007.

No funding has been provided for the Analysis, Dissemination, Visualization, Insight, and Semantic Enhancement (ADVISE) program. ADVISE, a data mining tool under development by S&T, is designed to help detect threatening activities by allowing an analyst to search large amounts of information for patterns in the data and to provide visual representations of these patterns. At this time, DHS has not assessed the privacy risks associated with ADVISE. In a recently completed audit (GAO–07–293), GAO concluded that "until a privacy impact assessment is conducted, little assurance exists that privacy risks have been rigorously considered, and mitigating controls established. If controls are not addressed now, DHS faces the risk that ADVISE-based system implementations containing personal information may require costly and potentially duplicative retrofitting at a later date to add the needed controls." Bill language is included that prohibits the obligation of funds for ADVISE until the Department of Homeland Security completes a Privacy Impact Assessment for this program as recommended by the GAO.

FIRST RESPONDER COMMUNICATIONS EQUIPMENT STANDARDS

Federal funding for first responder communications equipment should be compliant with common system standards for digital public safety radio communications (Project 25 standards), as appropriate, to ensure interoperability. The Committee directs S&T, in conjunction with the Director of the National Institute of Standards and Technology, to continue the Project 25 conformity assessment program to assess the compliance of first responder communications equipment with Project 25 standards, pursuant to P.L. 109–295.

AIR CARGO PILOTS

In fiscal year 2006, Congress appropriated $30,000,000 for S&T to conduct three air cargo screening pilots programs to test different concepts of operations. Results to date from the three airports participating in the pilots appear promising. The Committee eagerly awaits the results of this work, which is scheduled to be completed in December 2007, with a final report due in the spring of 2008. In the interim, the Committee encourages S&T, in conjunction with TSA, to share any promising results with other airports seeking to improve their air cargo screening procedures. For example, an air cargo screening prioritization model was developed as part of one pilot that may permit the pilot airport, as well as other airports, to substantially increase the amount of air cargo it screens.

RESEARCH TO DETECT EXPLOSIVES IN AIR CARGO

S&T, in conjunction with TSA, has been focusing on developing large screening systems to detect explosives in air cargo pallets and containers. The Committee is dismayed, however, with S&T's slowness in obligating previously appropriated funding for air cargo research and development activities. Because of almost a two year delay, S&T does not plan on having next-generation air cargo screening devices ready for deployment until 2011, a timetable that is unacceptable. The Committee directs S&T to accelerate this research and, in the interim, to work with TSA to pursue better short term options.

MAN PORTABLE AIR DEFENSE SYSTEMS

The Committee remains supportive of development activities that could protect commercial aircraft against portable, shoulder-launched missiles. To date, $270,000,000 has been appropriated for these activities. In fiscal year 2008, the Committee recommends a total of $11,500,000 to continue these efforts: $10,000,000 within the innovation appropriation and $1,500,000 within the explosives appropriation.

INNOVATION

The Committee recommends $51,900,000 for innovation, $8,000,000 below the amount requested and $13,900,000 above the revised amount provided for fiscal year 2007. No funding has been provided for the scalable composite hull. A recent Coast Guard analysis found that a composite hull would need to last at least 17 years longer than a steel hull to be cost effective.

Within the innovation program, the Committee fully funds the budget request of $5,900,000 for the safe container project to conduct research on innovative sensor technologies that, during normal crane operations, can scan cargo containers for explosives, contraband, human cargo, chemical agents, biological agents, and weapons of mass destruction. Because the Domestic Nuclear Detection Office (DNDO) is responsible for research, development, and acquisition for nuclear detection technologies and is researching crane mounted technologies in fiscal year 2008, S&T should work closely with DNDO on any applications of such technologies for detecting radioactive isotopes to achieve economies of scale through such collaborative efforts.

New technologies may significantly help the Department as it seeks to secure our homeland. The Committee encourages S&T to assess technologies such as carbon nanotube coatings; dual use mobile sensor technology that provides automatic intelligence collection; sensor-driven analytics; regional disease surveillance; computed tomography/neutron technologies; ultra high efficiency power amplifier technologies; and microsystems technologies for high threat problem-solving.

LABORATORY FACILITIES

The Committee recommends $88,814,000 for laboratory facilities, the same level as requested and $16,835,002 below the revised amount provided for fiscal year 2007. Within this appropriation, $11,000,000 is for the National Bio and Agrodefense Facility, as requested. This funding will be used to continue environmental studies necessary to determine which site will be selected for this next-generation biological and agricultural defense facility. At this time, S&T plans to commence a detailed architectural and engineering design for the facility in 2009 and construction is anticipated to begin in 2010.

AREA 300

The Committee is aware that S&T is working with the Department of Energy (DOE) on replacement facilities at Area 300 of the Pacific Northwest National Laboratories, but no reference to this activity was in the budget justification. The Committee notes that funding has been requested by DOE for this work in fiscal year 2008. The Committee expects S&T to fully fund its total obligations as identified in the memorandum of understanding between DHS, DOE, and the National Nuclear Security Administration.

TEST, EVALUATIONS AND STANDARDS

The Committee recommends $28,520,000 for test, evaluations and standards, $3,000,000 above the amount requested and $3,088,134 above the revised amount provided for fiscal year 2007. Of this total, $3,000,000 shall be for S&T to initiate independent, peer-reviewed program evaluations of the Department's programs. The Committee is concerned that no rigorous evaluations are conducted of DHS programs to determine how and if they are working, identify unintended consequences, and evaluate whether other program mechanisms may achieve the same or better results. This type of rigorous evaluation cannot be performed inside the Depart-

ment due to lack of expertise, but nevertheless should be part of the Department's overall conduct of its operations. The Government Performance and Results Act of 1993 defines program evaluation as "an assessment, through objective measurement and systematic analysis, of the manner and extent to which Federal programs achieve intended objectives." The Committee expects that only one or two smaller-scale programs will be able to be evaluated with the funding provided and directs the Department to consult with the Committees on Appropriations on the programs to be evaluated and scope of the evaluations before funding is obligated.

TRANSITION

The Committee recommends $26,000,000 for transition programs, $1,300,000 above the amount requested and $1,960,491 above the revised amount provided for fiscal year 2007. The transition office is responsible for delivering near-term product and technology enhancements to DHS components, for international and interagency programs, and is a coordination point for the private sector on technology development. The additional funding has been provided to conduct an intergovernmental research study, as discussed below.

INTERGOVERNMENTAL RESEARCH

Congress mandated that the Department of Homeland Security support U.S. leadership in science and technology. To do so, S&T conducts and funds research in various areas to support the Department's component agencies, to develop countermeasures to potential threats, and to work on cross-cutting initiatives. The Committee is concerned that DHS, and in particular S&T, may be insufficiently aware of research efforts by other Federal agencies in areas related to homeland security and, as a result, may be duplicating those efforts or failing to draw upon them. In addition, the Committee is concerned that the research agendas of other Federal agencies may be influenced by homeland security goals in a way that displaces important research not directly connected to homeland security. The Committee believes that an independent review is necessary to determine whether Federal resources are being adequately and efficiently used in DHS and other Federal agencies to address homeland security needs, as well as to identify opportunity costs that may result from the increasing prominence of homeland security priorities in Federal research portfolios outside of the Department. The Committee provides up to $1,300,000 for S&T to contract with the National Academy of Public Administration (NAPA) for such a review and expects the contract to be awarded within two months of the enactment of this Act. This funding has been provided within the transition program.

UNIVERSITY PROGRAMS

The Committee recommends $48,575,000 for University programs, $9,875,000 more than requested. This level would restore funding to the fiscal year 2007 enacted level. Additional funding is critical to the success of this program because S&T will award four new University Centers of Excellence programs late in fiscal year 2007. Without additional funding, each current University Center of Excellence program would be provided with less funding in fiscal

year 2008. The Committee directs S&T to report on how these additional funds will be allocated 60 days after enactment of this Act.

S&T shall report to the Committee, no later than February 1, 2008, on how the Directorate selects universities for a Center of Excellence contract award, determines the type of research in which each Center will specialize, and evaluates the quality of work received from the Centers, including an evaluation of the quality of the work received to date from current Centers. As part of this report, S&T shall include an analysis of the impact a time limit may have on the quality and breadth of research conducted on behalf of the Directorate.

The Committee notes the importance of using behavioral and social sciences to detect, analyze, and better understand and prevent threats posed by terrorists and commends the Department for elevating the status of behavioral science with the establishment of a new Human Factors Division. To support this initiative, the Committee urges continued support for the University Program's scholars and fellows program, which is critical to the development of the next generation of homeland security scientists.

The Committee has not yet approved S&T's proposal to limit the scholars and fellows program to these Centers of Excellence. Prior to proceeding with this program change, the Committee directs S&T to contract with an independent educational organization with higher-education expertise to review the goals, objectives, size and suggested implementation of the scholars and fellows program. This review should be completed and submitted to the Committee within nine months.

MULTI-FUNCTION PHASED ARRAY RADARS

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

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

Appropriation, fiscal year 2007	$30,468,000
Budget estimate, fiscal year 2008	34,000,000
Recommended in the bill	31,176,000
Bill compared with:	
Appropriation, fiscal year 2007	+708,000
Budget estimate, fiscal year 2008	−2,824,000

MISSION

The Management and Administration appropriation provides for the salaries and expenses of Domestic Nuclear Detection Office (DNDO) employees. This is a jointly-staffed office that consists of both Federal employees and interagency detailees.

RECOMMENDATION

The Committee recommends $31,176,000 for Management and Administration, $2,824,000 below the amount requested and $708,000 above amount provided for fiscal year 2007. This recommendation fully funds the pay and cost of living adjustments requested in the budget, but does not provide funding for any new staff.

FULL-TIME POSITIONS

The Committee has not funded the budget request for 18 additional full-time positions for fiscal year 2008. DNDO has been unable to identify adequately specific positions needed in the Chief of Staff's office or new engineering positions to be filled. The Committee expects any budget justification that requests new staff to include detailed data and explanatory statements for each new position requested, including specific titles, salary ranges, brief job descriptions, and potential start dates. Without such documentation, the Committee cannot support funding 18 new staff.

In addition, DNDO is 20 percent below its fiscal year 2007 authorized staffing level. While a hiring plan has been developed, it is premature for the Committee to approve new positions until DNDO can fill its current vacancies.

RESEARCH, DEVELOPMENT, AND OPERATIONS

Appropriation, fiscal year 2007	$272,500,000
Budget estimate, fiscal year 2008	319,900,000
Recommended in the bill	316,900,000
Bill compared with:	
Appropriation, fiscal year 2007	+44,400,000
Budget estimate, fiscal year 2008	−3,000,000

MISSION

The Research, Development and Operations appropriation consolidates all DHS nuclear detection research, development, test, evaluation and operational support into this single appropriation. DNDO has developed a global nuclear detection architecture that the Federal government will use to detect and report attempts to import or transport a nuclear device or fissile or radiological material intended for illicit use. DNDO is continuing to improve the domestic portion of this architecture through an integrated research, development, test, and evaluation program, while providing support to current operations.

RECOMMENDATION

The Committee recommends $316,900,000 for Research, Development, and Operations, $3,000,000 below the amount requested and $44,400,000 above amount provided for fiscal year 2007. A compari-

son of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Systems Engineering and Architecture	$25,100,000	$25,100,000
Systems Development	108,100,000	108,100,000
Transformational Research and Development	100,000,000	100,000,000
Assessments	32,000,000	32,000,000
Operational Support	37,800,000	34,800,000
National Technical Nuclear Forensics Center	16,900,000	16,900,000
Total	$319,900,000	$316,900,000

NEXT THREATS

Since its formation in 2006, DNDO has been acquiring and developing radiation portal monitors for use at ports of entry by Customs and Border Protection (CBP) Officers to scan cargo and baggage entering the United States to interdict radioactive and nuclear materials. In Committee hearings this year, homeland security experts testified that they believe terrorists will attack our key cities with some form of a dirty or nuclear bomb because weapons of mass destruction are becoming easier to acquire, build, hide, and transport. To address this concern, DNDO plans to deploy radiation detection technologies at all of our seaports and all of the land ports of entry along our northern and southern borders by 2013 to screen 100 percent of all cargo entering the United States.

Even with 100-percent screening at all seaports and the ports of entry, vulnerabilities still exist. Malcontents illicitly transporting a nuclear device or radioactive material will most likely not enter the U.S. through traditional ports of entry. As a result, DNDO is assessing radiation detection technologies that could be used in rail yards, at non-port of entry land border crossings, at general aviation airports, and with small maritime craft. The Committee fully funds this effort in 2008. The Committee directs DNDO to provide quarterly briefings, beginning in January 2008, on its assessments of these new technologies and its progress in deploying technologies to other vulnerable sites. These briefings should include information about the architecture necessary to deploy detection equipment at nontraditional ports of entry or seaports; the types of technologies being assessed; the strengths and weaknesses of these technologies; and the development timetable.

Beyond detecting dangerous materials at our ports of entry and at our seaports, the Committee believes other means to better protect the nation by "pushing the borders out," should be a priority. This includes securing loose-nukes and similar material overseas before they reach our borders and shores. The Committee heard from numerous witnesses this year expressing concern that if a weapon-bearing or contaminated container or conveyance were to reach our border, the contaminant would already be close enough to wreak the havoc that our enemies desire. DNDO is working with CBP to find ways to screen shipments and vessels coming to the United States for radiation at the foreign ports from which they depart. The Committee directs DNDO to report on the results of these efforts in conjunction with the quarterly threat assessment briefings, beginning with the next scheduled briefing.

RED TEAMING

DNDO funds red teaming actions within the assessments budget. The goals of DNDO's red teaming activities are: (1) to identify vulnerabilities in deployed technology, current training levels and operational procedures to mitigate these weaknesses; and (2) to identify sensitive but unclassified information that exists in open sources that could be used to defeat our nation's defenses. DNDO has been working with a number of operational agencies within DHS, including CBP and TSA, to test and assess weaknesses in the field. The Committee directs DNDO to be more proactive in fiscal year 2008 with red teaming exercises. To do so, the Committee fully funds the new budget request of $9,800,000 for these activities and directs DNDO to report quarterly on red team exercises it has conducted, any vulnerabilities identified, and any changes that are being made to the system to address these vulnerabilities. The first report shall be submitted on January 1, 2008.

JOINT ANALYSIS CENTER

The Committee recommends $6,200,000 for the Joint Analysis Center, $3,000,000 below the amount requested and $3,800,000 above the amount provided in fiscal year 2007. Within this allocation, the Committee has fully funded $3,700,000 for the scientists, senior computer specialists, and intelligence analysts of the Joint Analysis Center. In addition, the Committee has provided $2,500,000 for the development and installation of information systems at this Center. Funding was reduced due to an insufficient budget justification for this Center, particularly in the information systems area.

SAFE CONTAINER PROJECT

The Science and Technology Directorate is researching the development of an integrated sensor that, during normal crane operations, can scan cargo containers for explosives, contraband, human cargo, chemical agents, biological agents, and weapons of mass destruction. DNDO should work closely with S&T on this safe container project if the crane mounted screening technology attempts to detect radioactive isotopes. The Committee notes that there may be some possible leveraging potential or economies of scale that could be derived through a joint research effort.

SYSTEMS ACQUISITION

Appropriation, fiscal year 2007	$178,000,000
Budget estimate, fiscal year 2008	208,000,000
Recommended in the bill	168,000,000
Bill compared with:	
Appropriation, fiscal year 2007	−10,000,000
Budget estimate, fiscal year 2008	−40,000,000

MISSION

The Systems Acquisition appropriation provides for the acquisition and deployment of radiation detection technologies to the Nation's ports of entry and along our borders, as well as to protect urban areas. To do so, DNDO will acquire a full range of radiation detection technologies, including fixed, mobile, and relocatable radi-

ation portal monitors and backpack and handheld detection systems.

RECOMMENDATION

The Committee recommends $168,000,000 for Systems Acquisition, $40,000,000 below the amount requested and $10,000,000 below amount provided for fiscal year 2007. A comparison of the budget estimate to the Committee recommended level by budget activity is as follows:

	Budget estimate	Recommended
Radiation Portal Monitor program	$171,500,000	$151,500,000
Securing the Cities Initiative	30,000,000	10,000,000
Human Portal Radiation Detection Systems program	6,500,000	6,500,000
Total	$208,000,000	$168,000,000

RADIATION PORTAL MONITOR PROGRAM

The Committee recommends $151,500,000 for the radiation portal monitor program, $20,000,000 below the amount requested. Funding has been reduced because DNDO has revised the number of systems it plans to acquire in fiscal year 2008 downward from 149 systems in the submitted budget justification to 127 systems. The amount provided is sufficient to acquire this number of systems based on the most recent acquisition and installation cost data provided by DNDO.

The Committee directs that no funding shall be used to procure advanced spectroscopic portal (ASP) systems until the Secretary of DHS certifies that these systems are more effective than the traditional radiation portal monitors. At this time, DNDO does not anticipate Secretarial certification, which is dependent upon the results of tests recently completed at the Nevada Test Center and at the Port of New York, until at least July 2007. If the Secretary is unable to certify that ASP systems are more effective than current systems, DNDO should use both its fiscal year 2007 and 2008 funding to acquire traditional radiation portal monitors.

NORTHERN BORDER

DNDO plans to screen 100 percent of all containerized cargo entering U.S. seaports for radiation by 2013. DNDO currently estimates it will screen 98 percent of all containerized cargo by the end of 2007. While this figure is an average, the percentage of cargo screened at the Northern Border is anticipated to be substantially lower than 98 percent and, correspondingly, lower than comparable screening levels at the Southwest Border. The Committee urges DNDO, in conjunction with CBP, to deploy systems along the Northern Border to close these gaps, particularly between ports of entry.

SECURING THE CITIES

The Committee recommends $10,000,000 to acquire systems for the Securing the Cities Initiative, $20,000,000 below the amount requested. This initiative is a pilot project that assumes all levels of deterrence and detection have failed and a radioactive device is heading to the heart of New York City. To detect this device before

it can be used, DNDO will set up an elaborate network of radiation detection devices, both stationary and mobile, at bridges, tunnels, roadways, and waterways leading into New York City, creating a 50-mile ring around the city. At this time, DNDO has not reached agreement with New York and New Jersey officials on the architecture of this initiative or developed a deployment plan acceptable to all parties. DNDO does not expect to reach the necessary agreements until at least the summer of 2007. While it is premature to appropriate $30,000,000 to acquire systems until agreements have been reached, the Committee is providing $10,000,000 to be used as a down payment for system acquisition. This funding, coupled with $9,700,000 in DNDO's Research, Development, and Operations account, will provide a total of $19,700,000 for the Securing the Cities Initiative in 2008.

HUMAN PORTAL RADIATION DETECTION SYSTEMS

The Committee fully funds the $6,500,000 requested to acquire human portal radiation detection systems. This funding level will permit DNDO to acquire 167 portal radiation detection units (handheld and backpacks) to be used by CBP officers and 25 next-generation systems to be used by the Coast Guard.

COMPREHENSIVE INVENTORY ON RESULTS OF RADIATION PORTAL MONITOR TESTING

The GAO recently reported on DNDO's efforts to combat nuclear smuggling (GAO–07–347R). In this report, GAO notes that DNDO has conducted tests on radiation detection equipment, including current portal monitors made of polyvinyl toluene (PVT) and the next generation portal monitors known as advanced spectroscopic portals, and that several U.S. national laboratories have performed testing on numerous commercial models of PVTs. The report also notes, however, that DNDO does not collect test results from national laboratories on portal monitors, and that "such information, if collected and used, could improve DNDO's understanding of how well portal monitors detect different radiological and nuclear materials under varying conditions. In turn, this understanding would assist DNDO's future testing, development, deployment and purchases of portal monitors." GAO recommends that DNDO (1) collect and maintain reports concerning all of the testing performed by the U.S. national laboratories; and (2) review the test reports in order to develop an information database on how PVTs perform in both laboratory and field tests on a variety of indicators, such as their ability to detect specific radiological and nuclear materials or how they are affected by different levels of background environmental radiation. The Committee concurs with GAO's recommendations and directs DNDO to report on its plan to collect and maintain an information database in a timely fashion. This report should be provided to the House Appropriations Committee no later than November 1, 2007.

TITLE V—GENERAL PROVISIONS—THIS ACT

Section 501. The Committee continues a provision providing that no part of any appropriation shall remain available for obligation beyond the current year unless expressly provided.

Section 502. The Committee continues a provision providing that unexpended balances of prior appropriations may be merged with new appropriation accounts and used for the same purpose, subject to reprogramming guidelines.

Section 503. The Committee continues and modifies a provision providing reprogramming authority for funds within an account and not to exceed 5 percent transfer authority between appropriations accounts with the requirement for a 15-day advance Congressional notification. A detailed funding table identifying each Congressional control level for reprogramming purposes is included at the end of this Report. These reprogramming guidelines shall be complied with by all agencies funded by the Department of Homeland Security Appropriations Act, 2008.

Section 504. The Committee continues a provision that prohibits funds appropriated or otherwise made available to the Department to make payment to the Department's Working Capital Fund, except for activities and amounts allowed in the President's fiscal year 2008 budget, excluding sedan service, shuttle service, transit subsidy, mail operations, parking, and competitive sourcing.

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

Section 506. The Committee continues a provision providing that funds for intelligence activities are deemed to be specifically authorized during fiscal year 2008 until the enactment of an Act authorizing intelligence activities for fiscal year 2008.

Section 507. The Committee continues a provision directing the Federal Law Enforcement Training Center to establish an accrediting body to establish standards for assessing federal law enforcement training programs, facilities, and instructors.

Section 508. The Committee continues and modifies a provision requiring notification of the Committees on Appropriations three days before grant allocations, discretionary grant awards, discretionary contract awards, or a letter of intent totaling $1,000,000 or more is announced by the Department. The Department is required to brief the Committees on Appropriations five full business days prior to announcing the intention to make a formula based State Homeland Security Program Law Enforcement Terrorism Prevention Program; or High-Threat, High-Density Urban Areas grant award. Notification shall include a description of the project or projects to be funded, including city, county and state.

Section 509. The Committee continues a provision providing that no agency shall purchase, construct, or lease additional facilities for Federal law enforcement training without advance approval of the Committees on Appropriations.

Section 510. The Committee continues a provision requiring the Director of the Federal Law Enforcement Training Center to ensure that all training facilities are operated at optimal capacity throughout the fiscal year.

Section 511. The Committee continues a provision providing that none of the funds may be used for any construction, repair, alteration, and acquisition project for which a prospectus, if required

under chapter 33 of title 40, United States Code, has not been approved.

Section 512. The Committee continues a provision that none of the funds may be used in contravention of the Buy American Act.

Section 513. The Committee continues and modifies a provision regarding Secure Flight.

Section 514. The Committee continues a provision mandating that no funds can be used to contract out the services provided by United States Citizenship and Immigration immigration information officers, contract representatives, or investigative assistants.

Section 515. The Committee continues a provision prohibiting the use of funds in this or previous appropriations Acts for the protection of the head of a Federal agency other than the Secretary of Homeland Security unless the Secret Service is fully reimbursed.

Section 516. The Committee includes a provision that modifies Section 513 of Public Law 108–334 by requiring the Secretary to modify air cargo Security Directives in effect as of the date of enactment of this Act.

Section 517. The Committee continues a provision requiring the Transportation Security Administration to utilize existing checked baggage explosive detection equipment and screeners to screen cargo carried on passenger aircraft to the greatest extent practicable at each airport. The Committee also requires quarterly submission of air cargo inspection statistics.

Section 518. The Committee continues a provision that directs that only the privacy officer, appointed pursuant to section 222 of the Homeland Security Act of 2002, may alter, direct that changes be made to, delay or prohibit the transmission of a privacy officer report to Congress.

Section 519. The Committee continues a provision prohibiting the use of funds made available in this or any other Act to pay the salary of any employee serving as a contracting officer's technical representative (COTR) who has not received COTR training.

Section 520. The Committee continues and modifies a provision that directs that any funds appropriated or transferred to TSA "Aviation Security", "Administration", and "Transportation Security Support" in fiscal years 2004, 2005, 2006, and 2007, which are recovered or deobligated, shall be available only for procurement or installation of explosive detection systems, for air cargo, baggage and checkpoint screening systems, subject to section 503 of this Act.

Section 521. The Committee continues and modifies a provision regarding Sensitive Security Information.

Section 522. The Committee continues a provision extending the authorization of the Working Capital Fund.

Section 523. The Committee continues and modifies a provision regarding weekly reporting requirements for the Disaster Relief Fund, as required by Public Law 109–62.

Section 524. The Committee continues a provision requiring the Chief Financial Officer to submit monthly budget execution and staffing reports within 45 days after the close of each month.

Section 525. The Committee continues and modifies a provision relating to undercover investigative operations authority of the Secret Service for fiscal year 2008.

Section 526. The Committee continues a provision prohibiting the use of funds to contravene the federal buildings performance and reporting requirements of Executive Order 13123, part 3 of title V of the National Energy Conservation Policy Act or subtitle A of title I of the Energy Policy Act of 2005.

Section 527. The Committee continues and modifies a provision classifying the functions of the instructor staff at the Federal Law Enforcement Training Center as inherently governmental for purposes of the of the Federal Activities Inventory Reform Act.

Section 528. The Committee continues a provision prohibiting the use of funds to contravene section 303 of the Energy Policy Act of 1992.

Section 529. The Committee continues a provision prohibiting the use of funds in contravention to Executive Order 13149, relating to fleet and transportation efficiency.

Section 530. The Committee includes a new provision on Coast Guard contracting and the Integrated Deepwater Systems program.

Section 531. The Committee includes a new provision prohibiting the use of funds provided in this or any previous appropriations Act to be obligated for the development, testing, deployment or operation of any system related to the MAX–HR project, or any subsequent but related human resources management project, until all pending litigation has been fully resolved.

Section 532. The Committee continues and modifies a provision on chemical site security.

Section 533. The Committee includes a new provision that allows CBP to offer Customs and Border Patrol Officers the ability to be classified as a law enforcement officers.

Section 534. The Committee continues and modifies a provision on butane lighters.

Section 535. The Committee continues and modifies a provision prohibiting the Secretary of Homeland Security from altering or reducing the Coast Guard's civil engineering program until Congress receives and approves any planned changes.

Section 536. The Committee includes a new provision prohibiting funds for grants or contracts that do not comply with subchapter IV of chapter 31 of title 40.

Section 537. The Committee includes a new provision that limits obligation of funds for contracts and grants unless they are competitively awarded or the distribution mechanism is provided by statute. An exemption is provided during a national emergency. For grants made based on risk, the Committee expects DHS to limit the competition based on risk determinations. The Committee directs the Secretary to set a goal of three percent of all contracts to be awarded to small business entities. As the Department transitions its grant and contract funding to ensure that all awards are competitive, it should ensure that there is no interruption in critical first responder training programs.

Section 538. The Committee includes a new provision that precludes the Department from using funds in this Act to carry out reorganization authority.

Section 539. The Committee includes a new provision that repeals the prohibition on judicial review of the Aviation Security and Infrastructure Fee contained in the Aviation and Transportation Security Act.

Section 540. The Committee includes a new provision that rescinds $55,273,000 from unobligated balances transferred to the Department when it was formed in 2003. The Secretary is directed to advise the Committees on Appropriations on the distribution of the rescission prior to its implementation.

Section 541. The Committee includes a new provision prohibiting the use of funds for any position designated as a Principal Federal Official during any declared disasters or emergencies.

Section 542. The Committee includes a new provision on the failure to collect airport security badges.

Section 543. The Committee includes a new provision limiting appropriated funding for immigration benefit processing.

APPROPRIATIONS CAN BE USED ONLY FOR THE PURPOSES FOR WHICH MADE

Title 31 of the United States Code makes clear that appropriations can be used only for the purposes for which they were appropriated as follows:

Section 1301. Application.

(a) Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

HOUSE OF REPRESENTATIVES REPORT REQUIREMENTS

The following items are included in accordance with various requirements of the Rules of the House of Representatives.

TRANSFER OF FUNDS

Pursuant to clause 3(f)(2), rule XIII of the Rules of the House of Representatives, the following is submitted describing the transfer of funds provided in the accompanying bill.

The table shows, by title, department and agency, the appropriations affected by such transfers:

APPROPRIATION TRANSFERS RECOMMENDED IN THE BILL

Account to which transfer is to be made	Amount	Account from which transfer is to be made	Amount
National Flood Mitigation Fund	34,000,000	National Flood Insurance Fund	34,000,000

RESCISSIONS OF FUNDS

Pursuant to clause 3(f)(2) of rule XIII of the Rules of the House of Representatives, the following table is submitted describing the rescissions recommended in the accompanying bill:

Account/Activity	Rescissions
Acquisition, Construction and Improvements	
Offshore Patrol Cutter	$68,841,000
Vertical Unmanned Aerial Vehicle	38,608,000
Unobligated balances transferred to DHS in 2003	55,273,000

APPROPRIATIONS NOT AUTHORIZED BY LAW

Pursuant to clause 3(f)(1) of rule XIII of the House of Representatives, the following table lists the appropriations in the accompanying bill that are not authorized by law:

Agency/Program	Last Year of Authorization	Authorized Level	Appropriation in Last Year of Authorization	Appropriations in this Bill
Office of the Secretary and Executive Management	2002	NA	NA	$102,930
Under Secretary for Management	NA	NA	NA	$237,765
Office of the Chief Financial Officer	2004	NA	NA	$32,000
Office of the Chief Information Officer	NA	NA	NA	$258,621
Office of the Federal Coordinator for Gulf Coast Rebuilding				$3,000
Office of Inspector General	NA	NA	NA	$99,111
Customs and Border Protection, Salaries and Expenses[1]	2003[2]	3,254,000	4,468,000	$6,629,733[3]
Customs and Border Protection, Salaries and Expenses	2004[4]	3,259,000	NA	$6,674,733
Customs and Border Protection, Salaries and Expenses	2002[5]	such sums	730,710	$6,674,733
Customs and Border Protection, Salaries and Expenses	2004[6]	1,400,000	NA	$6,674,733
Customs and Border Protection, Salaries and Expenses	2004[7]	1,684,000	NA	$6,674,733
Customs and Border Protection, Automation Modernization[8]	NA	NA	NA	$476,609
Customs and Border Protection, Border Security Fencing, Infrastructure, and Technology (BSFIT)	1996,2006[9]	NA	$12,000	$1,000,000
Customs and Border Protection, Air and Marine Interdiction, Operations, Maintenance, and Procurement	2004	NA	NA	$477,287
Customs and Border Protection, Construction	NA	NA	NA	$249,663

NA indicates that although programs and activities are authorized, specific funding levels are not included in the authorization bill. Dollars are in thousands.

[1] Some activities are authorized under this appropriation but no dollar amounts are specified. These include: 8 U.S.C. 1776 authorized appropriations for review, evaluation, revisions of training for inspection of travel or identification documents, and provision of such training through 2009; and P.L. 108-458 directed the Secretary to increase the number of border patrol agents by 2,000 per year for each fiscal year 2006-2010, subject to the availability of appropriations for such purposes.
[2] For Salaries and Expenses of the Border Patrol, detention and removals, intelligence, investigations, inspections, and international enforcement within the former Immigration and Naturalization Service, and immigration functions at ports of entry.
[3] This is the total appropriation. Authorization only applied to prior organization and functional structure, some now in ICE or CIS.
[4] For Customs functions (border security, inspections, and trade facilitation) at ports of entry
[5] Agriculture Plant and Health Inspection Service only.
[6] For Customs functions, noncommercial activities at ports of entry.
[7] For Customs functions, commercial activities at ports of entry.
[8] P.L. 107-210, section 311(b)(2) for Automated Commercial Environment (ACE) only, which is $316,969,000 in the bill.
[9] P.L. 109-367 (Secure Fence Act of 2006) amending Public Law 104–208; 8 U.S.C. 1103 note) , (Illegal Immigration Reform and Immigrant Responsibility Act of 1996)

Agency/Program	Last Year of Authorization	Authorized Level	Appropriation in Last Year of Authorization	Appropriations in this Bill
Immigration and Customs Enforcement, Salaries and Expenses	2003[10] / 2004[12]	NA[10] / $1,399,592.4[11]	$3,032,094[12]: NA[13]	$4,146,300
Immigration and Customs Enforcement, Automation Modernization	2003[10]	2,739,695	380,000[14]	$30,700
Immigration and Customs Enforcement, Construction	2003[10]	NA	258,637[10]	$6,000
Transportation Security Administration, Aviation Security[15]	2006	Such sums	6,329,926	$5,198,535
Transportation Security Administration, Surface Transportation Security	NA	NA	NA	$41,413
Transportation Security Administration, Transportation Threat Assessment and Credentialing[16]	2005	Such sums	69,919	49,490
Transportation Security Administration, Transportation Security Support	NA	NA	NA	526,615
Transportation Security Administration, Federal Air Marshal Service	2006	Such sums	679,338	722,000
Coast Guard, Operating Expense	2006	5,633,900	5,585,420	$5,885,242
Coast Guard, Environmental Compliance & Restoration	2006	12,000	12,547	$15,000
Coast Guard, Reserve Training	2006	119,000	117,810	$126,883
Coast Guard, Acquisition, Construction & Improvements	2006	1,903,821	1,390,443	$941,767
Coast Guard, Alteration of Bridges	2006	38,400	14,850	$16,000

[10] Immigration and Naturalization Service--inspection, investigations, Border Patrol, detention and deportation only. (8 U.S.C. 1101, note; Immigration and Nationality Act, section 404(a))

[11] Customs Service, including the investigations function (19 U.S.C. 2075(b)(1)).

[12] Includes $2,862,094,000 from the FY 2003 INS Salaries and Expenses appropriations, and $170,000,000 included in the FY 2003 Wartime Supplemental Appropriations Act, PL 108-11

[13] No 2004 appropriation for the U.S. Customs Service

[14] For Entry-Exit system.

[15] The only authorization that TSA has on program wide level is the aviation security authorization of appropriation received in the Aviation and Transportation Security Act. This act authorized aviation funding through fiscal year 2005 and was extended thru fiscal year 06 in the Intelligence Reform Act. The passenger fee authorization was designated as not to exceed $2.50 per enplanement, with total not to exceed $5.00 per one-way trip.

[16] Through FY 2005, Crew Vetting, Secure Flight and Registered Traveler programs were under the Aviation Program and were therefore authorized. The Transportation Threat Assessment and Credentialing Appropriation have not been authorized.

Agency/Program	Last Year of Authorization	Authorized Level	Appropriation in Last Year of Authorization	Appropriations in this Bill
Coast Guard, Research, Development, Test & Evaluation	2006	24,000	18,567	$22,583
U.S. Secret Service, Salaries and Expenses[17]	NA	NA	NA	$1,392,171
U.S. Secret Service, Acquisition, Construction, Improvements, and Related Expense	NA	NA	NA	$3,725
National Protection and Preparedness Directorate, Management and Administration[18]	NA	NA	NA	$40,346
National Protection and Preparedness Directorate, Infrastructure Protection and Information Security[19]	2002, 2003, 2006	NA	NA	$532,881
Office of Health Affairs[20]	NA	NA	NA	$117,933
FEMA, State and Local Program[21]	NA	NA	NA	$3,101,000
Citizen and Immigration Services, Salaries and Expenses[22]	2002	631,745	707,392	$30,000
Federal Law Enforcement Training Center, Salaries and Expenses[23]	1991	NA	40,000	$219,786
Federal Law Enforcement Training Center, Acquisition, Construction, Improvements and Related Expenses	NA	NA	NA	$43,270
Science and Technology, Management and Administration	2002	Such sums	NA	$130,787
Science and Technology, Research, Development, Acquisition, and Operations	2002	Such sums	NA	$646,325
Domestic Nuclear Detection Office, Management and Administration	2006	NA	30,468	$31,176
Domestic Nuclear Detection Office, Research, Development, and Operations	2006	NA	272,500	$316,900
Domestic Nuclear Detection Office, Systems Acquisition	2006	NA	178,000	$168,000

[17] The Secret Service is established in 18 U.S.C. 3056 and 3 U.S.C. 202. 18 U.S.C. 1029 and 1030 specifically authorize the Service to investigate offenses under those sections.
[18] Office of Emergency Communications and Training and Exercises were authorized in Title VI of Public Law 109-295.
[19] P.L. 107-56, section 1016(f) for National Infrastructure Simulations and Analysis Center (2002) and P.L. 107-314 for National Security/Emergency Preparedness (2003).
[20] Chief Medical Officer is authorized by Title VI of P.L. 109-295.
[21] Some components of State and Local Programs are authorized, by Section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714), Section 70107(a) through (h) Maritime Transportation Security Act (46, U.S.C.), Section 24102 of Amtrak Improvement Act (49 U.S.C), Section 112 (l) of the SAFE Port Act of 2006 (6 U.S.C 901)
[22] P.L. 107-273, Section 102(11)(B) authorized funding for INS immigration services; P.L. 99-603 required State and local governments to verify immigration status for aliens applying for certain public assistance and for employers to verify eligibility of employees; P.L. 104-208 established basic pilot program; 8 USC 1776 authorized appropriations for review, evaluation, revision of training for inspection of travel or identification documents, and provisions of such training through 2009; 8 U.S.C. 1573 authorized the Attorney General to make improvements to the processing of immigration benefit applications and in infrastructure.
[23] P.L. 106-690, Section 6164.

COMPARISON WITH BUDGET RESOLUTION

Section 308(a)(1)(A) of the Congressional Budget Act requires the report accompanying a bill providing new budget authority to contain a statement comparing the levels in the bill to the suballocations submitted under section 302(b) of the Act for the most recently agreed to concurrent resolution on the budget for the applicable fiscal year. That information is provided in the following table.

[In millions of dollars]

Comparison with allocation	302(b) Allocation		This bill	
	Budget authority	Outlays	Budget authority	Outlays
General purpose discretionary	$36,254	$38,247	$36,254	[1] $38,246
Mandatory	1,072	1,066	1,072	1,066
Total	37,326	39,313	37,326	39,312

[1] Includes outlays from prior year budget authority.

FIVE YEAR OUTLAY PROJECTIONS

In compliance with section 308(a)(1)(B) of the Congressional Budget Act of 1974 (Public Law 93–344), as amended, the following table contains five-year projections associated with the budget authority provided in the accompanying bill:

[In millions of dollars]

Outlays:	
2008	$22,090
2009	7,616
2010	4,914
2011	1,706
2012 and future years	753

ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

In accordance with section 308(a)(1)(C) of the Congressional Budget Act of 1974 (Public Law 93–344), as amended, the financial assistance to state and local governments is as follows:

[In millions of dollars]

FY 2008 new budget authority	$4,905
FY 2008 outlays resulting therefrom	444

CONSTITUTIONAL AUTHORITY

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives states that:

> Each report of a committee on a bill or joint resolution of a public character, shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution.

The Committee on Appropriations bases its authority to report this legislation from Clause 7 of Section 9 of Article I of the Constitution of the United States of America that states:

> No money shall be drawn from the Treasury but in consequence of Appropriations made by law . . .

Appropriations contained in this Act are made pursuant to this specific power granted by the Constitution.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of Rule XIII off the Rules of the House of Representatives, the following is a statement of general performance goals and objectives for which this measure authorizes funding:

The Committee on Appropriations considers program performance, including a program's success in developing and attaining outcome-related goals and objectives, in developing funding recommendations.

EARMARKS

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

COMPLIANCE WITH RULE XIII, CL. 3(e) (RAMSEYER RULE)

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 1202 OF THE 2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

(Public Law 107–206)

SEC. 1202. (a) The Federal Law Enforcement Training Center may, for a period ending not later than December 31, **[**2007**]** *2008*, appoint and maintain a cadre of up to 350 Federal annuitants: (1) without regard to any provision of title 5, United States Code, which might otherwise require the application of competitive hiring procedures; and (2) who shall not be subject to any reduction in pay (for annuity allocable to the period of actual employment) under the provisions of section 8344 or 8468 of such title 5 or similar provision of any other retirement system for employees. A reemployed Federal annuitant as to whom a waiver of reduction under paragraph (2) applies shall not, for any period during which such waiver is in effect, be considered an employee for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or such other retirement system (referred to in paragraph (2)) as may apply.

* * * * * * *

SECTION 513 OF THE DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

SEC. 513. The Secretary of Homeland Security is directed to research, develop, and procure certified systems to inspect and screen air cargo on passenger aircraft at the earliest date possible: *Provided,* That until such technology is procured and installed, the Secretary shall take all possible actions to enhance the known shipper program to prohibit high-risk cargo from being transported on passenger aircraft: *Provided further,* That the Secretary shall amend Security Directives and programs in effect on the date of enactment of this Act to, at a minimum, [triple] *double* the percentage of cargo inspected on passenger aircraft.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

(Public Law 109–295)

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TITLE V

GENERAL PROVISIONS

* * * * * * *

SEC. 525. (a) Within 30 days after enactment of this Act, the Secretary of Homeland Security shall revise Department of Homeland Security (DHS) Management Directive (MD) 11056 to provide for the following:

(1) * * *

(2) That sensitive security information that is three years old and not incorporated in a current transportation security directive, security plan, contingency plan, or information circular; or does not contain current information in one of the following SSI categories: equipment or personnel performance specifications, vulnerability assessments, security inspection or investigative information, threat information, security measures, security screening information, security training materials, identifying information of designated transportation security personnel, critical aviation or maritime infrastructure asset information, systems security information, confidential business information, or research and development information shall be subject to release upon request unless:

(A) the Secretary or his designee makes a written determination that identifies a rational reason why the information *identifies and describes the specific risk to the national transportation system and therefore* must remain SSI; or

* * * * * * *

(d) That in civil proceedings in the United States District Courts, where a party seeking access to SSI demonstrates that the party has substantial need of relevant SSI in the preparation of the party's case and that the party is unable without undue hardship to obtain the substantial equivalent of the information by other means, the party or party's counsel shall be designated as a cov-

ered person under 49 CFR Part 1520.7 in order to have access to the SSI at issue in the case, provided that the overseeing judge enters an order that protects the SSI from unauthorized or unnecessary disclosure and specifies the terms and conditions of access, unless upon completion of a criminal history check and terrorist assessment [like that] *identical to those* done for aviation workers on the persons seeking access to SSI, or based on the sensitivity of the information, the Transportation Security Administration or DHS demonstrates that such access to the information for the proceeding presents a risk of harm to the nation: *Provided,* That notwithstanding any other provision of law, an order granting access to SSI under this section shall be immediately appealable to the United States Courts of Appeals, which shall have plenary review over both the evidentiary finding and the sufficiency of the order specifying the terms and conditions of access to the SSI in question: *Provided further,* That notwithstanding any other provision of law, the Secretary may assess a civil penalty of up to $50,000 for each violation of 49 CFR Part 1520 by persons provided access to SSI under this provision.

(e) For the purposes of this section, the term "party's counsel" includes any employee who assists counsel in legal proceedings and who is so designated by counsel and approved by the judge overseeing the legal proceedings.

* * * * * * *

SEC. 532. (a) UNITED STATES SECRET SERVICE USE OF PROCEEDS DERIVED FROM CRIMINAL INVESTIGATIONS.—During fiscal year [2007] *2008*, with respect to any undercover investigative operation of the United States Secret Service (hereafter referred to in this section as the "Secret Service") that is necessary for the detection and prosecution of crimes against the United States—

(1) * * *

* * * * * * *

SEC. 550. (a) * * *

* * * * * * *

(c) Notwithstanding any other provision of law and subsection (b), information developed under this section, including vulnerability assessments, site security plans, and other security related information, records, and documents shall be given protections from public disclosure [consistent with similar] *identical to the protections given* information developed by chemical facilities subject to regulation under section 70103 of title 46, United States Code: *Provided,* That this subsection does not prohibit the sharing of such information, as the Secretary deems appropriate, with State and local government officials possessing the necessary security clearances, including law enforcement officials and first responders, for the purpose of carrying out this section, provided that such information may not be disclosed pursuant to any State or local law: *Provided further,* That in any proceeding to enforce this section, vulnerability assessments[, site security plans, and other information submitted to or obtained by the Secretary under this section, and related vulnerability or security information, shall be treated as if the information were classified material] *and site security plans shall be treated as sensitive security information (as*

that term is used in section 1520.5 of title 49, Code of Federal Regulations, or any subsequent regulations relating to the same matter).

* * * * * * *

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

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TITLE 49, UNITED STATES CODE

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SUBTITLE VII—AVIATION PROGRAMS

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PART A—AIR COMMERCE AND SAFETY

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SUBPART III—SAFETY

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CHAPTER 449—SECURITY

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§ 44940. Security service fees

(a) GENERAL AUTHORITY.—

(1) * * *

(2) AIR CARRIER FEES.—

(A) AUTHORITY.—In addition to the fee imposed pursuant to paragraph (1), and only to the extent that the Under Secretary estimates that such fee will be insufficient to pay for the costs of providing civil aviation security services described in paragraph (1), the Under Secretary may impose a fee on air carriers and foreign air carriers engaged in air transportation and intrastate air transportation to pay for the difference between any such costs and the amount collected from such fee, as estimated by the Under Secretary at the beginning of each fiscal year. **[**The estimates of the Under Secretary under this subparagraph are not subject to judicial review.**]**

(B) LIMITATIONS.—

(i) * * *

* * * * * * *

[(iv) FINALITY OF DETERMINATIONS.—Determinations of the Under Secretary under this subparagraph are not subject to judicial review.]

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SUBPART IV—ENFORCEMENT AND PENALTIES

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CHAPTER 463—PENALTIES

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§ 46301. Civil penalties

(a) GENERAL PENALTY.—(1) * * *

* * * * * * *

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

* * * * * * *

COMPLIANCE WITH RULE XIII, CLAUSE 3(F)(1)

Pursuant to clause 3(f)(1) of rule XIII of the Rules of the House of Representatives, the Committee has inserted at the appropriate place in the report a description of the effects of provisions proposed in the accompanying bill which may be considered, under certain circumstances, to change the application of existing law, either directly or indirectly.

The bill provides, in some instances, funding of agencies and activities where legislation has not yet been finalized. In addition, the bill carries language, in some instances, permitting activities not authorized by law. Additionally, the Committee includes a number of general provisions.

TITLE I—DEPARTMENT MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

The Committee includes language providing funds for reception and representation expenses.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

The Committee includes language providing funds for reception and representation expenses and for costs necessary to consolidate headquarters operations, including tenant improvements and relo-

cation costs. The Committee also restricts funds available for obligation until certain reporting requirements are satisfied.

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Committee includes language providing funds for the Chief Financial Officer.

OFFICE OF THE CHIEF INFORMATION OFFICER

The Committee includes language providing funds for the Chief Information Officer and for the development and acquisition of information technology equipment, software, services, and related activities and prohibits the use of funds to augment other automated systems. The Committee restricts funds available for obligation until certain reporting requirements or conditions are met.

ANALYSIS AND OPERATIONS

The Committee includes language providing funds for information analysis and operations coordination activities, including funding for official representation expenses.

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

The Committee includes language providing funds for the Office of the Federal Coordinator for Gulf Coast Rebuilding. The Committee includes a provision requiring the submission of an expenditure plan prior to the obligation of $1,000,000.

INSPECTOR GENERAL

The Committee includes language providing funds for certain confidential operational expenses, including the payment of informants.

TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

The Committee includes language making funds available for border security, immigration, customs, and agricultural inspections and regulatory activities; purchase or lease of vehicles; contracting with individuals for personal services; Harbor Maintenance Fee collections; official reception and representation expenses; Customs User Fee collections; and payment of rental space in connection with pre-clearance operations; compensation of informants. The Committee includes provisions regarding average overtime limitations, and a restriction on the obligation of funds until the results of a pilot program used to develop and implement a plan on the Western Hemisphere Travel Initiative is submitted.

AUTOMATION MODERNIZATION

The Committee includes language making funds available until expended for automated systems and includes language requiring

the submission of a report and program plan prior to the obligation of funds.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

The Committee includes language making funds available until expended for Customs and Border Protection fencing, infrastructure, and technology and includes language requiring the submission of an expenditure plan prior to the obligation of funds. In addition, the Committee prohibits funding for fencing or tactical infrastructure on lands administered by the National Park Service, the U.S. Fish and Wildlife Service, the Forest Service, the Bureau of Indian Affairs, and the Bureau of Land Management unless the Department coordinates such decisions and makes every effort to minimize impact on wildlife and natural resources. The Committee prohibits funding for fencing or tactical infrastructure unless the Department formally consults with affected State and local communities to solicit their advice and support for such projects.

Finally, the Committee prohibits funding for any project or activity for which the Secretary has exercised authority to waive environmental and other law until 15 days after public notice is given.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

The Committee includes language making funds available for the operation, maintenance and procurement of marine vessels, aircraft, unmanned aerial systems (UAS), and other equipment; travel; rental payments for facilities; and assistance to other law enforcement agencies and humanitarian efforts. The Committee includes language prohibiting the transfer of aircraft and related equipment out of U.S. Customs and Border Protection unless certain conditions are met. The Committee prohibits obligation of funds for the procurement of additional UAS until the Commissioner certifies that they are of higher priority and more cost effective than other items in the Air and Marine Strategic Recapitalization and Modernization plan.

CONSTRUCTION

The Committee includes language making funds available until expended for the planning, construction, renovating, equipping, and maintaining of buildings and facilities.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

The Committee includes language making funds available for enforcement of immigration and customs laws, detention and removals, and investigations; purchase of replacement vehicles; special operations; official reception and representation expenses; compensation to informants; and reimbursement of other Federal agencies for certain costs. The Committee includes language regarding overtime compensation and forced child labor laws. The Committee also includes language that requires the Secretary to contact every U.S. correctional institution monthly to identify incarcerated aliens

who are judged removable and ensure their removal upon release from custody.

FEDERAL PROTECTIVE SERVICE

The Committee includes language making funds available until expended for the operations of the Federal Protective Service. The Committee prohibits funds provided in this Act, previous appropriations Act or any revenue or collections of security fees credited to the Federal Protective Service to be used to reduce the number of in-service Federal Protective Service police officers unless certain conditions are met.

AUTOMATION MODERNIZATION

The Committee includes language making funds available until expended for automated systems, and language requiring the submission of an expenditure plan prior to the obligation of funds.

CONSTRUCTION

The Committee includes language making funds available until expended for the planning, constructing, renovating, equipping, and maintaining of buildings and facilities. The Committee includes language on restricting privatization of government owned detention facilities.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

The Committee includes language making funds available until expended for civil aviation security; and establishing conditions under which security fees are collected and credited. The Committee also includes language providing funds for reception and representation expenses.

SURFACE TRANSPORTATION SECURITY

The Committee includes language providing funds for surface transportation security programs of the Transportation Security Administration.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

The Committee includes language on the development and implementation of screening programs. The Committee requires the Assistant Secretary to notify the Committee that there are no security risks if the Secure Flight program does not check airline passenger names against the full terrorist watch list.

TRANSPORTATION SECURITY SUPPORT

The Committee includes language providing funds for transportation security support and intelligence programs of the Transportation Security Administration. The Committee includes language requiring the submission of a detailed spend plan for checkpoint support systems and explosive detection systems refurbishment, procurement and installation. The Committee includes language on the acquisition management system.

FEDERAL AIR MARSHALS

The Committee includes language providing funds for the Federal Air Marshals.

UNITED STATES COAST GUARD

OPERATING EXPENSES

The Committee includes a provision regarding passenger motor vehicles and the Oil Spill Liability Trust Fund, and prohibits the use of funds for yacht documentation except under certain circumstances and for administrative expenses in connection with shipping commissioners in the United States. The Committee also includes language on reception and representation expenses.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

The Committee includes language providing funds for environmental compliance and restoration of the Coast Guard.

RESERVE TRAINING

The Committee includes language providing funds for the Coast Guard reserve, including maintenance and operation of the reserve program, personnel and training costs, equipment and services.

ACQUISITIONS, CONSTRUCTION AND IMPROVEMENTS

The Committee includes language providing for funds for the Coast Guard acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft as well as for maintenance, rehabilitation, lease and operations of facilities and equipment. The Committee authorizes the disposal of surplus real property. The Committee prohibits funding for the Integrated Deepwater Systems program until an expenditure plan is provided to the Committee that meets certain conditions. The Committee includes a provision requiring a capital investment plan for future appropriations years with certain conditions. The Committee includes language requiring that the Commandant of the Coast Guard submit revisions to the acquisition schedule of the Deepwater program with the fiscal year 2009 budget request, as well as other Deepwater related reporting requirements.

ALTERATION OF BRIDGES

The Committee provides funds for bridge alteration projects.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

The Committee includes language providing funds for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease and operation of facilities and equipment. The Committee includes language allowing funds to remain available until expended; authorizing funds to be derived from the Oil Spill Liability Trust Fund; and authorizing funds received from State and local governments, other public authorities, private sources, and foreign countries to be credited to this account and used for certain purposes.

RETIRED PAY

The Committee includes language providing funds for retired pay and medical care for the Coast Guard's retired personnel and their dependents and makes these funds available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

The Committee includes language that provides funds for the purchase and replacement of vehicles; the hire of aircraft; purchase of motorcycles; services of expert witnesses as may be necessary; rental of certain buildings; improvements to buildings as may be necessary for protective missions; per diem and subsistence allowances; firearms matches; presentation of awards; protective travel; research and development; grants for behavioral research; official reception and representation expenses; technical assistance and equipment to foreign law enforcement organizations; advance payment for commercial accommodations; and uniforms. The Committee provides for two year availability of funds for protective travel. The Committee authorizes the obligation of funds in anticipation of reimbursements for training, under certain conditions. The Committee also restricts the obligation of funds to compensate employees for overtime in an annual amount in excess of $35,000 except under certain conditions and imposes new reprogramming guidelines on the Secret Service.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The Committee includes language providing funds for the acquisition, construction, improvement, and related expenses of Secret Service facilities and makes these funds available until expended.

TITLE III—PROTECTION, PREPAREDNESS, RESPONSE AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

The Committee includes language providing funds for the Office of the Under Secretary for National Protection and Programs and the National Planning Office as well as to support business operations, information technology and risk management. The Committee also includes language providing funds for official reception and representation expenses.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

The Committee includes language making funds available until September 30, 2009.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

The Committee includes language making funds available until expended for the US-VISIT program and includes language requir-

ing the submission of an expenditure plan prior to the obligation of funds.

OFFICE OF HEALTH AFFAIRS

The Committee includes language making funds available for the health affairs, biosurveillance, biowatch, and chemical response. The Committee also includes language providing funds for official reception and representation expenses.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

The Committee includes language that provides funds for management and administration. The Committee also includes a provision providing funds for reception and representation expenses and a provision limiting administrative costs for Urban Search and Rescue Teams.

STATE AND LOCAL PROGRAMS

The Committee includes language that provides funds for grants, contracts, cooperative agreements, other activities, including grants to State and local governments for terrorism prevention. The Committee also includes a provision identifying the amount of funds available for formula-based grants; law enforcement terrorism prevention grants; high-threat, high-density urban area grants; rail and transit security grants; port security grants; trucking security grants; intercity bus security grants; buffer zone protection grants; Commercial Equipment Direct Assistance Program; Metropolitan Medical Response System; Citizen Corp; interoperable communication grants, REAL ID; training, exercises, technical assistance, and other programs. The Committee includes language specifying the conditions under which both applications and grants are made to certain grants made in the Act. The Committee also includes language specifying the conditions for distribution of certain grants. The Committee also includes language that limits the availability of funds for construction for certain grants; and allows for law enforcement terrorism prevention grants and high-threat, high-density urban area grants to be used for operational expenses such as overtime in certain situations.

FIREFIGHTER ASSISTANCE GRANTS

The Committee includes language providing that not to exceed five percent of the total is available for program administration.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

The Committee includes language providing that not to exceed three percent of the total appropriation is available for administrative costs.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The Committee includes a provision regarding charges assessed for the radiological emergency preparedness program, including conditions and methodology for the assessment and collection of fees.

UNITED STATES FIRE ADMINISTRATION AND TRAINING

The Committee includes language that provides funds for expenses of the U.S. Fire Administration.

DISASTER RELIEF

The Committee includes language making funds available until expended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

The Committee includes a provision limiting gross obligations for direct loans; includes a provision regarding the cost of modifying loans; provides for administrative expenses of the direct loan program; and provides for the cost of direct loans.

FLOOD MAP MODERNIZATION FUND

The Committee includes provisions regarding non-Federal sums for cost-shared mapping activities and limiting total administrative costs to three percent of the total appropriation. The Committee also includes language making funds available until expended.

NATIONAL FLOOD INSURANCE FUND

The Committee includes language limiting funds available for salaries and expenses; language making funds available for flood hazard mitigation floodplain management available until September 30, 2009; and language authorizing the transfer of funds to the National Flood Mitigation Fund. The Committee includes provisions limiting operating expenses; for interest on Treasury borrowings; for agents' commissions and taxes; for fees collected under section 1307 to be available for flood mitigation activities; and for flood mitigation activities associated with sections 1361A and 1323 of the National Flood Insurance Act of 1968. The Committee includes language permitting additional fees collected pursuant to section 1307 be credited as an offsetting collection and available for flood mitigation activities. In addition, the Committee includes language making funds for mitigation activities available until expended. The Committee includes language providing that not to exceed four percent of the total appropriation is available for administrative costs.

NATIONAL FLOOD MITIGATION FUND

The Committee includes language regarding authorized activities and authorizing the transfer of funds from the National Flood Insurance Fund. The Committee also includes language making funds available until September 30, 2009.

NATIONAL PRE-DISASTER MITIGATION FUND

The Committee includes language authorizing grant awards to be made on a competitive basis without reference to State allocations, quotas, or other formula-based allocation of funds. The Committee includes a provision limiting total administrative costs to three percent of the total appropriation. The Committee also includes language making funds available until expended.

EMERGENCY FOOD AND SHELTER

The Committee includes language making funds available until expended and limiting total administrative costs to 3.5 percent of the total appropriation.

TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

The Committee includes language making funds available for citizenship and immigration services and limits the obligation of funds until receipt and approval of a strategic transformation plan.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

The Committee includes language making funds available for official representation expenses; purchase of police type pursuit vehicles; student athletic and related recreational activities; conducting and participating in firearms matches; public awareness and community support; marketing; room and board; services; services authorized by 5 U.S.C. 3109; law enforcement accreditation; reimbursements for certain mobile phone expenses. The Committee includes language authorizing the training of certain law enforcement personnel; authorizes the use of appropriations and reimbursements for such training and establishes a cap on total obligations. The Committee also includes language authorizing funds for the compensation of accreditation costs for participating agencies; and authorizing the hiring of retired Federal employees until 2009.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

The Committee includes language making funds available until expended for real property and facilities and authorizes reimbursement from government agencies requesting construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

The Committee includes language providing funds for reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION AND OPERATIONS

The Committee includes language making funds available until expended and limits funds for a specific program until a Privacy Impact Assessment is completed.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

The Committee includes language that provides funds for management and administration. The Committee also includes a provision providing funds for reception and representation expenses.

RESEARCH, DEVELOPMENT, AND OPERATIONS

The Committee includes language making funds for nuclear detection research, development, testing and evaluation. Language is included making funds available until expended.

SYSTEMS ACQUISITION

The Committee includes language providing funds for the purchase and deployment of radiation detection equipment and limits the full scale procurement of certain types of these systems until the Secretary of Homeland Security certifies a significant increase in operational effectiveness. Language is included making funds available until September 2010.

TITLE V—GENERAL PROVISIONS

Section 501. The Committee continues a provision providing that no part of any appropriation shall remain available for obligation beyond the current year unless expressly provided.

Section 502. The Committee continues a provision providing that unexpended balances of prior appropriations may be merged with new appropriation accounts and used for the same purpose, subject to reprogramming guidelines.

Section 503. The Committee continues and modifies a provision providing reprogramming authority for funds within an account and not to exceed 5 percent transfer authority between appropriations accounts with the requirement for a 15-day advance Congressional notification. A detailed funding table identifying each Congressional control level for reprogramming purposes is included at the end of this Report. These reprogramming guidelines shall be complied with by all agencies funded by the Department of Homeland Security Appropriations Act, 2008.

Section 504. The Committee continues a provision that prohibits funds appropriated or otherwise made available to the Department to make payment to the Department's Working Capital Fund, except for activities and amounts allowed in the President's fiscal year 2008 budget, excluding sedan service, shuttle service, transit subsidy, mail operations, parking, and competitive sourcing.

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

Section 506. The Committee continues a provision providing that funds for intelligence activities are deemed to be specifically authorized during fiscal year 2008 until the enactment of an Act authorizing intelligence activities for fiscal year 2008.

Section 507. The Committee continues a provision directing the Federal Law Enforcement Training Center to establish an accrediting body to establish standards for assessing federal law enforcement training programs, facilities, and instructors.

Section 508. The Committee continues and modifies a provision requiring notification of the Committees on Appropriations three days before grant allocations, discretionary grant awards, discretionary contract awards, or a letter of intent totaling $1,000,000 or more is announced by the Department. The Department is required

to brief the Committees on Appropriations five full day business days prior to announcing the intention to make a formula based State Homeland Security Program Law Enforcement Terrorism Prevention Program; or High-Threat, High-Density Urban Areas grant award. Notification shall include a description of the project or projects to be funded, including city, county and state.

Section 509. The Committee continues a provision providing that no agency shall purchase, construct, or lease additional facilities for Federal law enforcement training without advance approval of the Committees on Appropriations.

Section 510. The Committee continues a provision requiring the Director of the Federal Law Enforcement Training Center to ensure that all training facilities are operated at optimal capacity throughout the fiscal year.

Section 511. The Committee continues a provision providing that none of the funds may be used for any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved.

Section 512. The Committee continues a provision that none of the funds may be used in contravention of the Buy American Act.

Section 513. The Committee continues and modifies a provision regarding Secure Flight.

Section 514. The Committee continues a provision mandating that no funds can be used to contract out the services provided by United States Citizenship and Immigration immigration information officers, contract representatives, or investigative assistants.

Section 515. The Committee continues a provision prohibiting the use of funds in this or previous appropriations Acts for the protection of the head of a Federal agency other than the Secretary of Homeland Security unless the Secret Service is fully reimbursed.

Section 516. The Committee includes a provision that modifies Section 513 of Public Law 108–334 by requiring the Secretary to modify air cargo Security Directives in effect as of the date of enactment of this Act.

Section 517. The Committee continues a provision requiring the Transportation Security Administration to utilize existing checked baggage explosive detection equipment and screeners to screen cargo carried on passenger aircraft to the greatest extent practicable at each airport. The Committee also requires quarterly submission of air cargo inspection statistics.

Section 518. The Committee continues a provision that directs that only the privacy officer, appointed pursuant to section 222 of the Homeland Security Act of 2002, may alter, direct that changes be made to, delay or prohibit the transmission of a privacy officer report to Congress.

Section 519. The Committee continues a provision prohibiting the use of funds made available in this or any other Act to pay the salary of any employee serving as a contracting officer's technical representative (COTR) who has not received COTR training.

Section 520. The Committee continues and modifies a provision that directs that any funds appropriated or transferred to TSA "Aviation Security", "Administration", and "Transportation Security Support" in fiscal years 2004, 2005, 2006, and 2007, which are recovered or deobligated, shall be available only for procurement or installation of explosive detection systems, for air cargo, baggage

and checkpoint screening systems, subject to section 503 of this Act.

Section 521. The Committee continues and modifies a provision on Sensitive Security Information.

Section 522. The Committee continues a provision extending the authorization of the Working Capital Fund.

Section 523. The Committee continues and modifies a provision regarding weekly reporting requirements for the Disaster Relief Fund, as required by Public Law 109–62.

Section 524. The Committee continues a provision requiring the Chief Financial Officer to submit monthly budget execution and staffing reports within 45 days after the close of each month.

Section 525. The Committee continues and modifies a provision relating to undercover investigative operations authority of the Secret Service for fiscal year 2008.

Section 526. The Committee continues a provision prohibiting the use of funds to contravene the federal buildings performance and reporting requirements of Executive Order 13123, part 3 of title V of the National Energy Conservation Policy Act or subtitle A of title I of the Energy Policy Act of 2005.

Section 527. The Committee continues and modifies a provision classifying the functions of the instructor staff at the Federal Law Enforcement Training Center as inherently governmental for purposes of the of the Federal Activities Inventory Reform Act.

Section 528. The Committee continues a provision prohibiting the use of funds to contravene section 303 of the Energy Policy Act of 1992.

Section 529. The Committee continues a provision prohibiting the use of funds in contravention to Executive Order 13149, relating to fleet and transportation efficiency.

Section 530. The Committee includes a new provision on Coast Guard contracting and the Integrated Deepwater Systems program.

Section 531. The Committee includes a new provision prohibiting the use of funds provided in this or any previous appropriations Act to be obligated for the development, testing, deployment or operation of any system related to the MAX–HR project, or any subsequent but related human resources management project until all pending litigation has been fully resolved.

Section 532. The Committee continues and modifies a provision on chemical site security.

Section 533. The Committee includes a new provision that allows CBP to offer Customs and Border Patrol Officers the ability to be classfified as law enforcement officers.

Section 534. The Committee continues and modifies a provision on butane lighters.

Section 535. The Committee continues and modifies a provision prohibiting the Secretary of Homeland Security from altering or reducing the Coast Guard's civil engineering program until Congress receives and approves any planned changes.

Section 536. The Committee includes a new provision prohibiting funds for grants or contracts that do not comply with IV of chapter 31 of title 40.

Section 537. The Committee includes a new provision that limits obligation of funds for contracts and grants unless they are competitively awarded. An exemption is provided during a national

emergency. For grants made based on risk, the committee expects DHS to limit the competition based on risk determinations.

Section 538. The Committee includes a new provision that precludes the Department from using funds in this Act to carry out reorganization authority.

Section 539. The Committee includes a new provision that permits judicial review of the aviation security and infrastructure fee.

Section 540. The Committee includes a new provision that rescinds $55,273,000 from unobligated balances transferred to the Department when it was formed in 2003.

Section 541. The Committee includes a new provision prohibiting the use of funds for any position designated as a Principal Federal Official during any declared disasters or emergencies.

Section 542. The Committee includes a new provision on the failure to collect airport security badges.

Section 543. The Committee includes a new provision limiting appropriated funding for immigration benefit processing.

DETAILED EXPLANATIONS IN REPORT

It should be emphasized again that a more detailed statement describing the effect of the above provisions inserted by the Committee which directly or indirectly change the application of existing law may be found at the appropriate place in this report. In addition, the following table includes the 2007 supplemental appropriations.

FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each roll call vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

ROLL CALL NO. 1

Date: June 5, 2007
Measure: Homeland Security Appropriations Bill, FY 2008
Motion by: Mr. Rogers
Description of Motion: To reduce funding for every discretionary appropriated account in the bill by 5.7 percent.
Results: Rejected 27 yeas to 38 nays.

Members Voting Yea

Mr. Aderholt
Mr. Alexander
Mr. Calvert
Mr. Carter
Mr. Crenshaw
Mr. Culberson
Mrs. Emerson
Mr. Frelinghuysen
Mr. Goode
Ms. Granger
Mr. Hobson
Mr. Kingston
Mr. Kirk
Mr. Knollenberg
Mr. LaHood
Mr. Latham
Mr. Lewis
Mr. Peterson
Mr. Regula
Mr. Rehberg
Mr. Rogers
Mr. Simpson
Mr. Tiahrt
Mr. Wamp
Dr. Weldon
Mr. Wicker
Mr. Wolf

Members Voting Nay

Mr. Berry
Mr. Bishop
Mr. Boyd
Mr. Chandler
Mr. Cramer
Ms. DeLauro
Mr. Dicks
Mr. Edwards
Mr. Farr
Mr. Fattah
Mr. Hinchey
Mr. Honda
Mr. Israel
Mr. Jackson
Ms. Kaptur
Mr. Kennedy
Ms. Kilpatrick
Ms. Lee
Mrs. Lowey
Ms. McCollum
Mr. Mollohan
Mr. Moran
Mr. Murtha
Mr. Obey
Mr. Olver
Mr. Pastor
Mr. Price
Mr. Rodriguez
Mr. Rothman
Ms. Roybal-Allard
Mr. Ruppersberger
Mr. Ryan
Mr. Schiff
Mr. Serrano
Mr. Udall
Mr. Visclosky
Mr. Walsh
Ms. Wasserman Schultz

ROLL CALL NO. 2

Date: June 5, 2007
Measure: Homeland Security Appropriations Bill, FY 2008
Motion by: Mr. Rogers
Description of Motion: To cap the number of full-time equivalent Transportation Security Administration airport screeners at 45,000.
Results: Rejected 27 yeas to 38 nays.

Members Voting Yea

Mr. Aderholt
Mr. Alexander
Mr. Calvert
Mr. Carter
Mr. Crenshaw
Mr. Culberson
Mrs. Emerson
Mr. Frelinghuysen
Mr. Goode
Ms. Granger
Mr. Hobson
Mr. Kingston
Mr. Knollenberg
Mr. LaHood
Mr. Latham
Mr. Lewis
Mr. Peterson
Mr. Regula
Mr. Rehberg
Mr. Rogers
Mr. Simpson
Mr. Tiahrt
Mr. Walsh
Mr. Wamp
Dr. Weldon
Mr. Wicker
Mr. Wolf

Members Voting Nay

Mr. Berry
Mr. Bishop
Mr. Boyd
Mr. Chandler
Mr. Cramer
Ms. DeLauro
Mr. Dicks
Mr. Edwards
Mr. Farr
Mr. Fattah
Mr. Hinchey
Mr. Honda
Mr. Israel
Mr. Jackson
Ms. Kaptur
Mr. Kennedy
Ms. Kilpatrick
Mr. Kirk
Ms. Lee
Mrs. Lowey
Ms. McCollum
Mr. Mollohan
Mr. Moran
Mr. Murtha
Mr. Obey
Mr. Olver
Mr. Pastor
Mr. Price
Mr. Rodriguez
Mr. Rothman
Ms. Roybal-Allard
Mr. Ruppersberger
Mr. Ryan
Mr. Schiff
Mr. Serrano
Mr. Udall
Mr. Visclosky
Ms. Wasserman Schultz

ROLL CALL NO. 3

Date: June 5, 2007
Measure: Homeland Security Appropriations Bill, FY 2008
Motion by: Mr. Carter
Description of Motion: To require the Department to coordinate fencing and tactical infrastructure activities with relevant Department of Interior agencies and to consult with affected States and local communities, but allow the obligation of border security fencing and tactical infrastructure funds before such coordination and consultation has occurred. The amendment would also delete the requirement for a 15-day federal register notification when the Secretary decides to waive environmental and other laws for border construction.
Results: Rejected 27 yeas to 37 nays.

Members Voting Yea

Mr. Aderholt
Mr. Alexander
Mr. Calvert
Mr. Carter
Mr. Crenshaw
Mr. Culberson
Mrs. Emerson
Mr. Frelinghuysen
Mr. Goode
Ms. Granger
Mr. Kingston
Mr. Kirk
Mr. Knollenberg
Mr. LaHood
Mr. Latham
Mr. Lewis
Mr. Peterson
Mr. Regula
Mr. Rehberg
Mr. Rogers
Mr. Simpson
Mr. Tiahrt
Mr. Walsh
Mr. Wamp
Dr. Weldon
Mr. Wicker
Mr. Wolf

Members Voting Nay

Mr. Berry
Mr. Bishop
Mr. Boyd
Mr. Chandler
Mr. Cramer
Ms. DeLauro
Mr. Dicks
Mr. Edwards
Mr. Farr
Mr. Fattah
Mr. Hinchey
Mr. Honda
Mr. Israel
Mr. Jackson
Ms. Kaptur
Mr. Kennedy
Ms. Kilpatrick
Ms. Lee
Mrs. Lowey
Ms. McCollum
Mr. Mollohan
Mr. Moran
Mr. Murtha
Mr. Obey
Mr. Olver
Mr. Pastor
Mr. Price
Mr. Rodriguez
Mr. Rothman
Ms. Roybal-Allard
Mr. Ruppersberger
Mr. Ryan
Mr. Schiff
Mr. Serrano
Mr. Udall
Mr. Visclosky
Ms. Wasserman Schultz

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2007
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2008
(Amounts in thousands)

		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
200	TITLE I - DEPARTMENTAL MANAGEMENT AND OPERATIONS					
300	Departmental Operations					
400	Office of the Secretary and Executive Management:					
500	Immediate Office of the Secretary	2,540	2,650	2,540	---	-110
600	Immediate Office of the Deputy Secretary	1,185	1,222	1,185	---	-37
800	Chief of Staff	2,560	2,639	2,639	+79	---
900	Office of Counternarcotics Enforcement	2,360	3,155	3,000	+640	-155
1000	Executive Secretary	4,450	5,127	4,588	+138	-539
1100	Office of Policy	29,305	35,300	32,500	+3,195	-2,800
1110	Secure Border Initiative Office	4,500	4,500	4,500	---	---
1400	Office of Public Affairs	6,000	7,686	6,300	+300	-1,386
1500	Office of Legislative and Intergovernmental					
1600	Affairs	5,449	5,618	4,618	-831	-1,000
1700	Office of General Counsel	12,759	15,155	14,000	+1,241	-1,155
1800	Office of Civil Rights and Liberties	13,000	13,722	15,000	+2,000	+1,278
1900	Citizenship and Immigration Services Ombudsman	5,927	6,054	6,060	+133	+6
2000	Privacy Officer	4,435	5,111	6,000	+1,565	+889
2020	Supplemental Appropriations - H.R. 2206					
2040	Rescission (sec. 6404)	-1,201	---	---	+1,201	---
2080	Transfer to Aviation Security (P.L. 110-5,					
2100	sec. 21101)	(-300)	---	---	(+300)	---
2200	Total, Office of the Secretary and Executive					
2300	Management (including transfers)	92,969	107,939	102,930	+9,961	-5,009
2320	Appropriations	(94,470)	(107,939)	(102,930)	(+8,460)	(-5,009)
2330	Rescissions	(-1,201)	---	---	(+1,201)	---
2340	(transfer out)	(-300)	---	---	(+300)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2007
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2008
(Amounts in thousands)

		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
2500	Office of the Under Secretary for Management:					
2600	Under Secretary for Management	1,870	2,012	2,012	+142	---
2700	Office of Security	52,640	53,990	52,990	+350	-1,000
2900	Office of the Chief Procurement Officer	16,895	28,495	27,055	+10,160	-1,440
3100	Office of the Chief Human Capital Officer:					
3200	Salaries and expenses	8,811	10,278	10,278	+1,467	---
3300	MAX - HR System	25,000	15,000	3,000	-22,000	-12,000
3400	Subtotal, Office of the Chief Human Capital					
3500	Officer	33,811	25,278	13,278	-20,533	-12,000
3600	Office of the Chief Administrative Officer:					
3700	Salaries and expenses	40,218	42,575	41,430	+1,212	-1,145
3800	Nebraska Avenue Complex (NAC)	8,206	6,000	---	-8,206	-6,000
3820	St. Elizabeths Project	---	120,000	---	---	-120,000
3830	DHS headquarters projects	---	---	101,000	+101,000	+101,000
3900	Subtotal, Office of the Chief Administrative					
4000	Officer	48,424	168,575	142,430	+94,006	-26,145
4020	Supplemental Appropriations - H.R. 2206:					
4030	Appropriation (sec. 6404)	900	---	---	-900	---
4040	Rescission (sec. 6404)	-513	---	---	+513	---
4080	Transfer to Aviation Security (P.L. 110-5,					
4100	sec. 21101)	(-5,000)	---	---	(+5,000)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2007
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2008
(Amounts in thousands)

		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
4200	Total, Office of the Under Secretary for					
4300	Management (including transfers)	149,027	278,350	237,765	+88,738	-40,585
4320	Appropriations	(154,540)	(278,350)	(237,765)	(+83,225)	(-40,585)
4325	Rescissions	(-513)	---	---	(+513)	---
4330	(transfer out)	(-5,000)	---	---	(+5,000)	---
4420	Office of the Chief Financial Officer	26,000	32,800	32,000	+6,000	-800
4440	Supplemental Appropriations - H.R. 2206					
4460	Rescission (sec. 6404)	-45	---	---	+45	---
4560	Subtotal, Office of the Chief Financial Officer	25,955	32,800	32,000	+6,045	-800
4700	Office of the Chief Information Officer:					
4800	Salaries and expenses	79,521	82,400	79,921	+400	-2,479
4900	Information technology activities	61,013	56,200	56,200	-4,813	---
5000	Security activities	89,387	89,400	89,400	+13	---
5100	Wireless program	86,438	---	---	-86,438	---
5200	Homeland Secure Data Network (HSDN)	32,654	33,100	33,100	+446	---
5220	Supplemental Appropriations - H.R. 2206					
5240	Rescission (sec. 6404)	-462	---	---	+462	---
5300	Subtotal, Office of the Chief Information					
5400	Officer	348,551	261,100	258,621	-89,930	-2,479
5420	Appropriations	(349,013)	(261,100)	(258,621)	(-90,392)	(-2,479)
5440	Rescissions	(-462)	---	---	(+462)	---
5470	Analysis and Operations	299,663	314,681	291,619	-8,044	-23,062
5480	Supplemental Appropriations - H.R. 2206					

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2007
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2008
(Amounts in thousands)

		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
5490	Emergency appropriations	8,000	---	---	-8,000	---
5500	Subtotal, Analysis and Operations	307,663	314,681	291,619	-16,044	-23,062
5600	Total, Departmental Operations	924,165	994,870	922,935	-1,230	-71,935
5640	Office of the Federal Coordinator for Gulf Coast					
5650	Rebuilding	3,000	3,000	3,000	---	---
5700	Office of Inspector General					
5800	Operating expenses	85,185	99,111	99,111	+13,926	---
5810	(transfer from Disaster Relief)	(13,500)	---	---	(-13,500)	---
5820	Supplemental Appropriations - H.R. 2206					
5830	Transfer from Disaster Relief (emergency)	(4,000)	---	---	(-4,000)	---
5850	Operating expenses (including transfers)	102,685	99,111	99,111	-3,574	---
5860	Appropriations	(85,185)	(99,111)	(99,111)	(+13,926)	---
5870	by transfer (including emergencies)	(17,500)	---	---	(-17,500)	---
6100	Total, title I, Departmental Management and					
6200	Operations (including transfers)	1,029,850	1,096,981	1,025,046	-4,804	-71,935
6220	Appropriations	(1,011,871)	(1,096,981)	(1,025,046)	(+13,175)	(-71,935)
6230	Emergency appropriations	(8,000)	---	---	(-8,000)	---
6240	Rescissions	(-2,221)	---	---	(+2,221)	---
6300	by transfer	(13,500)	---	---	(-13,500)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2007
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2008
(Amounts in thousands)

		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
6400	transfer out	(-5,300)	---	---	(+5,300)	---
6420	by transfer emergency	(4,000)	---	---	(-4,000)	---
6500	TITLE II - SECURITY, ENFORCEMENT,					
6600	AND INVESTIGATIONS					
7000	Customs and Border Protection					
7200	Salaries and expenses:					
7250	Headquarters, Management, and Administration:					
7300	Management and administration, border security					
7400	inspections and trade facilitation	658,943	673,981	673,981	+15,038	---
7500	Management and administration, border security					
7600	and control between ports of entry	589,446	603,426	603,426	+13,980	---
7700	Subtotal, Headquarters, Mgt, & Admin	1,248,389	1,277,407	1,277,407	+29,018	---
7800	Border security inspections and trade					
7900	facilitation:					
8000	Inspections, trade, and travel facilitation					
8100	at ports of entry	1,326,665	1,610,202	1,654,685	+328,020	+44,483
8200	Harbor maintenance fee collection (trust fund)	3,026	3,026	3,093	+67	+67
8300	Container security initiative	139,312	156,130	156,130	+16,818	---
8400	Other international programs	8,701	8,871	8,871	+170	---
8605	Customs-Trade Partnership Against Terrorism					
8610	(C-TPAT)	54,730	55,560	61,010	+6,280	+5,450
8620	Free and Secure Trade (FAST) NEXUS/SENTRI	11,243	11,243	11,243	---	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2007
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2008
(Amounts in thousands)

		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
8700	Inspection and detection technology					
8800	investments	141,317	135,979	135,979	-5,338	---
8810	Emergency appropriations	100,000	---	---	-100,000	---
8820	Subtotal	241,317	135,979	135,979	-105,338	---
8900	Automated targeting systems	27,298	27,580	27,580	+282	---
9000	National Targeting Center	23,635	23,950	23,950	+315	---
9200	Other technology investments, including I/T					
9300	training	24,564	24,813	24,813	+249	---
9400	Subtotal, Border security inspections and					
9500	trade facilitation	1,860,491	2,057,354	2,107,354	+246,863	+50,000
9600	Border security and control between ports of					
9700	entry:					
9800	Border security and control	2,239,586	2,984,443	2,984,443	+744,857	---
10200	SBINET training	37,924	52,789	52,789	+14,865	---
10300	Subtotal, Border security and control					
10400	between ports of entry	2,277,510	3,037,232	3,037,232	+759,722	---
10600	Air and Marine Personnel Compensation and Benefits	175,796	207,740	207,740	+31,944	---
10700	Supplemental Appropriations - H.R.2206					
10720	Emergency appropriations	75,000	---	---	-75,000	---
10800	Transfer to FLETC (emergency)	(-3,000)	---	---	(+3,000)	---
11100	Subtotal, Salaries and expenses (including					
11200	transfers)	5,637,186	6,579,733	6,629,733	+992,547	+50,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2007
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2008
(Amounts in thousands)

		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
11300	Appropriations	(5,459,160)	(6,576,707)	(6,626,640)	(+1,167,480)	(+49,933)
11400	Emergency appropriations	(175,000)	---	---	(-175,000)	---
11420	Transfer out emergency	(-3,000)	---	---	(+3,000)	---
11500	Trust fund	(3,026)	(3,026)	(3,093)	(+67)	(+67)
11900	Automation modernization:					
12000	Automated commercial environment/International					
12100	Trade Data System (ITDS)	316,800	316,969	316,969	+169	---
12160	Automated commercial system and current operations					
12200	and processing support	134,640	159,640	159,640	+25,000	---
12300	Subtotal, Automation modernization	451,440	476,609	476,609	+25,169	---
12310	Border security fencing, infrastructure, and					
12320	technology (BSFIT)	28,365	---	---	-28,365	---
12330	Emergency appropriations	1,159,200	---	---	-1,159,200	---
12340	Development and deployment	---	936,000	936,000	+936,000	---
12345	Program management	---	64,000	64,000	+64,000	---
12350	Subtotal, BSFIT	1,187,565	1,000,000	1,000,000	-187,565	---
12360	Appropriations	(28,365)	(1,000,000)	(1,000,000)	(+971,635)	---
12370	Emergency appropriations	(1,159,200)	---	---	(-1,159,200)	---
12400	Air and Marine Interdiction, Operations, Maintenance,					
12500	and Procurement:					
12600	Operations and maintenance	236,454	353,954	353,954	+117,500	---
12800	Procurement	133,733	123,333	123,333	-10,400	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2007
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2008
(Amounts in thousands)

		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
12820	Emergency appropriations	232,000	---	---	-232,000	---
12830	Subtotal	365,733	123,333	123,333	-242,400	---
12840	Supplemental Appropriations - H.R. 2206					
12850	Emergency appropriations	75,000	---	---	-75,000	---
12900	Subtotal, Air and marine interdiction,					
13000	operations, maintenance, and procurement	677,187	477,287	477,287	-199,900	---
13010	Appropriations	(370,187)	(477,287)	(477,287)	(+107,100)	---
13015	Emergency appropriations	(307,000)	---	---	(-307,000)	---
13100	Construction:					
13200	Construction	122,978	249,663	249,663	+126,685	---
13220	Construction (Border Patrol) (emergency)	110,000	---	---	-110,000	---
13600	Subtotal, Construction	232,978	249,663	249,663	+16,685	---
13790	Total, Direct appropriations for Customs and					
13800	and Border Protection	8,186,356	8,783,292	8,833,292	+646,936	+50,000
13900	Fee accounts:					
14000	Immigration inspection user fee	(529,300)	(535,291)	(535,291)	(+5,991)	---
14100	Immigration enforcement fines	(1,724)	(3,440)	(3,440)	(+1,716)	---
14200	Land border inspection fee	(28,071)	(30,121)	(30,121)	(+2,050)	---
14300	COBRA passenger inspection fee	(387,804)	(392,180)	(392,180)	(+4,376)	---
14400	APHIS inspection fee	(214,287)	(299,622)	(299,622)	(+85,335)	---
14500	Puerto Rico collections	(97,815)	(117,214)	(117,214)	(+19,399)	---
14600	Small airport user fees	(6,230)	(7,057)	(7,057)	(+827)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2007
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2008
(Amounts in thousands)

		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
14700	Subtotal, fee accounts	(1,265,231)	(1,384,925)	(1,384,925)	(+119,694)	---
14800	Total, Customs and Border Protection	(9,448,587)	(10,168,217)	(10,218,217)	(+769,630)	(+50,000)
14900	Appropriations	(6,435,156)	(8,783,292)	(8,833,292)	(+2,398,136)	(+50,000)
15000	Emergency apropriations	(1,751,200)	---	---	(-1,751,200)	---
15100	Transfer out (emergency)	(-3,000)	---	---	(+3,000)	---
15200	(Fee accounts)	(1,265,231)	(1,384,925)	(1,384,925)	(+119,694)	---
15300	Immigration and Customs Enforcement					
15400	Salaries and expenses:					
15500	Headquarters Management and Administration					
15600	(non-Detention and Removal Operations):					
15700	Personnel compensation and benefits, service					
15800	and other costs	140,000	162,137	162,137	+22,137	---
15900	Headquarters managed IT investment	134,013	152,306	136,606	+2,593	-15,700
16000	Subtotal, Headquarters management and					
16100	administration	274,013	314,443	298,743	+24,730	-15,700
16200	Legal proceedings	187,353	207,850	208,350	+20,997	+500
16300	Investigations:					
16600	Domestic	1,285,229	1,372,328	1,360,828	+75,599	-11,500
16700	International	104,681	108,074	108,074	+3,393	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2007
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2008
(Amounts in thousands)

		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
16800	Subtotal, Investigations	1,389,910	1,480,402	1,468,902	+78,992	-11,500
17200	Intelligence	51,379	52,146	52,146	+767	---
17400	Detention and removal operations:					
17700	Custody Operations	1,381,767	1,459,712	1,450,977	+69,210	-8,735
17800	Fugitive operations	183,200	186,145	183,200	---	-2,945
17900	Criminal Alien program	137,494	168,329	180,009	+42,515	+11,680
18000	Alternatives to detention	43,600	43,889	54,889	+11,289	+11,000
18100	Transportation and removal program	238,284	249,084	249,084	+10,800	---
18200	Subtotal, Detention and removal operations	1,984,345	2,107,159	2,118,159	+133,814	+11,000
18300	Supplemental Appropriations - H.R. 2206					
18400	Emergency appropriations	6,000	---	---	-6,000	---
18800	Subtotal, Salaries and expenses	3,893,000	4,162,000	4,146,300	+253,300	-15,700
18900	Appropriations	(3,887,000)	(4,162,000)	(4,146,300)	(+259,300)	(-15,700)
19000	Emergency appropriations	(6,000)	---	---	(-6,000)	---
19500	Federal protective service:					
19600	Basic security	123,310	186,673	186,673	+63,363	---
19700	Building specific security (including capital					
19800	equipment replacement/acquisition)	392,701	426,327	426,327	+33,626	---
19900	Subtotal, Federal Protective Service	516,011	613,000	613,000	+96,989	---
20000	Offsetting fee collections	-516,011	-613,000	-613,000	-96,989	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2007
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2008
(Amounts in thousands)

		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
20100	Automation modernization:					
20200	ATLAS	15,000	---	30,700	+15,700	+30,700
20220	Construction	26,281	6,000	6,000	-20,281	---
20260	Emergency appropriations	30,000	---	---	-30,000	---
20300	Subtotal, Construction	56,281	6,000	6,000	-50,281	---
20390	Total direct appropriations for Immigration and					
20400	Customs Enforcement	3,964,281	4,168,000	4,183,000	+218,719	+15,000
20500	Fee accounts:					
20600	Immigration inspection user fee	(108,000)	(113,500)	(113,500)	(+5,500)	---
20700	Breached bond/detention fund	(90,000)	(63,800)	(63,800)	(-26,200)	---
20800	Student exchange and visitor fee	(54,349)	(56,200)	(56,200)	(+1,851)	---
20900	Subtotal, fee accounts	(252,349)	(233,500)	(233,500)	(-18,849)	---
21000	Subtotal, Immigration and Customs Enforcement					
21100	(gross)	(4,732,641)	(5,014,500)	(5,029,500)	(+296,859)	(+15,000)
21200	Offsetting fee collections	(-516,011)	(-613,000)	(-613,000)	(-96,989)	---
21300	Total, Immigration and Customs Enforcement	(4,216,630)	(4,401,500)	(4,416,500)	(+199,870)	(+15,000)
21400	Appropriations	(3,928,281)	(4,168,000)	(4,183,000)	(+254,719)	(+15,000)
21500	Emergency appropriations	(36,000)	---	---	(-36,000)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2007
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2008
(Amounts in thousands)

		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
21600	Fee accounts	(252,349)	(233,500)	(233,500)	(-18,849)	---
21700	Transportation Security Administration					
21800	Aviation security:					
21900	Screening operations:					
22000	Screener workforce:					
22100	Privatized screening	148,600	143,385	147,190	-1,410	+3,805
22525	Passenger & Baggage screener - personnel,					
22535	compensation, and benefits	2,470,200	2,601,404	2,589,304	+119,104	-12,100
22600	Subtotal, Sceener workforce	2,618,800	2,744,789	2,736,494	+117,694	-8,295
23150	Screening training and other	244,466	200,466	200,466	-44,000	---
23200	Human resource services	207,234	182,234	182,234	-25,000	---
23600	Checkpoint support	173,366	136,000	250,000	+76,634	+114,000
23700	EDS/ETD Systems:					
23800	EDS procurement and installation	279,400	440,000	560,000	+280,600	+120,000
24000	EDS/ETD maintenance and other equipment	222,000	264,000	264,000	+42,000	---
24100	Operation integration	23,000	25,000	25,000	+2,000	---
24200	Subtotal, EDS/ETD Systems	524,400	729,000	849,000	+324,600	+120,000
24300	Subtotal, Screening operations	3,768,266	3,992,489	4,218,194	+449,928	+225,705

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AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2008
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		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
24400	Aviation security direction and enforcement:					
24500	Aviation regulation and other enforcement.....	217,516	223,653	223,653	+6,137	---
24600	Airport management, IT, and support.....	666,032	655,933	651,933	-14,099	-4,000
24700	FFDO and flight crew training.....	25,000	25,091	27,530	+2,530	+2,439
24800	Air cargo.....	55,000	55,768	73,000	+18,000	+17,232
24900	Airport perimeter security.....	---	---	4,000	+4,000	+4,000
25000	Subtotal, Aviation security direction and					
25100	enforcement.....	963,548	960,445	980,116	+16,568	+19,671
25120	Discretionary fees:					
25130	General aviation at DCA.....	---	200	200	+200	---
25140	Indirect air cargo.....	---	25	25	+25	---
25150	Total, Discretionary fees.....	---	225	225	+225	---
25160	Supplemental Appropriations - H.R. 2206					
25170	Emergency appropriations.....	390,000	---	---	-390,000	---
25200	(by transfer) (P.L. 110-5, sec. 21101).....	(7,300)	---	---	(-7,300)	---
25220	Aviation security capital fund.....	(250,000)	---	---	(-250,000)	---
25280	Total, Aviation security (gross) (including					
25290	transfers).....	5,129,114	4,953,159	5,198,535	+69,421	+245,376
25400	Offsetting fee collections (non-mandatory)..	-2,420,000	-2,710,000	-2,710,000	-290,000	---
25420	Discretionary fees - offsetting collections					
25430	(non-mandatory).....	---	-225	-225	-225	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2007
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2008
(Amounts in thousands)

		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
25500	Total, Aviation security (net)	2,709,114	2,242,934	2,488,310	-220,804	+245,376
25520	Appropriation	(2,311,814)	(2,242,934)	(2,488,310)	(+176,496)	(+245,376)
25530	Emergency appropriation	(390,000)	---	---	(-390,000)	---
25540	by transfer	(7,300)	---	---	(-7,300)	---
25560	Aviation security capital fund	(250,000)	---	---	(-250,000)	---
25600	Surface transportation security:					
25900	Staffing and operations	24,000	24,485	24,485	+485	---
26500	Rail security inspectors and canines	13,200	16,928	16,928	+3,728	---
26600	Subtotal, Surface transportation security	37,200	41,413	41,413	+4,213	---
26900	Transportation Threat Assessment and Credentialing:					
27000	Secure Flight	15,000	53,000	25,000	+10,000	-28,000
27020	Transfer to Aviation Security (P.L. 110-5,					
27030	sec. 21101)	(-2,000)	---	---	(+2,000)	---
27100	Crew vetting	14,700	14,990	14,990	+290	---
27200	Screening administration and operations	10,000	9,500	9,500	-500	---
27300	Registered Traveler Program fees	(35,101)	(35,101)	(35,101)	---	---
27400	TWIC fees	(20,000)	(26,500)	(26,500)	(+6,500)	---
27500	Hazardous materials fees	(19,000)	(19,000)	(19,000)	---	---
27600	Alien Flight School (by transfer from DOJ) - fees	(2,000)	(2,000)	(2,000)	---	---
27700	Subtotal, Transportation Threat Assessment and					
27800	Credentialing (Gross) (including transfers)	(113,801)	(160,091)	(132,091)	(+18,290)	(-28,000)
27900	Fee funded programs	(76,101)	(82,601)	(82,601)	(+6,500)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2007
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2008
(Amounts in thousands)

		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
28090	Subtotal, Transportation Threat Assessment and					
28100	Credentialing (net) (including transfers).....	37,700	77,490	49,490	+11,790	-28,000
28120	Appropriations.....	(39,700)	(77,490)	(49,490)	(+9,790)	(-28,000)
28140	(transfer out).....	(-2,000)	---	---	(+2,000)	---
28200	Transportation security support:					
28400	Administration:					
28500	Headquarters administration.....	294,191	294,191	296,291	+2,100	+2,100
28700	Information technology.....	210,092	209,324	209,324	-768	---
28900	Subtotal, Administration.....	504,283	503,515	505,615	+1,332	+2,100
28950	Intelligence.....	21,000	21,000	21,000	---	---
29600	Subtotal, Transportation security support.....	525,283	524,515	526,615	+1,332	+2,100
29700	Federal Air Marshals:					
29800	Management and administration.....	628,494	644,173	644,173	+15,679	---
29900	Travel and training.....	85,800	77,827	77,827	-7,973	---
30000	Supplemental Appropriations - H.R. 2206					
30020	Emergency appropriations.....	5,000	---	---	-5,000	---
30100	Subtotal, Federal Air Marshals.....	719,294	722,000	722,000	+2,706	---
30120	Appropriations.....	(714,294)	(722,000)	(722,000)	(+7,706)	---
30140	Emergency appropriations.....	(5,000)	---	---	(-5,000)	---
30200	Rescission of unobligated balances.....	-66,712	---	---	+66,712	---

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AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2008
(Amounts in thousands)

		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
30300	Total, Transportation Security Administration					
30400	(gross) (including transfers)	6,707,980	6,401,178	6,620,654	-87,326	+219,476
30500	Offsetting fee collections	-2,420,000	-2,710,225	-2,710,225	-290,225	---
30600	Aviation security capital fund	(250,000)	---	---	(-250,000)	---
30700	Fee accounts	(76,101)	(82,601)	(82,601)	(+6,500)	---
30800	Total, Transportation Security Administration					
30900	(net) (including transfers)	3,961,879	3,608,352	3,827,828	-134,051	+219,476
30920	Appropriations	(3,628,291)	(3,608,352)	(3,827,828)	(+199,537)	(+219,476)
30925	Emergency appropriations	(395,000)	---	---	(-395,000)	---
30930	Rescissions	(-66,712)	---	---	(+66,712)	---
30940	by transfer	(7,300)	---	---	(-7,300)	---
30960	transfer out	(-2,000)	---	---	(+2,000)	---
31000	United States Coast Guard					
31100	Operating expenses:					
31200	Military pay and allowances	2,788,276	2,958,622	2,932,636	+144,360	-25,986
31300	Civilian pay and benefits	569,434	630,669	592,769	+23,335	-37,900
31400	Training and recruiting	180,876	186,548	186,146	+5,270	-402
31500	Operating funds and unit level maintenance	1,011,374	1,138,199	1,148,447	+137,073	+10,248
31600	Centrally managed accounts	201,968	226,215	226,494	+24,526	+279
31800	Intermediate and depot level maintenance	710,729	754,042	753,750	+43,021	-292
31810	Port Security	15,000	---	45,000	+30,000	+45,000
32800	Less adjustment for defense function	-340,000	-340,000	-340,000	---	---
32900	Defense function	340,000	340,000	340,000	---	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2007
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2008
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		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
32920	Supplemental Appropriations - H.R. 2206					
32930	Rescission (sec. 6404)	-25,596	---	---	+25,596	---
33000	Subtotal, Operating expenses	5,452,061	5,894,295	5,885,242	+433,181	-9,053
33100	Appropriations	(5,137,657)	(5,554,295)	(5,545,242)	(+407,585)	(-9,053)
33120	Rescissions	(-25,596)	---	---	(+25,596)	---
33300	Defense function	(340,000)	(340,000)	(340,000)	---	---
33600	Environmental compliance and restoration	10,880	12,079	15,000	+4,120	+2,921
33700	Reserve training	122,448	126,883	126,883	+4,435	---
33800	Acquisition, construction, and improvements:					
33900	Vessels:					
34100	Response boat medium (41ft UTB and NSB					
34200	replacement)	24,750	9,200	9,200	-15,550	---
34210	Special purpose craft - Law enforcement					
34220	(emergency)	1,800	---	---	-1,800	---
34240	Subtotal, Vessels	26,550	9,200	9,200	-17,350	---
34400	Aircraft:					
34720	HH-60 replacement	15,000	---	---	-15,000	---
34900	Other equipment:					
35000	Automatic identification system	11,238	12,000	12,000	+762	---
35010	Defense messaging system	---	5,000	5,000	+5,000	---

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AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2008
(Amounts in thousands)

		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
35100	National distress and response system					
35200	modernization (Rescue 21).....	39,600	80,800	80,800	+41,200	---
35300	HF Recap.....	2,475	2,500	2,500	+25	---
35400	National Capital Region Air Defense.....	48,510	11,500	11,500	-37,010	---
35420	Emergency appropriations.....	18,000	---	---	-18,000	---
35430	Subtotal.....	66,510	11,500	11,500	-55,010	---
35600	Maritime security response team - shoothouse	---	1,800	1,800	+1,800	---
35700	Rescission.....	-4,100	---	---	+4,100	---
35800	Subtotal, Other equipment.....	115,723	113,600	113,600	-2,123	---
35900	Personnel compensation and benefits:					
36000	Core acquisition costs.....	500	505	505	+5	---
36100	Direct personnel cost.....	80,500	---	82,215	+1,715	+82,215
36200	Subtotal, Personnel compensation and					
36300	benefits.....	81,000	505	82,720	+1,720	+82,215
36400	Integrated deepwater systems:					
36500	Aircraft:					
36600	Maritime Patrol Aircraft (MPA).....	47,616	170,016	100,000	+52,384	-70,016
36610	Emergency appropriations.....	100,500	---	---	-100,500	---
36620	VTOL unmanned aerial vehicles (UAVs).....	4,950	---	---	-4,950	---
36630	HH-60 conversions.....	49,302	57,300	57,300	+7,998	---
36640	HC-130H conversion/sustainment.....	48,955	18,900	18,900	-30,055	---
36650	HH-65 conversion project.....	32,373	50,800	50,800	+18,427	---

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AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2008
(Amounts in thousands)

		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
36660	Armed helicopter equipment	55,740	24,600	24,600	-31,140	---
36670	C-130J fleet introduction	4,950	5,800	5,800	+850	---
36740	Rescission	---	---	-38,608	-38,608	-38,608
36800	Subtotal, Aircraft	344,386	327,416	218,792	-125,594	-108,624
36840	Surface ships:					
36850	National Security Cutter (NSC)	362,280	165,700	105,800	-256,480	-59,900
36860	Emergency appropriations	55,500	---	---	-55,500	---
36870	Fast Response Cutter (FRC-A)	41,580	---	---	-41,580	---
36880	Replacement Patrol Boat (FRC-B)	48,000	53,600	---	-48,000	-53,600
36890	IDS small boats	1,188	2,700	2,700	+1,512	---
36900	Patrol Boat sustainment	---	40,500	61,000	+61,000	+20,500
36910	Medium endurance cutter sustainment	45,318	34,500	50,000	+4,682	+15,500
36920	Reappropriation, patrol boats	78,693	---	---	-78,693	---
36930	Rescission, fast response boat	-78,693	---	---	+78,693	---
36940	Rescission	-20,000	-48,787	-68,841	-48,841	-20,054
36980	Subtotal, Surface ships	533,866	248,213	150,659	-383,207	-97,554
36990	Technology obsolescense	---	700	700	+700	---
37000	C4ISR	50,000	89,630	89,630	+39,630	---
37100	Logistics	36,000	36,500	36,500	+500	---
37200	Systems engineering and integration	35,145	35,145	35,145	---	---
37300	Government program management	46,475	50,475	59,475	+13,000	+9,000
37400	Subtotal, Integrated deepwater systems	1,045,872	788,079	590,901	-454,971	-197,178

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2007
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2008
(Amounts in thousands)

		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
37500	Shore facilities and aids to navigation.....	22,000	37,897	37,897	+15,897	---
37600	Supplemental Appropriations - H.R. 2206					
37700	Sec. 6404.....	30,000	---	---	-30,000	---
39300	Subtotal, Acquisition, construction, and					
39400	improvements.....	1,336,145	949,281	834,318	-501,827	-114,963
39500	Appropriations.....	(1,263,138)	(998,068)	(941,767)	(-321,371)	(-56,301)
39600	Emergency appropriations.....	(175,800)	---	---	(-175,800)	---
39640	Rescissions.....	(-102,793)	(-48,787)	(-107,449)	(-4,656)	(-58,662)
39800	Alteration of bridges.....	16,000	---	16,000	---	+16,000
39900	Research, development, test, and evaluation.....	17,000	17,583	22,583	+5,583	+5,000
40000	Health care fund contribution.....	278,704	272,111	272,111	-6,593	---
40100	Subtotal, U.S. Coast Guard discretionary.....	7,233,238	7,272,232	7,172,137	-61,101	-100,095
40200	Retired pay (mandatory).....	1,063,323	1,184,720	1,184,720	+121,397	---
40220	Supplemental Appropriations - H.R. 2206					
40240	Retired Pay (mandatory) (Sec. 6401).....	30,000	---	---	-30,000	---
40260	Subtotal, Retired pay (mandatory).....	1,093,323	1,184,720	1,184,720	+91,397	---
40300	Total, United States Coast Guard.....	8,326,561	8,456,952	8,356,857	+30,296	-100,095
40400	Appropriations.....	(8,279,150)	(8,505,739)	(8,464,306)	(+185,156)	(-41,433)
40500	Emergency appropriations.....	(175,800)	---	---	(-175,800)	---
40600	Rescissions.....	(-128,389)	(-48,787)	(-107,449)	(+20,940)	(-58,662)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2007
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2008
(Amounts in thousands)

		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
40800	United States Secret Service					
40900	Salaries and expenses:					
40920	Administration:					
40940	Headquarters, management and administration...	169,370	175,934	175,934	+6,564	---
41000	Protection:					
41100	Protection of persons and facilities.....	651,247	696,635	689,535	+38,288	-7,100
41110	Protective intelligence activities.....	55,509	57,704	57,704	+2,195	---
41200	National special security events.....	1,000	1,000	1,000	---	---
41205	NSSE reappropriation (H.R. 5441,sec.560).....	2,500	---	---	-2,500	---
41210	NSSE rescission of unobligated balances.....	-2,500	---	---	+2,500	---
41220	Presidential candidate nominee protection.....	18,400	85,250	85,250	+66,850	---
41400	White House mail screening.....	16,201	26,601	16,201	---	-10,400
41500	Subtotal, Protection.....	742,357	867,190	849,690	+107,333	-17,500
41550	Investigations:					
41575	Domestic field operations.....	---	---	230,142	+230,142	+230,142
41600	International field office administration,					
41625	operations.....	---	---	27,520	+27,520	+27,520
41650	Electronic crimes special agent program and					
41675	electronic crimes task forces.....	---	---	48,565	+48,565	+48,565
41685	Support for missing and exploited children....	---	---	8,366	+8,366	+8,366
41700	Subtotal, Investigations.....	---	---	314,593	+314,593	+314,593
41850	Training:					
41875	Rowley training center.....	50,052	51,954	51,954	+1,902	---

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		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
41880	Supplemental Appropriations - H.R. 2206					
41890	Rescission (sec. 6404).....	-450	---	---	+450	---
41925	Subtotal, Salaries and expenses.....	961,329	1,095,078	1,392,171	+430,842	+297,093
41930	Appropriations.....	(964,279)	(1,095,078)	(1,392,171)	(+427,892)	(+297,093)
41935	Rescissions.....	(-2,950)	---	---	(+2,950)	---
41975	Investigations and Field Operations:					
42000	Domestic field operations.....	236,093	219,742	---	-236,093	-219,742
42050	International field administration and operations.	22,616	27,520	---	-22,616	-27,520
42075	Electronic crimes special agent program and					
42100	electronic crimes task forces.....	44,079	44,565	---	-44,079	-44,565
42110	Forensic support and grants to NCMEC.....	8,366	8,366	---	-8,366	-8,366
42125	Subtotal, Investigations and Field operations...	311,154	300,193	---	-311,154	-300,193
43700	Acquisition, construction, improvements, and related					
43800	expenses (Rowley training center).....	3,725	3,725	3,725	---	---
43900	Total, United States Secret Service.....	1,276,208	1,398,996	1,395,896	+119,688	-3,100
43920	Appropriations.....	(1,279,158)	(1,398,996)	(1,395,896)	(+116,738)	(-3,100)
43940	Rescissions.....	(-2,950)	---	---	(+2,950)	---
44200	Total, title II, Security, Enforcement, and					
44400	Investigations (including transfers).....	25,712,285	26,415,592	26,596,873	+884,588	+181,281
44500	Appropriations.....	(23,550,036)	(26,464,379)	(26,704,322)	(+3,154,286)	(+239,943)
44600	Emergency appropriations.....	(2,358,000)	---	---	(-2,358,000)	---

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AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2008
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		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
44700	Rescissions	(-198,051)	(-48,787)	(-107,449)	(+90,602)	(-58,662)
44800	By transfer	(7,300)	---	---	(-7,300)	---
44820	Transfer out	(-2,000)	---	---	(+2,000)	---
44830	Transfer out (emergency)	(-3,000)	---	---	(+3,000)	---
44840	(Fee Accounts)	(1,593,681)	(1,701,026)	(1,701,026)	(+107,345)	---
44900	TITLE III - PROTECTION, PREPAREDNESS, RESPONSE					
45000	AND RECOVERY					
48300	National Protection and Programs					
48340	Management and administration:					
48350	Administrative activities	37,812	46,290	31,290	-6,522	-15,000
48360	Risk management and analysis	---	---	9,056	+9,056	+9,056
48400	Total, Management and administration	37,812	46,290	40,346	+2,534	-5,944
53400	Infrastructure Protection and Information Security					
53420	Management and administration	54,580	---	---	-54,580	---
53422	Infrastructure protection:					
53423	Indentification and analysis	69,064	68,970	78,970	+9,906	+10,000
53424	Coordination and information sharing	80,772	57,821	83,821	+3,049	+26,000
53425	Mitigation programs	74,991	108,793	108,793	+33,802	---
53426	Risk analysis	2,316	4,532	---	-2,316	-4,532
53427	Supplemental Appropriations - H.R. 2206					
53428	Emergency appropriations	24,000	---	---	-24,000	---

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		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
53429	Rescission (sec. 6404)	-968	---	---	+968	---
53430	Total, Infrastructure protection	250,175	240,116	271,584	+21,409	+31,468
53440	Appropriations	(227,143)	(240,116)	(271,584)	(+44,441)	(+31,468)
53450	Emergency appropriations	(24,000)	---	---	(-24,000)	---
53460	Rescissions	(-968)	---	---	(+968)	---
54400	Cyber security	92,000	97,688	87,073	-4,927	-10,615
54440	Office of Emergency Communications	17,000	35,700	45,700	+28,700	+10,000
54460	National Security/Emergency Preparedness					
54465	Telecommunications:					
54470	Priority telecommunications	105,568	82,821	82,821	-22,747	---
54475	Next generation networks	14,080	52,064	18,065	+3,985	-33,999
54478	Programs to study and enhance					
54480	telecommunications	14,125	16,733	16,733	+2,608	---
54485	Critical infrastructure protection	8,341	10,905	10,905	+2,564	---
54490	Risk analysis	1,158	2,250	---	-1,158	-2,250
54500	Total, National Security/Emergency					
54600	Preparedness Telecommunications	143,272	164,773	128,524	-14,748	-36,249
54700	Subtotal, Infrastructure Protection and					
54800	Information Security (Defense function)	557,027	538,277	532,881	-24,146	-5,396
54805	Appropriations	(533,995)	(538,277)	(532,881)	(-1,114)	(-5,396)
54810	Emergency appropriations	(24,000)	---	---	(-24,000)	---
54840	U.S. Visitor and Immigrant Status Indicator Technology	362,494	462,000	462,000	+99,506	---

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(Amounts in thousands)

		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
54900	Total, National Protection and Programs	957,333	1,046,567	1,035,227	+77,894	-11,340
54950	Appropriations	(934,301)	(1,046,567)	(1,035,227)	(+100,926)	(-11,340)
55000	Emergency appropriations	(24,000)	---	---	(-24,000)	---
55100	Rescissions	-968	---	---	+968	---
55200	Office of Health Affairs					
55300	Chief Medical Officer	4,980	---	---	-4,980	---
55310	Biowatch	78,120	79,108	77,108	-1,012	-2,000
55320	National biosurveillence integration system	8,000	8,000	8,000	---	---
55330	Rapidly deployable chemical detection system	2,600	2,600	2,600	---	---
55340	Planning and coordination	---	4,475	4,475	+4,475	---
55350	Salaries and expenses	5,598	23,750	25,750	+20,152	+2,000
55360	Supplemental Appropriations - H.R. 2206					
55370	Emergency appropriations	8,000	---	---	-8,000	---
55380	Total, Office of Health Affairs	107,298	117,933	117,933	+10,635	---
55385	Appropriations	(99,298)	(117,933)	(117,933)	(+18,635)	---
55390	Emergency appropriations	(8,000)	---	---	(-8,000)	---
55400	Federal Emergency Management Agency					
55420	Management and administration:					
55500	Operations activities	451,760	547,670	555,070	+103,310	+7,400
55520	Urban search and rescue teams	25,000	25,000	35,000	+10,000	+10,000
55700	Office of National Capitol Region Coordination	2,741	6,000	6,000	+3,259	---

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		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
55720	National Preparedness Integration Program.....	6,459	---	---	-6,459	---
55730	Defense function.....	49,240	88,930	88,930	+39,690	---
55740	(transfer from Disaster relief).....	---	(48,000)	---	---	(-48,000)
55745	Supplemental Appropriations - H.R. 2206					
55750	Emergency appropriations.....	14,000	---	---	-14,000	---
55755	Rescission (sec. 6406).....	-450	---	---	+450	---
55760	Subtotal, Management and administration					
55780	(including transfers).....	548,750	715,600	685,000	+136,250	-30,600
55790	Appropriations.....	(535,200)	(667,600)	(685,000)	(+149,800)	(+17,400)
55800	Emergency appropriations.....	(14,000)	---	---	(-14,000)	---
55805	Rescissions.....	(-450)	---	---	(+450)	---
55810	by transfer.....	---	(48,000)	---	---	(-48,000)
55820	(Non-defense appropriations).....	(499,510)	(578,670)	(596,070)	(+96,560)	(+17,400)
55840	(Defense appropriations).....	(49,240)	(88,930)	(88,930)	(+39,690)	---
56354	State and Local Programs:					
56356	State formula grants:					
56358	State Homeland Security Grant Program.....	525,000	250,000	550,000	+25,000	+300,000
56364	Law enforcement terrorism prevention grants...	375,000	---	400,000	+25,000	+400,000
56366	Subtotal, State formula grants.....	900,000	250,000	950,000	+50,000	+700,000

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		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
56368	Discretionary grants:					
56370	UASI: High-threat, high-density urban area....	770,000	800,000	800,000	+30,000	---
56374	Buffer Zone Protection Program.....	50,000	50,000	50,000	---	---
56376	Port security grants.....	210,000	210,000	400,000	+190,000	+190,000
56377	Rail and transit security grants.....	175,000	175,000	400,000	+225,000	+225,000
56378	Trucking security grants.....	12,000	9,000	10,000	-2,000	+1,000
56380	Intercity bus security grants.....	12,000	12,000	11,000	-1,000	-1,000
56382	Metropolitan Medical Response System grants...	33,000	---	50,000	+17,000	+50,000
56384	Citizen Corps grants.....	15,000	15,000	17,000	+2,000	+2,000
56385	REAL ID grants.....	---	---	50,000	+50,000	+50,000
56386	Interoperable communications grants.....	---	---	50,000	+50,000	+50,000
56387	Commercial equipment direct assistance program	50,000	---	20,000	-30,000	+20,000
56390	Subtotal, Discretionary grants.....	1,327,000	1,271,000	1,858,000	+531,000	+587,000
56392	National Programs:					
56394	National Domestic Preparedness Consortium.....	88,000	38,000	88,000	---	+50,000
56395	Center for Domestic Preparedness.....	57,000	48,500	51,500	-5,500	+3,000
56396	Noble Training Center.....	5,500	5,500	5,500	---	---
56397	National exercise program.....	49,000	50,000	50,000	+1,000	---
56398	Technical assistance.....	6,000	6,000	18,000	+12,000	+12,000
56402	Training grants.....	61,000	3,000	61,000	---	+58,000
56408	Evaluations and assessments.....	19,000	19,000	19,000	---	---
56410	Rural Domestic Preparedness Consortium.....	12,000	---	---	-12,000	---
56411	Subtotal, National Programs.....	297,500	170,000	293,000	-4,500	+123,000
56412	Management and administration.....	---	5,000	---	---	-5,000

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		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
56413	Supplemental Appropriations - H.R. 2206					
56414	Port security grants	110,000	---	---	-110,000	---
56415	Rail and transit security grants	100,000	---	---	-100,000	---
56416	Regional grants/regional technical assistance	35,000	---	---	-35,000	---
56417	Technical assistance for detection and					
56418	response equipment training	2,000	---	---	-2,000	---
56425	Subtotal, State and Local Programs	2,771,500	1,696,000	3,101,000	+329,500	+1,405,000
56426	Appropriations	(2,524,500)	(1,696,000)	(3,101,000)	(+576,500)	(+1,405,000)
56427	Emergency appropriations	(247,000)	---	---	(-247,000)	---
56430	Firefighter assistance grants:					
56433	Fire grants	547,000	300,000	570,000	+23,000	+270,000
56436	Staffing for Adequate Fire and Emergency					
56439	Response (SAFER) Act grants	115,000	---	230,000	+115,000	+230,000
56440	Subtotal, Firefighter Assistance grants	662,000	300,000	800,000	+138,000	+500,000
56446	Emergency management performance grants	200,000	200,000	300,000	+100,000	+100,000
56447	Supplemental Appropriations - H.R. 2206					
56448	Emergency appropriations	50,000	---	---	-50,000	---
56450	Subtotal, Emergency management performance grants	250,000	200,000	300,000	+50,000	+100,000
56460	Subtotal, Grants and training	3,683,500	2,196,000	4,201,000	+517,500	+2,005,000
56470	Appropriations	(3,386,500)	(2,196,000)	(4,201,000)	(+814,500)	(+2,005,000)
56480	Emergency appropriations	(297,000)	---	---	(-297,000)	---
56500	Radiological Emergency Preparedness Program	-477	-505	-505	-28	---

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	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
56520 United States Fire Administration	41,349	43,300	43,300	+1,951	---
56600 Public health programs	33,885	---	---	-33,885	---
57300 Disaster relief	1,500,000	1,700,000	1,700,000	+200,000	---
57800 (transfer to Management and administration)	---	(-48,000)	---	---	(+48,000)
57805 (transfer to Inspector General)	(-13,500)	---	---	(+13,500)	---
57820 Supplemental Appropriations - H.R. 2206					
57830 Emergency appropriations	4,110,000	---	---	-4,110,000	---
57840 Transfer to OIG (emergency)	(-4,000)	---	---	(+4,000)	---
57850 Transfer from SBA Disaster loans program					
57860 account (emergency)	(150,000)	---	---	(-150,000)	---
57900 Subtotal, Disaster Relief	5,742,500	1,652,000	1,700,000	-4,042,500	+48,000
58000 Disaster assistance direct loan program account:					
58100 (Limitation on direct loans)	(25,000)	(25,000)	(25,000)	---	---
58210 Direct loan subsidy	---	295	295	+295	---
58214 Supplemental Appropriations - H.R. 2206					
58215 Sec. 4502 Loan forgiveness (emergency)	320,000	---	---	-320,000	---
58220 Administrative expenses	569	580	580	+11	---
58400 Flood map modernization fund	198,980	194,881	230,000	+31,020	+35,119
58500 National flood insurance fund:					
58600 Salaries and expenses	38,230	45,642	45,642	+7,412	---
58900 Flood hazard mitigation	90,358	99,358	99,358	+9,000	---
59000 Offsetting fee collections	-128,588	-145,000	-145,000	-16,412	---

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	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
59100 Transfer to National flood mitigation fund.....	(-31,000)	(-34,000)	(-34,000)	(-3,000)	---
59200 National flood mitigation fund (by transfer).....	(31,000)	(34,000)	(34,000)	(+3,000)	---
59300 National pre-disaster mitigation fund.....	100,000	100,053	120,000	+20,000	+19,947
59400 Emergency food and shelter.....	151,470	140,000	153,000	+1,530	+13,000
59480 Total, Federal Emergency Management Agency					
59500 (including transfers).....	10,820,526	5,042,204	7,132,670	-3,687,856	+2,090,466
59600 Appropriations.....	(5,947,476)	(5,042,204)	(7,132,670)	(+1,185,194)	(+2,090,466)
59620 Emergency appropriations.....	(4,741,000)	---	---	(-4,741,000)	---
59630 Rescissions.....	(-450)	---	---	(+450)	---
59700 by transfer.....	(31,000)	(82,000)	(34,000)	(+3,000)	(-48,000)
59701 by transfer (emergency).....	(150,000)	---	---	(-150,000)	---
59800 transfer out	(-44,500)	(-82,000)	(-34,000)	(+10,500)	(+48,000)
59801 transfer out (emergency).....	(-4,000)	---	---	(+4,000)	---
59820 (Limitation on direct loans).....	(25,000)	(25,000)	(25,000)	---	---
59900 Rescission, Counter Terrorism Fund.....	-16,000	---	---	+16,000	---
60200 Total, title III, Protection, Preparedness,					
60220 Response and Recovery (including transfers)...	11,869,157	6,206,704	8,285,830	-3,583,327	+2,079,126
60300 Appropriations.....	(6,981,075)	(6,206,704)	(8,285,830)	(+1,304,755)	(+2,079,126)
60320 Emergency appropriations.....	(4,773,000)	---	---	(-4,773,000)	---
60400 Rescissions.....	(-17,418)	---	---	(+17,418)	---
60800 By transfer.....	(31,000)	(82,000)	(34,000)	(+3,000)	(-48,000)
60900 Transfer out.....	(-44,500)	(-82,000)	(-34,000)	(+10,500)	(+48,000)
60920 By transfer (emergency).....	(150,000)	---	---	(-150,000)	---
60940 Transfer out emergency.....	(-4,000)	---	---	(+4,000)	---
61020 (Limitation on direct loans).....	(25,000)	(25,000)	(25,000)	---	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2007
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2008
(Amounts in thousands)

		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
61100	TITLE IV - RESEARCH AND DEVELOPMENT, TRAINING,					
61200	AND SERVICES					
61300	U.S. Citizenship and Immigration Services					
62000	Business transformation	47,000	---	---	-47,000	---
62080	Systematic Alien Verification for					
62100	Entitlements (SAVE)	21,100	---	---	-21,100	---
62200	Employment Eligibility Verification (EEV) program	113,890	30,000	30,000	-83,890	---
62220	Supplemental Appopriations - H.R. 2206					
62230	Emergency appropriations	8,000	---	---	-8,000	---
62300	Subtotal, Citizenship and Immigration Services	189,990	30,000	30,000	-159,990	---
62320	Appropriations	(181,990)	(30,000)	(30,000)	(-151,990)	---
62340	Emergency appropriations	(8,000)	---	---	(-8,000)	---
62400	Adjudication services (fee account):					
62500	Pay and benefits	(624,600)	(763,962)	(763,962)	(+139,362)	---
62600	District operations	(385,400)	(551,701)	(551,701)	(+166,301)	---
62700	Service center operations	(267,000)	(354,527)	(354,527)	(+87,527)	---
62800	Asylum, refugee and international operations	(75,000)	(91,120)	(91,120)	(+16,120)	---
62900	Records operations	(67,000)	(80,589)	(80,589)	(+13,589)	---
62920	Business transformation	---	(139,000)	(139,000)	(+139,000)	---
63000	Subtotal, Adjudication services	(1,419,000)	(1,980,899)	(1,980,899)	(+561,899)	---
63100	Information and customer services (fee account):					
63200	Pay and benefits	(81,000)	(93,132)	(93,132)	(+12,132)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2007
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2008
(Amounts in thousands)

		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
63300	Operating expenses:					
63400	National Customer Service Center.....	(48,000)	(49,357)	(49,357)	(+1,357)	---
63500	Information services.....	(15,000)	(19,375)	(19,375)	(+4,375)	---
63600	Subtotal, Information and customer services.	(144,000)	(161,864)	(161,864)	(+17,864)	---
63700	Administration (fee account):					
63800	Pay and benefits.....	(45,000)	(79,268)	(79,268)	(+34,268)	---
63900	Operating expenses.....	(196,000)	(295,289)	(295,289)	(+99,289)	---
64000	Subtotal, Administration.....	(241,000)	(374,557)	(374,557)	(+133,557)	---
64020	Systematic Alien Verification for Entitlements (SAVE)					
64030	(fee accounts).....	---	(21,552)	(21,552)	(+21,552)	---
64100	Total, U.S. Citizenship and Immigration Services	(1,993,990)	(2,568,872)	(2,568,872)	(+574,882)	---
64200	Appropriations.....	(181,990)	(30,000)	(30,000)	(-151,990)	---
64220	Emergency appropriations.....	(8,000)	---	---	(-8,000)	---
64280	Total Fees.....	(1,804,000)	(2,538,872)	(2,538,872)	(+734,872)	---
64300	(Immigration Examination Fee Account).....	(1,760,000)	(2,494,872)	(2,494,872)	(+734,872)	---
64400	(Fraud prevention and detection fee account)	(31,000)	(31,000)	(31,000)	---	---
64500	(H1B Non-Immigrant Petitioner fee account)..	(13,000)	(13,000)	(13,000)	---	---
64600	Federal Law Enforcement Training Center					
64700	Salaries and expenses:					
64900	Law enforcement training.....	209,743	219,786	219,786	+10,043	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2007
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2008
(Amounts in thousands)

		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
65000	Accreditation	1,290	---	---	-1,290	---
65100	Supplemental Appropriations - H.R. 2206					
65120	Transfer from CBP (emergency)	(3,000)	---	---	(-3,000)	---
65200	Subtotal, Salaries and expenses (incl. transfer)	214,033	219,786	219,786	+5,753	---
65220	Appropriations	(211,033)	(219,786)	(219,786)	(+8,753)	---
65240	By transfer (emergency)	(3,000)	---	---	(-3,000)	---
65300	Acquisition, Construction, Improvements, and Related					
65400	expenses:					
65500	Direct appropriation	42,246	43,270	43,270	+1,024	---
65530	Construction (emergency)	22,000	---	---	-22,000	---
65570	Subtotal	64,246	43,270	43,270	-20,976	---
65800	Total, Federal Law Enforcement Training Center					
65900	(including transfers)	278,279	263,056	263,056	-15,223	---
65920	Appropriations	(253,279)	(263,056)	(263,056)	(+9,777)	---
65930	Emergency appropriations	(22,000)	---	---	(-22,000)	---
65940	By transfer (emergency)	(3,000)	---	---	(-3,000)	---
68500	Science and Technology					
68560	Management and administration	134,000	142,632	130,787	-3,213	-11,845
68580	Supplemental Appropriations - H.R. 2206					
68590	Rescission (sec. 6404)	-1,215	---	---	+1,215	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2007
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2008
(Amounts in thousands)

		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
69000	Subtotal, Management and administration	132,785	142,632	130,787	-1,998	-11,845
69020	Appropriations	(134,000)	(142,632)	(130,787)	(-3,213)	(-11,845)
69040	Rescissions	(-1,215)	---	---	(+1,215)	---
69100	Research, development, acquisition, and operations:					
69600	Borders and maritime	33,436	25,936	25,936	-7,500	---
69700	Chemical and biological	229,453	228,949	215,131	-14,322	-13,818
69800	Command, control and interoperability	57,612	63,600	61,100	+3,488	-2,500
69900	Explosives	105,231	63,749	63,749	-41,482	---
70000	Human factors	6,800	12,600	12,600	+5,800	---
70100	Infrastructure and geophysical	74,781	24,000	24,000	-50,781	---
70200	Innovation	38,000	59,900	51,900	+13,900	-8,000
70300	Laboratory facilities	105,649	88,814	88,814	-16,835	---
70400	Test and evaluation/standards	25,432	25,520	28,520	+3,088	+3,000
70420	Transition	24,040	24,700	26,000	+1,960	+1,300
70500	University programs	48,575	38,700	48,575	---	+9,875
70520	Supplemental Appropriations - H.R. 2206					
70540	Emergency appropriations	5,000	---	---	-5,000	---
71000	Subtotal, Research, development, acquisition,					
71100	and operations	754,009	656,468	646,325	-107,684	-10,143
71120	Appropriations	(749,009)	(656,468)	(646,325)	(-102,684)	(-10,143)
71140	Emergency appropriations	(5,000)	---	---	(-5,000)	---
71200	(Non-defense related appropriations)	(458,009)	(481,468)	(471,325)	(+13,316)	(-10,143)
71300	(Defense related appropriations)	(296,000)	(175,000)	(175,000)	(-121,000)	---
71900	Rescission of unobligated balances	-125,000	---	---	+125,000	---

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AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2008
(Amounts in thousands)

		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
72000	Total, Science and Technology	761,794	799,100	777,112	+15,318	-21,988
72020	Appropriations	(883,009)	(799,100)	(777,112)	(-105,897)	(-21,988)
72030	Emergency appropriations	(5,000)	---	---	(-5,000)	---
72040	Rescissions	(-126,215)	---	---	(+126,215)	---
72100	Domestic Nuclear Detection Office					
72200	Management and administration	30,468	34,000	31,176	+708	-2,824
72210	Research, development, and operations:					
72220	Systems engineering and architecture	26,500	25,100	25,100	-1,400	---
72230	Systems development	99,500	108,100	108,100	+8,600	---
72240	Transformational research and development	72,600	100,000	100,000	+27,400	---
72250	Assessments	25,600	32,000	32,000	+6,400	---
72260	Operational support	35,000	37,800	34,800	-200	-3,000
72270	National Technical Nuclear Forensics Center	13,300	16,900	16,900	+3,600	---
72280	Supplemental Appropriations - H.R. 2206					
72290	Emergency appropriations	35,000	---	---	-35,000	---
72300	Research, development, and operations	307,500	319,900	316,900	+9,400	-3,000
72305	Appropriations	(272,500)	(319,900)	(316,900)	(+44,400)	(-3,000)
72310	Emergency appropriations	(35,000)	---	---	(-35,000)	---
72320	Systems acquisition:					
72325	Radiation Portal Monitors/Advanced Spectroscopic					
72330	Portal Program	165,500	171,500	151,500	-14,000	-20,000
72340	Securing the Cities	---	30,000	10,000	+10,000	-20,000
72350	Human Portal Radiation Detection System Program	12,500	6,500	6,500	-6,000	---

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		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
72360	Supplemental Appropriations - H.R. 2206					
72370	Emergency appropriations	100,000	---	---	-100,000	---
72400	Subtotal, Systems acquisition	278,000	208,000	168,000	-110,000	-40,000
72420	Appropriations	(178,000)	(208,000)	(168,000)	(-10,000)	(-40,000)
72440	Emergency appropriations	(100,000)	---	---	(-100,000)	---
72500	Total, Domestic Nuclear Detection Office	615,968	561,900	516,076	-99,892	-45,824
72520	Appropriations	(480,968)	(561,900)	(516,076)	(+35,108)	(-45,824)
72530	Emergency appropriations	(135,000)	---	---	(-135,000)	---
72600	Total, title IV, Research and Development,					
72800	Training, and Services (including transfers)	1,846,031	1,654,056	1,586,244	-259,787	-67,812
72820	Appropriations	(1,799,246)	(1,654,056)	(1,586,244)	(-213,002)	(-67,812)
72830	Emergency appropriations	(170,000)	---	---	(-170,000)	---
72835	Rescissions	(-126,215)	---	---	(+126,215)	---
72840	By transfer emergency	(3,000)	---	---	(-3,000)	---
72900	(Fee Accounts)	(1,804,000)	(2,538,872)	(2,538,872)	(+734,872)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2007
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2008
(Amounts in thousands)

		FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
74000	TITLE V - GENERAL PROVISIONS					
74100	Rescission of unobligated balances	---	---	-55,273	-55,273	-55,273
76200	Grand total	40,307,323	35,373,333	37,438,720	-2,868,603	+2,065,387
76300	Appropriations	(33,342,228)	(35,422,120)	(37,601,442)	(+4,259,214)	(+2,179,322)
76500	Emergency appropriations	(7,309,000)	---	---	(-7,309,000)	---
76600	Rescissions	(-343,905)	(-48,787)	(-162,722)	(+181,183)	(-113,935)
76800	Fee funded programs	(3,397,681)	(4,239,898)	(4,239,898)	(+842,217)	---
76900	(Limitation on direct loans)	(25,000)	(25,000)	(25,000)	---	---
76950	(Transfer out)	(-51,800)	(-82,000)	(-34,000)	(+17,800)	(+48,000)
77000	(Transfer out) (emergency)	(-7,000)	---	---	(+7,000)	---
77100	(By transfer)	(51,800)	(82,000)	(34,000)	(-17,800)	(-48,000)
77110	(By transfer) (emergency)	(157,000)	---	---	(-157,000)	---

ADDITIONAL VIEWS OF JERRY LEWIS AND HAROLD ROGERS

The bill continues the Subcommittee's bi-partisan tradition of strong oversight and strict accountability, a theme that has been held constant since the Subcommittee's inception in 2003. If not held accountable, this young Department may fail at its crucial mission to protect our nation.

While we appreciate the majority's willingness to listen to our concerns and accommodate them as much as possible, there are several provisions that need improving and cause us great concern. We are hopeful these provisions can be addressed as the bill moves through the legislative process, and look forward to those continuing discussions.

FISCAL RESPONSIBILITY

The 302(b) allocation for the Department of Homeland Security is $36.25 billion—$2.1 billion above the President's fiscal year 2008 request. The reported bill amounts to a 13.6% increase above fiscal year 2007 in base discretionary appropriations. The President's request would give DHS a 7.2 percent increase. We believe that is sufficient, even generous; especially when the $1.05 billion in unrequested homeland security funding that was included in the recently enacted fiscal year 2007 supplemental is considered. We firmly believe that no Federal agency is immune from fiscal discipline, even the Department of Homeland Security. Therefore, in full committee we offered an amendment to limit the DHS budget increase to a more than responsible 7.2 percent. Unfortunately, this amendment was defeated on a mostly party-line vote.

UNFUNDED MANDATES

The term "responsible" is also used with respect to ensuring DHS has sufficient resources to carry out legislative direction. The bill includes a bold, but unfunded mandate for ICE to contact every correctional facility across the country—over 5,050 facilities—at least once per month to identify incarcerated aliens and initiate deportation proceedings. Such direction, while perhaps a laudable goal, is both difficult to implement and unfunded. Despite the requirement for ICE to report on the resources needed to carry out this unfunded mandate, we are concerned the bill presupposes ICE can simply re-direct resources from vital criminal investigations and fugitive operations to meet this requirement. To suggest that ICE should focus its resources almost exclusively on incarcerated illegal aliens, at the expense of the apprehension of fugitive aliens—which includes sex offenders and other, at large criminals—is extremely short sighted and perhaps even dangerous. There must be a balance among ICE's many critical missions, which includes a broad range of law enforcement activities such as preventing the exportation of vital national security technology, counter smuggling, and prevention of human trafficking. Regrettably, this bill falls short of this needed balance. While there are increased funds for the Criminal Alien Program, which addresses incarcerated illegal aliens, both the 287(g) and Fugitive Operations programs that address fugitive criminal aliens are cut.

BORDER SECURITY AND IMMIGRATION POLICY

Any viable immigration policy must start with securing the border. If we cannot effectively control who crosses our nation's border, all other possible immigration initiatives will fail. To address this critical issue, Congress has authorized and appropriated for substantial infrastructure along our borders. But the reported bill contains a number of onerous restrictions on funding for fencing and tactical infrastructure until the Department performs certain actions. At first glance, these individual fencing and tactical infrastructure requirements appear to be based upon sound policy. However, added together they are a series of obstacles that can potentially impede installation of critical border security systems essential to our homeland security. We fear that securing the border will be greatly deterred.

Specifically, the bill requires the Secretary to wait 15 days before taking any border security action that warrants the use of his environmental waiver authority. We believe this limitation changes existing law, alters the intent of Congress, invites frivolous litigation, and has the potential to severely inhibit DHS from addressing vulnerabilities along our borders. Considering the Secretary has only used this waiver authority twice and, when applying the waiver, still made every possible accommodation to the affected environment and indigenous wildlife, it is difficult to see the value in the bill's 15-day waiting period.

The bill also requires the Secretary to solicit affected State and local communities' advice and support prior to building fencing or tactical infrastructure. While it is certainly reasonable to expect DHS to engage with affected communities along the border and solicit their input, the bill seems to make border security beholden to localities whose primary concern may only be parochial. The Department is already doing sufficient outreach to these communities, and we are greatly concerned that this provision provides them with an effective veto over federal policy. This is a precedent that should not be initiated.

Despite these concerns, we are pleased to see the continuation of robust planning requirements for SBlnet as we remain fully committed to securing our borders as rapidly as possible. Therefore, we will continue to work to ensure this bill enables DHS to accomplish its border security goals on time and on budget. There must be a balance between prudent oversight and timely execution of the Department's border security mission. In full committee, an amendment was offered to do just that. But again, the amendment was unfortunately defeated on a party-line vote.

TRANSPORTATION SECURITY

The reported bill also removes the cap on the number of TSA screeners that was enacted in 2002. That cap was created for very good reasons—reasons that still exist today. Over and over again, TSA has demonstrated a severe lack of discipline in its planning, hiring, and use of technology. TSA's mindset was to hire an army of screeners, some 70,000 strong, while advancements in research and technology were largely ignored. By requiring in law that TSA could not exceed 45,000 screeners, TSA was forced to refocus its decision making. They began to place better, cheaper and more effec-

tive technologies and machines in the airports, and started to slowly clear out the more expensive, man-power intensive trace detection systems. The screener cap is working, and without it, we are fearful that TSA will go back to its old ways of solving screener problems by simply adding more people—a very short-sighted and costly solution. To that end, we offered an amendment in full committee to restore the 45,000 screener cap, which was defeated on a mostly party-line vote.

COAST GUARD

The bill continues the Committee's aggressive oversight of the Coast Guard's troubled Deepwater program. However, the bill also makes substantial cuts of almost $200 million to Deepwater that will, in effect, slow down the program's acquisition schedule and delay the much needed modernization of the Coast Guard's ships and aircraft. After what has been considerable oversight by the Congress, we are confident the Coast Guard is putting in place the right managerial controls and organizational improvements to get Deepwater heading in the right direction. We firmly believe that too much of our national security is at stake to fund Deepwater at a level that may unnecessarily prolong the operation of antiquated systems—some dating back to World War II.

EMERGENCY PREPAREDNESS AND RESPONSE

This bill is $2.1 billion above the President's request, almost all of which is used to increase first responder grants to their highest level in 4 years. This level of funding is unwarranted, as there is still over $5 billion in unspent first responder grant dollars lying in the pipeline. We are also concerned about the annual expectations we may be setting for these grants. These funds are intended to address counterterrorism needs and disaster preparedness—the homeland security portion of local first responders' duties. These agencies are certainly happy to get these funds and now even expect it. What began as a straightforward grant program has turned into a revenue sharing program—something it never was intended to be. Rather than just adding billions to these grant programs—as this bill does—what we ought to be doing is working with the relevant authorizing committees to change the way these grant programs are authorized and administered, and layout specifically what the Federal Government is expecting. Grants to States and local communities are intended to reduce our vulnerabilities and are not immune from fiscal discipline.

In conclusion, we believe this bill has the potential to do a lot of good. There are provisions and funding recommendations that are acceptable, and we are pleased with some of the efforts that aim to keep the Department on track to produce results, and remain accountable to the American people. However, much improvement is needed, and we look forward to working with our colleagues as the process continues.

JERRY LEWIS.
HAROLD ROGERS.

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