
[House Appropriations Committee Print]

**Consolidated Security, Disaster Assistance, and Continuing
Appropriations Act, 2009**

(H.R. 2638; P.L. 110–329)

**DIVISION D—DEPARTMENT OF HOMELAND
SECURITY APPROPRIATIONS ACT, 2009**

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[CLERK'S NOTE: Four sections which precede division A in the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act apply to all divisions of the Act, including this one. The text of these sections is as follows:]

SECTION 1. SHORT TITLE.

This Act may be cited as the “Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009”.

SEC. 2. TABLE OF CONTENTS.

[Text omitted for purposes of this note]

SEC. 3. REFERENCES.

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

SEC. 4. EXPLANATORY STATEMENT.

The explanatory statement regarding this legislation, printed in the House of Representatives section of the Congressional Record on or about September 24, 2008 by the Chairman of the Committee on Appropriations of the House, shall have the same effect with respect to the allocation of funds and implementation of this Act as if it were a joint explanatory statement of a committee of conference.

Reproduced below is the text of division D of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (H.R. 2638; P. L. 110–329) as presented to the President for signature.]

LEGISLATIVE TEXT, DIVISION D

DIVISION D—DEPARTMENT OF HOMELAND SECURITY
APPROPRIATIONS ACT, 2009

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2009, and for other purposes, namely:

TITLE I

DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, \$123,456,000: *Provided*, That not to exceed \$60,000 shall be for official reception and representation expenses, of which \$20,000 shall be made available to the Office of Policy solely to host Visa Waiver Program negotiations in Washington, DC: *Provided further*, That within 15 days after the end of each quarter of the fiscal year, the Secretary shall submit to the Committees on Appropriations of the Senate and House of Representatives and to the Government Accountability Office a report of each instance where a request by the Government Accountability Office for access to Department of Homeland Security records was not granted within 20 calendar days and Government Accountability Office requests for interviews with Department of Homeland Security employees were not granted within seven calendar days: *Provided further*, That \$15,000,000 shall not be available for obligation until the second quarterly report detailed in the previous proviso is submitted to the Committees on Appropriations of the Senate and House of Representatives: *Provided further*, That \$10,000,000 shall not be available for obligation until the Secretary of Homeland Security, in coordination with the Administrator of the Federal Emergency Management Agency, certifies to the Committees on Appropriations of the Senate and the House of Representatives that processes to incorporate stakeholder input for grant guidance development and award distribution have been: (1) developed to ensure transparency and increased consultation about security needs for all-hazards; (2) formalized and made clear to stakeholders; and (3) formalized to ensure future use for each fiscal year.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), \$191,793,000, of which not to exceed \$3,000 shall be for official reception and representation expenses: *Provided*, That of the total amount, \$6,000,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations at the Nebraska Avenue Complex; and \$17,131,000 shall remain available until expended for the Human Resources Information Technology program.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), \$55,235,000, of which \$11,000,000 shall remain available until expended for financial systems consolidation efforts.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, \$272,169,000; of which \$86,928,000 shall be available for salaries and expenses; and of which \$185,241,000, to remain available until expended, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, of which not less than \$23,830,000 shall be available for data center development and an additional \$22,300,000 shall be available to support costs of transition to the National Center for Critical Information Processing and Storage: *Provided*, That \$100,000,000 of the total amount appropriated under this heading shall not be available for obligation until the Committees on Appropriations of the Senate and the House of Representatives receive the report on data center transition: *Provided further*, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment: *Provided further*, That the Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 60 days after the date of enactment of this Act, an expenditure plan for all information technology acquisition projects that: (1) are funded under this heading; or (2) are funded by multiple components of the Department of Homeland Security through reimbursable agreements: *Provided further*, That such expenditure plan shall include each specific project funded, key milestones, all funding sources for each project, details of annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved by the project.

ANALYSIS AND OPERATIONS

For necessary expenses for information analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), \$327,373,000, of which not to exceed \$5,000 shall be for official reception and representation expenses; and of which \$215,745,000 shall remain available until September 30, 2010.

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST
REBUILDING

For necessary expenses of the Office of the Federal Coordinator for Gulf Coast Rebuilding, \$1,900,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$98,513,000, of which not to exceed \$150,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, agricultural inspections and regulatory activities related to plant and animal imports, and transportation of unaccompanied minor aliens; purchase and lease of up to 6,300 (3,300 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; \$7,603,206,000, of which \$3,154,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed \$45,000 shall be for official reception and representation expenses; of which not less than \$271,679,000 shall be for Air and Marine Operations; of which \$4,500,000 shall be for the 2010 Olympics Coordination Center, of which not to exceed \$2,000,000 shall be available until September 30, 2010; of which \$2,000,000 shall be for Project SeaHawk; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations; and of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the

Secretary of Homeland Security: *Provided*, That for fiscal year 2009, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of U.S. Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: *Provided further*, That no funding available under this heading may be obligated for the operation of the Analytical Framework for Intelligence Officers until the Commissioner of U.S. Customs and Border Protection certifies that this Framework complies with all applicable laws, including section 552a of title 5, United States Code, and other laws protecting privacy, and such certification is reviewed by the Inspector General of the Department of Homeland Security: *Provided further*, That the Commissioner shall submit to the Committees on Appropriations of the Senate and the House of Representatives the results of operational field testing of cargo container security devices in high risk trade lanes no later than 120 days after the date of enactment of this Act.

AUTOMATION MODERNIZATION

For expenses for U.S. Customs and Border Protection automated systems, \$511,334,000, to remain available until expended, of which not less than \$316,851,000 shall be for the development of the Automated Commercial Environment: *Provided*, That of the total amount made available under this heading, \$216,851,000 may not be obligated for the Automated Commercial Environment program until 30 days after the Committees on Appropriations of the Senate and the House of Representatives receive a report on the results to date and plans for the program from the Department of Homeland Security.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for customs and border protection fencing, infrastructure, and technology, \$775,000,000, to remain available until expended: *Provided*, That of the amount provided under this heading, \$400,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure, prepared by the Secretary of Homeland Security and submitted not later than 90 days after the date of the enactment of this Act, for a program to establish and maintain a security barrier along the borders of the United States of fencing and vehicle barriers, where practicable, and other forms of tactical infrastructure and technology, that includes the following—

- (1) a detailed accounting of the program's implementation to date for all investments, including technology and tactical infrastructure, for funding already expended relative to system capabilities or services, system performance levels, mission

benefits and outcomes, milestones, cost targets, program management capabilities, identification of the maximum investment, including life cycle costs, related to the Secure Border Initiative program or any successor program, and description of the methodology used to obtain these cost figures;

(2) a description of how specific projects will further the objectives of the Secure Border Initiative, as defined in the Department of Homeland Security Secure Border Plan, and how the expenditure plan allocates funding to the highest priority border security needs;

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

(4) an identification of staffing, including full-time equivalents, contractors, and detailees, by program office;

(5) a description of how the plan addresses security needs at the Northern border and ports of entry, including infrastructure, technology, design and operations requirements, specific locations where funding would be used, and priorities for Northern border activities;

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

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

(8) a certification by the Chief Procurement Officer of the Department that the program: (a) has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including as provided in Circular A-11, part 7; (b) that the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with such actions, together with any plans for addressing these risks, and the status of the implementation of such actions; (c) that procedures to prevent conflicts of interest between the prime integrator and major subcontractors are established and that the Secure Border Initiative Program Office has adequate staff and resources to effectively manage the Secure Border Initiative program, all contracts, including the exercise of technical oversight; and (d) the certifications required under this paragraph should be accompanied by all documents or memoranda, as well as documentation and a description of the investment review processes used to obtain such certifications;

(9) a certification by the Chief Information Officer of the Department that: (a) the system architecture of the program is sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were or were not assessed in making the alignment determination, the date of the alignment determination, and any known areas of misalignment together with the associated risks and corrective actions to address any such areas; (b) the program has a risk management process that regularly and proactively identifies, evaluates, mitigates, and monitors risks throughout the system life cycle and communicates high-risk conditions to U.S. Customs and Border Protection and Department of Homeland Security investment decision-makers, as well as a listing of all the program's high risks and the status of efforts to address such risks; (c) an independent verification and validation agent is currently under contract for the projects funded under this heading; and (d) the certification required under this paragraph should be accompanied by all documents or memoranda, as well as documentation and a description of the investment review processes used to obtain such certification;

(10) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the Secure Border Initiative program are being addressed so as to ensure adequate staff and resources to effectively manage the Secure Border Initiative, together with a description of SBI staffing priorities;

(11) an analysis by the Secretary for each segment, defined as not more than 15 miles, of fencing or tactical infrastructure, of the selected approach compared to other, alternative means of achieving operational control, and such analysis should include cost, level of operational control, possible unintended effects on communities, and other factors critical to the decision making process; and

(12) is reviewed by the Government Accountability Office:

Provided further, That the Secretary shall report to the Committees on Appropriations of the Senate and the House of Representatives on program progress, and obligations and expenditures for all outstanding task orders as well as specific objectives to be achieved through the award of current and remaining task orders planned for the balance of available appropriations at least 15 days before the award of any task order requiring an obligation of funds in an amount greater than \$25,000,000 and before the award of a task order that would cause cumulative obligations of funds to exceed 50 percent of the total amount appropriated: *Provided further*, That none of the funds provided under this heading may be obligated unless the Department has complied with section 102(b)(1)(C)(i) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), and the Secretary certifies such to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That none of the funds under this heading may be obligated for any project or activity for which the Secretary has exercised waiver authority pursuant to section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility

Act of 1996 (8 U.S.C. 1103 note) until 15 days have elapsed from the date of the publication of the decision in the Federal Register: *Provided further*, That notwithstanding the previous provisos, \$100,000,000 of the amount provided under this heading shall be made available for obligation upon enactment of this Act without restriction.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, \$528,000,000, to remain available until expended, of which \$5,000,000 shall be to address private aircraft enforcement system noncompliance as specified in House Report 110–862: *Provided*, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to U.S. Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2009 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That of the total amount made available under this heading, \$18,000,000 shall not be obligated until the Secretary notifies the Committees on Appropriations of the Senate and House of Representatives that the Department of Homeland Security has implemented the concept of operations described in section 544 of this Act.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, \$403,201,000, to remain available until expended, of which \$39,700,000 shall be for the Advanced Training Center: *Provided*, That for fiscal year 2010 and thereafter, the annual budget submission of U.S. Customs and Border Protection for “Construction” shall, in consultation with the General Services Administration, include a detailed 5-year plan for all Federal land border port of entry projects with a yearly update of total projected future funding needs.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; \$4,927,210,000, of which not to exceed \$7,500,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed \$15,000 shall be for official reception and representation expenses; of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than \$305,000 shall be for promotion of public awareness of the child pornography tipline and anti-child exploitation activities; of which not less than \$5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed \$11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: *Provided*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of \$35,000, except that the Secretary, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That of the total amount provided, \$15,770,000 shall be for activities in fiscal year 2009 to enforce laws against forced child labor, of which not to exceed \$6,000,000 shall remain available until expended: *Provided further*, That of the total amount available, not less than \$1,000,000,000, of which \$150,000,000 shall remain available until September 30, 2010, shall be available to identify aliens convicted of a crime, and who may be deportable, and to remove them from the United States once they are judged deportable: *Provided further*, That the Secretary, or the designee of the Secretary, shall report to the Committees on Appropriations of the Senate and the House of Representatives, at least quarterly, on progress implementing the preceding proviso, and the funds obligated during that quarter to make that progress: *Provided further*, That the Secretary shall prioritize the identification and removal of aliens convicted of a crime by the severity of that crime: *Provided further*, That of the total amount provided, not less than \$2,481,213,000 is for detention and removal operations, including transportation of unaccompanied minor aliens: *Provided further*, That of the total amount provided, \$6,800,000 shall remain available until September 30, 2010, for the Visa Security Program: *Provided further*, That none of the funds provided under this heading may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been violated: *Provided further*, That effective April 15, 2009, none of the funds provided under this

heading may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than “adequate” or the equivalent median score in any subsequent performance evaluation system: *Provided further*, That the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not later than January 5, 2009, a plan for nationwide implementation of the Alternatives to Detention program that identifies: (1) the funds required for nationwide program implementation; (2) the timeframe for achieving nationwide program implementation; and (3) an estimate of the number of individuals who could be enrolled in a nationwide program: *Provided further*, That nothing under this heading shall prevent U.S. Immigration and Customs Enforcement from exercising those authorities provided under immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) during priority operations pertaining to aliens convicted of a crime.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service: *Provided*, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall certify in writing to the Committees on Appropriations of the Senate and the House of Representatives no later than December 31, 2008, that the operations of the Federal Protective Service will be fully funded in fiscal year 2009 through revenues and collection of security fees, and shall adjust the fees to ensure fee collections are sufficient to ensure that the Federal Protective Service maintains not fewer than 1,200 full-time equivalent staff and 900 full-time equivalent Police Officers, Inspectors, Area Commanders, and Special Agents who, while working, are directly engaged on a daily basis protecting and enforcing laws at Federal buildings (referred to as “in-service field staff”).

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, \$57,000,000, to remain available until expended: *Provided*, That of the funds made available under this heading, \$5,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive an expenditure plan prepared by the Secretary of Homeland Security.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, \$5,000,000, to remain available until expended: *Provided*, That none of the funds made available under this heading may be used to solicit or consider any request to privatize facilities currently

owned by the United States Government and used to detain aliens unlawfully present in the United States until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for carrying out that privatization.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101 note), \$4,754,518,000, to remain available until September 30, 2010, of which not to exceed \$10,000 shall be for official reception and representation expenses: *Provided*, That of the total amount made available under this heading, not to exceed \$3,935,710,000 shall be for screening operations, of which \$621,106,000 shall be available for explosives detection systems; and not to exceed \$798,808,000 shall be for aviation security direction and enforcement: *Provided further*, That of the amount made available in the preceding proviso for explosives detection systems, \$294,000,000 shall be available for the purchase and installation of these systems, of which not less than \$84,500,000 shall be available for the purchase and installation of certified explosives detection systems at medium- and small-sized airports: *Provided further*, That the purchase of screening equipment for medium- and small-sized airports must be competitively awarded: *Provided further*, That any award to deploy explosives detection systems shall be based on risk, the airports current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: *Provided further*, That any funds collected and made available from aviation security fees pursuant to section 44940(i) of title 49, United States Code, may, notwithstanding paragraph (4) of such section 44940(i), be expended for the purpose of improving screening at airport screening checkpoints, which may include the purchase and utilization of emerging technology equipment; the refurbishment and replacement of current equipment; the installation of surveillance systems to monitor checkpoint activities; the modification of checkpoint infrastructure to support checkpoint reconfigurations; and the creation of additional checkpoints to screen aviation passengers and airport personnel: *Provided further*, That of the amounts provided under this heading, \$20,000,000 may be transferred to the "Surface Transportation Security", "Transportation Threat Assessment and Credentialing", and "Transportation Security Support" appropriations in this Act for the purpose of implementing regulations and activities authorized in the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53): *Provided further*, That the sum appropriated under this heading from the gen-

eral fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2009, so as to result in a final fiscal year appropriation from the general fund estimated at not more than \$2,434,518,000: *Provided further*, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2010: *Provided further*, That Members of the United States House of Representatives and United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General and Assistant Attorneys General and the United States attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget; shall not be exempt from Federal passenger and baggage screening.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing surface transportation security activities, \$49,606,000, to remain available until September 30, 2010.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, \$116,018,000, to remain available until September 30, 2010: *Provided*, That if the Assistant Secretary of Homeland Security (Transportation Security Administration) determines that the Secure Flight program does not need to check airline passenger names against the full terrorist watch list, the Assistant Secretary shall certify to the Committees on Appropriations of the Senate and the House of Representatives that no significant security risks are raised by screening airline passenger names only against a subset of the full terrorist watch list.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101 note), \$947,735,000, to remain available until September 30, 2010: *Provided*, That of the funds appropriated under this heading, \$20,000,000 may not be obligated for headquarters administration until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives detailed expenditure plans for checkpoint support and explosives detection systems refurbishment, procurement, and installations on an airport-by-airport basis for fiscal year 2009: *Provided further*, That these plans shall be submitted no later than 60 days after the date of enactment of this Act.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, \$819,481,000.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; for purchase or lease of small boats for contingent and emergent requirements (at a unit cost of no more than \$700,000) and for repairs and service-life replacements, not to exceed a total of \$26,000,000; minor shore construction projects not exceeding \$1,000,000 in total cost at any location; payments pursuant to section 156 of Public Law 97-377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; \$6,194,925,000, of which \$340,000,000 shall be for defense-related activities; of which \$24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which not to exceed \$20,000 shall be for official reception and representation expenses; and of which \$3,600,000 shall be available until expended for the cost of repairing, rehabilitating, altering, modifying, and making improvements, including customized tenant improvements, to any replacement or expanded Operations Systems Center facility: *Provided*, That none of the funds made available by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds made available by this Act shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further*, That the Commandant shall submit a financial management improvement plan that has been reviewed by the Inspector General of the Department of Homeland Security containing yearly, measurable milestones, to the Committees on Appropriations of the Senate and the House of Representatives by December 1, 2008: *Provided further*, That the Coast Guard shall comply with the requirements of section 527 of Public Law 108-136 with respect to the Coast Guard Academy: *Provided further*, That notwithstanding section 503 of this Act, amounts not to exceed 5 percent of the total amount appropriated under this heading may be transferred to the “Acquisition, Construction, and Improvements” appropriation, to be available under the terms and conditions applicable to that appropriation, and to be available for personnel compensation and benefits and related costs to adjust personnel assignment to accelerate management and oversight of new or existing projects without detrimentally affecting the management and oversight of other projects: *Provided further*, That the amount made available for “Personnel, Compensation, and Benefits” in the “Acquisition, Construction, and Improvements” appropriation shall not be increased by more than 10 percent by such transfers: *Provided further*, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified of each transfer within 10 days after it is executed.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

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

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; \$130,501,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; \$1,494,576,000, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which \$113,000,000 shall be available until September 30, 2013, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which \$89,174,000 shall be available until September 30, 2011, for other equipment; of which \$68,000,000 shall be available until September 30, 2011, for shore facilities and aids to navigation facilities, including \$3,000,000 for Sector Buffalo and \$15,000,000 for the Rescue Swimmer Training Facility; of which \$92,830,000 shall be available for personnel compensation and benefits and related costs; of which \$97,578,000 shall be available until expended for a new Coast Guard and Department of Homeland Security headquarters; and of which \$1,033,994,000 shall be available until September 30, 2013, for the Integrated Deepwater Systems program: *Provided*, That of the funds made available for the Integrated Deepwater Systems program, \$244,550,000 is for aircraft and \$571,003,000 is for surface ships: *Provided further*, That \$350,000,000 of the funds provided for the Integrated Deepwater Systems program may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive directly from the Coast Guard and approve a plan for expenditure that—

- (1) defines activities, milestones, yearly costs, and life cycle costs for each new procurement of a major asset, including an independent cost estimate for each;
- (2) identifies life cycle staffing and training needs of Coast Guard project managers and procurement and contract staff;
- (3) identifies competition to be conducted in, and summarizes the approved acquisition strategy for, each procurement;
- (4) includes a certification by the Chief Human Capital Officer of the Department of Homeland Security that current human capital capabilities are sufficient to execute the expenditure plan;

(5) includes an explanation of each procurement that involves an indefinite delivery/indefinite quantity contract and explains the need for such contract;

(6) identifies individual project balances by fiscal year, including planned carryover into fiscal year 2010 by project;

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

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

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

(10) identifies use of the Defense Contract Audit Agency;

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

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

(13) is reviewed by the Government Accountability Office:

Provided further, That no funding may be obligated for low rate initial production or initial production of any Integrated Deepwater Systems program asset until Coast Guard revises its Major Systems Acquisition Manual procedures to require a formal design review prior to the authorization of low rate initial production or initial production: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the President's fiscal year 2010 budget, a review of the Revised Deepwater Implementation Plan that identifies any changes to the plan for the fiscal year; an annual performance comparison of Integrated Deepwater Systems program assets to pre-Deepwater legacy assets; a status report of legacy assets; a detailed explanation of how the costs of legacy assets are being accounted for within the Integrated Deepwater Systems program; and the earned value management system gold card data for each Integrated Deepwater Systems program asset: *Provided further*, That the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a comprehensive review of the Revised Deepwater Implementation Plan every 5 years, beginning in fiscal year 2011, that includes a complete projection of the acquisition costs and schedule for the duration of the plan through fiscal year 2027: *Pro-*

vided further, That the Secretary shall annually submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

- (1) the proposed appropriation included in that budget;
- (2) the total estimated cost of completion;
- (3) projected funding levels for each fiscal year for the next 5 fiscal years or until project completion, whichever is earlier;
- (4) an estimated completion date at the projected funding levels; and
- (5) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Committees on Appropriations of the Senate and the House of Representatives:

Provided further, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent to the maximum extent practicable with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: *Provided further*, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: *Provided further*, That subsections (a), and (b) of section 6402 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) shall apply to fiscal year 2009: *Provided further*, That notwithstanding section 503 of this Act, amounts transferred from the "Operating Expenses" appropriation for personnel compensation and benefits and related costs to adjust personnel assignment to accelerate management and oversight of new or existing projects may be transferred to the "Operating Expenses" appropriation to be merged with that appropriation, to be available under the same terms and conditions for which that appropriation is available, when no longer required for project acceleration or oversight, or to otherwise adjust personnel assignment: *Provided further*, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified of each transfer within 30 days after it is executed.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, as authorized by section 6 of the Truman-Hobbs Act (33 U.S.C. 516), \$16,000,000, to remain available until expended: *Provided*, That of the amounts made available under this heading, \$2,000,000 shall be for the Burlington Northern Railroad Bridge in Burlington, Iowa; \$2,000,000 shall be for the Canadian Pacific Railway Bridge in La Crosse, Wisconsin; \$2,000,000 shall be for the Chelsea Street Bridge in Chelsea, Massachusetts; \$2,000,000 shall be for the Elgin, Joliet, and Eastern Railway Company Bridge in Morris, Illinois; \$4,000,000 shall be for the Fourteen Mile Bridge in Mobile, Alabama; and \$4,000,000 shall be for the Galveston Causeway Bridge in Galveston, Texas.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; \$18,000,000, to remain available until expended, of which \$500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,236,745,000, to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 675 vehicles for police-type use, of which 645 shall be for replacement only, and hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; \$1,408,729,000; of which not to exceed \$25,000 shall be for official reception and representation expenses; of which not to exceed \$100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which \$2,366,000 shall

be for forensic and related support of investigations of missing and exploited children; and of which \$6,000,000 shall be for a grant for activities related to the investigations of missing and exploited children and shall remain available until expended: *Provided*, That up to \$18,000,000 provided for protective travel shall remain available until September 30, 2010: *Provided further*, That up to \$1,000,000 for National Special Security Events shall remain available until expended: *Provided further*, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: *Provided further*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of \$35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes: *Provided further*, That the limitation in the preceding proviso shall not take effect until the Director of the Office of Management and Budget submits to the Committees on Appropriations of the Senate and the House of Representatives a report certifying that such a limitation on compensation will not have a significant effect on operations of the United States Secret Service: *Provided further*, That none of the funds appropriated to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: *Provided further*, That the Director of the United States Secret Service may enter into an agreement to perform such service on a fully reimbursable basis.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, \$4,225,000, to remain available until expended: *Provided*, That of the total amount provided, \$250,000 is for a perimeter security and noise abatement study at the James J. Rowley Training Center.

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for the National Protection and Programs Directorate, support for operations, information technology, and the Office of Risk Management and Analysis, \$51,350,000: *Provided*, That not to exceed \$5,000 shall be for official reception and representation expenses.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), \$806,913,000, of which \$720,116,000 shall remain available until September 30, 2010: *Provided*, That of the total amount provided, \$20,000,000 is for necessary expenses of the National Infrastructure Simulation and Analysis Center: *Provided further*, That of the amount made available under this heading, \$127,462,000 may not be obligated for the National Cyber Security Initiative program and \$25,125,000 may not be obligated for the Next Generation Networks program until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for that program that describes the strategic context of the program; the specific goals and milestones set for the program; and the funds allocated to achieving each of those goals: *Provided further*, That of the total amount provided, \$2,000,000 is for Philadelphia infrastructure monitoring; \$3,000,000 is for protection of critical underground infrastructure in major urban areas; \$1,000,000 is for improved improvised explosive device mapping and modeling tools; \$3,500,000 is for State and local cyber security training; and \$4,000,000 is for the Power and Cyber Systems Protection, Analysis, and Testing Program at the Idaho National Laboratory.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR
TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), \$300,000,000, to remain available until expended: *Provided*, That of the total amount made available under this heading, \$75,000,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology project until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure prepared by the Secretary of Homeland Security that includes—

- (1) a detailed accounting of the program's progress to date relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, and program management capabilities;
- (2) an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;
- (3) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Department of Homeland Security actions to address the recommendations, including milestones for fully addressing such recommendations;

(4)(a) a certification by the Chief Procurement Officer of the Department that (1) the program has been reviewed and approved in accordance with the investment management process of the Department; (2) the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including as provided in Circular A-11, part 7; and (3) the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices; and (b) a description by the Chief Procurement Officer of the actions being taken to address areas of non-compliance, the risks associated with such areas as well as any plans for addressing such risks, and the status of the implementation of such actions;

(5)(a) a certification by the Chief Information Officer of the Department that (1) an independent verification and validation agent is currently under contract for the project; (2) the system architecture of the program is sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architecture that were or were not assessed in making the alignment determination, the date of the alignment determination, and any known areas of misalignment along with the associated risks and corrective actions to address any such areas; and (3) the program has a risk management process that regularly identifies, evaluates, mitigates, and monitors risks throughout the system life cycle, and communicates high-risk conditions to agency and Department investment decision makers; and (b) a listing by the Chief Information Officer of all the program's high risks and the status of efforts to address them;

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

(7) a complete schedule for the full implementation of a biometric exit program or a certification that such program is not possible within 5 years; and

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

Provided further, That no funding under this heading shall be obligated for implementation of a final air exit solution pursuant to the notice of proposed rulemaking (DHS-2008-0039) published on April 24, 2008, until the Committees on Appropriations of the Senate and the House of Representatives receive a report on pilot tests of the air exit solution, which shall be reviewed by the Government Accountability Office, and which shall test at least two scenarios: (a) where the airlines collect and transmit biometric exit data as proposed in the notice of proposed rulemaking and (b) where U.S. Customs and Border Protection collects such information at the departure gates.

OFFICE OF HEALTH AFFAIRS

For necessary expenses of the Office of Health Affairs, \$157,191,000, of which \$29,210,000 is for salaries and expenses; and of which \$127,981,000 is to remain available until September 30, 2010, for biosurveillance, BioWatch, medical readiness planning, chemical response, and other activities: *Provided*, That not to exceed \$3,000 shall be for official reception and representation expenses.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

For necessary expenses for management and administration of the Federal Emergency Management Agency, \$837,437,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295; 120 Stat. 1394): *Provided*, That not to exceed \$3,000 shall be for official reception and representation expenses: *Provided further*, That the President's budget submitted under section 1105(a) of title 31, United States Code, shall be detailed by office for the Federal Emergency Management Agency: *Provided further*, That \$10,000,000 shall not be available for obligation until the Secretary of Homeland Security, in coordination with the Administrator of the Federal Emergency Management Agency, certifies and reports to the Committees on Appropriations of the Senate and the House of Representatives that processes to incorporate stakeholder input for grant guidance development and award distribution have been: (1) developed to ensure transparency and increased consultation about security needs for all-hazards; (2) formalized and made clear to stakeholders; and (3) formalized to ensure future use for each fiscal year: *Provided further*, That of the total amount made available under this heading, \$5,000,000 shall be for the development of tools and systems to measure the achievement and effectiveness of first responder grant programs: *Provided further*, That of the total amount made available under this heading, \$32,500,000 shall be for the Urban Search and Rescue Response System, of which not to exceed \$1,600,000 may be made available for administrative costs; \$2,200,000 shall be for the Pacific Region Homeland Security Center, Honolulu, Hawaii, \$5,000,000 shall be for the State of North Carolina, and \$2,425,000 shall be for the Commonwealth of Kentucky, as detailed in the statement accompanying this Act; and \$6,342,000 shall be for the Office of National Capital Region Coordination: *Provided further*, That for purposes of planning, coordination, execution, and decision-making related to mass evacuation during a disaster, the Governors of the State of West Virginia and the Commonwealth of Pennsylvania, or their designees, shall be in-

corporated into efforts to integrate the activities of Federal, State, and local governments in the National Capital Region, as defined in section 882 of Public Law 107–296, the Homeland Security Act of 2002.

STATE AND LOCAL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other activities, \$3,105,700,000 shall be allocated as follows:

(1) \$950,000,000 shall be for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605): *Provided*, That of the amount provided by this paragraph, \$60,000,000 shall be for Operation Stonegarden: *Provided further*, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2009, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

(2) \$837,500,000 shall be for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), of which, notwithstanding subsection (c)(1) of such section, \$15,000,000 shall be for grants to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

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

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

(5) \$15,000,000 shall be for the Citizen Corps Program.

(6) \$400,000,000 shall be for Public Transportation Security Assistance and Railroad Security Assistance under sections 1406 and 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1135 and 1163), of which not less than \$25,000,000 shall be for Amtrak security: *Provided*, That there shall be no cost share requirement for funds made available under this paragraph and made available for these same purposes in Public Law 110–161: *Provided further*, That such public transportation security assistance shall be provided directly to public transportation agencies.

(7) \$400,000,000 shall be for Port Security Grants in accordance with 46 U.S.C. 70107.

(8) \$12,000,000 shall be for Over-the-Road Bus Security Assistance under section 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1182).

(9) \$8,000,000 shall be for Trucking Industry Security Grants.

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

(11) \$8,000,000 shall be for the Commercial Equipment Direct Assistance Program.

(12) \$50,000,000 shall be for the Interoperable Emergency Communications Grant Program under section 1809 of the Homeland Security Act of 2002 (6 U.S.C. 579).

(13) \$35,000,000 shall remain available until expended, for grants for Emergency Operations Centers under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c), as detailed in the statement accompanying this Act.

(14) \$264,200,000 shall be for training, exercises, technical assistance, and other programs, of which—

(A) \$164,500,000 is for purposes of training in accordance with section 1204 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1102), of which \$62,500,000 shall be for the Center for Domestic Preparedness; \$23,000,000 shall be for the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology; \$23,000,000 shall be for the National Center for Biomedical Research and Training, Louisiana State University; \$23,000,000 shall be for the National Emergency Response and Rescue Training Center, Texas A&M University; \$23,000,000 shall be for the National Exercise, Test, and Training Center, Nevada Test Site; \$5,000,000 shall be for the Transportation Technology Center, Incorporated, in Pueblo, Colorado; and \$5,000,000 shall be for the National Disaster Preparedness Training Center, University of Hawaii, Honolulu, Hawaii; and

(B) \$1,700,000 for the Center for Counterterrorism and Cyber Crime, Norwich University, Northfield, Vermont:

Provided, That not to exceed 3 percent of the amounts provided under this heading may be transferred to the Federal Emergency Management Agency “Management and Administration” account for program administration, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives within 60 days of the date of enactment of this Act: *Provided further*, That for grants under paragraphs (1) through (5), the applications for grants shall be made available to eligible applicants not later than 25 days after the date of enactment of this Act, that eligible applicants shall submit applications not later than 90 days after the grant announcement, and that the Administrator of the Federal Emergency Management Agency shall act within 90 days after receipt of an application: *Provided further*, That for grants under paragraphs (6) through (10) and (12), the applications for grants shall be made available to eligible applicants not later than 30 days after the date of enactment of this Act, that eligible applicants shall submit applications within 45 days after the grant announcement, and that the Federal Emergency Management Agency shall act not later than 60 days after receipt of an application: *Provided further*, That for grants under paragraphs (1) and (2), the installa-

tion of communications towers is not considered construction of a building or other physical facility: *Provided further*, That grantees shall provide reports on their use of funds, as determined necessary by the Secretary: *Provided further*, That (a) the Center for Domestic Preparedness may provide training to emergency response providers from the Federal Government, foreign governments, or private entities, if the Center for Domestic Preparedness is reimbursed for the cost of such training, and any reimbursement under this subsection shall be credited to the account from which the expenditure being reimbursed was made and shall be available, without fiscal year limitation, for the purposes for which amounts in the account may be expended, (b) the head of the Center for Domestic Preparedness shall ensure that any training provided under (a) does not interfere with the primary mission of the Center to train State and local emergency response providers: *Provided further*, That the Government Accountability Office shall report to the Committees on Appropriations of the Senate and the House of Representatives regarding the data, assumptions, and methodology that the Department of Homeland Security uses to assess risk and allocate grants under the Urban Area Security Initiative and State Homeland Security Grant Program not later than 45 days after the date of enactment of this Act: *Provided further*, That the report shall include an assessment of the reliability and validity of the data used, the basis for the assumptions used, how the methodology is applied to determine the risk scores for individual locations, an analysis of the usefulness of placing States and cities into tier groups, and the allocation of grants to eligible locations: *Provided further*, That the Department provide the Government Accountability Office with the actual data that the Department used for its risk assessment and grant allocation: *Provided further*, That the Department provide the Government Accountability Office with access to all data needed for its analysis and report, including specifics on all changes for the fiscal year 2009 process, including, but not limited to, all changes in data, assumptions, and weights used in methodology within 7 days after the date of enactment of this Act: *Provided further*, That any subsequent changes made regarding the risk methodology after the initial information is provided to the Government Accountability Office shall be provided within 7 days after the change is made.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), \$775,000,000, of which \$565,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and \$210,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a), to remain available until September 30, 2010: *Provided*, That not to exceed 5 percent of the amount available under this heading shall be available for program administration, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives within 60 days of the date of enactment of this Act.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), \$315,000,000: *Provided*, That total administrative costs shall not exceed 3 percent of the total amount appropriated under this heading.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2009, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: *Provided*, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further*, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2009, and remain available until expended.

UNITED STATES FIRE ADMINISTRATION

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), \$44,979,000.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$1,400,000,000, to remain available until expended: *Provided*, That the Federal Emergency Management Agency shall submit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives detailing the use of the funds for disaster readiness and support within 60 days after the date of enactment of this Act: *Provided further*, That the Federal Emergency Management Agency shall provide a quarterly report detailing obligations against the expenditure plan and a justification for any changes in spending: *Provided further*, That of the total amount provided, \$16,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters, subject to section 503 of this Act: *Provided further*, That up to \$105,600,000 may be transferred to Federal Emergency Management Agency "Management and Administration" for management and administration functions: *Provided further*, That the amount provided in the previous proviso shall not be available for transfer to "Management and Administra-

tion” until the Federal Emergency Management Agency submits an implementation plan to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That the Federal Emergency Management Agency shall submit the monthly “Disaster Relief” report, as specified in Public Law 110–161, to the Committees on Appropriations of the Senate and the House of Representatives, and include the amounts provided to each Federal agency for mission assignments: *Provided further*, That for any request for reimbursement from a Federal agency to the Department of Homeland Security to cover expenditures under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or any mission assignment orders issued by the Department for such purposes, the Secretary of Homeland Security shall take appropriate steps to ensure that each agency is periodically reminded of Department policies on—

- (1) the detailed information required in supporting documentation for reimbursements; and
- (2) the necessity for timeliness of agency billings.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For activities under section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), \$295,000 is for the cost of direct loans: *Provided*, That gross obligations for the principal amount of direct loans shall not exceed \$25,000,000: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD MAP MODERNIZATION FUND

For necessary expenses under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), \$220,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to remain available until expended: *Provided*, That total administrative costs shall not exceed 3 percent of the total amount appropriated under this heading.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), \$156,599,000, which shall be derived from offsetting collections assessed and collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)), which is available as follows: (1) not to exceed \$49,418,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and (2) no less than \$107,181,000 for flood plain management and flood mapping, which shall remain available until September 30, 2010: *Provided*, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as an offsetting collection to this account, to be available for flood plain management and flood mapping: *Provided further*, That in fiscal year 2009, no funds

shall be available from the National Flood Insurance Fund under section 1310 of that Act (42 U.S.C. 4017) in excess of: (1) \$85,000,000 for operating expenses; (2) \$869,905,000 for commissions and taxes of agents; (3) such sums as are necessary for interest on Treasury borrowings; and (4) \$125,700,000, which shall remain available until expended for flood mitigation actions, of which \$80,000,000 is for severe repetitive loss properties under section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a), of which \$10,000,000 is for repetitive insurance claims properties under section 1323 of the National Flood Insurance Act of 1968 (42 U.S.C. 4030), and of which \$35,700,000 is for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) notwithstanding subparagraphs (B) and (C) of subsection (b)(3) and subsection (f) of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) and notwithstanding subsection (a)(7) of section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017): *Provided further*, That amounts collected under section 102 of the Flood Disaster Protection Act of 1973 and section 1366(i) of the National Flood Insurance Act of 1968 shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding 42 U.S.C. 4012a(f)(8), 4104c(i), and 4104d(b)(2)-(3): *Provided further*, That total administrative costs shall not exceed 4 percent of the total appropriation.

NATIONAL PREDISASTER MITIGATION FUND

For the predisaster mitigation grant program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), \$90,000,000, to remain available until expended and as detailed in the statement accompanying this Act: *Provided*, That the total administrative costs associated with such grants shall not exceed 3 percent of the total amount made available under this heading.

EMERGENCY FOOD AND SHELTER

To carry out the emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), \$200,000,000, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading.

CERRO GRANDE FIRE CLAIMS

(RESCISSION OF FUNDS)

Of the funds made available under this heading for obligation in prior years, \$9,000,000 are rescinded.

TITLE IV

RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, \$101,740,000, of which \$100,000,000 is for the E-Verify program to assist United States employers with maintaining a legal workforce: *Provided*, That notwithstanding any other provision of law, funds available to United States Citizenship and Immigration Services may be used to acquire, operate, equip, dispose of and replace up to five vehicles, of which two are for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: *Provided further*, That the Director of United States Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles between the employees' residences and places of employment.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; \$246,530,000, of which up to \$48,611,000 shall remain available until September 30, 2010, for materials and support costs of Federal law enforcement basic training; of which \$300,000 shall remain available until expended for Federal law enforcement agencies participating in training accreditation, to be distributed as determined by the Federal Law Enforcement Training Center for the needs of participating agencies; and of which not to exceed \$12,000 shall be for official reception and representation expenses: *Provided*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That section 1202(a) of Public Law 107-206 (42 U.S.C. 3771 note), as amended by Public Law 110-161 (121 Stat. 2068), is further amended by striking "December 31, 2010" and inserting "December 31, 2011": *Provided further*, That the Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities,

and instructors: *Provided further*, That the Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training, or both, at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that such training facilities are operated at the highest capacity throughout the fiscal year.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, \$86,456,000, to remain available until expended: *Provided*, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities: *Provided further*, That \$3,000,000 is for construction of training and related facilities at Artesia, New Mexico.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), \$132,100,000: *Provided*, That not to exceed \$10,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.); \$800,487,000, to remain available until expended: *Provided*, That not less than \$27,000,000 shall be available for the Southeast Region Research Initiative at the Oak Ridge National Laboratory: *Provided further*, That not less than \$3,000,000 shall be available for Distributed Environment for Critical Infrastructure Decision-making Exercises: *Provided further*, That of the amount provided, \$25,000,000 is for construction expenses of the Pacific Northwest National Laboratory: *Provided further*, That not less than \$11,000,000 shall be available for the National Institute for Homeland Security: *Provided further*, That not less than \$2,000,000 shall be available for the Naval Postgraduate School: *Provided further*, That not less than \$2,000,000 shall be available to establish a homeland security research, development, and manufacturing pilot project: *Provided further*, That none of the funds made available under this heading shall be obligated for a follow-on program to the Analysis, Dissemination, Visualization, Insight, and Semantic Enhancement program: *Provided further*, That none of the funds available under this heading shall be obligated for construction of a National Bio and Agro-defense Facility located on the United

States mainland until the Secretary of Homeland Security completes a risk assessment of whether foot-and-mouth disease work can be done safely on the United States mainland and this assessment is reviewed by the Government Accountability Office: *Provided further*, That the Government Accountability Office shall complete its review within 6 months after the Department concludes the risk assessment.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office as authorized by title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.) for management and administration of programs and activities, \$37,500,000: *Provided*, That not to exceed \$3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, AND OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation, and operations, \$323,200,000, to remain available until expended.

SYSTEMS ACQUISITION

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, \$153,491,000, to remain available until September 30, 2011: *Provided*, That none of the funds appropriated under this heading shall be obligated for full-scale procurement of Advanced Spectroscopic Portal monitors until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a report certifying that a significant increase in operational effectiveness will be achieved: *Provided further*, That the Secretary shall submit separate and distinct certifications prior to the procurement of Advanced Spectroscopic Portal monitors for primary and secondary deployment that address the unique requirements for operational effectiveness of each type of deployment: *Provided further*, That the Secretary shall consult with the National Academy of Sciences before making such certifications: *Provided further*, That none of the funds appropriated under this heading shall be used for high-risk concurrent development and production of mutually dependent software and hardware.

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS OF FUNDS)

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

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for

such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program, project, or activity; (2) eliminates a program, project, office, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or the House of Representatives for a different purpose; or (5) contracts out any function or activity for which funding levels were requested for Federal full-time equivalents in the object classification tables contained in the fiscal year 2009 Budget Appendix for the Department of Homeland Security, as modified by the explanatory statement accompanying this Act, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury of the United States derived by the collection of fees or proceeds available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of \$5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: *Provided*, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances

that imminently threaten the safety of human life or the protection of property.

(e) Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report listing all dollar amounts specified in this Act and accompanying explanatory statement that are identified in the detailed funding table at the end of the explanatory statement accompanying this Act or any other amounts specified in this Act or accompanying explanatory statement: *Provided*, That such dollar amounts specified in this Act and accompanying explanatory statement shall be subject to the conditions and requirements of subsections (a), (b), and (c) of this section.

SEC. 504. The Department of Homeland Security Working Capital Fund, established pursuant to section 403 of Public Law 103-356 (31 U.S.C. 501 note), shall continue operations as a permanent working capital fund for fiscal year 2009: *Provided*, That none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the Working Capital Fund, except for the activities and amounts allowed in the President's fiscal year 2009 budget: *Provided further*, That funds provided to the Working Capital Fund shall be available for obligation until expended to carry out the purposes of the Working Capital Fund: *Provided further*, That all departmental components shall be charged only for direct usage of each Working Capital Fund service: *Provided further*, That funds provided to the Working Capital Fund shall be used only for purposes consistent with the contributing component: *Provided further*, That such fund shall be paid in advance or reimbursed at rates which will return the full cost of each service: *Provided further*, That the Working Capital Fund shall be subject to the requirements of section 503 of this Act.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2009 from appropriations for salaries and expenses for fiscal year 2009 in this Act shall remain available through September 30, 2010, in the account and for the purposes for which the appropriations were provided: *Provided*, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2009 until the enactment of an Act authorizing intelligence activities for fiscal year 2009.

SEC. 507. None of the funds made available by this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, or to issue a letter of intent totaling in excess of \$1,000,000, or to announce publicly the intention to make such an award, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of mak-

ing such an award or issuing such a letter: *Provided*, That if the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification and the Committees on Appropriations of the Senate and the House of Representatives shall be notified not later than 5 full business days after such an award is made or letter issued: *Provided further*, That no notification shall involve funds that are not available for obligation: *Provided further*, That the notification shall include the amount of the award, the fiscal year in which the funds for the award were appropriated, and the account from which the funds are being drawn: *Provided further*, That the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days in advance of announcing publicly the intention of making an award under the State Homeland Security Grant Program; Urban Area Security Initiative; and the Regional Catastrophic Preparedness Grant Program.

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. Sections 519, 520, 522, 528, 530, and 531 of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110–161; 121 Stat. 2072, 2073, 2074, 2082) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

SEC. 511. None of the funds in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 512. (a) None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Secure Flight program or any other follow-on or successor passenger prescreening program, until the Secretary of Homeland Security certifies, and the Government Accountability Office reports, to the Committees on Appropriations of the Senate and the House of Representatives, that all ten of the conditions contained in paragraphs (1) through (10) of section 522(a) of Public Law 108–334 (118 Stat. 1319) have been successfully met.

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

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

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

(e) None of the funds provided in this or previous appropriations Acts may be utilized to develop or test algorithms assigning risk to passengers whose names are not on Government watch lists.

(f) None of the funds provided in this or any other Act may be used for data or a database that is obtained from or remains under the control of a non-Federal entity: *Provided*, That this restriction shall not apply to Passenger Name Record data obtained from air carriers.

SEC. 513. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 514. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A-76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 515. (a) The Secretary of Homeland Security shall research, develop, and procure new technologies to inspect and screen air cargo carried on passenger aircraft by the earliest date possible.

(b) Existing checked baggage explosive detection equipment and screeners shall be utilized to screen air cargo carried on passenger aircraft to the greatest extent practicable at each airport until technologies developed under subsection (a) are available.

(c) The Assistant Secretary of Homeland Security (Transportation Security Administration) shall work with air carriers and airports to ensure that the screening of cargo carried on passenger aircraft, as defined in section 44901(g)(5) of title 49, United States Code, increases incrementally each quarter.

(d) Not later than 45 days after the end of each quarter, the Assistant Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on air cargo inspection statistics by airport and air carrier detailing the

incremental progress being made to meet the requirements of section 44901(g)(2) of title 49, United States Code.

SEC. 516. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration “Aviation Security”, “Administration” and “Transportation Security Support” for fiscal years 2004, 2005, 2006, and 2007 that are recovered or deobligated shall be available only for the procurement or installation of explosives detection systems, for air cargo, baggage, and checkpoint screening systems, subject to notification: *Provided*, That quarterly reports shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives on any funds that are recovered or deobligated.

SEC. 517. Any funds appropriated to United States Coast Guard, “Acquisition, Construction, and Improvements” for fiscal years 2002, 2003, 2004, 2005, and 2006 for the 110–123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation, shall be available until expended for the Replacement Patrol Boat (FRC–B) program.

SEC. 518. (a)(1) Except as provided in paragraph (2), none of the funds provided in this or any other Act shall be available to commence or continue operations of the National Applications Office until—

(A) the Secretary certifies in fiscal year 2009 that: (i) National Applications Office programs comply with all existing laws, including all applicable privacy and civil liberties standards; and, (ii) that clear definitions of all proposed domains are established and are auditable;

(B) the Comptroller General of the United States notifies the Committees on Appropriations of the Senate and the House of Representatives and the Secretary that the Comptroller has reviewed such certification; and

(C) the Secretary notifies the Committees of all funds to be expended on the National Applications Office pursuant to section 503 of this Act.

(2) Paragraph (1) shall not apply with respect to any use of funds for activities substantially similar to such activities conducted by the Department of the Interior as set forth in the 1975 charter for the Civil Applications Committee under the provisions of law codified at section 31 of title 43, United States Code.

(b) The Inspector General shall provide to the Committees on Appropriations of the Senate and the House of Representatives, starting six months after the date of enactment of this Act, and quarterly thereafter, a classified report containing a review of the data collected by the National Applications Office, including a description of the collection purposes and the legal authority under which the collection activities were authorized: *Provided*, That the report shall also include a listing of all data collection activities carried out on behalf of the National Applications Office by any component of the National Guard.

(c) None of the funds provided in this or any other Act shall be available to commence operations of the National Immigration Information Sharing Operation until the Secretary certifies that such program complies with all existing laws, including all applicable privacy and civil liberties standards, the Comptroller General of

the United States notifies the Committees on Appropriations of the Senate and the House of Representatives and the Secretary that the Comptroller has reviewed such certification, and the Secretary notifies the Committees on Appropriations of the Senate and the House of Representatives of all funds to be expended on the National Immigration Information Sharing Operation pursuant to section 503.

SEC. 519. Within 45 days after the close of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report that includes total obligations, on-board versus funded full-time equivalent staffing levels, and the number of contract employees by office.

SEC. 520. Section 532(a) of Public Law 109–295 (120 Stat. 1384) is amended by striking “2008” and inserting “2009”.

SEC. 521. The functions of the Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 522. (a) None of the funds provided by this or any other Act may be obligated for the development, testing, deployment, or operation of any portion of a human resources management system authorized by 5 U.S.C. 9701(a), or by regulations prescribed pursuant to such section, for an employee as defined in 5 U.S.C. 7103(a)(2).

(b) The Secretary of Homeland Security shall collaborate with employee representatives in the manner prescribed in 5 U.S.C. 9701(e), in the planning, testing, and development of any portion of a human resources management system that is developed, tested, or deployed for persons excluded from the definition of employee as that term is defined in 5 U.S.C. 7103(a)(2).

SEC. 523. In fiscal year 2009, none of the funds made available in this or any other Act may be used to enforce section 4025(1) of Public Law 108–458 unless the Assistant Secretary of Homeland Security (Transportation Security Administration) reverses the determination of July 19, 2007, that butane lighters are not a significant threat to civil aviation security.

SEC. 524. Funds made available in this Act may be used to alter operations within the Civil Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any Civil Engineering Unit unless specifically authorized by a statute enacted after the date of the enactment of this Act.

SEC. 525. (a) Except as provided in subsection (b), none of the funds appropriated in this or any other Act to the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, or the Office of the Chief Financial Officer, may be obligated for a grant or contract funded under such headings by a means other than full and open competition.

(b) Subsection (a) does not apply to obligation of funds for a contract awarded—

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

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

(3) in an amount less than the simplified acquisition threshold described under section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)); or

(4) by another Federal agency using funds provided through an interagency agreement.

(c)(1) Subject to paragraph (2), the Secretary of Homeland Security may waive the application of this section for the award of a contract in the interest of national security or if failure to do so would pose a substantial risk to human health or welfare.

(2) Not later than 5 days after the date on which the Secretary of Homeland Security issues a waiver under this subsection, the Secretary shall submit notification of that waiver to the Committees on Appropriations of the Senate and the House of Representatives, including a description of the applicable contract and an explanation of why the waiver authority was used. The Secretary may not delegate the authority to grant such a waiver.

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

SEC. 526. None of the funds provided by this or previous appropriations Acts shall be used to fund any position designated as a Principal Federal Official for any Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) declared disasters or emergencies.

SEC. 527. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant an immigration benefit unless the results of background checks required by law to be completed prior to the granting of the benefit have been received by United States Citizenship and Immigration Services, and the results do not preclude the granting of the benefit.

SEC. 528. None of the funds made available in this Act may be used to destroy or put out to pasture any horse or other equine belonging to the Federal Government that has become unfit for serv-

ice, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.

SEC. 529. None of the funds provided in this Act shall be available to carry out section 872 of Public Law 107–296.

SEC. 530. None of the funds provided in this Act under the heading “Office of the Chief Information Officer” shall be used for data center development other than for the National Center for Critical Information Processing and Storage until the Chief Information Officer certifies that the National Center for Critical Information Processing and Storage is fully utilized as the Department’s primary data storage center at the highest capacity throughout the fiscal year.

SEC. 531. None of the funds in this Act shall be used to reduce the United States Coast Guard’s Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 532. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A–76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 533. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SEC. 534. None of the funds made available to the Office of the Secretary and Executive Management under this Act may be expended for any new hires by the Department of Homeland Security that are not verified through the basic pilot program under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 535. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: *Provided further*, That the prescription drug may not be—

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

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

SEC. 536. None of the funds made available in this Act may be used by the Secretary of Homeland Security or any delegate of the Secretary to issue any rule or regulation which implements the Notice of Proposed Rulemaking related to Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H–2B) set out beginning on 70 Fed. Reg. 3984 (January 27, 2005).

SEC. 537. Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a), by striking “Until September 30, 2008,” and inserting “Until September 30, 2009 and subject to subsection (d),”;

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

“(d) ADDITIONAL REQUIREMENTS.—

“(1) IN GENERAL.—The authority of the Secretary under this section shall terminate September 30, 2009, unless before that date the Secretary—

“(A) issues policy guidance detailing the appropriate use of that authority; and

“(B) provides training to each employee that is authorized to exercise that authority.

“(2) REPORT.—The Secretary shall provide an annual report to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives detailing the projects for which the authority granted by subsection (a) was used, the rationale for its use, the funds spent using that authority, the outcome of each project for which that authority was used, and the results of any audits of such projects.”.

SEC. 538. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 539. (a) Notwithstanding any other provision of this Act, except as provided in subsection (b), and 30 days after the date that the President determines whether to declare a major disaster because of an event and any appeal is completed, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, the Committees on Appropriations of the Senate and the House of Representatives, and publish on the website of the Federal Emergency Management Agency, a report regarding that decision, which shall summarize damage assessment information used to determine whether to declare a major disaster.

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

(c) In this section—

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

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

SEC. 540. Notwithstanding any other provision of law, should the Secretary of Homeland Security determine that the National Bio and Agro-defense Facility be located at a site other than Plum Island, New York, the Secretary shall liquidate the Plum Island asset by directing the Administrator of General Services to sell through public sale all real and related personal property and

transportation assets which support Plum Island operations, subject to such terms and conditions as necessary to protect government interests and meet program requirements: *Provided*, That the gross proceeds of such sale shall be deposited as offsetting collections into the Department of Homeland Security Science and Technology “Research, Development, Acquisition, and Operations” account and, subject to appropriation, shall be available until expended, for site acquisition, construction, and costs related to the construction of the National Bio and Agro-defense Facility, including the costs associated with the sale, including due diligence requirements, necessary environmental remediation at Plum Island, and reimbursement of expenses incurred by the General Services Administration which shall not exceed 1 percent of the sale price: *Provided further*, That after the completion of construction and environmental remediation, the unexpended balances of funds appropriated for costs in the preceding proviso shall be available for transfer to the appropriate account for design and construction of a consolidated Department of Homeland Security Headquarters project, excluding daily operations and maintenance costs, notwithstanding section 503 of this Act, and the Committees on Appropriations of the Senate and the House of Representatives shall be notified 15 days prior to such transfer.

SEC. 541. Any official that is required by this Act to report or certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 542. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under 31 U.S.C. 9703.2(g)(4)(B) from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security: *Provided*, That none of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives approve the proposed transfers.

SEC. 543. Section 520 of Public Law 108–90 (6 U.S.C. 469) is amended—

(1) by inserting “(a) FEES.—” before “For fiscal year 2004 and thereafter”; and

(2) by adding at the end the following:

“(b) RECURRENT TRAINING OF ALIENS IN OPERATION OF AIRCRAFT.—

“(1) PROCESS FOR REVIEWING THREAT ASSESSMENTS.—Notwithstanding section 44939(e) of title 49, United States Code, the Secretary shall establish a process to ensure that an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)) applying for recurrent training in the operation of any aircraft is properly identified and has not, since the time of any prior threat assessment conducted pursuant to section 44939(a) of such title, become a risk to aviation or national security.

“(2) INTERRUPTION OF TRAINING.—If the Secretary determines, in carrying out the process established under paragraph (1), that an alien is a present risk to aviation or national secu-

rity, the Secretary shall immediately notify the person providing the training of the determination and that person shall not provide the training or if such training has commenced that person shall immediately terminate the training.

“(3) FEES.—The Secretary may charge reasonable fees under subsection (a) for providing credentialing and background investigations for aliens in connection with the process for recurrent training established under paragraph (1). Such fees shall be promulgated by notice in the Federal Register.”.

SEC. 544. (a) Not later than six months from the date of enactment of this Act, the Secretary of Homeland Security shall consult with the Secretaries of Defense and Transportation and develop a concept of operations for unmanned aerial systems in the United States national airspace system for the purposes of border and maritime security operations.

(b) The Secretary of Homeland Security shall report to the Committees on Appropriations of the Senate and the House of Representatives not later than 30 days after the date of enactment of this Act on any foreseeable challenges to complying with subsection (a).

SEC. 545. If the Assistant Secretary of Homeland Security (Transportation Security Administration) determines that an airport does not need to participate in the basic pilot program, the Assistant Secretary shall certify to the Committees on Appropriations of the Senate and the House of Representatives that no security risks will result by such non-participation.

SEC. 546. Notwithstanding any other provision of law, and not later than 30 days after the date of submission of a request for a single payment, the President shall provide a single payment for any eligible costs under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) for any police station, fire station, or criminal justice facility that was damaged by Hurricane Katrina of 2005 or Hurricane Rita of 2005: *Provided*, That the President shall not reduce the amount of assistance provided under section 406(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(c)(1)) for such facilities: *Provided further*, That nothing in the previous proviso may be construed to alter the appeal or review process relating to assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172): *Provided further*, That the President shall not reduce the amount of assistance provided to a local government under section 406(d) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(d)) more than once for each such type of facility for which that local government is receiving assistance under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act relating to Hurricane Katrina of 2005 or Hurricane Rita of 2005.

SEC. 547. For grants to States pursuant to section 204(a) of the REAL ID Act of 2005 (division B of Public Law 109–13), \$50,000,000, to remain available until expended. In addition, for developing an information sharing and verification capability with States to support implementation of the REAL ID Act, \$50,000,000, to remain available until expended: *Provided*, That none of the

funds provided in this section for development of the information sharing and verification system shall be available to create any new system of records from the data accessible by such information technology system, or to create any means of access by Federal agencies to such information technology system other than to fulfill responsibilities pursuant to the REAL ID Act of 2005.

SEC. 548. Notwithstanding any other provision of law, the Federal Emergency Management Agency shall reimburse Jones County and Harrison County in the State of Mississippi under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) for unreimbursed costs relating to the removal of debris that were incurred by such counties as a result of Hurricane Katrina in 2005.

SEC. 549. From the unobligated balances of prior year appropriations made available for Transportation Security Administration, \$31,000,000 are rescinded: *Provided*, That the Transportation Security Administration shall not rescind any unobligated balances from the following programs: screener partnership program; explosives detection systems; checkpoint support; aviation regulation and other enforcement; air cargo; and air cargo research and development.

SEC. 550. From the unobligated balances of prior year appropriations made available for “Analysis and Operations”, \$21,373,000 are rescinded.

SEC. 551. From unobligated balances of prior year appropriations made available for Coast Guard “Acquisition, Construction, and Improvements”, \$20,000,000 are rescinded: *Provided*, That no funds shall be rescinded from prior year appropriations provided for the National Security Cutter or the Maritime Patrol Aircraft: *Provided further*, That the Coast Guard shall submit notification in accordance with section 503 of this Act listing projects for which funding will be rescinded.

SEC. 552. For fiscal year 2008, funds made available for Federal Emergency Management Agency “National Predisaster Mitigation Fund” shall be provided as detailed in the explanatory statement accompanying Public Law 110–161.

SEC. 553. Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) is amended by striking “September 30, 2008” and inserting “September 30, 2009”.

This division may be cited as the “Department of Homeland Security Appropriations Act, 2009”.

[CLERK'S NOTE: Reproduced below is the material relating to division D contained in the "Explanatory Statement Submitted by Mr. Obey, Chairman of the House Committee on Appropriations, Regarding the Amendment of the House of Representatives to the Senate Amendment to H.R. 2638".¹

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

Section 4 of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act provides that this Explanatory Statement "shall have the same effect with respect to the allocation of funds and implementation of this Act as if it were a joint explanatory statement of a committee of conference".]

EXPLANATORY STATEMENT, DIVISION D

DIVISION D—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2009

The following is an explanation of the effects of Division D, which makes appropriations for the Department of Homeland Security for fiscal year 2009. As provided in section 4 of the consolidated bill, this explanatory statement shall have the same effect with respect to the allocation of funds and implementation of this division as if it were a joint explanatory statement of a committee of conference. The language and allocations contained in House Report 110–862 and Senate Report 110–396 should be complied with unless specifically addressed to the contrary in the bill or this explanatory statement. When this explanatory statement refers to the Committees or the Committees on Appropriations, unless otherwise noted, this reference is to the House Subcommittee on Homeland Security and the Senate Subcommittee on Homeland Security.

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

In cases where the House or Senate report directs the submission of a report, a briefing shall be provided by January 30, 2009, in lieu thereof unless this statement directs otherwise. If this statement directs the submission of a report, such report shall be pro-

¹This Explanatory Statement was submitted for printing in the *Congressional Record* on September 24, 2008, prior to House consideration of the amendment and as directed by the House of Representatives in section 3 of H. Res. 1488. The Statement appears in Book II of the September 24 *Congressional Record*, with the division D portion beginning on page H9792.

vided to the Committees on Appropriations by April 6, 2009, unless otherwise directed.

Last, this explanatory statement refers to the following laws and organizations as follows: Implementing Recommendations of the 9/11 Commission Act of 2007, Public Law 110–53, is referenced as the 9/11 Act; Security And Accountability For Every Port Act of 2006, Public Law 109–347, is referenced as the SAFE Port Act; the Intelligence Reform and Terrorism Prevention Act of 2004, Public Law 108–458, is referenced as the Intelligence Reform Act; the Department of Homeland Security is referenced as DHS; the Government Accountability Office is referenced as GAO; and the Office of Inspector General of the Department of Homeland Security is referenced as OIG.

CLASSIFIED PROGRAMS

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

TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

The bill provides \$123,456,000 for the Office of the Secretary and Executive Management. Reductions are made to the budget request due to a large number of vacancies and unobligated balances within certain offices. Funding shall be allocated as follows:

Immediate Office of the Secretary	\$3,140,000
Immediate Office of the Deputy Secretary	1,400,000
Chief of Staff	2,693,000
Office of Counternarcotics Enforcement	3,718,000
Executive Secretary	7,448,000
Office of Policy	43,263,000
Office of Public Affairs	5,991,000
Office of Legislative and Intergovernmental Affairs	4,997,000
Office of General Counsel	20,114,000
Office of Civil Rights and Civil Liberties	17,417,000
Citizenship and Immigration Services Ombudsman	6,471,000
Privacy Officer	6,804,000
Total	123,456,000

OFFICE OF COUNTERNARCOTICS ENFORCEMENT

The bill provides \$3,718,000 for the Office of Counternarcotics Enforcement. The Office of Counternarcotics Enforcement is directed to submit a report to the Committees as outlined in the Senate report. The Office is expected to discontinue its practice of relying on contractors to meet its congressional reporting requirements.

OFFICE OF POLICY

The bill provides \$43,263,000 for the Office of Policy. Within this amount, \$500,000 has been provided above the budget request to review visa waiver requests to ensure they meet statutory and security criteria. The Office of Policy is directed to submit an expenditure plan to the Committees within 60 days from the date of enactment of this Act as detailed in the Senate report.

As discussed in the House report, the Office of Policy shall brief the Committees on the status of implementing a plan to coordinate

all DHS screening and credentialing activities to create a consistent, security risk-based framework; eliminate redundant activities; more effectively use information provided; and improve the experience for individuals applying for these credentials.

The Office of Policy is directed to provide quarterly briefings to the Committees on the status of the Western Hemisphere Travel Initiative beginning not later than 30 days after the date of enactment of this Act, as outlined in the Senate report.

OFFICE OF PUBLIC AFFAIRS

The bill provides \$5,991,000 for the Office of Public Affairs and transfers funding for the Ready campaign to the Federal Emergency Management Agency (FEMA). FEMA is better positioned to educate the public on how to prepare for and respond to potential emergencies.

OFFICE OF GENERAL COUNSEL

The bill provides \$20,114,000 for the Office of General Counsel. Consistent with fiscal year 2008 language, the Office of General Counsel is urged to consider whether it would be more productive to transfer to specific DHS components the legal staff responsible for the ongoing work of those components, while maintaining the affiliation of these staff with the Office of General Counsel. This mechanism may expedite necessary legal reviews because legal staff will specialize in certain areas.

ENERGY SHORTFALLS

While the bill fully funds the Department's budget requests for energy costs, fuel prices have skyrocketed since those requests were submitted. For example, the Coast Guard and U.S. Customs and Border Protection currently estimate additional fiscal year 2009 fuel costs of approximately \$90,000,000 and \$40,000,000 above the budget requests, respectively. Department-wide, the current estimate for an increase in energy costs is estimated at almost \$140,000,000. However, despite full acknowledgment of these shortfalls, the President has failed to submit any formal amendment to the fiscal year 2009 budget request. Consequently, DHS will be forced to find savings within its base appropriations to cover these costs, with potentially severe consequences for other ongoing activities. The failure to address such known shortfalls in operational needs in the context of an official budget request is an abdication of the President's budgetary responsibilities. The Secretary is directed to submit a plan by December 1, 2008, that includes estimates of the energy costs for all DHS component agencies in fiscal year 2009 and identifies how these shortfalls will be addressed.

DHS-GAO RELATIONS

The Department's July 2008 guidance on interactions with the GAO does not "significantly streamline" the review process for document and interview requests as required by Public Law 110-161. The DHS guidance limits GAO's direct access to program officials and requested documentation and instead provides for centralized control and review by DHS liaisons and attorneys. The Department

shall submit to the Committees and GAO, on a quarterly basis, a report itemizing all instances where DHS did not provide information to GAO within 20 days or did not arrange for interviews within seven days, including the reasons for not meeting these timeframes. With respect to such quarterly reports, GAO shall provide the Committees its assessment of the validity of the DHS data and analysis. The Department shall provide these reports within 15 days of the end of each quarter, and GAO shall review the reports within 30 days of receiving them. The bill withholds \$15,000,000 from obligation until the Secretary submits the second quarterly report.

DISTRIBUTION OF GRANT AWARDS

The bill withholds \$10,000,000 from obligation until the Secretary of Homeland Security, in coordination with the Administrator of FEMA, certifies and reports to the Committees that certain conditions regarding the process to incorporate stakeholder input for grant guidance development and award distribution have been met. DHS and FEMA are expected to ensure that these grants are made in a timely fashion so that known risks can be addressed expeditiously.

GREENHOUSE GAS EMISSIONS

By September 30, 2009, the Secretary shall provide to Congress a detailed inventory of DHS's greenhouse gas emissions and a plan to reduce these emissions.

BUDGET JUSTIFICATIONS

The congressional budget justifications for the Office of the Secretary and Executive Management for fiscal year 2010 shall include the same level of detail as the table contained at the end of this statement. All funding and staffing changes for each office must be highlighted and explained and this detail shall include separate discussions for personnel, compensation and benefits; travel; training; and other services. The number of permanent positions and full-time equivalents (FTE) identified in the congressional budget justification should tie to available and requested resources. Finally, all proposals to move programs and funding from one office to another should be clearly outlined in the congressional budget justification.

WORKING CAPITAL FUND

DHS shall provide a separate fiscal year 2010 budget justification for the Department's working capital fund (WCF) that includes each activity, basis for pricing, FTEs, and an explanation of how DHS is allocating funds in fiscal years 2009 and 2010 to each component. Bill language providing new authority and requirements for the WCF is detailed in Title V of this explanatory statement. All cross-cutting initiatives shall be included within the WCF, unless the omission can be fully justified and explained.

The fiscal year 2008 WCF charges were altered nine months into the fiscal year, causing component agencies to delay expenditures or reprogram funds to cover these unanticipated charges. DHS

must notify the Committees more promptly of any additions, deletions, or changes that are made to the WCF during the fiscal year that are subject to section 503 of this Act. DHS should not fund any activities within the WCF that have been disapproved previously.

DHS is in the process of studying the authority, structure, governance, organization, business practices, and management of the WCF. DHS shall provide the Committees with a copy of this study when it is complete and shall address any recommendations regarding cost allocation and billing consistency as part of the fiscal year 2010 budget request.

QUARTERLY DETAILEE REPORTS

DHS shall continue to provide quarterly detailee reports, as required in the Senate report.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

The bill provides \$191,793,000 for the Office of the Under Secretary for Management. Funding shall be allocated as follows:

Under Secretary for Management	\$2,654,000
Office of Security	60,882,000
Office of the Chief Procurement Officer	39,003,000
Office of the Chief Human Capital Officer	28,827,000
Human Resources	10,000,000
Office of the Chief Administrative Officer	44,427,000
Nebraska Avenue Complex Facilities	6,000,000
Total	191,793,000

OFFICE OF THE CHIEF PROCUREMENT OFFICER

The bill provides \$39,003,000 for the Office of the Chief Procurement Officer (OCPO). In the past, funding has been repeatedly increased to hire additional procurement specialists, yet the Office has been slow in filling these positions. As a result, the Committees are dissatisfied with the amount of time it takes the Office of Procurement Operations to review and approve contracts for component agencies and act on procurement recommendations. For fiscal year 2009, DHS shall conduct a two year pilot with the Science and Technology (S&T) Directorate to determine whether assigning more procurement responsibility to S&T will result in more efficient procurements. Under the pilot, S&T will hire its own contracting officers responsible for making procurement recommendations and meeting performance metrics, while the DHS Office of the Chief Procurement Officer will conduct appropriate reviews to ensure that procurement actions are aligned with DHS policies and procedures. The OCPO, in conjunction with S&T, shall brief the Committees on the implementation plan for this pilot within 30 days after the date of enactment of this Act; on the progress of the pilot within six months of enactment; and on the results of the pilot after its completion.

As discussed in the House report, OCPO should identify more opportunities for minority and small business enterprises.

DHS appears to be overly reliant on contractors, as discussed in the Senate report. DHS should consider replacing contractors with full-time government employees and brief the Committees on the

directives included in the Senate report no later than March 30, 2009.

Due to the Coast Guard's failure to adequately oversee the Deepwater program, the Secretary shall rescind the delegation of acquisition authority provided to the Coast Guard for Deepwater in order to keep oversight within the OCPO, as recommended by GAO.

INVESTMENT REVIEW PROCESS

The Department's Investment Review Board (IRB), established to ensure centralized, robust oversight across large-scale investments, is not performing satisfactorily. It is unclear which investments the IRB will review, how it intends to oversee decisions on large procurements, how its decisions will be monitored, and how necessary follow-up action will be taken. The IRB may only be able to focus on a limited number of critical procurements while DHS attempts to get the investment review process on-track. With this in mind, the Deputy Secretary shall ensure that the IRB reviews and oversees the top 15 DHS investments, measured either by total cost, criticality of the item or service being procured, and/or other means determined by DHS. Within 45 days after the date of enactment of this Act, the Deputy Secretary shall identify and submit to the Committees a list of the investments to be reviewed and a description of the formal investment review processes the IRB will follow.

OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER

The bill provides \$38,827,000 for the Office of the Chief Human Capital Officer. Within the total appropriated is \$10,000,000 for human resources and \$2,500,000 for new learning initiatives. Funding has been reduced due to high unobligated balances in this office. Due to numerous delays in the hiring process administered by this Office, the Chief Human Capital Officer shall provide monthly reports on the amount of time it takes to fill vacancies within DHS, as outlined in the House report.

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

The bill provides \$50,427,000 for the Office of the Chief Administrative Officer (CAO). Of this total, \$44,427,000 is for the salaries and expenses of the CAO and \$6,000,000 is for facilities costs at the Nebraska Avenue Complex (NAC). This funding level supports 11 additional FTEs to manage the consolidation of DHS components on the St. Elizabeths west campus. Funding for the first phase of the proposed consolidation of DHS headquarters at the St. Elizabeths campus is included within the Coast Guard's "Acquisition, Construction, and Improvements" appropriation.

Since a significant portion of departmental offices are scheduled to move to St. Elizabeths by 2016, with the first moves beginning in 2013, the CAO shall minimize investments and improvements made at the NAC that would need to be replicated at the new headquarters. The CAO is directed to provide semiannual briefings on anticipated spending at the NAC, the first of which shall occur 60 days after the date of enactment of this Act.

OFFICE OF THE CHIEF FINANCIAL OFFICER

The bill provides \$55,235,000 for the Office of the Chief Financial Officer (CFO). The bill fully funds the CFO's staffing request. Of this total, \$18,189,000 has been provided to the Transformation and Systems Consolidation project, a slight reduction from the requested amount due to delays in this project. The CFO shall brief the Committees on its progress to establish a more reliable acquisition timeline for this consolidation effort. Furthermore, the CFO shall comply with recommendations made by the DHS Inspector General in OIG 08-47, which are intended to improve DHS's strategy to consolidate its financial systems.

ANNUAL APPROPRIATIONS JUSTIFICATIONS

The CFO is directed to submit all of its fiscal year 2010 budget justifications (classified and unclassified) with detailed information by appropriation account and program, project, and activity (PPA) for all components of DHS. The CFO must ensure that the annual appropriations justifications include: (1) explicit information on all reimbursable agreements and uses of the Economy Act; (2) adequate justification for each increase, decrease, and staffing change; (3) a listing of overdue Committee reports; and (4) 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. Finally, the CFO shall not permit any DHS component to alter the PPAs in the fiscal year 2010 budget submission into any account structure other than that contained in the funding recommendation table.

OFFICE OF THE CHIEF INFORMATION OFFICER

The bill includes \$272,169,000 for the Office of the Chief Information Officer (CIO). Funding shall be allocated as follows:

Salaries and Expenses	\$86,928,000
Information Technology Activities	44,945,000
Security Activities	92,623,000
Homeland Secure Data Network	47,673,000
Total, Chief Information Officer	272,169,000

INFORMATION TECHNOLOGY ACTIVITIES

The bill provides \$44,945,000 for Information Technology Activities, \$2,500,000 more than requested. Additional funds shall be used for the CIO's highest priority Enterprise Architecture (EA) projects, including information technology reviews, and to strengthen oversight and Departmental compliance with EA policy. The CIO is directed to ensure that all staff conducting EA oversight are Federal employees.

SECURITY ACTIVITIES

The bill provides \$92,623,000 for Security Activities, \$22,300,000 more than the amount requested. This increased funding is provided to support costs of transition to the National Center for Critical Information Processing and Storage.

CIO-LED INFORMATION TECHNOLOGY ACQUISITIONS

The Committee continues an existing requirement that the CIO report on all information technology acquisitions financed directly or managed by the CIO.

FEDERAL INFORMATION SECURITY AND MANAGEMENT ACT

DHS has made progress improving its performance on the Federal Information Security and Management Act scorecard, but must do more to improve its information security. The CIO is directed to brief the Committees no later than April 6, 2009, on the details of its information security priorities and initiatives, as discussed in the Senate report.

ANALYSIS AND OPERATIONS

The bill includes \$327,373,000 for Analysis and Operations. As requested by the Department, the Committee has transferred funding between appropriations for Analysis and Operations and the Office of the Secretary and Executive Management, to reflect the reassignment of the Secretary's briefing staff and counter-terrorism planning staff.

DHS INTELLIGENCE EXPENDITURE PLAN

As detailed in the Senate report, no later than 60 days after the date of enactment of this Act, the Secretary shall submit a fiscal year 2009 expenditure plan for the Office of Intelligence and Analysis, including balances carried forward from prior years.

STATE AND LOCAL FUSION CENTERS

The Department's Chief Intelligence Officer is directed to continue quarterly updates to the Committees that detail progress in placing DHS intelligence professionals in State and local fusion centers, as discussed in the Senate report.

CLASSIFIED PROGRAMS

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

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST
REBUILDING

The bill provides \$1,900,000 for the Office of the Federal Coordinator for Gulf Coast Rebuilding (OFCGCR). OFCGCR is expected to remain open until at least the end of fiscal year 2009. Of the amount provided, \$50,000 is for OFCGCR to organize a panel of housing experts, disaster response experts, and urban planning experts to develop a framework for developing and sustaining affordable rental housing in affected Gulf Coast Communities. These experts shall be chosen as detailed in the House report. OFCGCR is to report to the Committees on the recommendations of this panel, and to submit a strategy and timeline for implementing the most promising recommendations, by December 30, 2008.

OFFICE OF INSPECTOR GENERAL

The bill provides \$98,513,000 for the Office of Inspector General (OIG). In addition to this direct appropriation, \$16,000,000 may be transferred from the Disaster Relief Fund (DRF) to the OIG to continue and expand audits and investigations related to disasters. The OIG is required to notify the Committees no less than 15 days prior to all transfers from the DRF.

AUDIT REPORTS

The OIG is directed to forward copies of all audit reports to the Committees when they are issued and to immediately make the Committees aware of any review that recommends cancellation of, or modification to, any major acquisition project or grant, or that recommends significant budgetary savings. The OIG is directed to withhold any final audit or investigation report requested by the Committees from public distribution for a period of 15 days.

OIG WEBSITE

The Secretary of the Department of Homeland Security is directed to update and maintain the DHS OIG website link as established on the DHS website.

TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

The bill includes \$7,603,206,000 for U.S. Customs and Border Protection (CBP) Salaries and Expenses. Of this amount, \$1,269,158,000 is for Headquarters, Management, and Administration, including an additional \$500,000 for three new positions for conduct and integrity oversight, and an additional \$2,007,000 associated with 58 new positions for trade programs, as specified in the Senate report. Within the total appropriation, \$2,561,099,000 is for Border Security Inspections and Trade Facilitation, including: an additional \$200,000,000 to fund CBP Officer law enforcement retirement costs, as identified by CBP; \$62,800,000, as requested, to support US-VISIT operations and equipment managed by CBP; an additional \$10,000,000 to enhance and expand the Global Entry system; an additional \$8,750,000 for 173 new CBP Officer positions at air ports of entry for the final two months of the fiscal year; an additional \$28,282,000 for 561 new CBP Officer positions for land ports of entry for the final two months of the fiscal year; an additional \$5,100,000 for 100 new Agricultural Specialist positions for the final two months of the fiscal year; an additional \$2,553,000 for 58 new positions for trade programs, as specified in the Senate report; an additional \$4,500,000 for a Joint Information and Intelligence Fusion Center in Bellingham, Washington, of which not more than \$2,000,000 shall be available until September 30, 2010, and of which up to \$500,000 may be used for security training and exercises in preparation for the 2010 Winter Olympics. The bill does not require use of prior year unobligated balances of Salaries

and Expenses appropriations to fund fiscal year 2009 Inspections, Trade, and Travel Facilitation at Ports of Entry, notwithstanding direction in the House report.

Within this appropriation, \$145,944,000 is for inspection and detection technology investments, reflecting an additional \$30,000,000 for the acquisition of new or replacement large-scale non-intrusive inspection technology and a reduction of \$3,200,000 due to delayed radiation monitor deployments. A total of \$3,501,270,000 is included in this appropriation for Border Security and Control Between Ports of Entry, including an additional \$1,950,000 for the transfer of up to 75 Border Patrol agents to the Northern border, and a reduction of \$16,000,000 from the request due to expected delays in hiring mission support staff. Finally, \$271,679,000 in this appropriation is for Air and Marine Personnel Compensation and Benefits, including an additional \$17,400,000 for 115 positions to staff fully 11 new Marine Enforcement Units.

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

Headquarters, Management, and Administration:	
Management and Administration, Border Security Inspections and Trade Facilitation	\$646,608,000
Management and Administration, Border Security and Control between Ports of Entry	622,550,000
Subtotal, Headquarters, Management, and Administration	1,269,158,000
Border Security Inspections and Trade Facilitation:	
Inspections, Trade, and Travel Facilitation at Ports of Entry	2,093,988,000
Harbor Maintenance Fee Collection (Trust Fund)	3,154,000
Container Security Initiative	149,450,000
Other International Programs	10,984,000
Customs-Trade Partnership Against Terrorism	64,496,000
Free and Secure Trade (FAST)/NEXUS/SENTRI	11,274,000
Inspection and Detection Technology Investments	145,944,000
Automated Targeting Systems	32,550,000
National Targeting Center	24,481,000
Training	24,778,000
Subtotal, Border Security Inspections and Trade Facilitation	2,561,099,000
Border Security and Control between Ports of Entry:	
Border Security and Control	3,426,455,000
Training	74,815,000
Subtotal, Border Security and Control between POEs	3,501,270,000
Air and Marine Personnel Compensation and Benefits	271,679,000
Total	\$7,603,206,000

STAFFING AND RESOURCE REPORTS AND BRIEFINGS

CBP is directed to: (1) report and brief on Border Patrol hiring and deployment statistics, and (2) share staffing and resource information with port authorities and other stakeholders at airports and land ports of entry, as specified in the House report. In addition, CBP is directed to brief the Committees not later than January 30, 2009, on how incentives such as pay adjustments could be used to recruit and retain Border Patrol agents and CBP Officers with language fluency skills, as outlined in the House report.

GLOBAL ENTRY

CBP is directed to report to the Committees on its findings from Global Entry airport pilots, as outlined in the House report.

SUPPORT OF US-VISIT

CBP is directed to provide a detailed report, as part of its fiscal year 2010 budget request, on its support of US-VISIT technology and operations, as specified in the House report.

AUTOMATED TARGETING SYSTEM—PASSENGER (ATS-P)

CBP is directed to obligate no funds to enhance ATS-P until the Commissioner certifies such enhancement complies with all applicable laws, as specified in the House report.

TEXTILE TRANSSHIPMENT ENFORCEMENT

The bill includes \$4,750,000 for textile transshipment enforcement. CBP is directed to ensure that activities of its Textile and Apparel Policies and Programs Office are maintained at prior year levels, and to report in the fiscal year 2010 budget on execution of its five year plan, as specified in the House report.

BORDER PATROL SELF-INSPECTION PROGRAM

CBP is directed to include in its fiscal year 2010 budget submission a report on results for the annual Border Patrol Self-Inspection Program, including data on processing and treatment of unaccompanied alien minors encountered by the Border Patrol, as specified in the House report.

INVASIVE PLANT SPECIES

CBP is directed to include in its fiscal year 2010 budget submission a plan to eradicate *Arundo donax* and other invasive plants in Texas border areas, as specified in the House report.

INFECTIOUS DISEASE INTERDICTION AND CONTROL

CBP is encouraged to explore with the Centers for Disease Control and Prevention ways to improve CBP Officer training related to infectious disease interdiction and control at ports of entry, as outlined in the House report.

PROJECT SEAHAWK

Project SeaHawk is funded at \$2,000,000. CBP is directed to report on the impact of Project SeaHawk to date, and how it will be funded and supported beyond fiscal year 2009, as specified in the House report.

OPERATIONAL SUPPORT AND MISSION SUPPORT HIRING

CBP has informed the Committees that it is significantly behind schedule for hiring operational support and mission support personnel for Border Patrol operations, with 886 positions currently vacant. It therefore appears unlikely that CBP will be able to hire the 441 additional operational support and mission support positions requested for fiscal year 2009 or address the current hiring

lag. The bill reduces funding for this purpose by \$16,000,000. CBP is directed to intensify its efforts, as specified in the Senate report, to hire previously funded positions and enable Border Patrol agents to concentrate on their enforcement missions, thus addressing a need made more urgent by the termination of National Guard support under Operation Jump Start. CBP is directed to report on this mission support hiring effort as part of its quarterly hiring briefings to the Committees.

CBP VEHICLE FLEET

DHS is directed to include with its fiscal year 2010 budget submission a plan to replace at least 20 percent of the CBP vehicle fleet annually, as well as the funding needed to execute the plan, as specified in the Senate report.

ANTIDUMPING AND COUNTERVAILING DUTY ENFORCEMENT

The bill includes, within the amounts provided for in this account, sufficient funds to administer the on-going requirements of section 754 of the Tariff Act of 1930 (19 U.S.C. 1675c), referenced in subtitle F of title VII of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 154).

CBP is directed to continue to work with the Departments of Commerce and Treasury, and the Office of the United States Trade Representative (and all other relevant agencies) to increase collections, and provide a public report on an annual basis, within 30 days of each year's distributions under the law. The report should summarize CBP's efforts to collect past due amounts and increase current collections, particularly with respect to cases involving unfairly traded U.S. imports from China. The report shall provide the amount of uncollected duties for each antidumping and countervailing duty order, and indicate the amount of open, unpaid bills for each such order. In that report, the Secretary of Homeland Security, in consultation with other relevant agencies, including the Secretaries of Treasury and Commerce, should also advise as to whether CBP can adjust its bonding requirements to further protect revenue without violating U.S. law or international obligations, and without imposing unreasonable costs upon importers.

The Secretary of Homeland Security is directed to work with the Secretary of Commerce to identify opportunities for the Commerce Department to improve the timeliness, accuracy, and clarity of liquidation instructions sent to CBP. Increased attention and inter-agency coordination in these areas could help ensure that steps in the collection of duties are completed in a more expeditious manner.

CUSTOMS REVENUE STAFFING SHORTFALLS

CBP is directed to comply with the direction specified in the Senate report regarding customs revenue staffing shortfalls.

INSPECTION AND DETECTION TECHNOLOGY

CBP has informed the Committees that it does not intend to acquire or refurbish additional large-scale non-intrusive inspection (NII) technology in fiscal year 2008, despite the need to replace at

least 36 systems in the CBP inventory that are no longer in operation or fail to meet minimum performance standards set by CBP. In order to ensure that CBP attains the most cost effective technology for inspection and detection missions, the bill includes an additional \$30,000,000 to acquire new or replacement large-scale NII technology. CBP is directed to use competitive acquisition practices to replace, refurbish, or acquire large-scale NII systems, and to make all such decisions, regardless of whether they result in new or refurbished systems, based on comparisons of cost and performance for all options.

CONTAINER SECURITY DEVICES

The bill includes language directing the Commissioner to submit to the Committees, not later than 120 days after the date of enactment of this Act, the results of operational field testing of container security devices and a plan for implementation and deployment of such devices, as applicable, in high risk trade lanes.

AUTOMATION MODERNIZATION

The bill includes \$511,334,000 for Automation Modernization, as requested. Of this funding, not less than \$316,851,000 is provided for the Automated Commercial Environment (ACE), of which \$16,000,000 is included for the International Trade Data System. Of the total provided for ACE, \$216,851,000 is unavailable for obligation until 30 days after an expenditure plan is submitted to the Committees, as specified in the House report. CBP is directed to continue submitting quarterly reports to the Committees on progress in implementing ACE.

TECS MODERNIZATION EXPENDITURE PLAN

CBP is directed to comply with direction specified in the House and Senate reports regarding briefings and reports on TECS modernization.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

The bill includes \$775,000,000 for the integrated Border Security Fencing, Infrastructure, and Technology (BSFIT) account, as requested. Funds are available until expended. The funding includes \$120,000,000 for Program Management, including \$50,000,000 for environmental and regulatory requirements, and \$70,000,000 for personnel operations and support; \$505,000,000 for Development and Deployment, of which \$30,000,000 is for the Border Interoperability Demonstration Project, and \$40,000,000 is for Northern border security technology investment; and \$150,000,000 for Operations and Support. The latter funding level reflects the Administration's downward revision from the original \$410,000,000 request for Operations and Support.

The bill makes \$400,000,000 unavailable for obligation until the Committees have received and approved an expenditure plan that complies with conditions set forth in the bill, and which has been reviewed by the GAO. The bill also makes no funding available until the Secretary certifies that CBP has complied with legal requirements for consultation with communities, federal agencies and

other stakeholders affected by planned deployment of fencing and tactical infrastructure, and also makes no funding available for projects for which the Secretary has exercised statutory authority to waive various environmental and other regulations and laws until 15 days after public notice of such waiver. Finally, the bill makes \$100,000,000 available immediately to CBP for any BSFIT purposes, notwithstanding any other provision in the bill.

REPORTING REQUIREMENTS TO THE COMMITTEES

CBP is directed to include, as part of the quarterly Secure Border Initiative (SBI) reports, a report on technology investment on the Northern border, as specified in the House report. CBP is directed to provide a monthly report on BSFIT obligations and expenditures, as specified in the House report. CBP is directed to include, within the fiscal year 2009 expenditure plan and as specified in the House report, an environmental plan and a report on mitigation efforts.

ESTABLISHMENT AND MAINTENANCE OF BORDER BARRIERS

CBP is directed to explain the rationale for its BSFIT operations and maintenance budget, which it significantly reduced from its original budget level. The explanation should be included in the expenditure plan, and should also address the significant shift in technology investment into fiscal years 2009 and 2010, and implications for ongoing operations and maintenance costs.

VEHICLES

CBP is directed to fund any requirements for vehicles for the SBI Program Management Office or other activities funded in this account through the CBP Salaries and Expenses appropriation.

ANALYSIS OF ALTERNATIVES FOR BORDER INFRASTRUCTURE INVESTMENT

CBP is directed to comply with specifications in the House report for the conduct of analyses of alternatives for effective control of the border, as well as to ensure that CBP identifies and evaluates alternatives proposed by stakeholders as potential substitutes for tactical infrastructure.

GOVERNMENT ACCOUNTABILITY OFFICE REVIEW

GAO is directed to review the CBP process for consultation on border infrastructure projects and how CBP carries out such consultation, as specified in the House report.

TACTICAL COMMUNICATIONS

The Commissioner is directed to provide a plan, within 90 days of the date of enactment of this Act, detailing the staffing, equipment, and funding necessary to complete the build out of the Border Patrol Tactical Communications program by the end of fiscal year 2013.

EXPENDITURE PLAN CERTIFICATIONS

The fiscal year 2008 BSFIT expenditure plan submitted by the Department did not comply with requirements of the law; specifically, it failed to include required information in support of several certifications or provided only conditional certifications. The Department is directed to ensure that certifications submitted in support of future expenditure plans include all supporting documentation, address current and prospective elements of the program, and not be conditional in nature.

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

Development and Deployment:	
Technology and Infrastructure Investment	\$435,000,000
Border Interoperability Demonstration Project	30,000,000
Northern border Technology Investment	40,000,000
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Subtotal, Development and Deployment	505,000,000
Operations and Support (Integrated Logistics)	150,000,000
Program Management:	
Personnel Operations and Support	70,000,000
Regulatory and Environmental Requirements	50,000,000
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Subtotal, Program Management	120,000,000
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Total, Border Security Fencing, Infrastructure, and Technology	775,000,000

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

The bill includes \$528,000,000 for Air and Marine Interdiction, Operations, Maintenance, and Procurement, as requested. This includes \$380,022,000 for Operations and Maintenance, and \$147,978,000 for Procurement. Within the above amounts are \$26,600,000 for Northern border air branches and \$5,000,000 for the Wireless Airport Surveillance Platform to address private aircraft enforcement system noncompliance. The bill makes \$18,000,000 available only when a concept of operations for the deployment of unmanned aerial systems (UAS) has been established, as required in section 544 of this Act.

UAS DEPLOYMENT PLAN

CBP is directed to provide the comprehensive report on plans for UAS deployment as specified in the House report.

CONSTRUCTION

The bill includes \$403,201,000 for Construction, including \$39,700,000 for the Advanced Training Center. The bill requires that, beginning with the fiscal year 2010 budget submission and thereafter, CBP shall, in consultation with the General Services Administration, include a five-year plan for all Federal land border port of entry projects. CBP is directed to execute its construction plans as reflected in the table included in the Senate report, or to notify the Committees of any changes, as appropriate, pursuant to the reprogramming and transfer provisions in this Act.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

The bill includes \$4,927,210,000 for U.S. Immigration and Customs Enforcement (ICE) Salaries and Expenses. Within the total budget for Salaries and Expenses, \$1,000,000,000 is for efforts to identify individuals illegally present in the United States who have criminal records, whether incarcerated or at-large, and to remove those aliens once they have been judged deportable in immigration court.

The bill also provides \$1,519,208,000 for ICE's domestic investigatory responsibilities, funding nearly all of the program increases requested by the President while also expanding several critical initiatives, as discussed below. Given these significant new resources provided for investigations, ICE is expected to strengthen its ability to demonstrate how these resources are being used effectively.

The bill includes language regarding OIG reviews of 287(g) agreements, use of detention services after a facility has received performance evaluations of less than adequate, and ICE authorities provided under 8 U.S.C. 1101(a)(17).

The following table specifies funding levels by budget activity:

Headquarters Management and Administration:	
Personnel Compensation and Benefits, Service, and Other Costs	\$203,076,000
Headquarters Managed IT Investment	169,348,000
Subtotal, Headquarters Management and Administration	372,424,000
Legal Proceedings	215,035,000
Domestic Investigations	1,519,208,000
International:	
International Investigations	106,741,000
Visa Security Program	26,800,000
Subtotal, International	133,541,000
Intelligence	55,789,000
Detention and Removal Operations:	
Custody Operations	1,721,268,000
Fugitive Operations	226,477,000
Criminal Alien Program	189,069,000
Alternatives to Detention	63,000,000
Transportation and Removal Program	281,399,000
Subtotal, Detention and Removal Operations	2,481,213,000
Additional funding for Comprehensive Identification and Removal of Criminal Aliens (CIRCA)	150,000,000
Total, ICE Salaries and Expenses	4,927,210,000

PRIORITIZING THE REMOVAL OF DEPORTABLE CRIMINAL ALIENS

In the Department of Homeland Security Appropriations Act, 2008, the Congress provided ICE \$200,000,000 to identify aliens convicted of crimes and sentenced to imprisonment, and to remove from the country those individuals judged deportable. Within its plan to carry out this mandate, ICE estimated it would cost between \$900,000,000 and \$1,100,000,000 annually to find and deport the most dangerous and violent criminals judged deportable.

The bill recognizes the complex mix of programs and priorities that ICE faces by providing a significant funding increase for the

agency's overall operations. The bill requires that within the resources provided to ICE \$1,000,000,000 shall be to address the compelling need to remove from the United States deportable criminal aliens, whether in custody or at-large. Of this amount, \$150,000,000 is additional funding that was not requested by the President and \$850,000,000 is from within existing ICE programs to strengthen the agency's focus on this challenge.

The bill requires ICE to report to the Committees on exactly how it will allocate the funds provided for this purpose, and to provide quarterly updates on its expenditures and progress toward identifying and removing all deportable criminal aliens. Within 30 days after the date of enactment of this Act, ICE shall submit a report detailing how the agency will utilize the additional \$150,000,000 provided in the bill, as well as an explicit plan for how ICE will allocate \$850,000,000 of existing program resources to the identification and removal of deportable criminal aliens. As discussed in the House report, ICE should clearly identify activities across the entire range of its programs and explain how they are focused on efforts to identify and remove deportable criminal aliens.

ICE INVESTIGATIONS

The bill provides \$1,519,208,000 for ICE domestic investigations and \$133,541,000 for ICE international investigations. Within these amounts, \$22,100,000 is provided as requested to expand a variety of investigatory programs. Additional resources are allocated to the following programs: \$6,000,000 for transnational gang enforcement; \$8,400,000 for the visa security program, as discussed in the Senate report; and \$3,000,000 for cyber crime investigations.

The budget structure for ICE domestic investigations is reflected at the same aggregate level as in prior appropriations. In the past, ICE has been unable to detail how it allocates resources within the Office of Investigations (OI), sets investigatory priorities, or measures the performance of units within OI. ICE is directed to submit, within 30 days after the date of enactment of this Act, a detailed expenditure plan for the investigations budget that reflects the agency's priorities and resource allocations, and to provide quarterly reports on the execution of this plan within 30 days of the close of each quarter of the fiscal year. In addition, ICE is directed to provide the same level of detail in the congressional justification documents for the fiscal year 2010 investigations budget.

The budget for ICE international investigations is split into two separate programs in fiscal year 2009: the visa security program (VSP) and other international investigations. Because of the importance of VSP, and the significant expansion funded in fiscal year 2009, ICE and the Committees need this additional detail to monitor how the agency aligns its resources to mission requirements and operations.

ICE WORKSITE ENFORCEMENT

The bill provides \$126,515,000 for worksite enforcement investigations, an increase of \$34,300,000 over the request level, as discussed in the Senate report.

ICE RESOURCE ALLOCATIONS

GAO is directed to review ICE resource allocations as discussed in the House report.

COORDINATION OF BUDGET SUBMISSIONS FOR THE IMMIGRATION SYSTEM

When DHS implements new civil and criminal immigration enforcement initiatives, other elements of the justice system may not have been able to plan or budget for how these DHS initiatives will impact their own workload and resource needs. An efficient justice system requires coordination between many elements including investigative agents, U.S. Attorneys, U.S. Marshals, the Office of the Federal Detention Trustee, district courts, probation and pretrial services officers, defender services, the Federal Prison System, and the Executive Office of Immigration Review (EOIR). The Administration is expected to improve its budgeting for immigration initiatives to ensure that all elements of the civil and criminal justice system have sufficient resources to implement DHS enforcement programs. Specifically, in order to ensure success of the effort to remove criminal aliens, resource requests for EOIR and ICE must be coordinated.

ICE INTELLIGENCE

The bill provides an additional \$2,833,000 for ICE Field Intelligence Groups, as discussed in the Senate report.

DETENTION BED SPACES

The bill provides funding for 1,400 additional detention beds and associated staffing at ICE, which will allow the agency to detain up to 33,400 individuals on a daily basis.

DETENTION CENTER MEDICAL SERVICES

The bill provides an additional \$2,000,000 for the Office of Professional Responsibility in 2009 for ICE to undertake immediately a review of the medical care provided to people detained by DHS. This review should be carried out as discussed in the House report. In addition, ICE should immediately implement the GAO recommendations to improve its medical services, as discussed in the Senate report.

STATE AND LOCAL PROGRAMS

The bill provides a total of \$99,653,000 for State and local programs, \$2,200,000 more than requested. Within this total, \$54,130,000 is for the 287(g) program, including \$5,000,000 for compliance reviews conducted by the Office of Professional Responsibility. ICE is strongly encouraged to prioritize new 287(g) agreements that will maximize the identification and removal of deportable criminal aliens. As requested, \$11,286,000 is provided for the Forensics Document Laboratory. The bill also provides \$34,237,000 for the Law Enforcement Support Center (LESC), an additional \$2,200,000, which should be used to fund conversion of LESC employees from job category 1802 to job category 1801.

TEXTILE TRANSSHIPMENT ENFORCEMENT

As discussed in the Senate report, the bill includes \$4,750,000 for textile transshipment enforcement, as authorized by section 352 of the Trade Act of 2002. Concurrent with its fiscal year 2010 budget submission, ICE should report on this activity as discussed in the House report.

ALTERNATIVES TO DETENTION

The bill provides \$63,000,000, \$7,209,000 above the request, for Alternatives to Detention programs.

INAPPROPRIATE TREATMENT OF CHILDREN IN ICE CUSTODY

The OIG is directed to review ICE practices for determining the age of those in its custody, and to report to the Committees on Appropriations on any cases in fiscal years 2008 or 2009 where ICE used dental or skeletal examinations to determine a child's age.

TRANSPORTATION OF UNACCOMPANIED ALIEN MINORS

In conjunction with the Office of Management and Budget (OMB) and the Department of Health and Human Services (HHS), DHS is directed to submit a report to the Committees no later than March 1, 2009, recommending which agency is the most appropriate to fund transportation of unaccompanied alien minors between DHS and HHS custody. In addition, starting no later than April 6, 2009, ICE, in conjunction with the HHS Office of Refugee Resettlement, should provide semi-annual briefings to the Committees on the implementation of the recommendations. For fiscal year 2009, the bill provides sufficient resources to DHS to pay for this transportation responsibility.

ICE HEADQUARTERS MANAGEMENT AND ADMINISTRATION

The bill provides an increase of \$987,000 for ICE Training Consolidation and Integration, and \$7,000,000 for efforts to co-locate ICE field facilities.

HUMAN RIGHTS LAW DIVISION

As discussed in the House report, an additional \$500,000 is provided within the budget for the ICE Office of the Principal Legal Advisor to continue expansion of the Human Rights Law Division.

DETENTION AND REMOVAL REPORTING

ICE is directed to continue to submit quarterly reports on detention and removal statistics, as discussed in the Senate report.

SPECIAL INTEREST ALIENS

Within 45 days after the date of enactment of this Act, ICE is directed to provide a classified briefing on special interest aliens, as discussed in the Senate report.

STUDENT AND EXCHANGE VISITOR PROGRAM

ICE is directed to ensure that additional revenues collected through higher Student and Exchange Visitor Program fees im-

prove customer service for both students and academic institutions, as discussed in the House report.

FEDERAL PROTECTIVE SERVICE

Funding for the Federal Protective Service (FPS) is provided through a security fee charged to all GSA building tenants in FPS-protected buildings. Pursuant to the increased security fees announced on February 28, 2008, the bill estimates that FPS will collect and spend \$640,000,000 in fiscal year 2009, which is \$24,000,000 more than estimated in the budget.

FEDERAL PROTECTIVE SERVICE POLICE

The bill includes a provision maintaining FPS police staffing at the levels mandated by the Department of Homeland Security Appropriations Act, 2008. The bill also requires the Director of OMB to certify in writing that fees in fiscal year 2009 will be sufficient to support the FPS police staffing levels.

AUTOMATION MODERNIZATION

The bill provides \$57,000,000 for Automation Modernization, as requested, which funds a variety of ICE technology investments critical to the future of the agency.

TECS MODERNIZATION

The bill provides \$15,700,000, as requested, for TECS modernization. As discussed in the Senate report, ICE shall report to the Committees on its efforts in this area.

CONSTRUCTION

The bill provides an additional \$5,000,000 for ICE construction, which funds basic and emergency maintenance at ICE-owned detention facilities.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

(INCLUDING TRANSFER OF FUNDS)

The bill provides \$4,754,518,000 for Aviation Security. In addition to the amounts appropriated, a mandatory appropriation totaling \$250,000,000 is available through the Aviation Security Capital Fund. Bill language is included to reflect the collection of \$2,320,000,000 from aviation user fees, as authorized. The following table specifies funding by budget activity:

Screener Workforce:	
Privatized screening	\$151,272,000
Passenger and baggage screeners, personnel, compensation and benefits	2,716,014,000
Subtotal, screener workforce	2,867,286,000
Screening training and other	197,318,000
Checkpoint support	250,000,000
EDS/ETD Systems:	
EDS procurement and installation	294,000,000
Screening technology maintenance and utilities	305,625,000

Operation integration	21,481,000
Subtotal, EDS/ETD systems	621,106,000
Subtotal, screening operations	3,935,710,000
Aviation Security Direction and Enforcement:	
Aviation regulation and other enforcement	245,268,000
Airport management and support	401,666,000
Federal flight deck officer and flight crew training	25,025,000
Air cargo	122,849,000
Airport perimeter security	4,000,000
Subtotal, aviation security direction and enforcement	798,808,000
Implementing Requirements of the 9/11 Act	20,000,000
Total, Aviation Security	4,754,518,000

IMPLEMENTING REQUIREMENTS OF THE 9/11 ACT

The bill includes \$1,119,112,836 within the total appropriation provided to the Transportation Security Administration (TSA) for activities and requirements authorized by the 9/11 Act, including: \$544,000,000 for the procurement and installation of explosives detection systems at airports; \$122,849,000 for air cargo security; \$30,000,000 to expand Visible Intermodal Protection and Response Teams; \$390,663,836 for specialized screening programs (travel document checkers, behavior detection officers, bomb appraisal officers, and officers to randomly screen more airport and airline employees); \$11,600,000 for surface transportation inspectors; and \$20,000,000 to implement regulations and other new activities authorized by the 9/11 Act. TSA shall use the \$20,000,000 to: conduct vulnerability assessments of high risk public transportation agencies, railroads, and over-the-road bus operators; conduct additional security exercises for public transportation, over-the-road bus, and railroad employees; hire additional surface transportation security inspectors; establish and implement an information sharing plan for transportation security and an Information Sharing and Analysis Center for transportation security; conduct security reviews of foreign repair stations; develop procedures and initial implementation of a law enforcement officer biometric credential; and improve security at general aviation airports. TSA shall report to the Committees 90 days after the date of enactment of this Act on the proposed allocation of these funds at the account and PPA level.

PRIVATIZED SCREENING

The bill provides \$151,272,000 for Privatized Screening. TSA is directed to approve applications for those airports that are seeking to participate in the screening partnership program and to provide screener services to airports that become eligible in fiscal year 2009. TSA shall notify the Committees if the agency expects to spend less than the appropriated amount due to situations where no additional airports express interest in converting, either fully or partially, to privatized screening, or where airports currently using privatized screening convert to using federal screeners. TSA shall adjust its PPA line items, and notify the Committees within ten days, to account for any changes in private screening contracts, and screener personnel, compensation and benefits to reflect the award of contracts under the screening partnership program, or the movement from privatized screening into federal screening.

WAIT TIMES

Consistent with prior years, TSA shall continue to submit airport wait time data on a quarterly basis for domestic airports with above-average wait times and for the top 40 busiest airports. As part of these reports, TSA shall explain any dramatic shift in wait times and what is being done to reduce wait times at these airports. TSA shall not alter its current 10 minute standard.

CHECKPOINT SUPPORT

The bill provides \$250,000,000 for Checkpoint Support to deploy a number of emerging technologies to screen airline passengers and carry-on baggage for explosives, weapons, and other threat objects by the most advanced equipment currently under development. TSA is directed to spend funds on multiple whole body imaging technologies including backscatter and millimeter wave as directed in the Senate report. TSA shall provide an expenditure plan not later than 60 days after the date of enactment of this Act, as discussed under Transportation Security Support.

STERILE AREA ACCESS

Currently TSA is studying the feasibility of a sterile area access system at three pilot airports and expects these pilots to be concluded in fiscal year 2008. TSA is directed to notify the Committees on the results of these pilots after the agency evaluates whether throughput is improved with separate sterile area screening for airline crews, identifies what problems may occur in real time environments in which crew are screened separately from passengers, and evaluates resource and funding needs. If TSA determines that this program merits expansion, checkpoint support funds may be used for this purpose after notifying the Committees.

EXPLOSIVES DETECTION SYSTEMS

The bill provides a total of \$544,000,000 for Explosives Detection Systems (EDS) procurement and installation. Within the total funding for EDS procurement and installation, \$294,000,000 is appropriated in this Act and \$250,000,000 is derived from mandatory funding from the Aviation Security Capital Fund. Within the funds provided, not less than \$84,500,000 shall be available to procure and deploy certified EDS at medium- and small-sized airports. The purchase of the screening equipment for medium- and small-sized airports must be competitively awarded. Any award to deploy explosives detection systems must be based on risk, the airports current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness.

TSA shall provide an expenditure plan to the Committees not later than 60 days after the date of enactment of this Act, as discussed under Transportation Security Support. If new requirements occur after the plan is submitted, TSA shall reassess and reallocate funds after notifying the Committees of any change. As discussed in the Senate report, TSA shall provide quarterly updates on EDS and checkpoint expenditures, on an airport-by-airport basis. These updates shall include information on the specific

technologies for purchase, project timelines, a schedule for obligation, and a table detailing actual versus anticipated unobligated balances at the close of the fiscal year, with an explanation of any deviation from the original plan.

SCREENING TECHNOLOGY MAINTENANCE AND UTILITIES

The bill provides \$305,625,000 for Screening Technology Maintenance and Utilities, of which \$4,400,000 can be used for costs related to the disposal of screening equipment no longer in service. Because of persistent cost escalations in this area, TSA shall provide a report to the Committees on maintenance and utility costs for screening technologies and identify ways that these costs may be controlled in the future.

THREAT CONTAINMENT UNITS

TSA is encouraged to review the efficacy of its current inventory of threat containment units (TCUs) and, as necessary, test and evaluate next generation TCU technologies. TSA should report to the Committees on whether TCUs should be part of its explosives detection operations and if so, whether additional units are needed.

GENERAL AVIATION

As part of its efforts to address vulnerabilities in general aviation security, TSA is directed to report to the Committees on the execution of fiscal year 2008 general aviation training and education program funding.

AIR CARGO

The bill provides \$122,849,000 for Air Cargo. Within the funds provided, \$18,000,000 shall be used to expand technology pilots to evaluate the effectiveness of air cargo screening and for auditing indirect air carriers, shippers, and distribution centers participating in the certified shipper program. No later than 60 days after the date of enactment of this Act, TSA shall submit an expenditure plan to the Committees on the allocation of air cargo funds, including carryover. This plan should detail efforts to develop new covert testing protocols, data related to cargo strike team augmentation, the location and number of canine teams deployed, and the specific screening technologies deployed for air cargo. In addition, TSA is directed to brief the Committees on its certified shipper pilot program before it moves to a nationwide rollout. This briefing should detail the processes for securing air cargo through the supply chain, and schedule, milestones, and performance measures for the program.

Within the fiscal year 2007 supplemental appropriation (Public Law 110-28), funding was provided for TSA to assess air cargo vulnerabilities at the largest (Category X) airports. TSA is directed to brief the Committees no later than March 1, 2009, on the results of the completed airport vulnerability assessments, as detailed in the Senate report. If vulnerability assessments have not been completed at all of the largest airports, TSA shall brief the Committees again once all work has been concluded.

SURFACE TRANSPORTATION SECURITY

The bill provides \$49,606,000 for Surface Transportation Security. Within this total, \$24,885,000 is for surface transportation staffing and operations and \$24,721,000 is for rail security inspectors and canines.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

The bill provides a direct appropriation of \$116,018,000 for Transportation Threat Assessment and Credentialing. In addition, TSA anticipates it will collect \$40,000,000 in fees. Funding is provided as follows:

Direct Appropriations:	
Secure flight	\$82,211,000
Crew and other vetting	33,807,000
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Subtotal, direct appropriations	116,018,000
Fee Collections:	
Registered traveler	10,000,000
Transportation worker identification credential	9,000,000
Hazardous materials	18,000,000
Alien flight school (transfer from DOJ)	3,000,000
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Subtotal, fee collections	40,000,000

SECURE FLIGHT

The bill provides \$82,211,000 for Secure Flight. No funding shall be used for Secure Flight cutover operations until GAO reports that all ten statutory conditions necessary for certification have been met.

CREW AND OTHER VETTING

The bill provides \$33,807,000 for Crew and Other Vetting programs. Within the total appropriation, \$12,500,000 is provided for vetting infrastructure enhancements necessary to perform mandated vetting operations on populations that require access to critical infrastructure. TSA shall report to the Committees about the progress it has made to carry out this mandate, the necessary vetting infrastructure investments to increase capacity, estimated life cycle costs and timelines. No funds appropriated for crew and other vetting programs may be used to supplement the Secure Flight program beyond the amount specifically appropriated unless TSA submits a reprogramming or transfer request in accordance with section 503 of this Act.

TRANSPORTATION SECURITY SUPPORT

The bill provides \$947,735,000 for Transportation Security Support. Funding is provided as follows:

Headquarters administration	\$234,870,000
Human capital services	218,105,000
Information technology	472,799,000
Intelligence	21,961,000
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Total, Transportation Security Support	947,735,000

EXPENDITURE PLANS

The bill includes language requiring TSA to submit detailed expenditure plans to the Committees for checkpoint support and explosives detection systems procurement, refurbishment, and installation on an airport-by-airport basis for fiscal year 2009. These plans are due no later than 60 days after the date of enactment of this Act. The bill withholds \$20,000,000 for headquarters administration from obligation until the detailed expenditure plans are received.

VISIBLE INTERMODAL PROTECTION AND RESPONSE TEAMS

The bill provides a total of \$30,000,000 for Visible Intermodal Protection and Response (VIPR) teams. This funding is contained within appropriations for Aviation Security, Surface Transportation Security, and Federal Air Marshals. TSA shall develop and report on performance standards to measure the success of its VIPR teams in detecting and disrupting terrorism. In addition, this report shall identify the methodology used to determine the distribution of VIPR resources and personnel among the various modes of transportation.

RISK ASSESSMENTS

The Secretary shall submit a report on risk-based priorities based on risk assessments across all transportation modes as discussed in the Senate report. In addition, the Secretary shall submit supporting documentation on how the risk assessments were used to allocate resources for each mode as directed in the Senate report. Both reports can be submitted in a classified or unclassified format.

FEDERAL AIR MARSHALS

The bill provides \$819,481,000 for the Federal Air Marshals, including VIPR activities. Within the total appropriation provided, \$725,081,000 is for management and administration and \$94,400,000 is for travel and training. TSA shall continue to provide quarterly reports on the mission coverage, staffing levels, and hiring rates as directed in previous appropriations Acts.

COAST GUARD

OPERATING EXPENSES

The bill provides \$6,194,925,000 for Operating Expenses (OE). Of this amount, \$340,000,000 is available for defense-related activities; \$3,600,000 is for the Operations Systems Center; and not to exceed \$20,000 is provided for reception and representation expenses. The bill allows OE funds to be used to purchase or lease small boats. Funding for operating expenses shall be allocated as follows:

Military pay and allowances:	
Military pay and allowances	\$2,576,170,000
Military health care	352,469,000
Permanent change of station	133,024,000
Subtotal, military pay and allowances	3,061,663,000

Civilian pay and benefits	645,350,000
Training and recruiting:	
Training and education	95,989,000
Recruitment	99,930,000
Subtotal, training and recruiting	195,919,000
Operating funds and unit level maintenance:	
Atlantic Command	175,823,000
Pacific Command	196,112,000
1st District	59,069,000
5th District	21,792,000
7th District	77,391,000
8th District	46,916,000
9th District	31,595,000
11th District	17,645,000
13th District	22,931,000
14th District	19,099,000
17th District	30,979,000
Headquarters directorates	318,642,000
Headquarters managed units	158,616,000
Other activities	796,000
Subtotal, operating funds and unit level maintenance	1,177,406,000
Centrally managed accounts	262,294,000
Intermediate and depot level maintenance:	
Aeronautical	310,207,000
Electronic	133,777,000
Civil/ocean engineering and shore facilities maintenance	178,363,000
Vessel	196,446,000
Maintenance Backlog	5,000,000
Subtotal, intermediate and depot level maintenance	823,793,000
Port and maritime safety and security enhancements	23,500,000
Aviation mission hour gap	5,000,000
Total, Operating Expenses	6,194,925,000

PORT AND MARITIME SAFETY AND SECURITY

A total of \$23,500,000 is provided for port and maritime safety and security enhancements. This funding shall be used: for additional watchstanders, boats, and marine inspection staff; to conduct testing of Area Contingency Plans; to increase maritime casualty investigations; to increase armed boat escorts and security boardings; and to increase terminal inspections of Certain Dangerous Cargoes transport and delivery. The Coast Guard is directed to provide a plan no later than 60 days after the date of enactment of this Act on how this funding will be allocated. In addition, the Coast Guard is directed to comply with House report language regarding the Vessel Tracking System and the Ports and Waterways Safety System.

INCREASED OPERATIONAL HOURS FOR COASTAL PATROL BOATS

A total of \$4,150,000 is provided to increase operational hours of the 87-foot patrol boats. The Coast Guard is directed to brief the Committees on the results of this effort six months after it is put into operation.

AVIATION MISSION HOUR GAP

A total of \$5,000,000 is provided to help address the aviation mission hour gap. The Coast Guard is directed to provide a plan no later than 60 days after the date of enactment of this Act on

how this funding will be allocated. In addition, the Coast Guard is directed to provide a report regarding maritime surveillance mission needs in the Air Station Borinquen area of responsibility.

MAGNET

The Coast Guard is directed not to begin operations of the Maritime Awareness Global Network (MAGNet) until the Commandant certifies that this system complies with all applicable laws and such certification is reviewed by the Inspector General.

MAINTENANCE BACKLOGS

Additional funding of \$5,000,000 is provided to address the Coast Guard's substantial cutter, aircraft, and shore maintenance backlogs. The Coast Guard is directed to provide the legacy cutter maintenance cost analysis detailed in the House report.

TRAINING AND RECRUITING

The Coast Guard is directed to submit its Climate Management Plan to the Committees.

ENERGY SHORTFALLS

Due to increasing energy prices since the fiscal year 2009 budget was submitted, the Coast Guard has \$90,562,000 in increased funding requirements for which no funding has been requested. This shortfall will have a considerable impact on Coast Guard operations and the Coast Guard has not been able to tell the Committees how it will deal with this impact. The Coast Guard is directed to update the Committees at regular intervals throughout the year on the impact of high energy costs on its ability to meet mission requirements and on the steps it has taken to minimize these impacts.

PERSONNEL

No funding is included for acquisition personnel within the OE appropriation. Bill language is included to allow the Coast Guard to transfer up to five percent of the OE appropriation to the Acquisition, Construction, and Improvements (AC&I) appropriation for personnel, compensation, and benefits with notice to the Committees within 10 days of the transfer. Similar bill language is included in the AC&I appropriation allowing these funds to be transferred back to the OE appropriation with a 30 day notification to the Committees. The Coast Guard is directed to reprogram funding needed to cover any unbudgeted costs of the military pay raise.

POLAR ICEBREAKERS

One of the Coast Guard's missions is to provide the United States with the capability to support national interests in the polar regions. In a report recently submitted, the Coast Guard stated that the United States will need a maritime surface and air presence in the Arctic sufficient to support prevention and response regimes as well as diplomatic objectives. However, no funding has been requested for the Coast Guard's aging icebreakers despite its inability to meet current and projected polar operations mission re-

sponsibilities. The Coast Guard is directed to follow House report direction regarding the polar icebreaking operating budget. The Coast Guard should work with the National Science Foundation in the coming year to renegotiate the existing polar icebreaking agreement in order to return the budget for operating and maintaining its polar icebreakers to the Coast Guard in fiscal year 2010. The AC&I appropriation includes \$30,300,000 to reactivate the USCGC POLAR STAR for an additional 7–10 years of service life.

OPERATIONS SYSTEMS CENTER

The bill provides \$3,600,000 for customized tenant improvements in conjunction with the Operations Systems Center expansion project, as detailed in the Senate report.

A–76

No funding is provided for the conduct of Coast Guard A–76 studies in fiscal year 2009.

BAY AREA LIGHTHOUSES

The Coast Guard is directed to comply with House report direction regarding the Bay Area lighthouses.

BERING SEA PATROLS

Within the OE appropriation, \$7,600,000 is provided to crew and operate the USCGC ACUSHNET through the end of fiscal year 2009. The Pacific Area Commander expects to lose between 90 and 120 patrol days in fiscal year 2009 based on the President's budget proposal to decommission the vessel after two quarters of operation in fiscal year 2009. This will negatively impact the Coast Guard's ability to patrol the Bering Sea and Aleutian Islands. If the Coast Guard determines that continued operation of the USCGC ACUSHNET is not viable, the funds should be used to sustain patrol hours in the Bering Sea and Aleutian Islands which would be lost by its decommissioning and the Committees should be notified accordingly.

COAST GUARD YARD

The Commandant is directed to comply with Senate report direction regarding the Coast Guard Yard.

FINANCIAL MANAGEMENT WEAKNESSES

The bill requires the Commandant to submit, and the OIG to review, a financial management improvement plan. The Coast Guard must have a workable plan to achieve a clean audit and none currently exists today. The Coast Guard shall develop this plan in consultation with the Department's CFO.

WORKFORCE ACTION PLAN

The Coast Guard is directed to comply with Senate report direction regarding a workforce action plan.

MANAGEMENT AND TECHNOLOGY EFFICIENCIES

Within six months after the date of enactment of this Act, the Coast Guard is directed to report in detail on how the \$68,117,000 total funding reduction requested due to management and technology efficiencies is being achieved.

QUARTERLY ACQUISITION AND MISSION EMPHASIS REPORTS

The Commandant is directed to continue to submit quarterly acquisition and mission emphasis reports. The acquisition report shall include information on small boat purchases and leases made with the OE appropriation.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

The bill provides \$13,000,000 to help address the current Environmental Compliance and Restoration backlog estimated at \$109,700,000.

RESERVE TRAINING

The bill provides \$130,501,000 for Reserve Training.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The bill provides \$1,494,576,000 for Acquisition, Construction, and Improvements, as follows:

Vessels:	
Inland river tender recapitalization	\$5,000,000
Response boat medium	108,000,000
Subtotal, Vessels	113,000,000
Other Equipment:	
Automatic Identification System	8,600,000
Rescue 21	73,000,000
High frequency recapitalization	2,500,000
Defense messaging system	4,074,000
Command 21	1,000,000
Subtotal, Other Equipment	89,174,000
Shore Facilities and Aids to Navigation:	
Survey and design, shore operational & support projects	2,050,000
TISC0M-TSD Building	2,500,000
Air Station Cape Cod	5,000,000
Sector Delaware Bay	13,000,000
Cordova, Alaska housing	11,600,000
Renovate USCGA Chase Hall, phase II	10,300,000
Montauk Housing	1,550,000
Waterways aids to navigation	4,000,000
Rescue Swimmer Training Facility	15,000,000
Sector Buffalo	3,000,000
Subtotal, Shore Facilities and Aids to Navigation	68,000,000
Personnel and Related Support:	
Direct personnel costs	92,330,000
AC&I core	500,000
Subtotal, Personnel and Related Support	92,830,000
Integrated Deepwater System:	
Aircraft:	
Maritime patrol aircraft	86,600,000
HH-60 conversion projects	52,700,000
HC-130H conversion/sustainment projects	24,500,000
HH-65 conversion project	64,500,000

Unmanned aircraft systems	3,000,000
HC-130J fleet	13,250,000
Subtotal, Aircraft	244,550,000
Surface Ships:	
National security cutter	353,700,000
Replacement patrol boat (FRC-B)	115,300,000
IDS small boats	2,400,000
Patrol boats sustainment	30,800,000
Medium endurance cutter sustainment	35,500,000
Offshore patrol cutter	3,003,000
Polar icebreaker sustainment	30,300,000
Subtotal, Surface Ships	571,003,000
C4ISR	88,100,000
Technology obsolescence prevention	1,500,000
Logistics	37,700,000
System engineering and management	33,141,000
Government program management	58,000,000
Subtotal, Integrated Deepwater System	1,033,994,000
Coast Guard/DHS headquarters	97,578,000
Total, Acquisition, Construction, and Improvements	1,494,576,000

RESPONSE BOAT-MEDIUM (RB-M)

Recent studies have identified the lack of response boats as an impediment to fully implementing the Coast Guard's mission requirements. A total of \$108,000,000 is provided for RB-Ms in fiscal year 2009 to allow the Coast Guard to purchase 36 boats, 22 above the request.

DEEPWATER

The bill provides \$1,033,994,000 for the Integrated Deepwater System Program (Deepwater). Of this amount, \$350,000,000 is unavailable for obligation until the Committees receive and approve a plan for expenditure, in accordance with the specified legislative conditions. In submitting its mandated review of this expenditure plan to the Committees, GAO is directed to provide an overall evaluation of the plan's value to the Coast Guard's management of Deepwater, and a qualitative, descriptive assessment of the degree with which the Coast Guard has complied with each legislative requirement.

LONG RANGE SURVEILLANCE AIRCRAFT (HC-130J)

The bill provides \$13,250,000 to missionize three HC-130Js. The Coast Guard is directed to provide its finalized HC-130J Remediation Plan to the Committees within 60 days after the date of enactment of this Act.

NATIONAL SECURITY CUTTER (NSC)

The bill provides \$353,700,000, as requested, for the National Security Cutter (NSC). It is questionable whether this amount will be sufficient to purchase the fourth NSC, according to recent information provided by the Coast Guard. This is a concern since, in August 2007, the Coast Guard entered into a Consolidated Contract Action to resolve all outstanding cost overruns incurred by the NSC contractor due to economic and customer changes that have occurred over the past four years. No later than 30 days after the

date of enactment of this Act, the Coast Guard is directed to provide the Committees with detailed information on all reasons why there may be nearly a 50 percent increase in the cost of this cutter and how it plans to manage this procurement within the dollars provided. To improve its management of this important program, the Coast Guard is directed to follow House report direction on the visibility of the contractor's earned value management system and Senate report direction regarding information assurance and critical decision points and dates.

REPLACEMENT PATROL BOAT/FRC-B

The bill provides \$115,300,000, as requested, for limited production of the FRC-B. The Coast Guard is directed to take all steps necessary to control costs for this procurement, including conducting a formal design review to ensure that at least 90 percent of the design drawings are complete by the critical design review stage. The projected award date for the FRC-B has been delayed until the first quarter of 2009. The Coast Guard is directed to provide quarterly briefings to the Committees on the status of this procurement, including critical decision points and dates, planned service life extensions of existing 110-foot patrol boats, and patrol boat operational metrics.

POLAR ICEBREAKERS

The bill provides \$30,300,000 for the Coast Guard to reactivate the USCGC POLAR STAR.

DEEPWATER HUMAN CAPITAL

The Coast Guard is directed to brief the Committees within 60 days after the date of enactment of this Act on the results of its workforce forecasting process as detailed in the Senate report. The Coast Guard also is directed to address the three acquisition workforce challenges identified in the House report.

COAST GUARD ACADEMY PIER FOR USCGC EAGLE

The Coast Guard is directed to expeditiously address the needs of the USCGC EAGLE pier as directed in the Senate report.

ALTERATION OF BRIDGES

The bill provides \$16,000,000 for Alteration of Bridges, with funding allocated as follows:

Burlington Northern Railroad Bridge in Burlington, Iowa	\$2,000,000
Canadian Pacific Railway Bridge in La Crosse, Wisconsin	2,000,000
Chelsea Street Bridge in Chelsea, Massachusetts	2,000,000
Elgin, Joliet, and Eastern Railway Company Bridge in Morris, Illinois	2,000,000
Fourteen Mile Bridge in Mobile, Alabama	4,000,000
Galveston Causeway Bridge in Galveston, Texas	4,000,000
Total	\$16,000,000

The Coast Guard is encouraged to begin construction of the Elgin, Joliet, and Eastern Railway Company Bridge as expeditiously as possible, as directed in the Senate report.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

The bill provides \$18,000,000 for Research, Development, Test, and Evaluation. This includes \$2,000,000 for the Coast Guard to work with entities conducting ballast water treatment system testing, such as the Great Ships Initiative, to test the efficacy of such systems and methods in both salt and fresh water, as detailed in the House report.

MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND CONTRIBUTION

GAO is directed to evaluate by June 2009 the process used to determine the amount charged to the Coast Guard for Medicare-eligible retiree health care and the relationship of this amount to the benefits received by Coast Guard retirees.

RETIRED PAY

The bill provides \$1,236,745,000 for Retired Pay.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

The bill provides \$1,408,729,000 for Salaries and Expenses, with funding to be allocated as follows:

Headquarters Management and Administration	\$182,104,000
Protection:	
Protection of Persons and Facilities	705,918,000
Protective Intelligence Activities	59,761,000
National Special Security Event Fund	1,000,000
White House mail screening	33,701,000
Presidential candidate nominee protection	41,082,000
Subtotal, Protection	841,462,000
Investigations:	
Domestic Field Operations	241,772,000
International Field Office Administration and Operations	30,000,000
Electronic Crimes Special Agent Program and Electronic Crimes Task Forces	51,836,000
Support for missing and exploited children	8,366,000
Subtotal, Investigations	331,974,000
Training:	
Rowley Training Center	53,189,000
Total, U.S. Secret Service	\$1,408,729,000

SECRET SERVICE INVESTIGATIONS

The bill provides \$331,974,000 for Investigations, \$5,658,000 more than requested. Of the increase, an additional \$4,000,000 is for Secret Service cyber crime investigations, and an additional \$1,658,000 is for International Field Operations.

POST PRESIDENTIAL DETAIL

The bill includes \$4,500,000, as requested, for the President's post-Presidency protective detail. The bill does not include a requested general provision regarding six months of protection for the Vice President after leaving office. The Congress passed separate legislation authorizing this protection.

DISCONTINUED PROTECTIVE DETAILS

The bill reduces the Secret Service protective budget by \$2,750,000 to account for protective activities the Secret Service no longer performs.

WHITE HOUSE FACILITIES

The bill includes \$33,701,000 for White House mail screening, \$3,000,000 less than requested. The facility to screen White House mail is under construction and will not be complete until well into the fiscal year. The reduction reflects that the Secret Service will not have to pay an entire year of rent for the new building.

The cost to replace locks at the White House should be paid by the General Services Administration, which maintains offices within the White House, or the National Park Service, which maintains the public and residential areas of the complex. However, if the Secret Service believes there is an urgent need to replace White House locks prior to February 1, 2009, it is directed to use funds it had budgeted for security of the White House complex for this purpose.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The bill provides \$4,225,000 for Acquisition, Construction, Improvements and Related Expenses. Within this total, \$250,000 is provided to fund inflationary cost increases and \$250,000 is to fund a perimeter security and noise abatement study for the Rowley training facility.

TITLE III—PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

The bill includes \$51,350,000 for Management and Administration of the National Protection and Programs Directorate (NPPD). Given high vacancy levels that have persisted at NPPD throughout fiscal year 2008, the request for additional staff is reduced by \$1,500,000. No funding is provided to move the functions of the Office of Intergovernmental Programs from FEMA to NPPD, therefore, this function shall remain within FEMA.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

The bill includes \$806,913,000 for Infrastructure Protection and Information Security (IPIS). Funding levels by budget activity are as follows:

Infrastructure Protection:	
Identification and Evaluation	\$80,603,000
Coordination and Information Sharing	62,367,000
Mitigation Programs	170,830,000
National Cyber Security Division	313,500,000
National Security/Emergency Preparedness Telecom:	
Priority Telecommunications Services	58,740,000
Next Generation Networks	50,250,000

National Command and Coordination Capability	5,963,000
Programs to Study and Enhance Telecommunications	15,100,000
Critical Infrastructure Protection Programs	11,260,000
Office of Emergency Communications	38,300,000
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Total, Infrastructure Protection and Information Security	806,913,000

EXPENDITURE PLANS

Due to the inadequate level of detail provided in the budget justifications and other supporting materials, the bill restricts from obligation half of the funds appropriated for the National Cyber Security Initiative (\$127,462,000) and the Next Generation Networks program (\$25,125,000) until NPPD submits, and the Committees approve, expenditure plans for each of these programs. NPPD is directed to include in these plans the information discussed in the House report.

CHEMICAL FACILITY ANTI-TERRORISM STANDARDS AND AMMONIUM
NITRATE REGULATION

The bill provides \$73,000,000 for implementation of the Chemical Facility Anti-Terrorism Standards and \$5,000,000 to implement ammonium nitrate regulations.

NATIONAL INFRASTRUCTURE PROTECTION PLAN MANAGEMENT (NIPP)

The bill provides \$30,993,000 for NIPP management and related Critical Infrastructure and Key Resource partnerships.

VULNERABILITY ASSESSMENTS

The bill provides an increase of \$6,000,000 above the request to accelerate the pace of critical infrastructure and key resource vulnerability assessments.

ETHANOL TRANSLOADING FACILITIES

NPPD is directed to report to the Committees on the results of a recent vulnerability assessment of an ethanol transloading facility in Virginia, as discussed in the House report.

BUSINESS COUNTERINTELLIGENCE

As discussed in the House report, NPPD is directed to review the Federal government's efforts to increase awareness of business counterintelligence and incorporate best practices into its NIPP management activities.

OFFICE OF BOMBING PREVENTION

The bill provides \$11,000,000 for the Office of Bombing Prevention, of which \$1,000,000 shall be for the purchase of the IED-Geospatial Analysis Tool Plus, as discussed in the House report.

PHILADELPHIA VIDEO SURVEILLANCE

As discussed in the House report, the bill provides \$2,000,000 for NPPD to continue deployment of infrastructure monitoring and crime cameras in the city of Philadelphia.

UNDERGROUND CRITICAL INFRASTRUCTURE

The bill provides \$3,000,000 for the Department to pilot methods for securing underground critical infrastructure, as discussed in the House report.

NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER

As discussed in the Senate report, the bill provides \$20,000,000 for the National Infrastructure Simulation and Analysis Center, which is led by Sandia and Los Alamos National Laboratories in New Mexico.

CYBER SECURITY

The bill provides \$313,500,000 for activities of the NPPD National Cyber Security Division (NCSA), including \$254,924,000 for the Department of Homeland Security's share of the Administration's National Cyber Security Initiative (NCSI). This funding includes the requested levels for the US Computer Emergency Response Team and the Cyber Security Information Sharing and Collaboration program. Additional details are contained in the classified annex accompanying this explanatory statement. NPPD is required to submit an expenditure plan providing more details on the purpose and goals of the NCSI and how proposed expenditures will meet them. NPPD is also directed to conduct a privacy impact assessment for its cyber security initiative and brief the Committees, as discussed in the Senate report.

PRIORITY TELECOMMUNICATIONS SERVICES/NEXT GENERATION NETWORKS

The bill provides \$58,740,000 for the Priority Telecommunications Services program and \$50,250,000 for the Next Generation Networks (NGN) program. NPPD is required in law to submit an expenditure plan detailing the purpose and goals of the NGN program.

NATIONAL COMMAND AND COORDINATION CAPABILITY

The bill provides \$5,963,000 for the National Command and Coordination Capability (NCCC). NPPD is expected to conduct a comprehensive assessment of the extensive emergency communications investments made by the Federal government since the creation of DHS, and to identify clearly how NCCC will enhance the multiple existing communications systems that connect Federal officials with their State and local counterparts.

CYBER SECURITY TRAINING

The bill provides \$3,500,000 for the continued development and implementation of the Community Cyber Security Maturity Model at the University of Texas at San Antonio, a training program designed to prepare State and local officials for responding to cyber attacks.

CONTROL SYSTEMS SECURITY

The bill provides \$22,000,000 for the National Cyber Security Division's efforts to improve security of control systems, of which \$4,000,000 is to establish a power and cyber system protection, analysis, and testing program at the Idaho National Laboratory, as discussed in the House report.

CLASSIFIED PRESIDENTIAL DIRECTIVES

As discussed in the Senate report, NPPD is strongly encouraged to re-examine policies on classification of Presidential Directives that purport to set government policy or provide critical information affecting State, local, and private sector officials. Given that many individuals not employed by the Federal government are not authorized to access classified documents, it seems problematic that important homeland security directives may not be available to the very people responsible for helping to implement them.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR
TECHNOLOGY

The bill includes \$300,000,000 for United States Visitor Immigrant Status Indicator Technology (US-VISIT). Of this amount, \$75,000,000 may not be obligated until the Committees receive an expenditure plan as specified in the House report, with the exception that neither GAO review nor Committee approval is required.

The bill provides that no funding shall be obligated for implementation of a final air exit solution until the Committees receive a report on air exit pilots, which shall be reviewed by GAO, and test at least two scenarios: (a) where airlines collect and transmit biometric exit data as proposed in the notice of proposed rule-making (DHS-2008-0039, published on April 24, 2008) and (b) where CBP collects such information at departure gates.

Within the \$300,000,000 appropriated, \$20,000,000 is for identity management and screening services; \$66,368,000 is for the Unique Identity program, and \$25,327,000 is to move US-VISIT operations to a DHS data center, and establish a second disaster recovery site. The remaining \$188,305,000 is available for operations and maintenance, program management, and development and implementation of biometric exit solutions.

EXPENDITURE PLAN

In developing its expenditure plan, DHS is directed to ensure that all required certifications address not only prior year program performance, systems, and processes, but also address the elements of the fiscal year 2009 program outlined in the plan as they relate to procurement, risk management, and human resource best practices. In addition, DHS is directed to include in the expenditure plan a schedule for the data center transfers and a description of funding required, as specified in the House report.

AIR EXIT PILOTS

DHS is directed to carry out the air exit pilots as outlined in the House report, with the exception that the pilots should be com-

pleted not later than January 31, 2009. There is no requirement for the report to be approved by the Committees. DHS is urged to work cooperatively with the airline industry to design and carry out air exit pilots as soon as possible.

2010 BUDGET SUBMISSION INFORMATION

DHS is directed to include with its fiscal year 2010 budget request, as specified in the House report, (1) a report on prospects for implementation of enumeration throughout DHS, and (2) a full description of the internal DHS governance process and steps US-VISIT and DHS have taken to define, manage and coordinate relationships between US-VISIT and other immigration and border management programs.

EXPENDITURE PLAN CERTIFICATIONS

The fiscal year 2008 US-VISIT expenditure plan submitted by the Department did not comply with requirements of the law; specifically, it failed to include required information in support of several certifications. Additionally, certifications seem to have been based in part on outdated assessments. DHS is directed to ensure that certifications submitted in support of future expenditure plans include all supporting documentation, and address current and prospective elements of the program.

US-VISIT MUST BECOME A CURRENT-YEAR PROGRAM

Repeated delays in submitting the legislatively required expenditure plans have resulted in US-VISIT becoming a forward-funded program. The fact that the fiscal year 2008 plan was not submitted until June 12, 2008, means that nearly a quarter of the program's budget will carry over into fiscal year 2009. This practice must stop. In prior years, Congress has approved virtually all the funding requested for the program. However, the reduction of \$90,300,000 in this bill is a response to the delay in submitting the expenditure plans and the resulting unobligated balances. DHS is directed to submit expenditure plans on a timely basis in order to ensure that US-VISIT becomes an effective, current-year program.

OFFICE OF HEALTH AFFAIRS

The bill provides \$157,191,000 for Office of Health Affairs (OHA). Of this amount \$29,210,000 is for salaries and expenses. Funds for planning and coordination activities are available as detailed in the House report.

A total of \$111,606,000 is provided for BioWatch. Concerns about the management of the BioWatch program, as detailed in the House report, include uncertainty about the relationship of generation 2.5 systems to generation 3.0 systems; a lack of clarity about how OHA measures the efficiency and effectiveness of the systems; and questions about how BioWatch should fit in with other surveillance efforts. In addition, it has become evident that, due to changes in performance standards and other factors, testing and deployment of the generation 3.0 systems could be delayed for as much as two years. The National Academy of Sciences (NAS) is currently evaluating the BioWatch program to assess its effective-

ness and how it might fit in to an enhanced national public health surveillance system that now relies primarily on hospitals and the public health system. The results of the NAS evaluation are expected within a year, and OHA is expected to utilize those results in its BioWatch planning.

In light of the risks associated with biological threats and the ability to detect such threats in the most efficient manner, DHS must strike a careful balance between expediting the deployment of new technologies and ensuring that such technologies have been fully validated. In order to help strike that balance, a total of \$34,498,000 is included for field testing systems beyond generation 2.0 that can be deployed within 12 months. Funding shall be competitively awarded. Field tests should be conducted in high risk urban areas, as determined by the Secretary, and should be initiated incrementally to ensure that lessons learned and performance data can inform decisions about future pilot deployments. Prior to commencing field testing, OHA shall work with the Science and Technology (S&T) Directorate to determine evaluation metrics. OHA is further directed to notify the Committees 15 days after deployment of any BioWatch device to a new location. OHA shall submit an expenditure plan on the BioWatch base program and an expenditure plan on the BioWatch field testing program within 60 days after the date of enactment of this Act. OHA shall notify the Committees within five days of any deviation from the expenditure plan.

Significant work must be done to better understand environmental exposures following disasters and to develop response protocols and technologies to mitigate health

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

The bill provides \$837,437,000 for FEMA Management and Administration. In addition, up to \$105,600,000 may be transferred from the Disaster Relief fund for disaster support costs, including conversion of FEMA's temporary disaster employees to permanent status. The funding available for transfer is unavailable until the Committees receive and approve an implementation plan, as detailed in the House report. Of the amount provided, no less than \$7,000,000 is for the Emergency Management Institute, no less than \$6,000,000 is for the National Dam Safety Program and no more than \$6,000,000 is for expiring leases of regional offices. Additionally, the Reserve Workforce Credentialing and Recruitment Plan shall be funded at no less than the amount requested in the budget.

The bill provides \$6,342,000 for the Office of National Capital Region Coordination. The bill includes a provision requiring the inclusion of the Governors of the State of West Virginia and the Commonwealth of Pennsylvania in the National Capital Region decision-making and planning process for mass evacuation. The Department is directed to include officials from the counties and municipalities that contain the evacuation routes and their tributaries into the planning process.

MEASURING PREPAREDNESS

The bill provides \$5,000,000 to accelerate efforts at FEMA to develop tools to measure the achievement and effectiveness of certain grant programs, including how grants increase the capability of States and local communities to respond to all-hazards. GAO is directed to evaluate these grants measurement tools and determine whether the tools are reasonable and effective in measuring how grants increase the preparedness level and capabilities of each grant recipient and reduce risk. FEMA is directed to create a task force and consult with State and local governments, as specified in the Senate report with regard to this effort.

NUCLEAR PREPAREDNESS

The bill provides \$6,000,000 for a nuclear preparedness effort. To address the shortfall in nuclear preparedness efforts at the Department, Congress provided \$5,500,000 to OHA in the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110-28) to begin modeling the effects of a potential nuclear attack and planning ways to mitigate its effects, including direction to develop effective communications. FEMA is to build on this effort and work with State and local officials, and other relevant Federal agencies on planning efforts, and to continue to develop and test pre-event and post-event communication strategies. FEMA shall work with OHA and the Department of Health and Human Services on health aspects of a nuclear event.

MT. WEATHER CAPITAL IMPROVEMENTS

The bill provides the budget request for Mt. Weather capital improvements, an increase of \$10,413,000 from fiscal year 2008. FEMA is directed to provide a comprehensive five-year capital improvement plan, as detailed in the House report, for Mt. Weather by April 6, 2009.

URBAN SEARCH AND RESCUE RESPONSE SYSTEM

The bill provides \$32,500,000 for the Urban Search and Rescue Response System. FEMA is directed to provide a report on the feasibility of adding an additional team to the Urban Search and Rescue program, including a recommendation for the geographical location and associated cost estimate if it determines that adding a new team is feasible and warranted, as discussed in the House report.

EMERGENCY ALERT SYSTEM

The bill provides \$35,000,000 for the modernization of the Emergency Alert System (EAS), including the conversion of EAS to digital capability. Up to \$2,000,000 shall be used to validate Radio Broadcast Data System Technology as an effective means of notification of individuals during emergencies, to be competitively awarded. FEMA is directed to provide a plan to the Committees by January 2009 outlining the completion of the conversion to the Integrated Public Alert and Warning System as discussed in the House report.

READY CAMPAIGN

The bill provides no less than \$2,500,000 for the READY campaign, which is transferred to FEMA from the Office of the Secretary and Executive Management. The program is to be combined with FEMA's "Are You Ready?" campaign.

DEVELOPING BEST PRACTICES

The bill provides \$2,200,000 to develop and implement best practices of all-hazards preparedness and response specific to the unique geographical features and remoteness of the Pacific Area.

IMPACTS OF CLIMATE ON FUTURE DISASTERS

The bill provides \$5,000,000 for the State of North Carolina to perform a risk assessment and mitigation strategy demonstration of the potential impacts of sea level rise in that State associated with long-term climate change, as discussed in the House report. FEMA is directed to use the study results to assess the long-term fiscal implications of climate change as it affects the frequency and impacts of natural disasters, and to disseminate information from the study to other states to inform their climate change mitigation efforts.

FLOOD CONTROL AND HAZARD MITIGATION DEMONSTRATION PROGRAM

The bill provides \$2,425,000 to conduct demonstration flood control and hazard mitigation projects with interagency stakeholders, including FEMA, the U.S. Army Corps of Engineers, the U.S. Department of Agriculture, and State and local agencies, as discussed in the House report. Funds are provided to demonstrate a wide range of project solutions across FEMA's multiple disaster preparedness and mitigation programs, including: retrofitting and hardening of existing flood walls and levees; pump refurbishment; land acquisition; transportation infrastructure modifications; and other flood damage reduction projects within the Upper Cumberland and Big Sandy Watershed, Kentucky.

BUDGET SUBMISSIONS

The bill continues a provision directing FEMA to submit its fiscal year 2010 budget request by office. Each office and FEMA region shall provide: (1) budget detail by object classification; (2) the number of full-time equivalents on board; (3) the number of full-time equivalent vacancies; and (4) the appropriation account(s) used to support the office and the programs managed by the office.

FEMA is directed to notify the Committees within 15 days if any office receives or transfers more than 10 percent of the total amount allocated to each office. FEMA is expected, as part of the fiscal year 2010 budget request, to contain budget detail for the programs specified in the House report.

FIRST RESPONDER READINESS

FEMA is directed to submit a report, as specified in the House report, regarding the availability of training and an analysis of response capabilities of the U.S. territories. FEMA is directed to ex-

amine major training programs to determine the utility of additional sites for all-hazard first responder training and report to the Committees on its findings.

STAKEHOLDER INVOLVEMENT

The bill withholds \$10,000,000 until the Secretary of Homeland Security, in coordination with the Administrator of FEMA, certifies and reports to the Committees that certain conditions have been met regarding the process to incorporate stakeholder input for grant guidance development and award distribution. Input from State Administrative Agencies, Regional Working Groups, Federal Preparedness Coordinators, the National Advisory Council, and other stakeholder groups shall be sought for this process, in accordance with the Senate report. A similar provision is included within the Office of the Secretary and Executive Management.

SPECIAL POPULATIONS

FEMA is directed to submit the report specified in the House report regarding Limited English Proficiency populations.

INFORMATION TECHNOLOGY

The bill provides the President's budget request for information technology improvements.

REGIONAL CAPABILITY

FEMA is not currently using its Federal Medical Contingency Station (FMCS) Type-1. However, FEMA Region IV and the states within that region have developed a plan for incorporating the FMCS Type-1 into a regional medical response system, in which the FMCS Type-1 would be assigned to a state in the region but be available for both regional and national medical response via the Emergency Management Assistance Compact. FEMA is directed to transfer FMCS Type-1 to Region IV for this purpose.

STATE AND LOCAL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

The bill provides \$3,105,700,000 for State and Local Programs. Funding is allocated as follows:

State Homeland Security Grant Program	\$950,000,000
Urban Area Security Initiative	837,500,000
Regional Catastrophic Preparedness Grants	35,000,000
Metropolitan Medical Response System	41,000,000
Citizen Corps Program	15,000,000
Public Transportation Security Assistance and Railroad Security Assistance	400,000,000
Port Security Grants	400,000,000
Over-the-Road Bus Security Grants	12,000,000
Trucking Industry Security Grants	8,000,000
Buffer Zone Protection Program Grants	50,000,000
Commercial Equipment Direct Assistance Program	8,000,000
Interoperable Emergency Communications Grant Program	50,000,000
Emergency Operations Centers	35,000,000
National Programs:	
Center for Domestic Preparedness	62,500,000
National Domestic Preparedness Consortium	102,000,000
Counterterrorism and Cyber Crime Center	1,700,000

National Exercise Program	40,000,000
Technical Assistance	11,000,000
Continuing Training Grants	31,000,000
Evaluations and Assessments	16,000,000
Subtotal, National Programs	264,200,000
Total, State and Local Programs	3,105,700,000

The bill includes provisions (1) allowing the transfer of up to three percent of State and Local programs funding to FEMA's "Management and Administration" account, and requiring the submission of an expenditure plan within 60 days after the date of enactment of this Act on the use of those administrative funds; (2) designating certain timeframes for grant processing; (3) requiring grantees to provide reports as determined necessary by the Secretary; (4) requiring GAO to report, not later than 45 days after the date of enactment of this Act, on the data, assumptions, and methodology that DHS uses to assess risk and allocate Urban Areas Security Initiative (UASI) and State Homeland Security Grant Program (SHSGP) funds; and (5) providing that the installation of communications towers is not considered construction of a building or other physical facility under the SHSGP and UASI program.

FEMA is directed, in conjunction with OHA, to report to the Committees regarding the current state of disaster preparedness capabilities of emergency medical services, as discussed in the House report. FEMA is encouraged to require State and local governments to include Chief Information Officers in planning efforts, as discussed in the Senate report. Further, FEMA is encouraged to consider the need for mass evacuation planning and pre-positioning of equipment for areas potentially impacted by mass evacuations in allocating first responder funds.

GRANTS MANAGEMENT AND COORDINATION

FEMA is expected to continue to fully engage agencies with subject matter expertise within the Department, when appropriate, in the development of grant guidance and the determination of awards. Such agencies include the Coast Guard, TSA, NPPD, OHA, S&T, the Law Enforcement Advisor to the Administrator, the Office of Emergency Communications, and the DHS Office of State and Local Law Enforcement.

FEMA is directed to assume all coordination functions of grant programs for the Department and be the primary point of contact for all grantees.

COMPLYING WITH THE 9/11 ACT

FEMA is directed to comply with the requirements of the 9/11 Act, as discussed in the House report including ensuring that current and future grantees are aware of and comply with the law, and removing the time limitation for intelligence analysts.

CRITICAL EMERGENCY SUPPLIES

FEMA is directed to allow grant recipients to allocate a reasonable portion of grant funds, as determined by FEMA, for critical emergency provisions such as shelf stable food products, water, and basic medical supplies. FEMA should award funding for this purpose only after certifying that grant applicants have a viable inven-

tory management plan, an effective distribution strategy, sustainment costs for such an effort, and logistics expertise to avoid situations where funds are wasted because supplies are rendered ineffective due to lack of planning. FEMA shall report to the Committees on lessons learned and best practices regarding this newly allowable expense, including how critical supplies and the distribution of them can be coordinated among Federal, State, and local entities for the most efficient and effective response.

STATE HOMELAND SECURITY GRANT PROGRAM

The bill provides \$950,000,000 for the SHSGP. The bill includes a provision directing that the Commonwealth of Puerto Rico shall be considered a State in the allocation of grant funds to local and tribal governments. In accordance with the 9/11 Act, at least 25 percent of SHSGP and UASI funds shall be used for Law Enforcement Terrorism Prevention (LETPP) activities. FEMA is directed to provide clear guidance to States and urban areas to ensure that the intent of LETPP is fully realized and the program is fully maximized.

Included in the amount provided is \$60,000,000 for Operation Stonegarden. All awards shall be made on a competitive basis to tribal governments and units of local government, including towns, cities, and counties along the border of the U.S. to enhance the coordination between local and Federal law enforcement agencies. Eligible costs for Operation Stonegarden are as described in the House report. Only CBP and FEMA shall make award decisions. No administrative costs shall be deducted by States.

URBAN AREA SECURITY INITIATIVE

The bill provides \$837,500,000 for UASI grants. Within this funding, \$15,000,000 is provided for grants to non-profit organizations determined by the Secretary to be at high risk of terrorist attack.

REGIONAL CATASTROPHIC PREPAREDNESS GRANT PROGRAM

The bill provides \$35,000,000 for the Regional Catastrophic Preparedness Grant Program. FEMA is directed to award funding as directed in the Senate report.

METROPOLITAN MEDICAL RESPONSE SYSTEM

The bill provides \$41,000,000 for the Metropolitan Medical Response System.

PUBLIC TRANSPORTATION SECURITY ASSISTANCE AND RAILROAD SECURITY ASSISTANCE

The bill provides \$400,000,000 for Public Transportation Security Assistance and Railroad Security Assistance. Of this amount \$25,000,000 is provided for Amtrak security needs. The bill includes a provision directing the Department to make grants directly to public transportation agencies. FEMA is directed to notify the states of the grantees at the time of the award to promote state-wide collaboration. The bill also prohibits the Department

from requiring a cost share for fiscal year 2008 and fiscal year 2009 funds.

PORT SECURITY GRANTS

The bill provides \$400,000,000 for Port Security grants. The Coast Guard shall make all final grant recommendations for Port Security grants.

TRUCKING INDUSTRY SECURITY GRANTS

The bill provides \$8,000,000 for Trucking Industry Security Grants, to be competitively awarded, for an anti-terrorism and security awareness program for highway professionals and for an academic evaluation of the effectiveness of the program. FEMA is directed to submit an expenditure plan for the Trucking Industry Security Grant Program to the Committees prior to the obligation of funds.

BUFFER ZONE PROTECTION PROGRAM GRANTS

The bill provides \$50,000,000 for the Buffer Zone Protection Program.

COMMERCIAL EQUIPMENT DIRECT ASSISTANCE PROGRAM

The bill provides \$8,000,000 for the Commercial Equipment Direct Assistance Program.

INTEROPERABILITY EMERGENCY COMMUNICATIONS GRANTS

The bill provides \$50,000,000 for Interoperability Emergency Communications Grants. In fiscal year 2008, FEMA placed priority on leadership and governance, common planning and operational protocols, and skills and capabilities, and the Committees agree with that priority. States and localities should be given flexibility to purchase equipment only if they have made progress in these other areas. Accordingly, the Department is directed to allow such States and local governments to use grant funds to purchase equipment pursuant to requirements in the 9/11 Act.

FEMA regional offices are directed to assist in regional integration of State communications plans.

EMERGENCY OPERATIONS CENTERS

The bill provides \$35,000,000 for Emergency Operations Centers. Funding is provided for equipping, upgrading, and constructing EOCs pursuant to section 614 of the Stafford Act. This funding is in addition to funding States and locals may use from other Homeland Security grants for the same purpose. Of the amount provided, \$13,355,000 is available for a competitive program. The remaining funding is provided for the following Emergency Operations Center projects in the following amounts:

Tensas Parish Police Jury, LA	\$750,000
City of Rialto, CA	225,000
Village of Poynette, WI	1,000,000
Sebastian County, AR	750,000
Lake County, FL	1,000,000
Sarasota County, FL	1,000,000
Northumberland County, Department of Public Safety, PA	1,000,000

City of Detroit, MI	1,000,000
San Diego Unified School District, San Diego, CA	400,000
City of Half Moon Bay, CA	750,000
Chesterfield County, VA	250,000
Spencer County Commissioners, Rockport, IN	1,000,000
City of Gladstone, OR	60,000
City of Coral Springs, FL	550,000
Snohomish County, WA	1,000,000
County of Atlantic, NJ	750,000
City of Rio Vista, CA	150,000
American Red Cross, Sacramento Sierra Chapter, CA	35,000
Village of Bellerose, NY	200,000
Town of Pomona Park, FL	300,000
San Francisco Police Department, CA	1,000,000
North Carolina Department of Crime Control and Public Safety, NC	1,000,000
City of Del Rio, TX	500,000
City of Bell Gardens, CA	175,000
City of Cudahy, CA	50,000
The County of Cook, IL	1,000,000
Douglas County, GA	500,000
City of Richmond, Office of Emergency Management, VA	750,000
Hudson County, NJ	1,000,000
Marion County, FL	750,000
City of Miami Beach, FL	1,000,000
Vermont Emergency Management Agency, VT	1,000,000
Crittenden County, KY	750,000

CENTER FOR DOMESTIC PREPAREDNESS

The bill provides \$57,000,000 to continue activities for the Center for Domestic Preparedness and \$5,500,000 to continue activities for the Noble Training Center.

NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM

The bill provides \$102,000,000 for the National Domestic Preparedness Consortium. Of the total amount available, \$23,000,000 is for the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology; \$23,000,000 is for the National Center for Biomedical Research and Training, Louisiana State University; \$23,000,000 is for the National Emergency Response and Rescue Training Center, Texas A&M University; \$23,000,000 is for the National Exercise, Test, and Training Center, Nevada Test Site; \$5,000,000 is for the Transportation Technology Center, Incorporated, in Pueblo, Colorado; and \$5,000,000 is for the National Disaster Preparedness Training Center, University of Hawaii, Honolulu, Hawaii.

COUNTERTERRORISM AND CYBER CRIME CENTER

The bill provides \$1,700,000 for the Counterterrorism and Cyber Crime Center, as directed in the Senate report.

CONTINUING TRAINING GRANTS

The bill provides \$31,000,000 for continuing training grants and supports programs which consistently deliver homeland security curricula in the form of executive education programs and accredited Masters Degree education. Full funding is recommended for the graduate-level homeland security education programs the Department currently supports, and the Department is encouraged to

leverage these existing programs to meet the growing need for graduate-level education.

NATIONAL EXERCISE PROGRAM

The bill provides \$40,000,000 for the national exercise program. The Department is directed to report to the Committees as discussed in the House report.

TECHNICAL ASSISTANCE

The bill provides \$11,000,000 for technical assistance, which provides direct assistance to State, regional, local, and tribal jurisdictions to enhance their capabilities to prevent, protect against, respond to, and recover from major events, and to improve homeland security program management.

EVALUATIONS AND ASSESSMENTS

The bill provides \$16,000,000 for Evaluations and Assessments.

RURAL DOMESTIC PREPAREDNESS CONSORTIUM

The Rural Domestic Preparedness Consortium (RDPC) continues to make progress in meeting its mission to provide training and technical assistance to rural jurisdictions. In recent testimony, FEMA's Deputy Administrator for National Preparedness, stated, "A unique aspect of the RDPC is that it addresses preparedness activities for a broad scope of stakeholders within rural jurisdictions". The Committees recognize the consortium has sufficient funds for continued operations in fiscal year 2009.

FIREFIGHTER ASSISTANCE GRANTS

The bill provides \$775,000,000 for firefighter assistance, including \$565,000,000 for firefighter assistance grants, and \$210,000,000 for firefighter staffing grants, to remain available until September 30, 2010.

FEMA is directed to continue the present practice of funding applications according to local priorities and those established by the United States Fire Administration, and to make \$3,000,000 available for implementation of section 205(c) of Public Law 108-169. FEMA is further directed to encourage applications from multiple fire departments and not restrict the lead applicant from submitting a separate application, as discussed in the House report.

The bill includes a provision allowing up to five percent of grant funds to be used for program administration, and requiring an expenditure plan to be submitted within 60 days after the date of enactment of this Act that details the use of funds.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

The bill provides \$315,000,000 for Emergency Management Performance Grants.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The bill provides for the receipt and expenditure of fees collected, as authorized by Public Law 105-276.

UNITED STATES FIRE ADMINISTRATION

The bill provides \$44,979,000 for the United States Fire Administration (USFA). Of the amount provided, \$500,000 is to address deferred maintenance needs on the USFA campus. FEMA is directed to submit a facilities master plan, as detailed in the Senate report. Of the amount provided, \$1,179,000 is provided for the implementation of the National Fire Incident Report System.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

The bill provides \$1,400,000,000 for Disaster Relief, and allows the transfer of \$105,600,000 to FEMA's "Management and Administration" account for disaster support costs, including FEMA's effort to convert temporary disaster employees to permanent status. In addition, the bill allows the transfer of \$16,000,000 to OIG for audits and investigations of disasters.

The bill continues the requirement for a monthly report and adds a requirement that the report include the amount provided to each Federal agency for mission assignments. The bill does not specify an amount for disaster readiness and support costs, although it is an allowable expense, but does require FEMA to submit an expenditure plan to the Committees detailing the use of funds for disaster readiness and support costs within 60 days after the date of enactment of this Act. FEMA shall provide a quarterly report detailing obligations against the expenditure plan and a justification for any changes in spending.

FEMA is directed to maintain the Florida long-term recovery office as long as there is sufficient work to be done following the 2004 and 2005 hurricanes that struck the State. FEMA shall notify the Committees, as detailed in the House and Senate reports.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

The bill provides \$295,000 for the cost of loans. Administrative costs are provided for in the FEMA "Management and Administration" account.

FLOOD MAP MODERNIZATION FUND

The bill provides \$220,000,000 for the Flood Map Modernization Fund. FEMA is expected to focus on updating, reviewing, and maintaining maps that have already been modernized to ensure that flood maps remain current to accurately reflect flood hazards. The goal shall be to review and, as necessary, update maps that are three years past their modernized dates, and to complete necessary updates no later than five years past their modernized dates to ensure maps are accurately maintained. To support this goal and to leverage the use of Federal resources for this activity, FEMA is directed that no less than 20 percent of the funds provided under this heading be made available for map maintenance conducted by Cooperating Technical Partners that provide a 25 percent cash match and have a strong record of working effectively with FEMA on floodplain mapping activities. Concurrent with the fiscal year 2010 budget submission, FEMA shall submit to the

Committees on Appropriations a five-year National Flood Map Maintenance Plan for fiscal years 2010–2014.

FEMA is encouraged to prioritize as criteria the number of stream and coastal miles within the state, the Mississippi River Delta region, and the participation of the state in leveraging non-federal contributions.

NATIONAL FLOOD INSURANCE FUND

The bill provides up to \$49,418,000 for salaries and expenses to administer the National Flood Insurance Fund; up to \$80,000,000 for the severe repetitive loss property mitigation program under section 1361A of the National Flood Insurance Act; \$10,000,000 for the repetitive insurance claims properties under section 1323 of the National Flood Insurance Act; and \$35,700,000 for Flood Mitigation Assistance under section 1366 of the National Flood Insurance Act. No less than \$107,181,000 is available for flood plain management and flood mapping. Funds are available until September 30, 2010, and funding is offset by premium collections.

NATIONAL PREDISASTER MITIGATION FUND

The bill provides \$90,000,000 for the National Predisaster Mitigation Fund. The following predisaster mitigation projects are provided in the following amounts:

City of Rainbow City, AL	\$1,000,000
Municipality of Murrysville, PA	100,000
Bibb County, Emergency Management Agency, AL	750,000
City of Wynne, AR	50,000
City of San Diego, CA	1,000,000
Pinellas County, FL	1,000,000
Brigham City (Corporation), UT	650,000
City of Coolidge, GA	80,000
Drywood Township, Garland, KS	35,000
City of Merced, CA	500,000
City of Newark, DE	300,000
Adjutant General's Office of Emergency Preparedness, SC	1,000,000
Alabama Department of Homeland Security, for Jackson County, AL	90,000
Harris County Flood Control District, TX	1,000,000
Tarrant County, TX	1,000,000
City of Chula Vista, CA	400,000
North West, MO Regional Council of Governments	300,000
Florida Atlantic University, Boca Raton, FL	300,000
City of Kannapolis, NC	468,000
Town of Conklin, NY	330,000
County of Hawaii, Civil Defense Agency, HI	400,000
City of Berlin, Public Health Department, NH	100,000
City of Trenton, NJ	500,000
Santa Clara Water Valley District, San Jose, CA	790,000
City of Houston, TX	200,000
West Jefferson Medical Center, Marrero, LA	400,000
Erie County, Sandusky, OH	399,000
Wayne County, Detroit, MI	300,000
New York State Emergency Management Office, NY	1,000,000
City of Berkeley, CA	750,000
City of Taylorsville, KY	750,000
Westchester and Rockland Counties, NY	500,000
Town of Lake Placid, FL	500,000
Tifton-Tift County Emergency Management Agency (EMA), GA	40,000
Town of Pembroke Park, FL	400,000
City of Miami, FL	1,000,000
City of Mission Viejo, CA	850,000

Yardley Borough, PA	500,000
Clark County Emergency Management, WI	300,000
County of Essex, NJ	500,000
Val Verde County, Del Rio, TX	500,000
County of Los Angeles, CA	600,000
City of Los Angeles, CA	500,000
City of New Braunfels, TX	360,000
Brown Township Board of Trustees, Malvern, OH	247,728
City of Barberton, OH	200,000
Mississippi Homeland Security Office, MS	500,000
Town of North Andover, MA	100,000
Cities of Lake Station and Hobart, IN	500,000
City of Owatonna, MN	400,000
Putnam County, FL	450,000
City of Lake City, TN	418,000

EMERGENCY FOOD AND SHELTER

The bill provides \$200,000,000 for Emergency Food and Shelter.

CERRO GRANDE FIRE CLAIMS

(RESCISSION OF FUNDS)

The bill rescinds \$9,000,000, as requested.

TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

The bill includes \$101,740,000 for United States Citizenship and Immigration Services (USCIS). The bill funds REAL-ID hub development within Title V.

E-VERIFY

The bill provides the requested \$100,000,000 for the E-Verify program (previously called Employment Eligibility Verification or Basic Pilot).

USER FEE FUNDED PROGRAMS

Current estimates of fee collections, which constitute the majority of USCIS resources, are \$2,539,186,000. These revenues support adjudication of applications for immigration benefits and fraud prevention activities, and are derived from fees collected from persons applying for immigration benefits. Within the total fees collected, USCIS is directed to provide no less than \$53,747,000 to support Customer Service Center operations, and to dedicate the entirety of premium processing revenue to business system and information technology transformation. USCIS is directed to provide up to \$28,000,000 for converting immigration records to digital format as planned for fiscal year 2009. No more than \$10,000 of the fees collected shall be used for official reception and representation expenses.

FBI NAME CHECK BACKLOG

USCIS and the FBI have made significant progress reducing the backlog of immigration applications awaiting FBI background checks. However, as discussed in the Senate report, it is imperative

that both agencies remain vigilant to prevent the return of backlogs in the future. DHS is directed to advise the Committees of any resource requirements necessary to avoid the development of new backlogs.

CITIZENSHIP EDUCATION GRANTS

The bill includes \$1,200,000 for competitively-awarded grants to organizations promoting the rights and responsibilities of citizenship, as discussed in the House report.

NATURALIZATION CEREMONIES

USCIS is directed to identify, in the fiscal year 2010 budget submission, funds allocated to naturalization and oath of allegiance ceremonies and to work with local public and private groups to schedule naturalization and oath of allegiance ceremonies as part of Independence Day celebrations, as directed in the House report.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

The bill provides \$246,530,000 for Federal Law Enforcement Training Center (FLETC) Salaries and Expenses. Funding above the President's request shall be allocated as follows: \$2,000,000 for leveraging Department of Defense modeling and simulation technologies; \$2,200,000 for instructors for United States Capitol Police training needs; \$5,640,000 for basic training for additional hiring in CBP and ICE; and \$4,000,000 to implement the Rural Policing Institute as authorized by the 9/11 Act. Additionally, the Committees support the Federal Law Enforcement Training Center naming the FLETC, Artesia campus.

WASHINGTON OFFICE

The bill does not eliminate \$730,000 in funding for the Washington, DC office.

ACCREDITATION

The bill requires the Federal Law Enforcement Training Accreditation Board (FLETA) to develop standards that require agencies seeking accreditation of their basic or entry level law enforcement training programs to include comprehensive training on ethics and integrity. The FLETA Board is directed to submit a report to the Committees no later than December 1, 2008, on the implementation of this directive.

RURAL POLICING INSTITUTE

FLETC is directed to provide a business plan to the Committees within 90 days after the date of enactment of this Act as detailed in the Senate report.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The bill provides \$86,456,000 for Acquisitions, Construction, Improvements, and Related Expenses. Within this total, \$40,000,000

is provided to construct a replacement dormitory on the FLETC Charleston campus and \$3,000,000 is provided to complete construction of training-related facilities at Artesia, New Mexico.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

The bill provides \$132,100,000 for Management and Administration. This amount includes \$10,000 for official reception and representation. S&T shall notify the Committees pursuant to section 503 of this Act if they assess any program for administrative costs exceeding 5 percent of the total program appropriation.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

The bill provides \$800,487,000 for Research, Development, Acquisition, and Operations. The following table specifies funding by budget activity:

Border and Maritime Security	\$33,050,000
Chemical and Biological	200,408,000
Command, Control, and Interoperability	74,890,000
Explosives	96,149,000
Human Factors	12,460,000
Infrastructure and Geophysical	75,816,000
Innovation	33,000,000
Laboratory Facilities	161,940,000
Test and Evaluations/Standards	28,674,000
Transition	28,830,000
University Programs	50,270,000
Homeland Security Institute	5,000,000
Total	800,487,000

BORDER AND MARITIME SECURITY

The bill provides \$33,050,000 for Border and Maritime Security, including \$2,750,000 for maritime activities. S&T shall brief the Committees on how these funds will be allocated.

COMMAND, CONTROL, AND INTEROPERABILITY

The bill provides \$74,890,000 for Command, Control, and Interoperability. Within this total, not less than \$3,000,000 is to continue the Distributed Environment for Critical Infrastructure Decisionmaking Exercises and \$9,500,000 is for cyber security activities above those included in the budget request. S&T shall brief the Committees on how it will allocate the additional cyber security funds.

INFRASTRUCTURE AND GEOPHYSICAL

The bill provides \$75,816,000 for Infrastructure and Geophysical. Within the funding provided, \$27,000,000 is to continue the Southeast Region Research Initiative and \$11,000,000 is for the National Institute for Hometown Security to support community-based critical infrastructure protection solutions.

INNOVATION

The bill provides \$33,000,000 for Innovation. Funding has been reduced from the budget request for two reasons. First, the OIG

has raised concerns about how projects were selected and managed under this program. Second, it has taken S&T nine months to inform the Committees on how it will spend the funding provided in fiscal year 2008. Consistent with last year, S&T is directed to provide an expenditure plan to the Committees for the fiscal year 2009 appropriation on a project-by-project basis.

NEW TECHNOLOGIES

New technologies may significantly help the Department as it seeks to secure our homeland. The Department is encouraged to develop a variety of technologies as discussed in both the House and Senate reports.

LABORATORY FACILITIES

The bill provides \$161,940,000 for Laboratory Facilities. Within the total, \$25,000,000 is provided for construction obligations at the Physical Science Facility and refurbishment of building 325 at Pacific Northwest National Laboratory in support of the memorandum of understanding between DHS, the Department of Energy and the National Nuclear Security Administration.

The bill includes a provision requiring a GAO review of the Department's National Bio and Agro-defense Facility risk assessment prior to the obligation of construction funding.

TEST AND EVALUATIONS/STANDARDS

The bill provides \$28,674,000 for Test and Evaluations/Standards. Within the funds provided, \$5,000,000 shall be to develop an operational test and evaluation program for first responder technologies so that there is a unified effort to objectively evaluate products against minimum requirements as discussed in the House report.

TRANSITION

The bill provides \$28,830,000 for Transition. Within the funds provided, \$2,000,000 shall be used to establish a pilot program to identify, research, develop, and transition advanced technologies and manufacturing processes in the homeland security industrial base. Funding for the Homeland Security Institute is not included in this appropriation as the Committees prefer this activity to remain a separate PPA for budgetary transparency.

TECHNOLOGIES TO SECURE THE HOMELAND AND ADVANCE RESPONDER EFFECTIVENESS (TECH SHARE)

The bill fully funds the budget request of \$9,500,000 for the Tech SHARE program. This program provides funds to ensure continuous operation of the centralized technology clearinghouse for the dissemination of homeland security science and technology to Federal, State, local and tribal agencies, a critical component of implementing Section 313 of the Homeland Security Act.

UNIVERSITY PROGRAMS

The bill provides \$50,270,000 for University Programs. Within this funding, \$36,720,000 is for the Centers of Excellence and

\$2,000,000 is to support the ongoing Memorandum of Agreement with the Naval Postgraduate School. S&T is directed to report to the Committees on how these additional funds will be allocated to the Centers of Excellence by December 15, 2008. As part of this report, S&T should discuss the process used for identifying specific areas of focus for the Centers of Excellence as well as provide a state-by-state breakdown of institutions participating in each of the centers.

UNOBLIGATED BALANCES

For the past few years, S&T has had high unexpended obligations in its Research, Development, Acquisition, and Operations account. S&T has made efforts to reduce these balances and has initiated a quarterly review to identify unused funds for work that has not yet been completed. S&T is directed to brief the Committees on the results of its quarterly validation and verification reviews and the amounts available to deobligate, and to identify how S&T plans to use these funds. The first quarterly brief should occur after the close of the first quarter of fiscal year 2009 and should include appropriate documentation on the unobligated balances. In addition, S&T should submit, as part of its fiscal year 2010 budget justification, a report on its unexpended obligated balances and justify instances where high balances occur.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

The bill provides \$37,500,000 for Management and Administration. No funding has been appropriated for new positions as nearly 20 percent of previously approved positions remain vacant. These vacancies include positions of critical importance, such as the budget officer and technical specialists.

RESEARCH, DEVELOPMENT, AND OPERATIONS

The bill provides \$323,200,000 for Research, Development, and Operations. The following table specifies funding by budget activity:

Systems Engineering and Architecture	\$25,147,000
Systems Development	108,100,000
Transformational Research and Development	103,300,000
Assessments	32,000,000
Operations Support	37,753,000
National Technical Nuclear Forensics Center	16,900,000
Total	323,200,000

TRANSFORMATIONAL RESEARCH AND DEVELOPMENT

The bill provides \$103,300,000 for Transformational Research and Development. This funding level supports critical ongoing initiatives such as standoff detection and intelligent personal radiation locators but reduces funding for new initiatives. The Domestic Nuclear Detection Office (DNDO) should undertake aggressive efforts within transformational research and development to fund and analyze technologies that can detect shielded highly-enriched uranium.

NATIONAL TECHNICAL NUCLEAR FORENSICS CENTER

The bill provides \$16,900,000 for the National Technical Nuclear Forensics Center. Within this total, \$1,000,000 has been provided for the new fellowship program. This program is funded at an introductory scale and should grow based on performance and participation. As discussed in the Senate report, DNDO shall submit a report on the National Technical Nuclear Forensics Center, its quality assurance program, the results of the National Academy of Sciences study, and steps the Center is taking to implement these recommendations.

SECURING THE CITIES

The bill provides \$30,000,000 for the Securing the Cities pilot, including \$10,000,000 in Research, Development and Operations and \$20,000,000 in Systems Acquisition.

ON-DOCK RAIL APPLICATIONS

The bill includes \$15,000,000 as requested to develop on-dock rail applications. DNDO, in conjunction with CBP, is encouraged to continue the development, engineering, and testing for both straddle carriers and crane-mounted sensors and portals that can be used in rail and ship yards.

QUARTERLY BRIEFINGS ON NEW TECHNOLOGIES PILOTS AND ASSESSMENTS

DNDO shall prioritize its development and deployment of detection equipment based on risk, and as appropriate focus on other cargo and passenger pathways into the country, such as bulk rail, general aviation, small pleasure craft, or other routes it deems the highest risk. As previously required, DNDO shall continue to provide quarterly briefings on new technologies pilots and assessments it is conducting to reduce vulnerabilities at airports, from general aviation aircraft, in the maritime environment, in rail yards, and at non-ports of entry land border crossings.

CARGO ADVANCED AUTOMATED RADIOGRAPHY SYSTEM

DNDO shall submit a report on the cargo advanced automated radiography system that discusses the Office's progress in developing this system and an explanation of the process used to solicit requests from all eligible applicants, including minority, women, and veteran-owned businesses, as discussed in the House report.

NUCLEAR THREAT AND RESOURCE ALLOCATION

Funds are provided within FEMA to study the effects of a potential nuclear attack and begin planning ways to mitigate its effects. Funds are not provided for an independent study for mitigation measures.

SYSTEMS ACQUISITION

The bill provides \$153,491,000 for Systems Acquisition. The following table specifies funding by budget activity:

Radiation Portal Monitor Program	\$120,491,000
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Securing the Cities	20,000,000
Human Portable Radiation Detection Systems Program	13,000,000
Total	153,491,000

RADIATION PORTAL MONITOR PROGRAM

The bill provides \$120,491,000 for the Radiation Portal Monitor Program. Within this appropriation, full funding has been provided for DNDO's effort to procure and deploy additional polyvinyl toluene (PVT) based fixed radiation portal monitors to seaports and land borders and to deploy PVT units in the air cargo environment. A reduction has been made to the advanced spectroscopic portal (ASP) monitor program due to further delays in the development of these technologies. The bill includes a prohibition on full scale procurement of ASP monitors until the Secretary has certified and reported to the Committees that a significant increase in operational effectiveness merits such a decision. If the Secretary is unable to certify that ASP monitors are more effective than the current PVT monitors, then DNDO should use its fiscal year 2009 funding to acquire traditional PVT radiation portal monitors. The bill also requires separate and distinct certifications for primary and secondary deployments in recognition of the inherently unique operational requirements each presents. The bill prohibits high-risk concurrent development and production of mutually dependent software and hardware components of detection systems. This restriction is included to address the acquisition and fiscal risks associated with such concurrency and in response to the testing difficulties DNDO has encountered over the last fiscal year. Finally, the Secretary shall consult with the National Academy of Sciences before making such certification decisions.

TITLE V—GENERAL PROVISIONS

(INCLUDING RESCISSIONS OF FUNDS)

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

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

Section 503. The bill continues and modifies a provision that provides authority to reprogram appropriations within an account and to transfer up to 5 percent between appropriations accounts with 15-day advance notification of the Committees. A detailed funding table identifying programs, projects, and activities is included at the end of this statement. This table along with funding levels specified in the report required under subsection (e) shall serve as the control level for all reprogrammings. These reprogramming guidelines shall be complied with by all agencies funded by the Department of Homeland Security Appropriations Act, 2009.

The Department shall submit reprogramming requests on a timely basis and provide complete explanations of the reallocations proposed, including detailed justifications of the increases and offsets, and any specific impact the proposed changes will have on the

budget request for the following fiscal year and future-year appropriations requirements. Each request submitted to the Committees should include a detailed table showing the proposed revisions at the account, program, project, and activity level to the funding and staffing (full-time equivalents and positions) levels for the current fiscal year and to the levels requested in the President's budget for the following fiscal year.

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

The Department is not to submit a reprogramming or transfer of funds after June 30 except in extraordinary circumstances, which imminently threaten the safety of human life or the protection of property. If a reprogramming or transfer is needed after June 30, the notice should contain sufficient documentation as to why it meets this statutory exception. Reprogramming proposals submitted by June 30 can be approved after that date.

Section 504. The bill continues and modifies a provision extending the authorization of the Department's Working Capital Fund in fiscal year 2009. No funds appropriated or otherwise available to the Department may

Section 505. The bill continues a provision that not to exceed 50 percent of unobligated balances remaining at the end of fiscal year 2009 from appropriations made for salaries and expenses shall remain available through fiscal year 2010 subject to reprogramming guidelines.

Section 506. The bill continues a provision deeming that funds for intelligence activities are specifically authorized during fiscal year 2009 until the enactment of an Act authorizing intelligence activities for fiscal year 2009.

Section 507. The bill continues and modifies a provision requiring notification of the Committees three business days before any grant allocation, discretionary grant award, discretionary contract award, including Federal Acquisition Regulation-covered contracts, letter of intent, or public announcement of the intention to make such an award totaling in excess of \$1,000,000. If the Secretary determines that compliance would pose substantial risk to health, human life, or safety, an award may be made without prior notification but the Committees shall be notified within five business days. Additionally, FEMA is required to brief the Committees five full business days prior to announcing publicly the intention to make an award under the State Homeland Security Grant Program, Urban Area Security Initiative, and Regional Catastrophic Preparedness Grant Program.

Section 508. The bill continues a provision that no agency shall purchase, construct, or lease additional facilities for Federal law enforcement training without advance approval of the Committees.

Section 509. The bill continues a provision that none of the funds may be used for any construction, repair, alteration, or acquisition project for which a prospectus, otherwise required under chapter 33 of Title 40, United States Code, has not been approved. The bill excludes funds that may be required for development of a proposed prospectus.

Section 510. The bill includes a provision that consolidates and continues by reference prior year statutory bill language into one provision. These provisions relate to reporting requirements of the privacy officer; contracting officer's technical representative training; sensitive security information; federal building performance and requirements outlined in title V of the National Energy Conservation Policy Act or subtitle A of title I of the Energy Policy Act of 2005; use of funds in conformance with section 303 of the Energy Policy Act of 1992; and Executive Order 13149 relating to fleet and transportation efficiency.

Section 511. The bill continues a provision that none of the funds may be used in contravention of the Buy American Act.

Section 512. The bill continues a provision to prohibit the obligation of funds for the Secure Flight program, except on a test basis, until the requirements of section 522 of Public Law 108-334 have been met and certified by the Secretary of DHS and reviewed by the GAO. GAO shall continue to evaluate DHS and TSA actions to meet the ten conditions listed in section 522(a) of Public Law 108-334 and to report to the Committees, either incrementally as the Department meets additional conditions, or when all conditions have been met by the Department. The bill also prohibits the obligation of funds to develop or test algorithms assigning risk to passengers not on government watch lists and for a commercial database that is obtained from or remains under the control of a non-federal entity, excluding Passenger Name Record data obtained from air carriers. Within 90 days after the date of enactment of this Act, TSA shall submit a detailed plan on achieving key milestones and methodology used for certification.

Section 513. The bill continues a provision prohibiting funds to be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

Section 514. The bill continues a provision regarding competitive sourcing.

Section 515. The bill continues a provision directing TSA to research, develop, and procure new technologies to inspect and screen air cargo. In the interim, TSA shall utilize existing checked baggage explosive detection equipment and screeners to screen cargo on passenger aircraft when practicable. TSA shall work with air carriers and airports to ensure the screening of cargo carried on passenger aircraft, as required by the 9/11 Act, increases incrementally each quarter. TSA shall take all possible measures to ensure air carriers are submitting data consistent with current security directives, including enforcement actions for non-compliance. TSA is required to report air cargo inspection statistics detailing how in-

cremental progress is being made to the Committees within 45 days of the end of each quarter of the fiscal year.

Section 516. The bill continues a provision directing that any funds appropriated or transferred to TSA “Aviation Security”, “Administration”, and “Transportation Security Support” in fiscal years 2004, 2005, 2006, and 2007 that are recovered or deobligated shall be available only for procurement and installation of explosives detection systems, for air cargo, baggage, and checkpoint screening systems, subject to notification. Quarterly reports must be submitted identifying any funds that are recovered or deobligated.

Section 517. The bill continues a provision requiring any funds appropriated to Coast Guard for 110–123 foot patrol boat conversions that are recovered, collected, or otherwise received as a result of negotiation, mediation, or litigation, shall be available until expended for the replacement patrol boat program.

Section 518. The bill continues and modifies a provision that prohibits obligation of funds to commence operations at the National Applications Office (NAO) other than those previously carried out under the authorities of the Civil Applications Committee until certain conditions are met. The bill also requires the OIG to audit the operations of the NAO and provide quarterly reports to the Committees, starting six months after the date of enactment of this Act. In addition, the bill includes a provision that prohibits obligation of funds to commence operations of the National Immigration Information Sharing Operation until certain conditions are met.

Section 519. The bill 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 520. The bill continues a provision relating to undercover investigative operations authority of the Secret Service.

Section 521. The bill continues a provision classifying the functions of instructor staff at FLETC as inherently governmental for purposes of the Federal Activities Inventory Reform Act of 1998.

Section 522. The bill includes a new provision pertaining to the human resources management system.

Section 523. The bill continues a provision regarding the enforcement of section 4025(1) of Public Law 108–458 pertaining to butane lighters.

Section 524. The bill continues and modifies a provision prohibiting the Secretary of Homeland Secretary from reducing operations within the Coast Guard’s civil engineering program except as specifically authorized in statute after the date of enactment of this Act.

Section 525. The bill continues and modifies a provision prohibiting the obligation of funds to the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, or the Office of the Chief Financial Officer for grants or contracts awarded by any means other than full and open competition. Certain exceptions apply. The bill also requires the OIG to review Departmental contracts awarded noncompetitively and report on the results to the Committees.

Section 526. The bill continues a provision that prohibits funding for any position designated as a Principal Federal Official during Stafford Act declared disasters or emergencies.

Section 527. The bill continues a provision prohibiting funding to grant an immigration benefit to any individual unless the results of background checks required in statute to be completed prior to the grant of the benefit have been received by DHS.

Section 528. The bill continues a provision prohibiting use of funds to destroy or put out to pasture any horse or other equine belonging to the Federal government unless adoption has been offered first.

Section 529. The bill continues a provision that precludes DHS from using funds in this Act to carry out reorganization authority.

Section 530. The bill continues a provision regarding the use of the National Center for Critical Information Processing and Storage data center.

Senate 531. The bill continues a provision prohibiting funds from being used to reduce the Coast Guard's Operations Systems Center mission or its government-employed or contract staff.

Section 532. The bill continues a provision prohibiting funds to be used to conduct or implement the results of a competition under Office of Management and Budget Circular A-76 with respect to the Coast Guard National Vessel Documentation Center.

Section 533. The bill continues a provision that requires the Secretary to link all contracts that provide award fees to successful acquisition outcomes.

Section 534. The bill continues a provision prohibiting the obligation of funds for the Office of Secretary and Executive Management for any new hires at DHS if they are not verified through the E-Verify system.

Section 535. The bill continues a provision related to prescription drugs.

Section 536. The bill continues a provision prohibiting funds available in this Act from being used to implement a rule or regulation which implements the notice of proposed rulemaking related to Petitions for Aliens to Perform Temporary Nonagricultural Services or Labor (H-2B) set out beginning on 70 Federal Register 3984 (January 27, 2005).

Section 537. The bill continues and modifies a provision relating to other transactional authority of DHS through fiscal year 2009. Language requires the Secretary to issue policy guidance detailing the appropriate use of other transactional authority and provide training to each employee that has authority to handle procurements under this authority. The Secretary shall report on projects that this authority was used for.

Section 538. The bill continues a provision prohibiting funds for planning, testing, piloting or developing a national identification card.

Section 539. The bill continues a provision that requires a report summarizing damage assessment information used to determine whether to declare a major disaster.

Section 540. The bill includes a new provision relating to the liquidation of Plum Island assets if the site is not chosen for the new

National Bio and Agro-defense Facility and how the proceeds from this sale may be applied.

Section 541. The bill includes a new provision directing that any official required by this Act to report or certify to the Committees on Appropriations may not delegate such authority unless expressly authorized to do so in this Act.

Section 542. The bill includes a new provision requiring the Secretary of Homeland Security, in conjunction with the Secretary of Treasury, to notify the Committees of proposed transfers of surplus balances from the Department of Treasury Forfeiture Fund to any agency within the Department of Homeland Security. No transfers may be obligated until the Committees approve the proposed transfers and their use.

Section 543. The bill includes a new provision pertaining to alien flight school training.

Section 544. The bill includes a new provision on unmanned aerial systems.

Section 545. The bill includes a new provision requiring the Assistant Secretary of Homeland Security (TSA) to certify that no security risks will result if any airport does not participate in the basic pilot program.

Section 546. The bill includes a new provision related to disaster assistance payments for police stations, fire stations, or criminal justice facilities that were damaged by Hurricanes Katrina or Rita.

Section 547. The bill includes a new provision providing \$50,000,000 for REAL ID grants and \$50,000,000 for a REAL ID information sharing and verification system.

Section 548. The bill includes a new provision regarding debris removal in Mississippi as a result of Hurricane Katrina.

Section 549. The bill rescinds \$31,000,000 from unobligated balances of prior year appropriations made available to TSA. Language is included that specifies programs from which funds cannot be rescinded. TSA shall notify the Committees on the distribution of the rescission prior to its implementation.

Section 550. The bill rescinds \$21,373,000 from unobligated balances of prior year appropriations made available for Analysis and Operations. The Secretary shall notify the Committees on the distribution of the rescission 30 days after the date of enactment of this Act.

Section 551. The bill rescinds \$20,000,000 from unobligated balances of prior year appropriations made available for the Coast Guard "Acquisition, Construction, and Improvements". The Coast Guard shall notify the Committees on the distribution of the rescission prior to its implementation.

Section 552. The bill includes a new provision on predisaster mitigation.

Section 553. The bill includes new language extending the authority of the Predisaster Mitigation Fund until September 30, 2009.

DISCLOSURE OF EARMARKS AND CONGRESSIONALLY DIRECTED SPENDING ITEMS

Following is a list of congressional earmarks and congressionally directed spending items (as defined in clause 9 of rule XXI of the

Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, respectively) included in the bill or this explanatory statement, along with the name of each Senator, House Member, Delegate, or Resident Commissioner who submitted a request to the Committee of jurisdiction for each item so identified. Neither the bill nor the explanatory statement contains any limited tax benefits or limited tariff benefits as defined in the applicable House and Senate rules.

DEPARTMENT OF HOMELAND SECURITY

Account	Project	Amount	Requester(s)
CIO	National Center for Critical Information Processing and Storage, MS	\$22,300,000	Thad Cochran
CBP Salaries and Expenses	Containerized Cargo Inspection Demonstration Project (Project SeaHawk), Port of Charleston, SC	2,000,000	Henry Brown, Lindsey Graham
CBP Salaries and Expenses	2010 Olympics Coordination Center, WA	4,500,000	Patty Murray, Rick Larsen
CBP Air and Marine Interdiction, Operations, Maintenance, and Procurement	Wireless Airport Surveillance Platform, NC	5,000,000	Bob Etheridge
CBP Construction	Advanced Training Center, WV	39,700,000	Robert Byrd
CBP Construction	Del Rio: Comstock, TX Station	25,000,000	The President
CBP Construction	Detroit: Sandusky, OH Station	4,000,000	The President
CBP Construction	Calexico, CA Station	34,000,000	The President
CBP Construction	Indio, CA Station	18,000,000	The President
CBP Construction	Sector HQ Vehicle Maintenance Facility, CA	18,000,000	The President
CBP Construction	EL Paso: Expanded Checkpoints, TX	1,513,000	The President
CBP Construction	Marfa: Presidio, TX Station	3,000,000	The President
CBP Construction	Blythe, CA Station	28,900,000	The President
CBP Construction	Boulevard, CA Station	31,000,000	The President
CBP Construction	Casa Grande, AZ Station	17,873,000	The President
CBP Construction	Naco, AZ Station	47,000,000	The President

CBP Construction	Sonolita, AZ Station	27,000,000	The President
CBP Construction	Yuma, AZ Hangar, Maintenance & Admin	4,000,000	The President
CBP Construction	El Centro, CA Hangar, Maintenance & Admin	2,100,000	The President
CBP Construction	El Paso, TX Consolidation of facilities	1,500,000	The President
CBP Construction	Laredo, TX Hangar, Maintenance & Admin	4,000,000	The President
CBP Construction	Marfa, TX Hangar, Maintenance & Admin	3,000,000	The President
CBP Construction	Uvalde, TX Hangar, Maintenance & Admin	2,000,000	The President
Coast Guard Operating Expenses	Operations Systems Center, WV	3,600,000	Robert Byrd
Coast Guard Acquisition, Construction and Improvements	Sector Buffalo, NY	3,000,000	Brian Higgins
Coast Guard Acquisition, Construction and Improvements	Rescue Swimmer Training Facility, NC	15,000,000	G.K. Butterfield
Coast Guard Acquisition, Construction and Improvements	CG Air Station Cape Cod, MA	5,000,000	The President
Coast Guard Acquisition, Construction and Improvements	Sector Delaware Bay, NJ	13,000,000	The President
Coast Guard Acquisition, Construction and Improvements	Coast Guard Housing-Cordova, AK	11,600,000	The President
Coast Guard Acquisition, Construction and Improvements	Coast Guard Academy-Chase Hall, CT	10,300,000	The President, Chris Dodd
Coast Guard Acquisition, Construction and Improvements	Station Montauk, NY	1,550,000	The President
Coast Guard Alteration of Bridges	Fourteen Mile Bridge, Mobile, AL	4,000,000	Robert Aderholt, Jo Bonner, Richard Shelby
Coast Guard Alteration of Bridges	Galveston Causeway Bridge, Galveston, TX	4,000,000	John Culberson, Gene Green, Kay Bailey Hutchison, Ron Paul, Ted Poe
Coast Guard Alteration of Bridges	Elgin, Joliet, and Eastern Railway Company Bridge, Morris, IL	2,000,000	Richard Durbin, Jerry Weller
Coast Guard Alteration of Bridges	Burlington Northern Railroad Bridge, Burlington IA	2,000,000	Tom Harkin, David Loebsack

DEPARTMENT OF HOMELAND SECURITY—Continued

Account	Project	Amount	Requester(s)
Coast Guard Alteration of Bridges	Chelsea Street Bridge, Chelsea, MA	2,000,000	Edward Kennedy, John Kerry
Coast Guard Alteration of Bridges	Canadian Pacific Railway Bridge, La Crosse, WI	2,000,000	Herb Kohl
Secret Service Acquisition, Construction, Improvements, and Related Expenses	Perimeter security and noise abatement study at the Rowley training center, MD	250,000	Steny Hoyer
NPPD Infrastructure Protection and Information Security	Philadelphia Infrastructure monitoring, PA	2,000,000	Chaka Fattah
NPPD Infrastructure Protection and Information Security	Critical Underground Infrastructure in major urban areas	3,000,000	Peter King, Carolyn McCarthy, James Walsh, Charles Schumer
NPPD Infrastructure Protection and Information Security	Office of Bombing Prevention, IED-Geospatial Analysis Tool Plus, PA	1,000,000	John Murtha
NPPD Infrastructure Protection and Information Security	State and Local Cybersecurity Training, University of Texas, San Antonio, TX	3,500,000	Ciro Rodriguez
NPPD Infrastructure Protection and Information Security	Power and Cyber Systems Protection, Analysis, and Testing Program at Idaho National Laboratory, ID	4,000,000	Mike Simpson, Larry Craig
NPPD Infrastructure Protection and Information Security	National Infrastructure Simulation and Analysis Center, NM	20,000,000	The President, Pete Domenici
FEMA Management and Administration	Impacts of Climate on Future Disasters, State of North Carolina	5,000,000	David Price
FEMA Management and Administration	Flood Control and Hazard Mitigation Demonstration Program, Commonwealth of Kentucky	2,425,000	Harold Rogers
FEMA Management and Administration	Pacific Region Homeland Security Center, HI	2,200,000	Daniel Inouye
FEMA State and Local Programs	National Domestic Preparedness Consortium National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology, NM National Center for Biomedical Research and Training, Louisiana State University, LA	23,000,000 23,000,000	The President, Rodney Alexander, Wayne Allard, John Carter, John Cornyn, Pete Domenici, Chet Edwards, Charles Gonzalez, Kay Bailey Hutchison, Daniel Inouye, Mary Landrieu, Harry Reid, Ken Salazar, John Salazar, David Vitter

	National Emergency Response and Rescue Training Center, Texas A&M University, TX	23,000,000	
	National Exercise, Test, and Training Center, Nevada Test Site, NV	23,000,000	
	Transportation Technology Center, Incorporated, CO	5,000,000	
	National Disaster Preparedness Training Center, University of Hawaii, HI	5,000,000	
FEMA State and Local Programs	Center for Domestic Preparedness	62,500,000	The President, Richard Shelby, Robert Aderholt, Mike Rogers
FEMA State and Local Programs	Counterterrorism and Cyber Crime Center, VT	1,700,000	Patrick Leahy
FEMA State and Local Programs	Emergency Operations Center, Tensas Parish Police Jury, LA	750,000	Rodney Alexander
FEMA State and Local Programs	Emergency Operations Center, City of Rialto, CA	225,000	Joe Baca
FEMA State and Local Programs	Emergency Operations Center, Village of Poynette, WI	1,000,000	Tammy Baldwin
FEMA State and Local Programs	Emergency Operations Center, Sebastian County, AR	750,000	John Boozman
FEMA State and Local Programs	Emergency Operations Center, Lake County, FL	1,000,000	Corrine Brown
FEMA State and Local Programs	Emergency Operations Center, Sarasota County, FL	1,000,000	Vern Buchanan
FEMA State and Local Programs	Emergency Operations Center, Northumberland County, Department of Public Safety, PA	1,000,000	Christopher P. Carney
FEMA State and Local Programs	Emergency Operations Center, City of Detroit, MI	1,000,000	John Conyers, Carolyn Kilpatrick, Carl Levin, Debbie Stabenow
FEMA State and Local Programs	Emergency Operations Center, San Diego Unified School District, San Diego, CA	400,000	Susan A. Davis
FEMA State and Local Programs	Emergency Operations Center, City of Half Moon Bay, CA	750,000	Anna G. Eshoo
FEMA State and Local Programs	Emergency Operations Center, Chesterfield County, VA	250,000	Randy Forbes
FEMA State and Local Programs	Emergency Operations Center, Spencer County Commissioners, Rockport, IN	1,000,000	Baron P. Hill

DEPARTMENT OF HOMELAND SECURITY—Continued

Account	Project	Amount	Requester(s)
FEMA State and Local Programs	Emergency Operations Center, City of Gladstone, OR	60,000	Darlene Hooley
FEMA State and Local Programs	Emergency Operations Center, City of Coral Springs, FL	550,000	Ron Klein, Robert Wexler
FEMA State and Local Programs	Emergency Operations Center, Snohomish County, WA	1,000,000	Rick Larsen, Maria Cantwell
FEMA State and Local Programs	Emergency Operations Center, County of Atlantic, NJ	750,000	Frank LoBiondo, Frank Lautenberg, Robert Menendez
FEMA State and Local Programs	Emergency Operations Center, City of Rio Vista, CA	150,000	Daniel Lungren
FEMA State and Local Programs	Emergency Operations Center, American Red Cross, Sacramento Sierra Chapter, CA	35,000	Doris Matsui
FEMA State and Local Programs	Emergency Operations Center, Village of Bellerose, NY	200,000	Carolyn McCarthy
FEMA State and Local Programs	Emergency Operations Center, Town of Pomona Park, FL	300,000	John Mica
FEMA State and Local Programs	Emergency Operations Center, San Francisco Police Department, CA	1,000,000	Nancy Pelosi
FEMA State and Local Programs	Emergency Operations Center, North Carolina Department of Crime Control and Public Safety, NC	1,000,000	David Price
FEMA State and Local Programs	Emergency Operations Center, City of Del Rio, TX	500,000	Ciro Rodriguez
FEMA State and Local Programs	Emergency Operations Center, City of Bell Gardens, CA	175,000	Lucille Roybal-Allard
FEMA State and Local Programs	Emergency Operations Center, City of Cudahy, CA	50,000	Lucille Roybal-Allard
FEMA State and Local Programs	Emergency Operations Center, The County of Cook, IL	1,000,000	Bobby Rush
FEMA State and Local Programs	Emergency Operations Center, Douglas County, GA	500,000	David Scott
FEMA State and Local Programs	Emergency Operations Center, City of Richmond, Office of Emergency Management, VA	750,000	Robert C. 'Bobby' Scott

FEMA State and Local Programs	Emergency Operations Center, Hudson County, NJ	1,000,000	Albio Sires, Frank Lautenberg, Robert Menendez
FEMA State and Local Programs	Emergency Operations Center, Marion County, FL	750,000	Cliff Stearns
FEMA State and Local Programs	Emergency Operations Center, City of Miami Beach, FL	1,000,000	Debbie Wasserman Schultz, Ilena Ros-Lehtinen
FEMA State and Local Programs	Emergency Operations Center, Vermont Emergency Management Agency, VT	1,000,000	Peter Welch, Patrick Leahy
FEMA State and Local Programs	Emergency Operations Center, Crittenden County, KY	750,000	Ed Whitfield
FEMA Predisaster Mitigation	City of Rainbow City, AL	1,000,000	Robert Aderholt
FEMA Predisaster Mitigation	Municipality of Murrysville, PA	100,000	Jason Altmire
FEMA Predisaster Mitigation	Bibb County, Emergency Management Agency, AL	750,000	Spencer Bachus
FEMA Predisaster Mitigation	City of Wynne, AR	50,000	Marion Berry
FEMA Predisaster Mitigation	City of San Diego, CA	1,000,000	Brian Bilbray
FEMA Predisaster Mitigation	Pinellas County, FL	1,000,000	Gus Bilirakis, C.W. "Bill" Young, Kathy Castor
FEMA Predisaster Mitigation	Brigham City (Corporation), UT	650,000	Rob Bishop, Robert Bennett, Orrin Hatch
FEMA Predisaster Mitigation	City of Coolidge, GA	80,000	Sanford Bishop
FEMA Predisaster Mitigation	Drywood Township, Garland, KS	35,000	Nancy Boyda
FEMA Predisaster Mitigation	City of Merced, CA	500,000	Dennis Cardoza
FEMA Predisaster Mitigation	City of Newark, DE	300,000	Michael Castle, Joseph Biden
FEMA Predisaster Mitigation	Adjutant General's Office of Emergency Preparedness, SC	1,000,000	James E. Clyburn
FEMA Predisaster Mitigation	Alabama Department of Homeland Security, for Jackson County, AL	90,000	Robert Cramer
FEMA Predisaster Mitigation	Harris County Flood Control District, TX	1,000,000	John Culberson

DEPARTMENT OF HOMELAND SECURITY—Continued

Account	Project	Amount	Requester(s)
FEMA Predisaster Mitigation	Tarrant County, TX	1,000,000	Kay Granger
FEMA Predisaster Mitigation	City of Chula Vista, CA	400,000	Bob Filner
FEMA Predisaster Mitigation	North West, MO Regional Council of Governments	300,000	Sam Graves
FEMA Predisaster Mitigation	Florida Atlantic University, Boca Raton, FL	300,000	Alcee Hastings, Tim Mahoney, Debbie Wasserman Schultz
FEMA Predisaster Mitigation	City of Kannapolis, NC	468,000	Robin Hayes
FEMA Predisaster Mitigation	Town of Conklin, NY	330,000	Maurice Hinchey
FEMA Predisaster Mitigation	County of Hawaii, Civil Defense Agency, HI	400,000	Mazie Hirono
FEMA Predisaster Mitigation	City of Berlin, Public Health Department, NH	100,000	Paul Hodes
FEMA Predisaster Mitigation	City of Trenton, NJ	500,000	Rush Holt, Christopher Smith, Frank Lautenberg, Robert Menendez
FEMA Predisaster Mitigation	Santa Clara Water Valley District, San Jose, CA	790,000	Michael Honda
FEMA Predisaster Mitigation	City of Houston, TX	200,000	Sheila Jackson-Lee
FEMA Predisaster Mitigation	West Jefferson Medical Center, Marrero, LA	400,000	William Jefferson, Mary Landrieu
FEMA Predisaster Mitigation	Erie County, Sandusky, OH	399,000	Marcy Kaptur
FEMA Predisaster Mitigation	Wayne County, Detroit, MI	300,000	Carolyn Kilpatrick, Carl Levin, Debbie Stabenow
FEMA Predisaster Mitigation	New York State Emergency Management Office, NY	1,000,000	Nita Lowey, José Serrano, Peter King
FEMA Predisaster Mitigation	City of Berkeley, CA	750,000	Barbara Lee
FEMA Predisaster Mitigation	City of Taylorsville, KY	750,000	Ron Lewis
FEMA Predisaster Mitigation	Westchester and Rockland Counties, NY	500,000	Nita Lowey

FEMA Predisaster Mitigation	Town of Lake Placid, FL	500,000	Tim Mahoney
FEMA Predisaster Mitigation	Tifton-Tift County Emergency Management Agency (EMA), GA	40,000	Jim Marshall
FEMA Predisaster Mitigation	Town of Pembroke Park, FL	400,000	Kendrick Meek
FEMA Predisaster Mitigation	City of Miami, FL	1,000,000	Kendrick Meek, Ilona Ros-Lehtinen
FEMA Predisaster Mitigation	City of Mission Viejo, CA	850,000	Gary Miller
FEMA Predisaster Mitigation	Yardley Borough, PA	500,000	Patrick Murphy
FEMA Predisaster Mitigation	Clark County Emergency Management, WI	300,000	David Obey
FEMA Predisaster Mitigation	County of Essex, NJ	500,000	Donald Payne
FEMA Predisaster Mitigation	Val Verde County, Del Rio, TX	500,000	Ciro Rodriguez
FEMA Predisaster Mitigation	County of Los Angeles, CA	600,000	Lucille Roybal-Allard
FEMA Predisaster Mitigation	City of Los Angeles, CA	500,000	Adam Schiff
FEMA Predisaster Mitigation	City of New Braunfels, TX	360,000	Lamar Smith
FEMA Predisaster Mitigation	Brown Township Board of Trustees, Malvern, OH	247,728	Zachary Space
FEMA Predisaster Mitigation	City of Barberton, OH	200,000	Betty Sutton
FEMA Predisaster Mitigation	Mississippi Homeland Security Office, MS	500,000	Bernie Thompson
FEMA Predisaster Mitigation	Town of North Andover, MA	100,000	John Tierney
FEMA Predisaster Mitigation	Cities of Lake Station and Hobart, IN	500,000	Peter Visclosky
FEMA Predisaster Mitigation	City of Owatonna, MN	400,000	Timothy Walz
FEMA Predisaster Mitigation	Putnam County, FL	450,000	John Mica
FEMA Predisaster Mitigation	City of Lake City, TN	418,000	Zack Wamp

DEPARTMENT OF HOMELAND SECURITY—Continued

Account	Project	Amount	Requester(s)
FLETC Acquisition, Construction, Improvements, and Related Expenses	Artesia Construction, NM	3,000,000	Pete Domenici
FLETC Acquisition, Construction, Improvements, and Related Expenses	Practical Application/Counterterrorism Operations Training Facility, GA	9,195,000	The President
S&T Research, Development, Acquisition, and Operations	Southeast Region Research Initiative, TN	27,000,000	Lamar Alexander, Thad Cochran, Roger Wicker
S&T Research, Development, Acquisition, and Operations	Distributed Environment for Critical Infrastructure Decision-making Exercises, Multiple Locations	3,000,000	Robert Bennett, Patrick Leahy, Joe Lieberman, George Voinovich, Rob Bishop, Dean Heller
S&T Research, Development, Acquisition, and Operations	Naval Postgraduate School, CA	2,000,000	Sam Farr
S&T Research, Development, Acquisition, and Operations	Homeland Security Research, Development, & Manufacturing Pilot, Bay Shore, NY	2,000,000	Steve Israel, Peter King, Charles Schumer
S&T Research, Development, Acquisition, and Operations	National Institute for Hometown Security, Community-Based Infrastructure Protection Solutions, KY	11,000,000	Harold Rogers
General Provision	Mississippi Debris Removal		Thad Cochran

FUNDING RECOMMENDATIONS

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

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS BILL - 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Final Bill	Final Bill vs. Enacted	Final Bill vs. Request
TITLE I - DEPARTMENTAL MANAGEMENT AND OPERATIONS					
Office of the Secretary and Executive Management:					
Immediate Office of the Secretary.....	2,540	3,378	3,140	+600	-238
Immediate Office of the Deputy Secretary.....	1,122	1,505	1,400	+278	-105
Chief of Staff.....	2,639	2,693	2,693	+54	---
Office of Counternarcotics Enforcement.....	2,680	4,018	3,718	+1,038	-300
Executive Secretary.....	4,722	5,848	7,448	+2,726	+1,600
Office of Policy.....	33,000	43,693	43,263	+10,263	-430
Office of Public Affairs.....	6,650	8,291	5,991	-659	-2,300
Office of Legislative and Intergovernmental Affairs.....	4,900	5,697	4,997	+97	-700
Office of General Counsel.....	13,500	20,914	20,114	+6,614	-800
Office of Civil Rights and Civil Liberties.....	14,200	17,917	17,417	+3,217	-500
Citizenship and Immigration Services Ombudsman....	5,900	6,471	6,471	+571	---
Privacy Officer.....	5,500	6,804	6,804	+1,304	---
Total, Office of the Secretary and Executive Management.....	97,353	127,229	123,456	+28,103	-3,773
Office of the Under Secretary for Management:					
Under Secretary for Management.....	2,012	2,654	2,654	+642	---
Office of Security.....	53,490	60,968	60,882	+7,392	-.86
Office of the Chief Procurement Officer.....	28,495	42,003	39,003	+10,508	-3,000
Office of the Chief Human Capital Officer:					
Salaries and expenses.....	8,811	31,827	28,827	+20,016	-3,000
Human resources.....	10,000	15,000	10,000	---	-5,000
Subtotal, Office of the Chief Human Capital Officer.....	18,811	46,827	38,827	+20,016	-8,000
Office of the Chief Administrative Officer:					
Salaries and expenses.....	41,430	41,727	44,427	+2,997	+2,700
Nebraska Avenue Complex (NAC).....	6,000	6,000	6,000	---	---
St. Elizabeths Project.....	---	120,000	---	---	-120,000
Subtotal, Office of the Chief Administrative Officer.....	47,430	167,727	50,427	+2,997	-117,300
Total, Office of the Under Secretary for Management.....	150,238	320,179	191,793	+41,555	-128,386
Office of the Chief Financial Officer.....	31,300	58,235	55,235	+23,935	-1,000
Office of the Chief Information Officer:					
Salaries and expenses.....	81,000	86,928	86,928	+5,928	---
Information technology activities.....	58,200	42,445	44,945	-11,255	+2,500
Security activities.....	124,000	70,323	82,623	-32,277	+22,300
Homeland Secure Data Network (HSDN).....	33,100	47,673	47,673	+14,573	---
Subtotal, Office of the Chief Information Officer.....	295,200	247,369	272,169	-23,031	+24,800
Analysis and Operations.....	308,000	333,521	327,373	+21,373	-6,148
Rescission.....	-8,700	---	---	+8,700	---
Subtotal, Analysis and Operations.....	297,300	333,521	327,373	+30,073	-6,148
Total, Departmental Operations.....	871,391	1,084,533	970,026	+98,635	-114,507
Office of the Federal Coordinator for Gulf Coast Rebuilding.....	2,700	1,280	1,900	-800	+620
Office of Inspector General					
Operating expenses.....	92,711	101,013	98,513	+5,802	-2,500
(transfer from Disaster Relief).....	(16,000)	---	(16,000)	---	(+16,000)
Operating expenses (including transfers).....	108,711	101,013	114,513	+5,802	+13,500
Appropriations.....	(92,711)	(101,013)	(98,513)	(+5,802)	(-2,500)
by transfer.....	(16,000)	---	(16,000)	---	(+16,000)
Total, title I, Departmental Management and Operations (including transfers).....	982,802	1,186,826	1,086,439	+103,637	-100,387
Appropriations.....	(975,502)	(1,186,826)	(1,070,439)	(+94,937)	(-116,387)
Rescissions.....	(-8,700)	---	---	(+8,700)	---
by transfer.....	(16,000)	---	(16,000)	---	(+16,000)

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS BILL - 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Final Bill	Final Bill vs. Enacted	Final Bill vs. Request
TITLE II - SECURITY, ENFORCEMENT, AND INVESTIGATIONS					
U.S. Customs and Border Protection					
Salaries and expenses:					
Headquarters, Management, and Administration:					
Management and administration, border security					
inspections and trade facilitation.....	619,325	644,351	646,608	+27,283	+2,257
Management and administration, border security					
and control between ports of entry.....	602,016	622,300	622,550	+20,534	+250
Subtotal, Headquarters, Mgt & Admin.....	1,221,341	1,266,651	1,269,158	+47,817	+2,507
Border security inspections and trade					
facilitation:					
Inspections, trade, and travel facilitation					
at ports of entry.....	1,583,235	1,834,793	2,093,988	+510,753	+259,195
Model ports of entry (emergency).....	40,000	---	---	-40,000	---
Terrorist prevention system enhancements					
for passenger screening (emergency).....	45,000	---	---	-45,000	---
Electronic travel authorizations (emerg.)					
.....	36,000	---	---	-36,000	---
WHTI (emergency).....	150,000	---	---	-150,000	---
Subtotal, Inspections, trade, and travel					
facilitation at ports of entry.....	1,854,235	1,834,793	2,093,988	+239,753	+259,195
Harbor maintenance fee collection (trust fund)					
.....	3,093	3,154	3,154	+61	---
Container security initiative.....	156,130	149,450	149,450	-6,680	---
Other international programs.....	10,866	10,984	10,984	+118	---
Customs-Trade Partnership Against Terrorism					
(C-TPAT).....	62,310	64,496	64,496	+2,186	---
Free and Secure Trade (FAST)/NEXUS/SENTRI					
.....	11,243	11,274	11,274	+31	---
Inspection and detection technology					
investments.....	105,027	117,144	145,944	+40,917	+28,800
Automated targeting systems.....	27,580	32,550	32,550	+4,970	---
National Targeting Center.....	23,950	24,481	24,481	+531	---
Training.....	24,813	24,778	24,778	-35	---
Subtotal, Border security inspections and					
trade facilitation.....	2,279,247	2,273,104	2,561,099	+281,852	+287,995
Border security and control between ports of					
entry:					
Border security and control.....	2,984,443	3,440,505	3,426,455	+442,012	-14,050
Ground transportation contract (emergency)					
.....	25,000	---	---	-25,000	---
Border patrol vehicles (emergency).....	13,000	---	---	-13,000	---
Training.....	52,789	74,815	74,815	+22,026	---
Subtotal, Border security and control					
between ports of entry.....	3,075,232	3,515,320	3,501,270	+426,038	-14,050
Air and Marine Personnel Compensation and Benefits					
Emergency appropriations.....	212,740	254,279	271,679	+58,939	+17,400
Subtotal, Air and Marine Personnel					
Compensation and Benefits.....	226,740	254,279	271,679	+44,939	+17,400
Subtotal, Salaries and expenses.....	6,802,560	7,309,354	7,603,206	+800,646	+293,852
Appropriations.....	(6,476,467)	(7,308,200)	(7,600,052)	(+1,123,585)	(+293,852)
Emergency appropriations.....	(323,000)	---	---	(-323,000)	---
Harbor maintenance trust fund.....	(3,093)	(3,154)	(3,154)	(+61)	---
Automation modernization:					
Automated commercial environment/International					
Trade Data System (ITDS).....	316,969	316,851	316,851	-118	---
Automated commercial system and current operations					
and processing support.....	159,640	194,483	194,483	+34,843	---
Subtotal, Automation modernization.....	476,609	511,334	511,334	+34,725	---
Border security fencing, infrastructure, and					
technology (BSFIT):					
Development and deployment.....	35,000	275,000	505,000	+470,000	+230,000
Emergency appropriations.....	1,053,000	---	---	-1,053,000	---
Operations and support.....	75,000	410,000	150,000	+77,000	-260,000
Program management.....	64,000	90,000	120,000	+56,000	+30,000
Subtotal, BSFIT.....	1,228,000	775,000	775,000	-450,000	---
Appropriations.....	(172,000)	(775,000)	(775,000)	(+603,000)	---
Emergency appropriations.....	(1,053,000)	---	---	(-1,053,000)	---

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS BILL - 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Final Bill	Final Bill vs. Enacted	Final Bill vs. Request
Air and Marine Interdiction, Operations, Maintenance, and Procurement:					
Operations and maintenance.....	353,614	380,022	380,022	+26,408	---
Procurement.....	122,433	147,978	147,978	+25,545	---
Emergency appropriations.....	94,000	---	---	-94,000	---
Subtotal.....	216,433	147,978	147,978	-68,455	---
Subtotal, Air and marine interdiction, operations, maintenance, and procurement.....					
Appropriations.....	570,047	528,000	528,000	-42,047	---
Emergency appropriations.....	(476,047)	(528,000)	(528,000)	(+51,953)	---
Emergency appropriations.....	(94,000)	---	---	(-94,000)	---
Construction:					
Construction.....	287,363	363,501	403,201	+115,838	+39,700
Construction (Border Patrol) (emergency).....	61,000	---	---	-61,000	---
Subtotal, Construction.....	348,363	363,501	403,201	+54,838	+39,700
Total, Direct appropriations for Customs and and Border Protection.....					
	9,422,579	9,487,189	9,820,741	+398,162	+333,552
Fee accounts:					
Immigration inspection user fee.....	(535,291)	(570,059)	(570,059)	(+34,768)	---
Immigration enforcement fines.....	(3,440)	(3,331)	(3,331)	(-109)	---
Land border inspection fee.....	(30,121)	(28,880)	(28,880)	(-3,241)	---
COBRA passenger inspection fee.....	(392,180)	(410,666)	(410,666)	(+18,486)	---
APHIS inspection fee.....	(299,622)	(333,433)	(333,433)	(+33,811)	---
Puerto Rico collections.....	(117,214)	(96,719)	(96,719)	(-20,495)	---
Small airport user fees.....	(7,057)	(7,057)	(7,057)	---	---
Subtotal, fee accounts.....	(1,384,925)	(1,448,145)	(1,448,145)	(+63,220)	---
Total, U.S. Customs and Border Protection.....					
Appropriations.....	(10,807,504)	(10,935,334)	(11,268,886)	(+461,382)	(+333,552)
Emergency appropriations.....	(7,891,579)	(9,487,189)	(9,820,741)	(+1,929,162)	(+333,552)
Emergency appropriations.....	(1,531,000)	---	---	(-1,531,000)	---
(Fee accounts).....	(1,384,925)	(1,448,145)	(1,448,145)	(+63,220)	---
U.S. Immigration and Customs Enforcement					
Salaries and expenses:					
Headquarters Management and Administration (non-Detention and Removal Operations):					
Personnel compensation and benefits, service and other costs.....	164,887	200,188	203,076	+38,189	+2,888
ICE vehicle replacements (emergency).....	4,000	---	---	4,000	---
Headquarters managed IT investment.....	146,654	174,349	189,348	+22,694	-5,001
Subtotal, Headquarters management and administration.....	315,541	374,537	372,424	+56,883	-2,113
Legal proceedings.....	208,350	214,332	215,035	+6,685	+703
Identification and removal of criminal aliens:					
Criminal alien program.....	---	189,069	---	---	-189,069
Fugitive operations.....	---	226,477	---	---	-226,477
Custody operations.....	---	46,000	---	---	-46,000
State and local programs.....	---	83,380	---	---	-83,380
Immigration investigations.....	---	164,905	---	---	-164,905
Other criminal investigations.....	---	40,545	---	---	-40,545
Subtotal, Identification and removal of criminal aliens.....	---	750,376	---	---	-750,376
Investigations:					
Domestic.....	1,372,328	---	1,519,208	+146,880	+1,519,208
Customs and trade investigations.....	---	757,000	---	---	-757,000
Counterterrorism investigations/ JTTF support.....	---	66,734	---	---	-66,734
Human smuggling and trafficking investigations.....	---	109,991	---	---	-109,991
Immigration investigations.....	---	124,783	---	---	-124,783
Gang enforcement investigations.....	---	35,070	---	---	-35,070
Worksite enforcement investigations.....	---	92,300	---	---	-92,300
Emergency appropriations.....	50,200	---	---	-50,200	---
Subtotal, Domestic investigations.....	1,422,528	1,185,878	1,519,208	+96,680	+333,330
International.....	107,551	---	---	-107,551	---
International investigations.....	---	106,741	106,741	+106,741	---

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS BILL - 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Final Bill	Final Bill vs. Enacted	Final Bill vs. Request
Visa security program.....	---	18,400	26,800	+26,800	+8,400
Subtotal, International.....	107,551	125,141	133,541	+25,990	+8,400
Subtotal, Investigations.....	1,530,079	1,311,019	1,652,749	+122,670	+341,730
Intelligence.....	52,146	52,956	55,789	+3,643	+2,833
Detention and removal operations:					
Custody Operations.....	1,461,212	1,650,495	1,721,268	+260,056	+70,773
Emergency appropriations.....	186,000	---	---	-186,000	---
Fugitive operations.....	186,145	---	226,477	+40,332	+226,477
Emergency appropriations.....	32,800	---	---	---	-32,800
Criminal Alien program.....	178,829	---	189,069	+10,240	+189,069
Alternatives to detention.....	43,889	55,791	63,000	+19,111	+7,209
Emergency appropriations.....	10,000	---	---	-10,000	---
Transportation and removal.....	249,126	281,399	281,399	+32,273	---
Emergency appropriations.....	33,400	---	---	-33,400	---
Subtotal, Detention and removal operations..	2,381,401	1,987,685	2,481,213	+99,812	+493,528
Comprehensive identification and removal of criminal aliens (emergency).....	200,000	---	---	-200,000	---
(non-emergency).....	---	---	150,000	+150,000	+150,000
Subtotal, Salaries and expenses.....	4,687,617	4,690,905	4,927,210	+239,693	+236,305
Appropriations.....	(4,171,117)	(4,690,905)	(4,927,210)	(+756,093)	(+236,305)
Emergency appropriations.....	(516,400)	---	---	(-516,400)	---
Federal protective service:					
Basic security.....	186,673	189,673	213,673	+27,000	+24,000
Building specific security (including capital equipment replacement/acquisition).....	426,327	426,327	426,327	---	---
Subtotal, Federal Protective Service.....	613,000	616,000	640,000	+27,000	+24,000
Offsetting fee collections.....	-613,000	-616,000	-640,000	-27,000	-24,000
Automation modernization.....	30,700	57,000	57,000	+26,300	---
Construction.....	8,000	---	5,000	-1,000	+5,000
Emergency appropriations.....	10,500	---	---	-10,500	---
Subtotal, Construction.....	16,500	---	5,000	-11,500	+5,000
=====					
Total, Direct appropriations for U.S. Immigration Customs Enforcement.....	4,734,717	4,747,905	4,989,210	+254,493	+241,305
Fee accounts:					
Immigration inspection user fee.....	(113,500)	(119,000)	(119,000)	(+5,500)	---
Breach bond/detention fund.....	(63,800)	(60,000)	(60,000)	(-3,800)	---
Student exchange and visitor fee.....	(56,200)	(120,000)	(120,000)	(+63,800)	---
Subtotal, fee accounts.....	(233,500)	(299,000)	(299,000)	(+65,500)	---
Subtotal, U.S. Immigration and Customs Enforcement (gross).....	(5,581,217)	(5,662,905)	(5,928,210)	(+346,993)	(+265,305)
Offsetting fee collections.....	(-613,000)	(-616,000)	(-640,000)	(-27,000)	(-24,000)
=====					
Total, U.S. Immigration and Customs Enforcement.	(4,968,217)	(5,046,905)	(5,288,210)	(+319,993)	(+241,305)
Appropriations.....	(4,207,817)	(4,747,905)	(4,989,210)	(+781,393)	(+241,305)
Emergency appropriations.....	(526,900)	---	---	(-526,900)	---
Fee accounts.....	(233,500)	(299,000)	(299,000)	(+65,500)	---
=====					
Transportation Security Administration					
Aviation security:					
Screening operations:					
Screener workforce:					
Privatized screening.....	143,385	151,272	151,272	+7,887	---
Passenger & Baggage screener - personnel, compensation, and benefits.....	2,636,104	2,716,014	2,716,014	+79,910	---
Subtotal, Scener workforce.....	2,779,489	2,867,286	2,867,286	+87,797	---
Screener training and other.....	223,766	197,318	197,318	-26,448	---

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS BILL - 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Final Bill	Final Bill vs. Enacted	Final Bill vs. Request
Human resource services.....	182,234	---	---	-182,234	---
Checkpoint support.....	---	127,683	250,000	+250,000	+122,317
EDS/ETD Systems:					
EDS procurement and installation.....	294,000	153,894	294,000	---	+140,106
Screening technology maintenance and utilities.....	264,000	310,625	305,625	+41,625	-5,000
Operation integration.....	25,000	21,481	21,481	-3,519	---
Subtotal, EDS/ETD Systems.....	583,000	486,000	621,106	+38,106	+135,106
Subtotal, Screening operations.....	3,768,489	3,678,287	3,935,710	+167,221	+257,423
Aviation security direction and enforcement:					
Aviation regulation and other enforcement.....	255,953	209,991	245,268	-10,685	+35,277
Airport management and support.....	651,933	373,010	401,656	-250,267	+28,656
FFDO and flight crew training.....	25,091	---	25,025	-66	+25,025
Air cargo.....	73,000	---	122,849	+49,849	+122,849
Airport perimeter security.....	4,000	---	4,000	---	+4,000
Law enforcement.....	---	242,247	---	---	-242,247
Subtotal, Aviation security direction and enforcement.....	1,009,977	825,248	798,808	-211,169	-26,440
Federal Air Marshals budget restructuring.....	---	(786,000)	---	---	(-786,000)
Implementing requirements of P.L. 110-53.....	30,000	---	20,000	-10,000	+20,000
Discretionary fees:					
General aviation at DCA.....	25	---	---	-25	---
Indirect air cargo.....	200	---	---	-200	---
Total, Discretionary fees.....	225	---	---	-225	---
Fee-funded programs:					
General aviation at DCA.....	---	(75)	(75)	(+75)	---
Indirect air cargo.....	---	(200)	(200)	(+200)	---
Total, Fee-funded programs.....	---	(275)	(275)	(+275)	---
Aviation security capital fund (mandatory).....	(250,000)	(250,000)	(250,000)	---	---
Aviation security capital fund enhancement (mandatory).....	---	(426,000)	---	---	(-426,000)
Checkpoint screening security fund (mandatory)....	(250,000)	---	---	(-250,000)	---
Total, Aviation security (gross) (including transfers).....	4,808,691	4,503,535	4,754,518	-54,173	+250,983
Offsetting fee collections (non-mandatory)...	-2,210,000	-2,320,000	-2,320,000	-110,000	---
Discretionary fees - offsetting collections (non-mandatory).....	-225	---	---	+225	---
Fee-funded programs (nonadd).....	---	(-275)	(-275)	(-275)	---
Total, Aviation security (net).....	2,598,466	2,183,535	2,434,518	-163,948	+250,983
Appropriations.....	(2,598,466)	(2,183,535)	(2,434,518)	(-163,948)	(+250,983)
Aviation security capital fund.....	(250,000)	(250,000)	(250,000)	---	---
Recapitalization fee proposal.....	---	(426,000)	---	---	(-426,000)
Checkpoint screening security fund.....	(250,000)	---	---	(-250,000)	---
Surface transportation security:					
Staffing and operations.....	24,485	25,397	24,885	+400	-512
Rail security inspectors and canines.....	22,128	11,603	24,721	+2,593	+13,118
Subtotal, Surface transportation security.....	46,613	37,000	49,606	+2,993	+12,606
Transportation Threat Assessment and Credentialing:					
Secure Flight.....	50,000	82,211	82,211	+32,211	---
Crew vetting.....	14,990	---	---	-14,990	---
Screening administration and operations.....	9,500	---	---	-9,500	---
Crew and other vetting programs.....	---	50,807	33,807	+33,807	-17,000
TWIC direct appropriations.....	8,100	---	---	-8,100	---
Registered Traveler Program fees.....	(35,101)	(10,000)	(10,000)	(-25,101)	---
TWIC fees.....	(26,500)	(9,000)	(9,000)	(-17,500)	---
Hazardous materials fees.....	(19,000)	(18,000)	(18,000)	(-1,000)	---
Alien Flight School (by transfer from DOJ) - fees.	(2,000)	(3,000)	(3,000)	(-1,000)	---
Subtotal, Transportation Threat Assessment and Credentialing (Gross).....	(165,191)	(173,018)	(156,018)	(-9,173)	(-17,000)
Fee funded programs.....	(82,601)	(40,000)	(40,000)	(-42,601)	---

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS BILL - 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Final Bill	Final Bill vs. Enacted	Final Bill vs. Request
Subtotal, Transportation Threat Assessment and Credentialing (net).....	82,590	133,018	116,018	+33,428	-17,000
Transportation security support:					
Headquarters administration.....	293,191	213,135	234,870	-58,321	+21,735
Human capital services.....	---	218,105	218,105	---	---
Information technology.....	209,324	472,799	472,799	+263,475	---
Intelligence.....	21,000	21,961	21,961	+961	---
Subtotal, Transportation security support.....	523,515	926,000	947,735	+424,220	+21,735
Federal Air Marshals:					
Management and administration.....	674,173	693,900	725,081	+50,908	+31,181
Travel and training.....	95,327	92,100	94,400	-927	+2,300
Subtotal, Federal Air Marshals.....	769,500	786,000	819,481	+49,981	+33,481
Total, Transportation Security Administration (gross) (including transfers).....	6,813,510	7,101,553	6,977,358	+163,848	-124,195
Offsetting fee collections.....	(-2,210,225)	(-2,320,000)	(-2,320,000)	(-109,775)	---
Aviation security capital fund.....	(250,000)	(250,000)	(250,000)	---	---
EDS recapitalization (mandatory).....	---	(426,000)	---	---	(-426,000)
Checkpoint screening security fund.....	(250,000)	---	---	(-250,000)	---
Fee accounts.....	(82,601)	(40,000)	(40,000)	(-42,601)	---
Total, Transportation Security Administration (net).....	4,020,684	4,065,553	4,367,358	+346,674	+301,805
Coast Guard					
Operating expenses:					
Military pay and allowances.....	2,921,673	3,076,837	3,061,683	+139,990	-15,174
Port and maritime security enhancements (emergency).....	70,300	---	---	-70,300	---
Civilian pay and benefits.....	594,803	692,859	645,350	+50,547	-47,509
Training and recruiting.....	185,804	196,063	195,919	+10,315	-144
Operating funds and unit level maintenance.....	1,134,891	1,169,942	1,177,406	+42,525	+7,464
Centrally managed accounts.....	229,998	262,795	262,294	+32,398	-501
Intermediate and depot level maintenance.....	754,190	614,908	623,793	+69,603	+8,887
Less adjustment for defense function.....	-340,000	-340,000	-340,000	---	---
Port and maritime safety and security enhancements	---	---	23,500	+23,500	+23,500
Aviation mission hour gap.....	---	---	5,000	+5,000	+5,000
Defense function.....	340,000	340,000	340,000	---	---
Transfer from Defense, D&M Navy.....	(110,000)	---	---	(-110,000)	---
Subtotal, Operating expenses.....	6,001,347	6,213,402	6,194,925	+193,578	-18,477
Appropriations.....	(5,481,047)	(5,875,402)	(5,854,925)	(+373,878)	(-18,477)
Emergency appropriations.....	(70,300)	---	---	(-70,300)	---
By transfer.....	(110,000)	---	---	(-110,000)	---
Defense function.....	(340,000)	(340,000)	(340,000)	---	---
Environmental compliance and restoration.....	13,000	12,315	13,000	---	+685
Reserve training.....	126,883	130,501	130,501	+3,618	---
Acquisition, construction, and improvements:					
Vessels:					
Inland river tender recapitalization.....	---	5,000	5,000	+5,000	---
Response boat medium.....	9,200	64,000	108,000	+98,800	+44,000
Emergency appropriation.....	35,800	---	---	-35,800	---
Subtotal, Vessels.....	45,000	69,000	113,000	+68,000	+44,000
Integrated deepwater systems:					
Aircraft:					
Unmanned aircraft systems.....	---	3,000	3,000	+3,000	---
Maritime Patrol Aircraft (MPA).....	170,016	86,600	86,600	-83,416	---
HH-60 conversions.....	57,300	52,700	52,700	-4,600	---
HC-130H conversions.....	18,900	24,500	24,500	+5,600	---
HH-65 conversion project.....	50,800	64,500	64,500	+13,700	---
Armed helicopter equipment.....	24,600	---	---	-24,600	---
C-130J fleet introduction.....	5,800	---	13,250	+7,450	+13,250
Subtotal, Aircraft.....	327,416	231,300	244,550	-82,866	+13,250
Surface ships:					
National Security Cutter (NSC).....	165,700	353,700	353,700	+188,000	---
Offshore Patrol Cutter (OPC).....	---	3,003	3,003	+3,003	---
Replacement Patrol Boat (FRC-B).....	---	115,300	115,300	+115,300	---

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS BILL - 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Final Bill	Final Bill vs. Enacted	Final Bill vs. Request
IDS small boats.....	2,700	2,400	2,400	-300	---
Patrol Boat sustainment.....	40,500	30,800	30,800	-9,700	---
Medium endurance cutter sustainment.....	34,500	35,500	35,500	+1,000	---
Polar Icebreaker Refurbishment.....	---	---	30,300	+30,300	+30,300
Subtotal, Surface ships.....	243,400	540,703	571,003	+327,603	+30,300
Technology obsolescence prevention.....	700	1,500	1,500	+800	---
C4ISR.....	89,630	88,100	88,100	-1,530	---
Logistics.....	36,500	37,700	37,700	+1,200	---
Systems engineering and management.....	35,145	33,141	33,141	-2,004	---
Government program management.....	50,475	58,000	58,000	+7,525	---
Subtotal, Integrated deepwater systems.....	783,266	990,444	1,033,994	+250,728	+43,550
Other equipment:					
Automatic identification system.....	12,000	14,600	8,600	-3,400	-6,000
Defense messaging system.....	5,000	4,074	4,074	-926	---
National distress and response system modernization (Rescue 21).....	80,300	73,000	73,000	-7,300	---
HF Recapitalization.....	2,500	2,500	2,500	---	---
National Capital Region Air Defense.....	11,500	---	---	-11,500	---
Maritime security response team - shoothouse..	1,800	---	---	-1,800	---
Interagency operational centers for port security (emergency).....	60,000	---	---	-60,000	---
Command 21.....	---	1,000	1,000	+1,000	---
Subtotal, Other equipment.....	173,100	95,174	89,174	-83,926	-6,000
Shore facilities and aids to navigation.....	40,997	50,000	68,000	+27,003	+18,000
Personnel and related support:					
Core acquisition costs.....	505	500	500	-5	---
Direct personnel cost.....	82,215	---	92,330	+10,115	+92,330
Subtotal, Personnel and related support.....	82,720	500	92,830	+10,110	+92,330
Coast Guard/DHS headquarters.....	---	---	97,578	+97,578	+97,578
Subtotal, Acquisition, construction, and improvements (excluding rescissions).....	1,125,083	1,205,118	1,494,576	+369,493	+289,458
Rescission, UAV.....	-33,822	---	---	+33,822	---
Rescission, Offshore Patrol Cutter.....	-98,627	---	---	+98,627	---
Subtotal, Acquisition, construction, and improvements.....	992,634	1,205,118	1,494,576	+501,942	+289,458
Appropriations.....	(1,029,283)	(1,205,118)	(1,494,576)	(+465,293)	(+289,458)
Emergency appropriations.....	(95,800)	---	---	(-95,800)	---
Rescissions.....	(-132,449)	---	---	(+132,449)	---
Alteration of bridges.....	16,000	---	16,000	---	+16,000
Research, development, test, and evaluation.....	25,000	16,000	18,000	-7,000	+2,000
Medicare-eligible retiree health care fund contribution.....	272,111	257,305	257,305	-14,806	---
Subtotal, Coast Guard discretionary.....	7,336,975	7,834,641	8,124,307	+787,332	+289,666
Retired pay (mandatory).....	1,184,720	1,236,745	1,236,745	+52,025	---
Total, Coast Guard (including transfers).....	8,631,695	9,071,386	9,361,052	+729,357	+289,666
Appropriations.....	(8,488,044)	(9,071,386)	(9,361,052)	(+873,008)	(+289,666)
Emergency appropriations.....	(166,100)	---	---	(-166,100)	---
Rescissions.....	(-132,449)	---	---	(+132,449)	---
By transfer.....	(110,000)	---	---	(-110,000)	---
=====					
United States Secret Service					
Salaries and expenses:					
Protection:					
Protection of persons and facilities.....	693,535	710,468	705,918	+12,383	-4,550
Protective intelligence activities.....	57,704	59,761	59,761	+2,057	---
National special security events.....	1,000	1,000	1,000	---	---
Presidential candidate nominee protection.....	85,250	41,082	41,082	-44,168	---
White House mail screening.....	16,201	36,701	33,701	+17,500	-3,000

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS BILL - 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Final Bill	Final Bill vs. Enacted	Final Bill vs. Request
Subtotal, Protection.....	853,690	849,012	841,462	-12,228	-7,550
Investigations:					
Domestic field operations.....	219,742	241,772	241,772	+22,030	---
International field office administration, operations.....	27,520	28,342	30,000	+2,480	+1,658
Electronic crimes special agent program and electronic crimes task forces.....	44,565	47,836	51,836	+7,271	+4,000
Support for missing and exploited children....	8,366	8,366	8,366	---	---
Subtotal, Investigations.....	300,193	326,316	331,974	+31,781	+5,658
Administration:					
Headquarters, management and administration...	175,934	182,104	182,104	+6,170	---
Training:					
Rowley training center.....	51,954	53,189	53,189	+1,235	---
Subtotal, Salaries and expenses.....	1,381,771	1,410,621	1,408,729	+26,958	-1,892
Acquisition, construction, improvements, and related expenses.....	3,725	3,725	4,225	+500	+500
Total, United States Secret Service.....	1,385,496	1,414,346	1,412,954	+27,458	-1,392
Total, title II, Security, Enforcement, and Investigations (including transfers).....	28,195,171	28,786,379	29,951,315	+1,756,144	+1,164,936
Appropriations.....	(25,993,620)	(28,786,379)	(29,951,315)	(+3,957,695)	(+1,164,936)
Emergency appropriations.....	(2,224,000)	---	---	(-2,224,000)	---
Rescissions.....	(-132,449)	---	---	(+132,449)	---
By transfer.....	(110,000)	---	---	(-110,000)	---
(Fee Accounts).....	(1,701,026)	(1,787,145)	(1,787,145)	(+86,119)	---
=====					
TITLE III - PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY					
National Protection and Programs Directorate					
Management and administration:					
Administrative activities.....	37,934	43,100	41,850	+3,916	-1,250
Risk management and analysis.....	9,412	9,500	9,500	+88	---
Intergovernmental programs.....	---	2,000	---	---	-2,000
Total, Management and administration.....	47,346	54,600	51,350	+4,004	-3,250
Infrastructure Protection and Information Security:					
Infrastructure protection:					
Identification and evaluation.....	69,522	70,603	80,603	+11,081	+10,000
Coordination and information sharing.....	68,821	52,367	62,367	-6,454	+10,000
Mitigation programs.....	134,253	149,830	170,830	+36,577	+21,000
Subtotal, Infrastructure protection.....	272,596	272,800	313,800	+41,204	+41,000
National Cyber Security Division.....	210,413	---	313,500	+103,087	+313,500
US Computer Emergency Response Team (US-CERT).....	---	242,424	---	---	-242,424
Strategic initiatives.....	---	41,638	---	---	-41,638
Outreach and programs.....	---	9,438	---	---	-9,438
Subtotal, National Cyber Security Division..	210,413	293,500	313,500	+103,087	+20,000
Office of Emergency Communications.....	35,700	38,300	38,300	+2,600	---
National Security/Emergency Preparedness					
Telecommunications:					
Priority telecommunications services.....	82,821	58,740	58,740	-24,081	---
Next generation networks.....	21,100	56,000	50,250	+29,150	-5,750
Programs to study and enhance telecommunications.....	16,000	15,100	15,100	-900	---
Critical infrastructure protection.....	16,100	11,260	11,260	-4,840	---
National command and coordination capability...	---	61,000	5,963	+5,963	-55,037
eLORAN.....	---	34,500	---	---	-34,500
Subtotal, National Security/Emergency Preparedness Telecommunications.....	136,021	236,600	141,313	+5,292	-95,287
Total, Infrastructure Protection and Information Security (Defense function).....	654,730	841,200	808,913	+152,183	-34,287

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS BILL - 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Final Bill	Final Bill vs. Enacted	Final Bill vs. Request
U.S. Visitor and Immigrant Status Indicator Technology	200,000	390,300	300,000	+100,000	-90,300
Emergency appropriations.....	275,000	---	---	-275,000	---
Total, US-VISIT.....	475,000	390,300	300,000	-175,000	-90,300
Total, National Protection and Programs.....	1,177,076	1,286,100	1,158,263	-18,813	-127,837
Appropriations.....	(902,076)	(1,286,100)	(1,158,263)	(+256,187)	(-127,837)
Emergency appropriations.....	(275,000)	---	---	(-275,000)	---
Office of Health Affairs					
BioWatch.....	77,108	138,608	111,606	+34,498	-27,000
National biosurveillance integration system.....	8,000	8,000	8,000	---	---
Rapidly deployable chemical detection system.....	2,600	2,600	2,600	---	---
Planning and coordination.....	4,475	9,923	5,775	+1,300	-4,148
Salaries and expenses.....	24,317	29,210	29,210	+4,893	---
Total, Office of Health Affairs.....	116,500	188,339	157,191	+40,691	-31,148
Federal Emergency Management Agency					
Management and administration:					
Operating activities.....	625,500	---	798,595	+173,095	+798,595
Operations activities.....	---	515,881	---	---	-515,881
Management activities.....	---	369,269	---	---	-369,269
(Defense function).....	(88,930)	(294,000)	(94,059)	(+5,129)	(-199,941)
Urban search and rescue response system.....	32,500	25,000	32,500	---	+7,500
Office of National Capitol Region Coordination.....	6,000	6,342	6,342	+342	---
U.S. Fire Administration.....	---	40,913	---	---	-40,913
(transfer from Disaster relief).....	(60,000)	---	(105,600)	(+45,600)	(+105,600)
Budget amendment reduction.....	---	-989	---	---	+989
Subtotal, Management and administration					
(including transfers).....	724,000	956,416	943,037	+219,037	-13,379
Appropriations.....	(684,000)	(956,416)	(837,437)	(+173,437)	(-118,979)
by transfer.....	(60,000)	---	(105,600)	(+45,600)	(+105,600)
(Non-defense appropriations).....	(575,070)	(682,416)	(743,378)	(+168,308)	(+80,962)
(Defense appropriations).....	(88,930)	(294,000)	(94,059)	(+5,129)	(-199,941)
State and Local Programs:					
State Homeland Security Grant Program.....	890,000	173,000	890,000	---	+717,000
Operation Stonegarden.....	---	---	60,000	+60,000	+60,000
Emergency appropriations.....	60,000	---	---	-60,000	---
Subtotal, State Homeland Security Grant					
Program.....	950,000	173,000	950,000	---	+777,000
Urban area security initiative.....	820,000	825,000	837,500	+17,500	+12,500
Regional catastrophic preparedness grants.....	35,000	---	35,000	---	+35,000
Metropolitan Medical Response System.....	41,000	---	41,000	---	+41,000
Citizen Corps program.....	15,000	15,000	15,000	---	---
Public transportation security assistance and					
railroad security assistance.....	400,000	175,000	400,000	---	+225,000
Port security grants.....	400,000	210,000	400,000	---	+190,000
Over-the-road bus security assistance.....	11,500	12,000	12,000	+500	---
Trucking industry security grants.....	16,000	8,000	8,000	-8,000	---
Buffer Zone Protection Program grants.....	50,000	---	50,000	---	+50,000
National Security and Terrorism Prevention Grants.	---	110,000	---	---	-110,000
Commercial equipment direct assistance program.....	25,000	---	8,000	-17,000	+8,000
Interoperable emergency communications grant					
program.....	50,000	---	50,000	---	+50,000
Emergency Operations Centers.....	15,000	---	35,000	+20,000	+35,000
Emergency appropriations.....	50,000	---	---	-50,000	---
National Programs:					
Center for Domestic Preparedness.....	57,000	47,000	57,000	---	+10,000
Noble Training Center.....	5,500	---	5,500	---	+5,500
National Domestic Preparedness Consortium.....	88,000	32,000	102,000	+14,000	+70,000
Counterterrorism and Cyber Crime Center.....	---	---	1,700	+1,700	+1,700
National exercise program.....	50,000	40,000	40,000	-10,000	---
Technical assistance.....	12,000	10,000	11,000	-1,000	+1,000
Demonstration training grants.....	28,000	---	---	-28,000	---
Continuing training grants.....	31,000	---	31,000	---	+31,000
Evaluations and assessments.....	19,000	16,000	16,000	-3,000	---
Rural Domestic Preparedness Consortium.....	8,800	---	---	-8,800	---
Subtotal, National Programs.....	299,300	145,000	264,200	-35,100	+119,200

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS BILL - 2009
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	FY 2008 Enacted	FY 2009 Request	Final Bill	Final Bill vs. Enacted	Final Bill vs. Request
Emergency management performance grants.....	---	200,000	---	---	-200,000
Subtotal, State and Local Programs.....	3,177,800	1,873,000	3,105,700	-72,100	+1,232,700
Appropriations.....	(3,067,800)	(1,873,000)	(3,105,700)	(+37,900)	(+1,232,700)
Emergency appropriations.....	(110,000)	---	---	(-110,000)	---
Firefighter assistance grants:					
Fire grants.....	560,000	300,000	565,000	+5,000	+265,000
Staffing for Adequate Fire and Emergency Response (SAFER) Act grants.....	190,000	---	210,000	+20,000	+210,000
Subtotal, Firefighter assistance grants.....	750,000	300,000	775,000	+25,000	+475,000
Emergency management performance grants.....	300,000	---	315,000	+15,000	+315,000
Subtotal, Grants and training.....	4,227,800	2,173,000	4,195,700	-32,100	+2,022,700
Appropriations.....	(4,117,800)	(2,173,000)	(4,195,700)	(+77,900)	(+2,022,700)
Emergency appropriations.....	(110,000)	---	---	(-110,000)	---
Radiological Emergency Preparedness Program.....	-505	-1,000	-505	---	+495
United States Fire Administration.....	43,300	---	44,979	+1,679	+44,979
Disaster relief.....	1,400,000	1,900,000	1,400,000	---	-500,000
(transfer to Management and Administration).....	(-60,000)	---	(-105,600)	(-45,600)	(-105,600)
(transfer to Inspector General).....	(-16,000)	---	(-16,000)	---	(-16,000)
Supplemental Appropriations - P.L. 110-116 Emergency appropriations (previously enacted).....	(2,900,000)	---	---	(-2,900,000)	---
Subtotal, Disaster Relief.....	4,224,000	1,900,000	1,278,400	-2,945,600	-621,600
Disaster readiness and support.....	---	200,000	---	---	-200,000
Disaster assistance direct loan program account: (Limitation on direct loans).....	(25,000)	(25,000)	(25,000)	---	---
Direct loan subsidy.....	295	295	295	---	---
Administrative expenses.....	580	---	---	-580	---
Flood map modernization fund.....	220,000	150,000	220,000	---	+70,000
National flood insurance fund:					
Salaries and expenses.....	45,642	49,418	49,418	+3,776	---
Flood plain management and flood mapping.....	99,358	107,181	107,181	+7,823	---
Offsetting fee collections.....	-145,000	-156,599	-156,599	-11,599	---
Transfer to National flood mitigation fund.....	(-34,000)	---	---	(+34,000)	---
National flood mitigation fund (by transfer).....	(34,000)	---	---	(-34,000)	---
National predisaster mitigation fund.....	114,000	75,000	90,000	-24,000	+15,000
Emergency food and shelter.....	153,000	100,000	200,000	+47,000	+100,000
Cerro Grande Fire Payments (rescission).....	---	-9,000	-9,000	-9,000	---
Total, Federal Emergency Management Agency (including transfers).....	9,706,470	5,544,711	6,962,906	-2,743,564	+1,418,195
Appropriations.....	(6,712,470)	(5,553,711)	(6,987,906)	(+275,436)	(+1,434,195)
Emergency appropriations.....	(110,000)	---	---	(-110,000)	---
Rescissions.....	---	(-9,000)	(-9,000)	(-9,000)	---
Enacted emergency appropriations.....	(2,900,000)	---	---	(-2,900,000)	---
by transfer.....	(94,000)	---	(105,600)	(+11,600)	(+105,600)
Transfer out.....	(-110,000)	---	(-121,600)	(-11,600)	(-121,600)
(Limitation on direct loans).....	(25,000)	(25,000)	(25,000)	---	---
Total, title III, Protection, Preparedness, Response and Recovery Directorate.....	11,000,046	7,019,150	8,278,360	-2,721,686	+1,259,210
Appropriations.....	(7,731,046)	(7,028,150)	(8,303,360)	(+572,314)	(+1,275,210)
Emergency appropriations.....	(385,000)	---	---	(-385,000)	---
Rescissions.....	---	(-9,000)	(-9,000)	(-9,000)	---
Enacted emergency appropriations.....	(2,900,000)	---	---	(-2,900,000)	---
By transfer.....	(94,000)	---	(105,600)	(+11,600)	(+105,600)
Transfer out.....	(-110,000)	---	(-121,600)	(-11,600)	(-121,600)
(Limitation on direct loans).....	(25,000)	(25,000)	(25,000)	---	---

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS BILL - 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Final Bill	Final Bill vs. Enacted	Final Bill vs. Request
TITLE IV - RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES					
United States Citizenship and Immigration Services					
Appropriations:					
E-Verify.....	---	100,000	100,000	+100,000	---
Emergency appropriations.....	60,000	---	---	-60,000	---
FBI background checks (emergency appropriations)...	20,000	---	---	-20,000	---
Benefit parole programs.....	523	540	540	+17	---
Citizenship education grants.....	450	---	1,200	+750	+1,200
REAL ID Act implementation.....	---	50,000	---	---	-50,000
Subtotal, Regular and emergency appropriations...	80,973	150,540	101,740	+20,767	-48,800
Appropriations.....	(973)	(150,540)	(101,740)	(+100,767)	(-48,800)
Emergency appropriations.....	(80,000)	---	---	(-80,000)	---
Adjudication services (fee account):					
Pay and benefits.....	(758,091)	(780,076)	(780,076)	(+21,985)	---
District operations.....	(546,413)	(535,156)	(535,156)	(-11,257)	---
Service center operations.....	(352,868)	(345,890)	(345,890)	(-6,978)	---
Asylum, refugee and international operations.....	(94,561)	(92,602)	(92,602)	(-1,959)	---
Records operations.....	(87,739)	(85,946)	(85,946)	(-1,793)	---
Business transformation.....	(139,000)	(139,000)	(139,000)	---	---
Subtotal, Adjudication services.....	(1,978,670)	(1,978,670)	(1,978,670)	---	---
Information and customer services (fee account):					
Pay and benefits.....	(89,977)	(92,587)	(92,587)	(+2,610)	---
Operating expenses:					
National Customer Service Center.....	(55,600)	(53,747)	(53,747)	(-1,853)	---
Information services.....	(22,222)	(21,465)	(21,465)	(-757)	---
Subtotal, Information and customer services.....	(167,799)	(167,799)	(167,799)	---	---
Administration (fee account):					
Pay and benefits.....	(86,245)	(88,746)	(88,746)	(+2,501)	---
Operating expenses.....	(267,654)	(285,153)	(285,153)	(-2,501)	---
Subtotal, Administration.....	(373,899)	(373,899)	(373,899)	---	---
Systematic Alien Verification for Entitlements (SAVE) (fee accounts).....	(18,504)	(18,818)	(18,818)	(+314)	---
=====					
Total, United States Citizenship and Immigration Services.....	(2,619,845)	(2,689,726)	(2,640,926)	(+21,081)	(-48,800)
Appropriations.....	(973)	(150,540)	(101,740)	(+100,767)	(-48,800)
Emergency appropriations.....	(80,000)	---	---	(-80,000)	---
Total Fees.....	(2,538,872)	(2,539,186)	(2,539,186)	(+314)	---
(Immigration Examination Fees).....	(2,494,872)	(2,495,186)	(2,495,186)	(+314)	---
(Fraud prevention and detection fees)...	(31,000)	(31,000)	(31,000)	---	---
(H1B Non-Immigrant Petitioner fees).....	(13,000)	(13,000)	(13,000)	---	---
=====					
Federal Law Enforcement Training Center					
Salaries and expenses:					
Law enforcement training.....	219,788	230,670	245,240	+25,454	+14,570
Emergency appropriations.....	17,000	---	---	-17,000	---
Accreditation.....	1,290	---	1,290	---	+1,290
Subtotal, Salaries and expenses.....	238,078	230,670	246,530	+8,454	+15,860
Appropriations.....	(221,076)	(230,670)	(246,530)	(+25,454)	(+15,860)
Emergency appropriations.....	(17,000)	---	---	(-17,000)	---
Acquisitions, construction, improvements, and related expenses:					
Direct appropriation.....	46,590	43,456	86,456	+39,866	+43,000
Construction (emergency).....	4,000	---	---	-4,000	---
Subtotal.....	50,590	43,456	86,456	+35,866	+43,000
Appropriations.....	(46,590)	(43,456)	(86,456)	(+39,866)	(+43,000)
Emergency appropriations.....	(4,000)	---	---	(-4,000)	---
Total, Federal Law Enforcement Training Center...	288,666	274,126	332,986	+44,320	+58,860
Appropriations.....	(267,666)	(274,126)	(332,986)	(+65,320)	(+58,860)
Emergency appropriations.....	(21,000)	---	---	(-21,000)	---
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DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS BILL - 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Final Bill	Final Bill vs. Enacted	Final Bill vs. Request
Science and Technology					
Management and administration.....	138,600	132,100	132,100	-6,500	---
Research, development, acquisition, and operations:					
Border and maritime security.....	25,479	35,300	33,050	+7,571	-2,250
Chemical and biological.....	208,020	200,408	200,408	-7,612	---
Command, control, and interoperability.....	56,980	62,390	74,890	+17,910	+12,500
Explosives.....	77,654	96,149	96,149	+18,495	---
Human factors.....	14,206	12,460	12,460	-1,746	---
Infrastructure and geophysical.....	84,500	37,816	75,816	+11,316	+38,000
Innovation.....	33,000	45,000	33,000	---	-12,000
Laboratory facilities.....	103,814	146,940	161,940	+58,126	+15,000
Test and evaluations/standards.....	28,520	24,674	28,674	+154	+4,000
Transition.....	25,265	31,830	28,830	+3,565	-3,000
University programs.....	49,297	43,770	50,270	+973	+6,500
Homeland Security Institute.....	5,000	---	5,000	---	+5,000
Subtotal, Research, development, acquisition, and operations.....	691,735	736,737	800,487	+108,752	+63,750
(Non-defense appropriations).....	(516,735)	(736,737)	(800,487)	(+283,752)	(+63,750)
(Defense appropriations).....	(175,000)	---	---	(-175,000)	---
Total, Science and Technology.....	830,335	868,837	932,587	+102,252	+63,750
Domestic Nuclear Detection Office					
Management and administration.....	31,500	38,900	37,500	+6,000	-1,400
Research, development, and operations:					
Systems engineering and architecture.....	22,400	25,147	25,147	+2,747	---
Systems development.....	118,100	108,100	108,100	-10,000	---
Transformational research and development.....	96,000	113,300	103,300	+7,300	-10,000
Assessments.....	37,500	32,000	32,000	-5,500	---
Operations support.....	34,500	37,753	37,753	+3,253	---
National Technical Nuclear Forensics Center.....	15,000	17,900	16,900	+1,900	-1,000
Research, development, and operations.....	323,500	334,200	323,200	-300	-11,000
Systems acquisition:					
Radiation Portal Monitor Program.....	90,000	157,700	120,491	+30,491	-37,209
Securing the Cities.....	30,000	20,000	20,000	-10,000	---
Human Portable Radiation Detection Systems Program.....	9,750	13,000	13,000	+3,250	---
Subtotal, Systems acquisition.....	129,750	190,700	153,491	+23,741	-37,209
Total, Domestic Nuclear Detection Office.....	484,750	563,800	514,191	+29,441	-49,609
Total, title IV, Research and Development, Training, and Services (including transfers).. Appropriations.....	1,684,724	1,857,303	1,881,504	+196,780	+24,201
Emergency appropriations.....	(1,583,724)	(1,857,303)	(1,881,504)	(+297,780)	(+24,201)
(Fee Accounts).....	(101,000)	---	---	(-101,000)	---
(2,538,872)	(2,538,872)	(2,539,186)	(2,539,186)	(+314)	---
TITLE V - GENERAL PROVISIONS					
Rescission of unobligated balances.....	-59,287	---	---	+59,287	---
Rescission of recovered lapsed balances.....	-28,833	---	---	+28,833	---
Rescission, Counter Terrorism Fund.....	-8,480	---	---	+8,480	---
USM/OSER management efficiencies.....	-5,000	---	---	+5,000	---
Sec. 573: Rescission of emergency appropriation.....	-20,000	---	---	+20,000	---
Sec. 573: Appropriation (emergency).....	20,000	---	---	-20,000	---
Sec. 547: REAL ID Grants.....	---	---	50,000	+50,000	+50,000
Sec. 547: REAL ID Information Sharing and Verification System.....	---	---	50,000	+50,000	+50,000
Sec. 549: Rescission, TSA undistributed carryover.....	-4,500	---	-31,000	-26,500	-31,000
Sec. 550: Rescission of unobligated balances, A&O.....	---	---	-21,373	-21,373	-21,373
Sec. 551: Rescission of unobligated balances, Coast Guard AC&I.....	---	---	-20,000	-20,000	-20,000
Total, title V, General Provisions.....	-106,100	---	27,627	+133,727	+27,627
Grand total.....	38,746,643	38,849,658	41,225,245	+2,478,602	+2,375,587
Appropriations.....	(38,283,892)	(38,858,658)	(41,306,618)	(+5,022,726)	(+2,447,960)
(Discretionary).....	(35,099,172)	(37,621,913)	(40,069,873)	(+4,970,701)	(+2,447,960)
(Mandatory).....	(1,184,720)	(1,236,745)	(1,236,745)	(+52,025)	---

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS BILL - 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Final Bill	Final Bill vs. Enacted	Final Bill vs. Request
Emergency appropriations.....	(2,710,000)	---	---	(-2,710,000)	---
Rescissions.....	(-247,249)	(-9,000)	(-81,373)	(+165,876)	(-72,373)
Fee funded programs.....	(4,239,898)	(4,326,331)	(4,326,331)	(+86,433)	---
(Enacted emergency appropriations).....	(2,900,000)	---	---	(-2,900,000)	---
(Limitation on direct loans).....	(25,000)	(25,000)	(25,000)	---	---
(Transfer out).....	(-110,000)	---	(-121,600)	(-11,600)	(-121,600)
(By transfer).....	(220,000)	---	(121,600)	(-98,400)	(+121,600)